

Item 8.1 – Edinburgh Licensing Board, Statement of Licensing Policy Review 2018

Consultation Comments

Support is given to the need for the Board to consider the statement of policy in the following six identified areas. Comments including opportunities for improvement or clarification are offered as below.

- **Children and Young Persons access to licensed premises**

It is suggested that the Policy might also include examples for the different types of establishment of what the Board feels are appropriate limitations on the hours and parts of premises when C&YP may be present. (Include with Section B, 30, Licensing Objectives protecting children from harm.)

Feedback has been received that customers and staff with licensed premises do not understand the rule. The Board should consider to what extent the rules are consistent and well understood. The board should consider the impact of these on visitors to the city who will not necessarily be aware that if accompanied by children they might be refused service.

- **Use of outdoor drinking areas**

Whenever an outside area occupies the public highway, the relevant tables and chairs consent or other Roads consent is required. Currently policy states; “The commencement and terminal hours of operation granted by the Board will **normally** reflect the times set out in the permit issued by the Council.”

Suggested change to **must** reflect these times. (Amend Outside area 19.4)

Current policy refers to a 11pm tables and chairs permit, this does not exist so should be removed. Suggested this section undermines the previous section, and could probably all be captured with a generic statement such as, “the Board will only consider applications beyond 10pm in exceptional circumstances”. (Remove/ amend at section 19.3)

- **Licensing of “pop-up” bars**

These are becoming more numerous and are attracting multiple continuous applications, providing complications for consultees at what stage they cease to be temporary to become permanent and be considered at such. There identifiable examples where the availability of Occasional Licences is being

abused, repeat applications allowing a semi-permanent presence of licenced premises which would not meet the requirements for a normal Premises License.

These premises arguably operate at a competitive advantage to those who have obtained all the permissions necessary to obtain a premises licence. Additionally, the reduced cost of multiple occasional licences is a competitive advantage compared to paying the statutory annual fee for a licensed premises.

It is suggested that any repeat applications for this type of Occasional Licence, covering any period more than 14 days, period are normal referred to the Board for a hearing and decision. (Amend 12.2 and 12.3)

CEC are currently developing a protocol for the use of public spaces (outdoors and mainly in Council owned or managed areas, roads, parks, civic spaces etc) which seeks to ensure that there is a definite cultural and / or entertainment offer in outdoor drinking areas, not simply big pubs, or extensions to premises. Suggested that the Policy be developed to reference this protocol.

- **Extended use of Occasional Licenses**

As identified above, there is evidence that the use of such Licenses is being abused. Currently once one application has been approved it becomes difficult to object to future applications on grounds that the location/ arrangements are not suitable. A suggested improvement would be to provide guidance defining acceptable limits on;

- Number of applications from commercial enterprises, perhaps no more than 12 per annum.
- Number of applications which can run consecutively, other than in connection to a provisional licence awaiting confirmation, perhaps no more than 28 days.
- Identify minimum gap between any two Licensed periods, perhaps 14 days.

The amount of time expended by administrating and consulting on these Licenses is not matched by the very modest £10 fee. Also, the degree of work and resource put into the management of repeat 14 day Occasionals, to ensure they are not considered any earlier than the 7th day of the current licensed period by the Licensing Team is significant.

The fee for an Occasional licence does not cover basic costs, but often these “events” have to be inspected after hours or at weekends, when the events take place, increasing costs to Council even more.

- **Overprovision**

Reconsider the use of terminology of intermediate zones or “areas of special concern”. This terminology limits the ability of the Board to reject applications based on overprovision.

Current maps at the back of the Policy are poor quality, and have led to unnecessary discussions at the board as to whether a premises is or is not within a specified area.

- **Use of Extended Hours for events**

Premises are increasingly and more speculatively applying for extended hours. Suggested that guidelines be developed identifying;

- what constitutes a special event of local or national significance
- an accepted list of significant dates and occasions, St Patrick’s Day? Halloween? etc.

The Board should consider what measures if any are needed to demonstrate to the licensed trade consistency when considering applications by signing members.

In addition to the six areas identified some other topics are suggested for consideration.

New Noise Condition

The previous Board amended the former “Inaudibility” noise condition for amplified music and vocals to one of “Audible Nuisance”. This has resulted in a two-tier approach with the majority of premises working to the old condition and some the new. It had been envisaged that only “Music Venues” would apply for the new condition.

In practice, certain legal agents routinely apply for the new Audible Nuisance condition for variations and new licences. The condition is therefore routinely being applied to premises which the Board previously had not previously outlined in the public consultation. Suggested that current Policy be reviewed to see if it has been successful in achieving the Board’s policy aim and for appropriateness of wording and suitability of premises to apply.

Licence Fees

There is a hard core of licence holders that refuse to pay due fees on time. Considerable effort is expended to retrieve these fees. Suggested that the Policy explicitly state that the Board expects all payments to be made promptly and sets out the consequences and timelines in the event of default.

Off Sales

Where both off-sales and on-sales applies, on a Sunday morning the starting hour for both should be 11am (or as per the Board's Sunday hours policy) to avoid confusion.

Off sales display/capacity – Feedback is that every other Board uses square meters, and there is regularly confusion for applicants and agents between linear meters and square meters.

Waste and the Preventing public nuisance objective

Consider stating times where waste and glass should not be collected, probably 11pm to 7am. The current policy does refer to ensuring waste is disposed of securely, without causing a disturbance. It also provides examples of control measures such as management control of the collection and disposal of waste and empty glass, but doesn't include times which makes it difficult to enforce.

Last Lodging Dates.

This process should be discontinued. Raises expectations of Agents and causes additional short-notice work to the Licensing Team. This is to the detriment of other licensed areas as the staffing resource is shared. It also means that statutory consultees are being driven to respond irrespective of whether there are outstanding issues.

Other issues that this causes is a significant number of applications are amended or agents supply additional details on the day of the hearing. This makes it difficult for consultees and objectors to respond effectively to these changes. See below also. Suggestion to include within the notification of application area, that any lodging of New Premises/ Major Variations applications normally will be considered not later than 8 weeks from submission.

Personal Licenses.

Clarity around those Personal Licence Holders who have surrendered or had revoked their initial licence and have re-applied for a new Licence with their original training certificate could be incorporated into the Policy. The Licensing Team are current advising that it is 'good practice' to undertake the refresher training and incorporate the certificate with the lodging of new application. Suggested that clear guidance on acceptable requirements of training be incorporated within the Policy for those who have failed to refresh their licence in time.

Operating plans

The Operating Plans contained in Premises Licences are not truly plans, they are lists of activities. Policy should require that Plans clearly outline the steps and resources needed to put on the listed activities in premises. It seems ludicrous that a

music event in temporary premises is examined more closely than permanent premises with an activity in a list. The Board should expressly discourage the practice of listing activity which an applicant has no active plans to carry out. The practice of listing every possible activity irrespective of whether it will be carried out makes it more difficult for objectors to participate in the licensing process and probably generates some unnecessary objections.

Exemption of Public Entertainment in Premises.

This exemption whilst in the legislation, does not obligate the Board to licence activity. The board could choose to exercise its discretion and exclude from any licence any activity other than the sale of alcohol. The board is requested to ask for detailed legal advice on this.

Plans of Licenced Areas

Suggest that a clearer description / plan of licensed areas be required. Recent events have flagged, for instance, that the WHOLE of Easter Road Stadium has a Premises Licence whilst they had applied for an Occasional for part of the ground.

Late Hours Catering

In the past certain take-away premises have attempted to circumvent the requirement for a Late Hours catering license by applying for an Off Sales License. Their argument being that holding the Liquor licence exempt them from the need for a Late Hours Catering Licence. Clearly off-sales of alcohol cannot be legally made after 10pm. and should not be considered appropriate to cover trading after this time. The Board should consider making it clear that such practice is not acceptable.

Consultation comments provided by;

Environmental Health,

Licensing Standards officers,

Licensing Service,

Trading Standards and Enforcement,

Public Safety.

From: Caroline Magoha
Sent: 31 October 2017 16:10
To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>
Subject: Guthrie Street

Dear Sir/Madam

I live in Guthrie Street with my son. Like me there are families with children. The situation with the 3 am licencing is untenable. Right from 11pm there are raucous people drinking on the street. The noise goes on until 4am. They smash bottles, kick them down the street, kick and move the bins into the middle of the road, they relieve themselves on our doors, they brawl. This goes on everyday of the week. We wake up to bottles of half consumed liqueur on the street, broken bottles and litter everywhere. We are constantly fatigued for lack of sleep. The reveller crawl between the many pubs in the area and the Council needs to decide if this is a night spot or family dwellings because it can't be both with so many pubs licensed to dawn with owners who disregard the ban to allow clients to drink on the street under our windows.

So much talk is made of fair opportunities for all kids, how is it fair sending a sleep deprived child to school?

Sincere Regards
Caroline Magoha

From: Steven Cuthill
Sent: 07 November 2017 13:21
To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>
Subject: Edinburgh Licensing Board - consultation on Statement of Licensing Policy

A few queries / comments on the policy:

- 1) Can issues relating to how a venue advertises its venue, events and acts be considered when reviewing licensing applications. For example, where a venue through their own PR or via a promotor illegally flyposts around the city be given some acknowledgement that this will detrimentally impact on the license being renewed or granted to a venue (or be a reason to revoke a license!?). Flyposting is a significant problem that is generally caused by venues and event promoters and there appears little recourse back to the venue and enforcement is particularly difficult. Similarly, vacant premises should not allow flyposting at any time on the premises.
- 2) Some acknowledgement that some venues/events operate in the street and require consents under Roads (Scotland) Act 1984 (tables and chairs, TROs, etc). Licensing may grant operating permission but alongside Planning, as another part of the Council as Roads Authority, we may not grant consent for occupying the road (including footways).
- 3) Some consideration be given to how venues that operate in predominantly residential areas deal with neighbour complaints/issues associated with noise, ASB, etc.
- 4) Is there a mechanism to allow the LB to encourage trade waste to be contained with the venue or premises (esp. important to consider how waste is to be handled where change of use is considered)?

- 5) Will there be some Council-led officer sessions to discuss “issues, improvements, etc” to feed into the consultation, as I am sure other colleagues will have concerns, queries, points to raise?

Regards,

Steven

Steven Cuthill | South East Locality Transport and Environment Manager | Place | The City of Edinburgh Council | South East Edinburgh Locality Office

From: samuel pacentini

Sent: 21 November 2017 12:51

To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>; JOHN THOMPSON; Janet Dick ; Bill Cowan ; Mary Bradley ; Marie McArthur ; Simon Byrom ; Patrick Keady ; Pat Cairns

Subject: Statement of policy

In response to your consultation engagement : I am responding as the Chair of The Old Town Community Council. 1. We would like to see the Overprovision policy extend to the the Areas currently no covered but were highlighted in the Alcohol Focus Scotland report, and Police Scotland's recommendations. The City is more than provided for.

2. A more robust policy on allowing Pop Up Bars to be granted a licence taking into consideration Overprovision,

Location, and Antisocial behaviour, and Noise pollution. And not just because its The 3nations Rugby or The Festival. Or because we are a Tourist destination. Ignoring the local Residents who live and work in the City. 4. A more valued respect for Objectors and their comments at Board Meetings. We value this World Heritage City the Ambassador of Scotland and gateway to the Highlands. We have to present an environment of quality for All. There have been significant changes due to the new licensing laws resulting in improvement of operation of licensed Premises, but we cannot become complacent.

These are our valued comments we look forward to a future draft.

Samuel Piacentini Chairperson.

The Old Town Council

From: Hilary McDowell

Sent: 14 November 2017 11:27

To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>

Subject: Licensing Consultation

You asked for comments on the licensing standards which are due for revision.

1. The overprovision / sensitive area status must continue to include the Southside. We walk from High Street down the Bridges home late (approaching midnight) once every 6 weeks. It is usually on a Tuesday night and the streets are very busy in town and often very noisy with music blasting out of various venues and lots of rowdy people out and about. It is recognised that there is a serious problem in this area by the police and council. That is why there is a

ban on drinking alcohol in the areas of Hunter Sq and Nicolson Sq. There is particular concern currently from the police about Nicolson Square. They have received, I believe, 41 calls from the public in the last few weeks. Alcohol fuels the antisocial behaviour in the area. Most of the benches were removed to try to discourage groups from gathering there. I suspect that the charges to use the public toilets were also introduced to prevent drug taking etc in the building.

2. The 'audible music' provision/ relaxation needs to be readdressed. When the councillors were discussing this September 2016 they and we were told this was only for premises in the centre of the city and well away from residential properties. The reality is quite different. The pub opposite us on Newington Road was told that they should apply, perhaps by the company who owns the property and most other pubs seem to be doing so. It is now the rule, not the exception as we were told by those pushing for the change. One of the joys of the city is that people continue to live and be able to live in the city centre. However, the moves towards a attracting an ever increasing number of tourists and associated night life is driving permanent residents out of town. The city centre will become a place for shopping and tourists to visit, with student residences and Air B&Bs rather than homes for long term residents. No one to join community councils or fill out these 'consultations'!
3. Clutter outside pubs etc needs to be considered. Many pubs have tables and chairs, A boards, pot plants, bicycles and much other clutter. The Southern has more than 15 large pots as well as much else. This takes up a large chunk of the pavement. The tables and chairs permits must be displayed if one has been obtained and all other clutter removed. Any permitted A board should be within the designated space and all taken in at the appropriate time. The space outside tends to be busy with smokers. We don't need yet more problems getting past these pubs. We need the planning department and road department to coordinate with licensing to reduce clutter and crowding outside pubs.
4. Flyposting and other 'littering' associated with licensed premises is a blight on the city. Please include a requirement on all license holders to ensure that this doesn't happen. They need to know that they are likely to lose their licence if the problem isn't addressed effectively. Details of the Unight scheme should be made widely known and evidence that it is working. The public should be able to make contact easily and the offending posters removed within say, 3 days. Failure to do so meaning the closure of the club is a real possibility.

Hilary McDowell,

resident of the Southside of Edinburgh.



Dear Mr Fraser

Consultation on Edinburgh Statement of Licensing Policy

Thank you for the opportunity to comment on this matter. The terms of our response below were agreed at our Community Council meeting on 15 November.

We have read the 2013 Policy Statement and note its foundation on the 5 licensing objectives and its recognition "*that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced*". We believe that, by and large, the Statement achieves that balance. We would therefore argue for the status quo and oppose any proposal to weaken the protections in it, particularly with regard to licensing hours and entertainment. To that end, we strongly endorse the sentiments in para 2.2.

Morningside Community Council covers a largely suburban area but with a lively Town Centre that is also highly residential. Therefore, although we have very few problems with licensed premises, we believe that there is potential for such problems. We feel that the current Policy, and its robust enforcement, is necessary to prevent the "party city" culture rolling out into areas like ours.

We note that para 6.2 was modified in September 2016 to replace a requirement for "*amplified music to be inaudible in residential property*" with "*amplified music shall not be an audible nuisance in neighbouring residential premises*". With several other CCs we were strongly opposed to this change, and remain so opposed. On the presumption that it will be fully incorporated into the new Policy, we would welcome, as part of the consultation, a report from LSOs on complaints about nuisance and whether (and how) they were resolved.

We note that Late Hours Catering is covered in section 22 and Appendix 5. We have responded to a parallel consultation on this aspect of the Council's licensing regime. Insofar as it may cross the Board's consultation, we would reiterate our objection to the proposal for extending hours for "delivery only".

The Policy statement makes several references to the Licensing Forum but little information about its membership and remit. We believe that the Policy Statement would benefit from the addition of a further appendix on the Forum.

Yours sincerely,

Dr S C Gregory

Jill Powlett Brown

The Southside Association

117 Nicolson Street

Edinburgh

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Founded 1972

Scottish Charity No SCO12262

www.southsideassociation.co.uk

Response to Consultation on the Statement of Licensing Policy 2013

The Southside Association welcomes the opportunity to comment on the current Licensing Standards, and our comments are below, with the sections highlighted in yellow.

[The quotations included in the preamble should be removed they add nothing to it. (Alcohol is not 'capable of abuse'; alcohol is abused by some consumers)]

1.11 Public conveniences need to be kept open to serve people leaving venues after closing times. Street cleaning needs to be carried out overnight to remove litter and ensure our streets are not constantly covered with discarded packaging, vomit and urine.

5.1 Community Councils should routinely be informed of licence applications within their boundaries.

6.2 We have serious concerns about the control of amplified music in tenement areas. Open doors and windows in premises playing music can cause considerable disturbance to nearby residents

9.3 Southside should be reinstated in the list of 'sensitive areas'. Southside should certainly be considered an area of serious, special concern. We believe the police should be consulted on this.

9.4 Large premises with capacity for approximately 200 customers and little seating are of particular concern to us. Many customers leaving at the same time inevitably make considerable noise and the sound reverberates across tenement streets causing disturbance.

9.5 Certainly cause for concern.

9.6 The Licensing Board should be concerned about the large number of premises which have off sales licenses. New license applications should be very carefully considered to ensure granting the license will not undermine any of the licensing principles.

18.4 Efficient, regular collection of waste is essential.

20.5 It will be good if requests for extended hours are very carefully considered so that they do not become the norm.

20.6 It is inevitable that the trade will not be satisfied with the tolerance the residents have for increased mess and noise when extended hours are permitted during Festival

periods.

20.11 Where licensed premises are below and adjacent to residential tenements consideration should be given to earlier closing times.

From: John McNeill

Sent: 01 December 2017 10:23

To: Colin Baxter <Colin.Baxter@edinburgh.gov.uk>

Cc: Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>

Subject: Licensing Board Consultation

I've talked to my team on the matter and we have the following comments:

We are in agreement with the topics Nick has already raised and, for some of them, can add specific examples or expand on the topic:

- Use of outdoor drinking areas. CEC are currently putting together a protocol for the use of public spaces (outdoors and mainly in Council owned or managed areas, roads, parks, civic spaces etc) which seeks to ensure that there is a definite cultural and / or entertainment offer in outdoor drinking areas, not simply big pubs or extensions to premises.
- Licensing of "pop-up" bars. Similar to above.
- Extended use of Occasional licences ; It becomes very difficult to say "NO" once we have said "YES" , and other divisions of the Council then becoming involved to apply their own legislation. I would cite XXXXX an example, which we are all familiar with, but once the run extended Building Standards and Planning became involved. We (Public Safety) then found it very difficult to say no to future applications as nothing had changed from the original scheme. A clear policy on what this Authority would consider as the period of duration would be useful, including what time period maybe considered as a gap between licences.

In addition I would flag the following:

- The fee for an Occasional licence does not cover costs, we are all aware of that, but often these "events" have to be inspected after hours or at weekends, when the events take place, increasing costs to Council even more.
- Operating plans contained in Premises Licences are not plans, they are lists of activities. Plans should clearly outline the steps and resources needed to put on the listed activities in premises. It seems ludicrous that a music event in temporary premises is examined more closely than permanent premises with an activity in a list.
- The above is also a result of the exemption of Public Entertainment in Premises. This exemption should be removed, but I'm aware this is a legislative matter, although we could refuse to accept activities in the Operating Plan?
- We need a clearer description / plan of licensed areas.

Happy to talk through any of this.

John

From: Luke McGarty
Sent: 13 December 2017 10:35
To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>
Cc: Pete Cheema; John Lee; Irati Ugarte
Subject: Edinburgh Licensing Board - consultation on Statement of Licensing Policy

Dear Sir/ Madam

Please find enclosed the response from the Scottish Grocers' Federation in relation to the above consultation.

In relation to the proxy purchase campaign mentioned in our consultation response, the SGF and Police Scotland have produced a training video for retailers. It will be launched at the National Police College at Tulliallan Castle on 6 February 2018.

We are delighted to invite you and your colleagues to attend this [event](#), free of charge. This will give you a good opportunity to engage with retailers and issues about licensing. Please **RSVP** to Irati Ugarte.

Kind regards

Luke

LUKE MCGARTY
PUBLIC AFFAIRS ASSISTANT



Response from the Scottish Grocers' Federation on Edinburgh Licensing Board - consultation on Statement of Licensing Policy

**Luke McGarty
Scottish Grocers' Federation
13 December 2017**

The Scottish Grocer's Federation

The Scottish Grocers' Federation (SGF) is the trade association for the Scottish Convenience Store Sector. There are 5,286 convenience stores in Scotland, which includes all the major symbol groups, co-op and convenience multiples in Scotland. SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities. In total, convenience stores provide over 41,000 jobs in Scotland.

Modern local convenience stores are community assets, from providing busy families with a top up shop facility on the one hand, to allowing patrons (particularly the elderly) with an alternative to larger or out of town supermarkets. Many people rely on their local convenience store with the average shopper visiting their local store 3.47 times per week¹ and with 56%² of customers choosing to walk as a mode of travel to stores. The age range of shoppers is as follows³:

- 14% are 16 to 24
- 18% are 25 to 34
- 33% are 35 to 54
- 28% are 55 to 74
- 7% are 75+

Local shopping has, over the years, often been replaced by large destination retail parks, gone from many areas are the local butcher, baker and grocery. The personal interaction with your local retailer is now almost uniquely reserved for your local convenience store.

Modern convenience stores now offer a wide range of products and services, from deli counters and coffee to Amazon collection lockers. Being able to offer a diverse range is of paramount importance. A more restrictive range simply provides the potential customer with a reason to shop at a competitor. Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for approx. 15%⁴ of total sales turnover. 76%⁵ of convenience stores have an alcohol licence.

¹ The Scottish Local Shop Report 2017

² The Scottish Local Shop Report 2017

³ The Scottish Local Shop Report 2017

⁴ The Scottish Local Shop Report 2017

⁵ The Scottish Local Shop Report 2017

Introduction

□ SGF welcomes the opportunity to contribute to the consultation exercise. We trust that you will find our comments helpful. Our comments relate primarily to Section 9 – Overprovision, Section 17 – Sale for consumption off the premises and Section 20 – Hours of trading.

Overprovision (Section 9)

□ We recognise the Board’s duty to assess overprovision under Section 7 of the Licensing (Scotland) Act 2005 in respect of licensed premises or licensed premises of a particular description in any locality within the Board’s area. We also recognise that, in determining if there is overprovision, the Board must have regard to the number and capacity of licensed premises in the locality together with any other matter the Board sees fit.

▣ We also recognise that groups such as Alcohol Focus Scotland assert that there is a strong body of evidence to show that the availability of alcohol (i.e. the number of premises) is a significant factor in the prevalence of alcohol-related problems, particularly alcohol-related crime. However, we are not convinced that this evidence is either robust or conclusive enough. There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.

▣ We strongly contend that the Board should continue to take a ‘locality’ approach to overprovision. We would argue strongly that the Board should not adopt an approach where the assessment of overprovision is based on its entire geographical area – a blanket overprovision approach would not be appropriate.

□ In those localities where the Board may consider that there is an overprovision of licensed premises the overprovision assessment should continue to create only a rebuttable presumption against the grant of an application for a premise licence or, potentially, an application for variation of a premises licence.

□ Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. This happens through the following key areas:

- Full compliance with the Challenge 25 regulations;
- Staff training;
- Appropriate signage;
- In-house test purchasing;
- Refusal books;
- Use of CCTV;
- Full compliance with the stores operating plan

□ SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and also offer access to fruit and vegetables to the local community. The SGF Healthy Living Programme (HLP) has been successful in enabling customers to make healthy eating purchases in-store and now has over 2,000 stores participating. With 5,286 convenience stores in Scotland⁶ and with 80% of independent retailers⁷ engaged in some form of community activity in the last year convenience stores have an increasingly important role in their

local communities. SGF would ask the Board that it outlines what, if any, factors it will take into account in removing the presumption against grant in an overprovision area.

Convenience stores provide a range of key services for their customers and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with home dining. Therefore, a consequence of overprovision is that new entrants to the market are unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged. The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.

SGF believe that the entire concept of overprovision should be reviewed to consider whether it is remains fit for purpose. We live in an age where customers are able to order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be based from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for actually achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits.

Sale for consumption off the premises (Section 17)

SGF consider that the current conditions are appropriate and reasonable.

SGF would like to point out however that capacity is an important issue for our members. Retailers frequently remerchandise and refit stores to best meet consumer needs.

Most of the time these will just involve 'micro-space': keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet consumer demand, to fit in with new brand ideas or to roll out improved formats 'macro-space' revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely. Extensions to the selling area might be necessary under macro-space refits.

☒ SGF would therefore ask the Board to be mindful that creating a general presumption in a particular locality that no increase in alcohol capacity would be approved would almost certainly mean that existing retailers would not invest in modernising and refitting stores.

☐ The Board should be aware that SGF members participated in the recent '*You're Asking For It*' campaign in North Lanarkshire which was aimed at tackling underage drinking by targeting adults who buy alcohol for under 18's. This was organised in conjunction with the Scottish Alcohol Industry Partnership, Police Scotland and North Lanarkshire Community Safety Partnership and ran from the school holidays up to mid-September 2017 and proved to be very successful campaign. A similar project was also undertaken in the Leith area of Edinburgh in 2016. Again, this was highly successful. It is hoped that other local authorities will consider adopting similar campaigns in due course.

Hours of trading (Section 20)

☐ The Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. We note that the current policy statement indicates that the Licensing Board is satisfied that it should adhere to the current hours. On that basis, SGF support the current policy on licensed hours.

While we welcome this informal consultation exercise the SGF believe the licensing system should not be onerous on retailers but always the within the context of retailers selling alcohol responsibly.

Yours sincerely

Luke McGarty
Public Affairs Assistant
Scottish Grocers' Federation

From: Lindsay Robertson

Sent: 15 December 2017 10:41

To: Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>

Cc: Anna Herriman <Anna.Herriman@edinburgh.gov.uk>

Subject: Licensing Board Policy review and Public Spaces Protocol

Dear Nick,

Licensing Board Policy Review

As you know through your membership of the Events Management Group, the Council is in the process of producing a Public Spaces Protocol to go some way towards achieving more efficient management and delivery of events in these Council-managed areas of the city. This should much improve the customer contact and process experience.

It is fundamental to the success of this Protocol, and improvement to the service experienced, that the key licensing element is intrinsic to the assessment of event proposals.

The Protocol should go to Committee in March, and if it is adopted, then it will only be effective if the related licensing process takes cognisance of it. For example, the Protocol does not permit bar-only activity on-street – so, if someone applies for a licence for that – they may receive a licence but will not receive permission to use the public space for a bar only – so it would be sensible not to award the licence on that basis, given there is, in effect, no point.

I would therefore formally request that the Board Policy Review takes the Protocol, a Council Policy, into account going forward in the consideration of relevant licences. For example, if an application is submitted for an event in a public space, then the protocol application process is a requirement and the award of any licence would be subject to the successful conclusion of that process.

I hope this can be included in the Review recommendations going forward – so that if the Protocol is adopted, it is then taken into account as part of Board Policy in the consideration of relevant licence applications.

Please do contact me if you require anything further. I would very much appreciate confirmation that this request can be progressed.

Best, as ever.

Lindsay

Please note the new address below:

Lindsay A Robertson | Culture Manager (Arts, Events & Public Safety) | Culture & Events Office | Cultural Strategy | Place Directorate

From: Jonathan Finn

Sent: 15 December 2017 16:32

To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>; Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>

Cc: Ian Mowat ; F. E. Wasoff ; Stephen Hajducki

Subject: Licensing Consultation

The New Town and Broughton Community Council would like the following additional areas of policy to be reviewed:-

1. Provision of information to the Public.

The New Town and Broughton Community Council feels that it is very difficult for the general public to find out about new licences and licence variations. Neighbour notification does not appear to happen for licence variations, and access to details about variations and licensed premises operating plans are almost impossible to access. The variations themselves are poorly explained, and often vague. The monthly lists of variations should set out very clearly precisely what is being proposed, and all documentation and full plans should be available on-line just as they are for Planning proposals.

2. Noise Complaints

We would like to see a clear statement contained within the Licensing Statement setting out how the public can make a complaint about noise or other nuisance from licensed premises, and how this will be progressed by the Council

3. Inaudibility Variation

We would like to see the wording of this variation improved to create an objective and measurable test of what level of nuisance is acceptable, in line with the majority of other local authorities across the UK. The onus of proof has been passed from the Council to the Public and we do not agree that this principle is in line with the Council's statutory obligation under the terms of the Licensing Act. Vibration as well as noise should be included in the definition.

4. Passive Smoking

We would like to see new paragraphs dealing with the risks from passive smoking from outside a licensed premise, with possible limitations on the amount of smokers at any one time and/or a canopy to ensure smoke does not enter private houses.

5. Overprovision

The First New Town should be included in this review.

6. Licensing hours

We would like to see different standard licensing hours for licensed premises adjacent to residential housing.

7. Licensing Forum

A review of the composition, governance and terms of reference of the Licensing Forum, which we do not believe currently complies with the 2005 Licensing Act

8. Waste management

We would like to see new paragraphs dealing with waste management in terms of both storage and recycling.

9. Joined-up approach

We would like to see a more joined-up approach taken towards licensed premises where other departments are involved. For example, table licences (Roads Dept), enforcement (environmental wardens) and planning issues.

Jonathan Finn
Licensing Convener
NTBCC

From: Innes Bolt

Sent: 18 December 2017 13:24

To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>

Subject: Consultation on Statement of Licensing Policy

Hi

Montpeliers Edinburgh LTD would like to add the following views prior to the new policy being published November 2018.

Licensing of Pop Up Bars/Occasional Licences

Pop Ups are becoming more and more popular in Edinburgh and the UK as a whole. Whilst they are beneficial for the industry offering at times a more diverse product and experience, they should not be above a certain scale and there should only be a limited amount of these running at any one time to avoid eating into the sales of the businesses that are here permanently. There should also be a percentage of these Licences that are offered to local

business owners (especially during the festival), to allow the 'all year round trader' the opportunity to benefit as well. Is there also a need to charge 'external operators' an additional levy, to raise funds that can be reinvested into the council/Essential Edinburgh etc... to again benefit local operators/businesses.

Overprovision

I think it is key that the board keep a very close eye on overprovision in many areas around the city centre, there is a huge amount of new properties with new Licenses and consideration must be taken on behalf of the existing operators. Local operators are reinvesting in their businesses and are potentially struggling to make ends meet due to the sheer number of new bars and restaurants. As much as its great to 'raise the bar' and these new businesses will inevitably attract more people to Edinburgh, there is a tipping point where, over time, all these businesses will not be sustainable.

Kind Regards

Innes Bolt

Managing Director

montpeliers

From: Hawys Kilday

Sent: 19 December 2017 12:06

To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>

Subject: Barnardo's - Response to CEC Licensing Consultation Exercise

Dear Sir/Madam

Please find attached our response to the above.

I hope this is helpful.

Yours faithfully,

Hawys

Hawys Kilday

Assistant Director Children's Services – South East Locality
Barnardo's Scotland



Barnardo's is the UK's largest children's charity. Barnardo's Scotland works with children and young people in over 130 specialised community-based services, including those for children and young people affected by child sexual exploitation (CSE). We also work with local areas, including businesses, in their role of preventing and taking action around child sexual abuse; a particular example is our Nightwatch work, supporting night-time economy industries to identify and respond to child sexual exploitation.¹

The licensing policy statement should include the opportunities that licensed premises have to help prevent and respond to child sexual abuse, specifically child sexual exploitation. It is important to note that this relates not only to the licensing objective of protecting children from harm but also to the objective of preventing crime and disorder. In our work with businesses, licensed premises have identified a number of areas where they could help prevent child sexual exploitation, including:

- Where a venue refuses access to a young person (perhaps because they are underage, perhaps because they are already intoxicated) is that young person therefore in a vulnerable situation – for example are they now on their own, isolated from a group, without a way to get home?
- Where a young person arrives or is present in the company of others (for example in pubs that allow young people in the early evening) are there signs that the young person is at risk of CSE?
- Where a venue caters for age ranges across adults and young people (including licensed entertainment venues such as cinemas, museums) are staff able to identify signs that a person may be seeking to groom a young person, and do they understand where to record information and pass on intelligence to the police? (Off-sales premises have specific opportunities to identify individuals who may be purchasing alcohol to be used as part of grooming young people.)

It can be seen from these examples that the opportunities for licensed premises to contribute to preventing child sexual exploitation are wider than a role in preventing children having access to alcohol.

To incorporate the opportunities that licensed premises can play in preventing and responding to child sexual exploitation as a form of child sexual abuse, the licensing policy statement should include issues for applicants/license holders to consider such as:

- Does the premises have a child protection policy? Do staff have someone to discuss any concerns with (e.g. a manager, a child protection champion)?

¹ An evaluation of early Nightwatch work in England can be found at https://www.barnardos.org.uk/nightwatch_cse_in_plain_sight.pdf

- Do staff have a basic awareness of the signs of child sexual exploitation and the action they can take (including passing intelligence to the police, raising a child protection issue)?
- Has the venue considered and identified any particular ways in which they might be most able to contribute to preventing child sexual exploitation – including thinking about young people seeking to access the premises and young people on the premises (both in terms of the people they arrived with and people they may join up with once there)?

These types of considerations might also be applied as style conditions to licenses.

From: Roger Colkett

Sent: 19 December 2017 18:13

To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>

Subject: Tollcross Community Council response

Please see attached response to consultation.

Tollcross Community Council proposals for changes to Edinburgh Licensing Board's Policy

At the meeting of the Tollcross Community Council on 29th November 2017 it was unanimously agreed that the following three changes / improvements should be proposed:

1. Area of serious special concern

The pointless designation of Tollcross as an area of serious special concern should be removed. It has not resulted in the refusal to grant any application for a new premises licence in Tollcross, not even the Caley Picture House despite its licensed capacity of 915 people.

Instead we propose that the existing area of overprovision be extended to the parts of the streets listed below where there is already a planning presumption against new public houses or entertainment venues in the areas of restriction (ref. pp 9, 10 of Edinburgh Local Plan Guidance for Business).

Lothian Road, Grindlay Street, Castle Terrace, Lady Lawson Street, Spittal Street, Bread street, Morrison Street, East Fountainbridge, Fountainbridge, Earl Grey Street, Lauriston Place, Brougham Street, Brougham Place, Home Street, West Tollcross, Lochrin Place, Gilmore Place, Tarvit Street, Leven Street, Valleyfield Street, Bruntsfield Place.

2. Audible music

The change to the amplified music clause arose from a campaign by musicians and others seeking to increase the availability of music venues in Edinburgh – the rationale being that many otherwise suitable venues were unavailable because of the unwillingness of licensees to put their licences at risk from complaints of audible amplified music.

Since the policy change was introduced virtually every application for a licence variation seems to include a request for the amplified music clause to be updated to the new “audible nuisance” wording and the Board seems happy to approve them all.

Already at least one such application in the Tollcross area has been approved by the Board despite our objection, despite the applicant’s agent saying that they were not particularly concerned about the change to the music clause and despite the premises concerned already operating as a music venue with amplified music untroubled by the previous wording of the music policy.

In view of the loss of residential amenity arising from the inevitably more complicated complaint process when the audible nuisance test is to be applied, we propose that the previous wording – “amplified music from those premises to be inaudible in residential property” should be applied in the case of licensed premises in residential tenement blocks.

3. Public health

One of the 5 objectives identified in the Licensing Act is “protecting and improving public health”.

We know that Edinburgh, no less than Scotland, has a serious public health problem caused by the overconsumption of alcohol. Figures from NHS Health Scotland show that enough alcohol is sold for every adult in Scotland (that includes all those who don’t drink at all) to drink over 20 units every week.

We know that the only two things that significantly affect levels of alcohol consumption are price and availability.

Price is now being addressed by the Scottish Government.

And availability? Well, more than 70% of alcohol sold in Scotland is bought from off-licences; so, that’s where availability needs to be limited.

We propose that the Board should make the whole of Edinburgh an area of over-provision of a those off-licensed premises where alcohol is sold in the same shop as food and other normal household goods.

Such places lead to the normalisation of alcohol – from childhood on we’re so used to seeing it sold alongside bread, milk etc, we’ve come to see it as just another item on our shopping list.

And such places also promote impulse buying of alcohol – we go in for one or two things on our way home and spot our favourite tippie with £1 off and there’s another few alcohol units we wouldn’t otherwise have consumed.

From: Laura Mahon **Sent:** 22 December 2017 10:17
To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>
Cc: Aidan Collins ; Sean McCollum ; Nicola Merrin
Subject: Alcohol Focus Scotland Response to Policy Consultation
Importance: High

Please find attached response to Edinburgh City Licensing Board's pre-consultation exercise on the Statement of Licensing Policy.

Thank you for the opportunity to provide comment. Please don't hesitate to be in touch if you have any questions or would like to discuss our response in more detail.

Laura Mahon
Deputy Chief Executive

Alcohol Focus Scotland
2nd Floor, 166 Buchanan Street
Glasgow G1 2LW



AFS RESPONSE TO INITIAL CONSULTATION EXERCISE ON THE EDINBURGH LICENSING POLICY STATEMENT – NOVEMBER 2017
GENERAL COMMENT

Alcohol Focus Scotland (AFS) welcomes the opportunity to participate in Edinburgh Licensing Board's initial consultation exercise. The licensing system plays a key role in minimising the risks of harm to individuals and society from the sale and consumption of alcohol. AFS is therefore keen to support the development of licensing policy and practice in Scotland that works most effectively to prevent and reduce alcohol problems.

A range of factors will affect levels of alcohol consumption and harm, but the evidence consistently indicates that ease of access to alcohol is a contributory element. The relationship between alcohol availability, consumption and harm means that licensing policy can make a positive contribution to alleviating and preventing alcohol problems, or it can exacerbate them.

AFS commends Edinburgh Licensing Board for undertaking this initial, informal, consultation exercise. Licensing law prescribes that a licensing board should consult on its draft policy statement and we consider this an important mechanism for enabling representatives of the local area to have their say on the proposed approach to alcohol licensing in their community. However, seeking views prior to the statement being drafted affords stakeholders a greater opportunity to contribute to the shaping of licensing policy. We hope that other boards will adopt the same approach.

As a national organisation, we do not have sufficient local knowledge of the Edinburgh area to enable us to comment in detail on some of the specific policy content. However, we offer our opinion on the general approach and policy direction, which we hope the Licensing Board will find useful. As such, we have only commented on those aspects of the policy where we felt it most appropriate, and have structured our response using sections that correspond to those contained in the current Policy Statement.

SPECIFIC COMMENT

SECTION A - GENERAL

Introduction and definitions

The introduction to the current Licensing Policy sets out the context in which the Edinburgh Board operates. It describes Scotland's capital as dramatic and historic and identifies the successful tourist industry as a vital part of its economy. It also highlights that the city accommodates a wide variety of licensed establishments that contribute to the leisure and employment opportunities in the area - stating that (to that date) the Board had issued 2155 premises licences. There are now 2,000 premises licences in force in Edinburgh.¹ In

¹ Scottish liquor licensing statistics 2015/16, Scottish Government, 2016

fact, Edinburgh currently has the highest alcohol outlet availability in Scotland, approaching three times higher than the national average.²

However, it is also appropriate to consider policy formulation in the context of the nature and scale of problems related to alcohol use in Edinburgh. That way the most suitable, proportionate and effective policy measures can be identified and adopted to achieve the licensing objectives. In Scotland, 1 in 4 people drink above the low-risk drinking guidelines.³ In Lothian, more than 1 in 3 men (40%) and 1 in 5 women (19%) are drinking at hazardous/harmful levels.⁴ There were 2,556 alcohol-related hospital stays⁵ and 76 alcohol-related deaths⁶ in Edinburgh last year. The £221.3m annual cost of alcohol harm to Edinburgh is also significant (health, social care, crime and productive capacity) – equating to £455 per person.⁷

The preamble comments that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. Including more detail in the introduction, like that above, about the scale and nature of alcohol related problems in Edinburgh, could support stakeholders/communities to better understand the factors that Boards must take into account, both when making decisions and determining policy.

The introduction also refers to views expressed during the consultation process, concerning greater transparency in the Board's operations and budgetary processes. As such, the Board agreed to publish an annual report on the Board's activities which would include detail of finance and functions. It would be beneficial in time to review how these reports have been accessed and whether they have helped address the issues/concerns expressed to the Board. The Scottish Government has now amended legislation to include a requirement for boards to publish an annual functions report on how they have promoted the licensing objectives and served the interests of local communities. This may go some way to improving transparency and accountability but it will be essential that the reports are made widely available and contain the types of information which are most useful to stakeholders.

Consultation and Links to Other Policies, Strategies and Legislation

The Board should take into account the views of local partners, communities, and other strategies and plans which have relevance to alcohol when developing and implementing their policy. The Licensing Scotland Act (2005) and accompanying guidance should inform the Boards approach to how this can best be achieved, for example by responding to the recommendations of relevant Forums.

The Licensing Policy states that the Board believes that it is important that it does not operate in isolation, and that due regard will be given to the policies and decisions of the Council and of neighbouring local authorities. This approach is welcomed but licensing activities should also be aligned to the work of a broader range of local partners to bring about improvements for individuals and communities.

The alcohol licensing regime provides a locally led system for regulating the sale of alcohol and is one of the key mechanisms by which availability can be limited at a local level. As alcohol licensing is the responsibility of licensing boards, it will be essential that boards can identify where they share similar objectives to Community Planning Partners, and that they understand how they can best support each other towards these ends. In many respects,

² Alcohol outlets and health in Scotland, CRESH, 2014

³ Scottish Health Survey 2015, Scottish Government, 2016

⁴ Scottish Health Survey 2015 Health Board Results, Scottish Government, 2016

⁵ Alcohol-related hospital statistics Scotland 2015/16, NHS National Services Scotland, 2016

⁶ Alcohol-related deaths 2015, National Records of Scotland, 2016

⁷ Local cost of alcohol profile, Alcohol Focus Scotland, 2012

licensing boards and CPPs are already working towards shared goals and stand to benefit from more collaborative approaches. It will therefore be important that the new Licensing Policy aligns with community planning Local Outcome Improvement Plans (LOIPs). AFS welcomes that the Board is explicit in its current policy that it works closely with the Edinburgh Alcohol and Drug Partnership (EADP). This approach should continue. AFS would also recommend that the new policy references relevant locality plans, the ADP strategic plan, and the strategic plan of the Health and Social Care Partnership (HSCP).

The Board commits to have regard to any strategy of the Scottish Government designed to address the social, health and crime and disorder issues raised by the misuse of alcohol. Scotland's alcohol strategy '*Changing Scotland's relationship with Alcohol a Framework for Action*' is of key relevance to the policy and should be included. This established a whole population approach to reducing alcohol harm and identified action on availability as one of three key mechanisms - alongside price and marketing - to achieve this. The Scottish Government's consultation on the strategy, published in 2008 recognised that the main mechanism for controlling alcohol availability was licensing legislation. The alcohol strategy is due to be refreshed and published in spring 2018. There are also number of national strategies in development which will have relevance to the policy such as the Child and Adolescent Health and Wellbeing Action Plan, the Suicide Prevention Strategy (expected to be updated in 2018), and the Social Isolation Strategy.

The Licensing Policy also recognises that boards are bound by human rights legislation. Action on human rights in Scotland is currently being driven through Scotland's National Action Plan for Human Rights (SNAP) and there a range of links between alcohol related harm and the realisation of human rights in Scotland. As a general comment, the policy currently states that '*the Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities*', but it does not go on to state any provisions.

Applications for Licences and Disposal of Business

AFS welcomes the approach set out in the current policy whereby there is an expectation that individual applicants will address the five licensing objectives in their operating plan, and supply a written statement detailing how they applicant will promote the objectives. Having a statement of licensing objectives attached to their licence could help to focus applicant's attention on the objectives and ensure that they are afforded proper consideration in any proceedings. In addition, it is appropriate that the Board should go further and look to the evidence in respect of each of the five licensing objectives, also expecting applicants to provide evidence that suitable measures will be implemented and maintained.

It is stated in the current policy that the Board intended eventually to hold plans of premises electronically, and will expect all applications to be accompanied by an electronic copy of any plans. It would be beneficial to review whether or not this has transpired and any benefits this requirement has brought.

AFS also particularly welcomes the commitment in Licensing Policy that the Board will dispose of its business in an open, fair and transparent manner, and that hearings will be conducted in as informal a manner as possible. It is stated that guidance will be made available to people who wish to apply for a licence, make representations or lodge

objections. Again, it would be beneficial to review the extent to which this has transpired, and the extent to which any guidance provided has supported people to participate. During a series of regional licensing seminars, hosted by AFS in 2016, a lack of public participation in the licensing process was reported across the country. Barriers to participation can relate to poor accessibility of licensing processes, but inconsistencies in policy and practice can also prevent meaningful engagement. Licensing boards should ensure that their administrative processes provide transparency and accountability, for example by: having a set of published standing orders; board papers and minutes being published on time; board minutes recording the names of board members voting for/against a decision; and holding hearings on statements of licensing policy.

Delegation of Licensing Functions

For transparency, the new policy should replicate the current policy by including a table setting out how the Board intends to delegate its various licensing functions.

Notification of Application, Objections and Representations

The current policy explicitly recognises the benefit of antisocial behaviour reports in connection with the consideration of applications, and the Chief Constable's entitlement to provide such reports. It would be beneficial to ensure that the contribution of all partners is better reflected and recognised within the new policy. This section could also have a much greater focus on community members, and provide more detail on the ways that people can get involved, as well as the supports available to them to do so.

Conditions Attaching to Licences

This section does not currently contain any information about what local conditions the Board may consider attaching to a licence. The new policy should set out examples of the different types of conditions that could be applied relevant to each of the objectives. It could also be helpful to include a list of the mandatory conditions within the policy, even if included as an appendix.

Need For Licensed Premises

AFS welcomes that the Board explicitly acknowledges that need (in the sense of the commercial demand for further licensed premises) is not a licensing policy matter, and that licensing decisions will not be based upon this issue.

AFS believes that the focus of licensing should be firmly on the promotion of the five licensing objectives and the public interest. It is right that the Board should not take into account factors such as the need or demand for licensed premises in the locality when making decisions. Commercial considerations are irrelevant to a policy which is designed to protect the wider public interest.

It is noted that the current policy makes reference to the Council's cultural strategies, and that diverse provision is welcomed for the benefit of the local communities. As such, the Board commits to seek to ensure that cultural events are not discouraged through the imposition of unreasonable restrictions. However, it is also stated that a balance will be struck between the desirability for such entertainment against the need to protect children and prevent public nuisance and disturbance. While it is acknowledged that the council as a whole has an interest in promoting economic development, tourism and revitalising deprived areas, this is not the specific function of a licensing board. The purpose of alcohol licensing is to regulate the sale of alcohol and licensed premises according to the terms laid out in licensing legislation and with regard to the promotion the licensing objectives.

Consideration of Applications by the Board

The policy currently makes clear that when considering whether any licence should be granted, the Board will assess the likelihood of the grant having an adverse impact. It also

provides some examples of relevant matters that the board will take into account when determining this. This is helpful in providing clarity to stakeholders and communities about the factors relevant to Boards decision making. The new policy could expand on this by providing more detail about the reasons why an application may be refused e.g. overprovision, applicant not a fit and proper person etc.

Overprovision

There is no simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interests of the community.

AFS is not in a position to comment on which streets or areas in Edinburgh should be declared overprovided. In terms of the general approach to assessing overprovision, we would recommend that alcohol harm statistics be considered in conjunction with density information, as such from the CRESH alcohol outlet density map (available [here](#) but due to be updated before the end of 2017 with 2016 data). At present, the Board has determined that the locality comprising the Grassmarket, Cowgate and other streets leading into these thoroughfares is overprovided with premises offering the facilities of traditional pubs. However, it is clear that there are more areas than this suffering significant levels of alcohol related harm in Edinburgh.

AFS has previously raised concerns about how Edinburgh City Licensing Board developed its Licensing Policy in 2013; these related to the assessment of overprovision and the consultation process itself.

At that time, EADP produced a report on overprovision. Option 3 of their report proposed seven areas of the city be declared areas of overprovision. This option was supported by the City of Edinburgh Licensing Forum. The Board stated that it gave careful consideration to the adoption of Option 3, but that the legal advice it obtained confirmed that if it wished to adopt an overprovision policy based on localities such as those proposed by the EADP, which would be sufficiently robust to withstand legal challenge, the board would have to carry out a further consultation on the specific localities. However, no further consultation took place and these areas were instead designated as 'areas of special concern.' This is a term that does not appear in the legislation and is therefore not defined. Furthermore, it remains unclear why there was not further consultation on the proposed overprovision localities.

AFS therefore welcomes that Edinburgh City Licensing Board is undertaking this pre-consultation exercise and has already committed to undertake a more detailed, formal consultation process in early 2018. We are hopeful that this will help ensure the development of a robust overprovision assessment, relevant to the needs of local communities. We would also stress the importance that all boards follow the process set out in the guidance to the Licensing Act (Scotland) 2005 when assessing overprovision. Taking a systematic approach to the preparation of an overprovision statement will help to ensure well-reasoned and robust licensing decision-making.

As a final point, the current policy identifies large drinking establishments, which are used primarily for the sale and consumption of alcohol and provide little or no seating, as an area of particular concern. We now know that 73%⁸ of alcohol is purchased in off-licenses and it will be important that the new policy reflects and responds to these circumstances.

Occupancy Capacity

⁸ Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland

AFS fully supports the Boards view that the occupancy capacity of premises is an important factor in assessing overprovision, and in the achievement of the five licensing objectives. As such, the Board may wish to consider carrying out an additional assessment of capacity as part of the overprovision assessment e.g. by having LSOs visit premises and conducting an assessment of the proportion at capacity.

Occasional Licences

AFS notes that the Board is concerned to ensure that the availability of occasional licences is not abused. This is a concern which is reflected across the country. We have identified that occasional licences are causing issues in many areas, with people reporting that this as an area where loopholes in the legislation are being regularly exploited. People have also reported to us that occasional licences are significantly increasing alcohol access and availability (although they were not being taken into account in overprovision assessments) and are being granted on a seemingly unlimited basis. As such the board should give careful consideration to this issue and what may be the most appropriate response in an Edinburgh context.

Licensing Standards Officers

AFS welcomes the Board's commitment to ensuring that the LSOs are enabled to carry out their functions efficiently, and recommend that this continues. During the 2016 regional licensing events, LSOs themselves highlighted that they had achieved various successes, and that their roles had continued to evolve/develop in recent years. This was reflected in the views of other stakeholders, who greatly valued the support they had received from LSOs. LSOs were seen to have a vital role in both establishing links with and supporting the community. It was also felt by some that, due to the efforts of LSOs, fewer licensing reviews were reaching board level, as there were fewer breaches of conditions/legislation and improved relationships. As such, the new policy should make clear the support that LSOs can provide to communities and stakeholders, as well as details of how to contact the relevant persons or departments.

However, it should also be recognised that there are decreasing resources available to support LSOs in their roles. Scottish Government data shows that the number of LSO posts has decreased every year since 2011 (a total decrease of 10% from 2011 – 2017).⁹ The number of licences has increased by 2% over the same time period.¹⁰ In some areas the LSO's role has also been extended to cover other licensing considerations, such as civic licensing, reducing the time they can devote to alcohol licensing issues.

Personal Licences

This section will require to be updated in light of legislative changes, such as the introduction of the fit and proper test.

Sale for Consumption off the Premises

As stated above, 73%¹¹ of alcohol is purchased in off-licenses and it will be important that the new policy responds to this trend. AFS would recommend that the Board gives particular consideration to the high number of off-sales licensed premises, particularly in residential areas, and the amount of area given over to the display of alcohol in terms of the total capacity figures for such premises.

⁹ Scottish Government, Statistical Bulletin Crime and Justice Series: Scottish Liquor Licensing Statistics, 2011-2016 <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubLiquor>

¹⁰ Ibid

¹¹ Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland

The hours of 10am to 10pm are the maximum allowed for off-sales by law, and AFS believes that in areas of high-rates of alcohol harm the maximum permitted hours should be the exception and not the norm. The Board should also continue to ensure that the regulations concerning display of alcohol for consumption off the premises are observed in the layout of premises, and monitor developments in test purchasing.

Hours of Trading

The Board does well to recognise in its current policy the risk that granting extended hours in recognition of a particular style of trading merely leads to trade competitors adopting the same arguments in seeking similar hours, and a process will ensue which leads to the extended hours becoming the norm. This remains a valid concern and should remain explicit in the policy.

The Board comments that the general outcome of consultation on this aspect of Board policy is public satisfaction with the current hours and trade dissatisfaction. While AFS can appreciate that there are difficult balances to be struck, we would again stress that the focus must be the promotion the licensing objectives and that commercial considerations are irrelevant to a policy which is designed to protect the wider public interest.

SECTION B - LICENSING OBJECTIVES

As a general comment, the current policy does very well in setting out the factors which applications should consider in relation to each objective, and the control measures that they can put in place to address any concerns. However, this could be strengthened further by providing more detail about the conditions the Board can/will apply in relation to each of the objectives. It would also be good to provide more of the Edinburgh context in relation to each objective e.g. relevant statistics or evidence of the current situation, identification of any issues that are a particular concern, measures which have had an impact etc. Comments more specific to particular objectives are provided below.

Licensing Objective - Preventing Crime and Disorder

The current policy has a particular focus on reducing/preventing crime and disorder on, and in the vicinity of, licensed premises. While this remains important, the proportion of alcohol now bought to consume at home or in other private dwellings underlines the need for the new policy to reference the importance of licensing for preventing crime and disorder in private spheres as well as the public.

Licensing Objective – Protecting And Improving Public Health

The Board should continue its representation on the Edinburgh Alcohol and Drugs Partnership and take advice from appropriate bodies, including those represented on the Forum. Such close liaison remains just as critically important now as it was in 2013.

AFS welcomes that the Board explicitly states in the policy that the main strategic aim of the Scottish Government's Alcohol Strategy is to reduce per capita consumption of alcohol. This remains the case and, as previously stated, reference to the Alcohol Strategy should be included within the new policy.

AFS also welcomes that applicants are expected to demonstrate in their operating plan that sufficient measures will be implemented and maintained to protect patrons' health. In the currently policy it is stated that this will include such measures such as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is available to address problem drinking. If necessary, such a requirement may be imposed by way of a condition on a premises licence.

The intention behind this is admirable and this approach should continue. However, AFS would recommend that the Board avoid using terms like "sensible drinking" in its new

policy, and instead make clear that any information provided should be based on the Chief Medical Officer's (CMO) low risk guidelines. The Board might also wish to consider providing materials to licensees which is independently produced. The World Health Organisation has stated categorically that the alcohol industry should not be involved in health promotion, and the Government has a duty to ensure access to information and advice on alcohol is based on the best available scientific evidence and is impartial. NHS Inform is the best website in Scotland for impartial health advice: <https://www.nhsinform.scot/>

Licensing Objective – Protecting Children from Harm

The current policy states that the Board wishes to see family friendly premises thriving in the city; it will welcome applications from those who wish to operate a licensed premises which accommodates children. In determining any such application the risk of harm to children will be a paramount consideration for the Board.

Evidence shows that children and young people are influenced by the behaviour of adults they observe and this should be taken into account when considering the appropriateness of licensing applications. It is wholly appropriate that any on-licensed premises to which families with children have access give careful consideration of their responsibilities to protect children from harm and AFS supports the board's position that applicants must demonstrate how they will promote this objective. In addition, there were 95¹² child protection cases in Edinburgh where parental alcohol or drug misuse was involved. Figures such as this highlight the importance that the new policy addresses the broader impact of alcohol on children and young people, including alcohol that is purchased for consumption at home.

AFS is also aware that there is concern across Scotland regarding occasional licenses being granted for events mainly or exclusively targeted at families where children would be present. As such, we would suggest that the board should give careful consideration to this issue and set out its approach to considering the appropriateness of occasional licence applications within the policy.

This section will also require to be updated to reflect legislative changes, such as extending the objective to protect children and 'young people' from harm. The Board should give consideration as to whether it will apply the same policy to young persons or should have a different policy from that applied to children. AFS would be interested to hear the views of children and young person's and their representative organisations on this issue; however, it would seem sensible to apply the same policy for the purposes of alcohol licensing.

OTHER ISSUES

AFS would recommend that the new policy is explicit that the board will keep the policy under review and make revisions as necessary, as well as consulting before publishing a Supplementary Licensing Policy Statement. It could be beneficial if the policy gave an indication of the reasons why such a supplementary statement might be issued e.g. if the Board identifies that the objectives are not being achieved, circumstances change, or new evidence emerges.

In addition, alcohol deliveries and internet sales are an emerging area of concern and should be considered as part of the policy development process. Remote alcohol sales and distribution across wide geographic areas have the potential to undermine efforts to control the availability of alcohol and reduce alcohol-related harm. Online sales are not a new issue but are a continuously evolving and expanding area of retail. Applications from large online

¹² Children's Social Work Statistics, ScotPHO Alcohol Profile, 2015

retailers represent what we consider to be a considerable advancement of the online market for alcohol.

There is a distinct lack of information available about the business operations of online retailers, or the extent to which they contribute to alcohol sales and availability. For example, there is no data available pertaining to their distribution areas, or the volumes and types of alcohol they sell. Without this information, it is impossible to make informed decisions about alcohol licensing or create robust alcohol policies, relevant to the needs of local communities.

A further concern relates the potential impact of on-line sales to children and young people. It is unclear how age verification can and will be effectively implemented when alcohol is being purchased on-line, or delivered to people's homes. Unlike supermarkets, which employ their own delivery staff, on-line alcohol retailers may rely on various contract carriers, who may not receive any instruction in this regard. This has the potential to make alcohol much more readily accessible to young people, at precisely the time when rates of youth drinking have begun to decline, and could undermine progress made in meeting the licensing objective to protect children from harm. Recent media coverage has also demonstrated the pressure that delivery drivers are under to deliver quickly and how this may compromise adherence to regulations.

AFS would therefore urge boards to set out their approach to online retailers in their policies, and to place conditions on online retailers to request details of sales and distribution areas, as well figures on delivery refusal rates.

From: David Williams
Sent: 22 December 2017 10:19
To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>
Subject: EADP submission to LB policy consultation

Please see attached.

David Williams

Commissioning Manager, Edinburgh Alcohol and Drug Partnership
Level 1.7, Waverley Court, 4 East Market Street, EDINBURGH

Edinburgh Alcohol and Drug Partnership Submission to the Licencing Board's Policy Consultation

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Summary:

This report reflects the expert views of the organisations that make up the Edinburgh Alcohol and Drug Partnership (the Partnership). It argues that the level of alcohol-related harm to the health and public safety of Edinburgh's citizens is excessive and that over-provision of alcohol outlets is a key cause of this harm. It also identifies the areas of the city where harm is greatest and where action to tackle over-provision is most likely to reduce harm.

It offers these preliminary recommendations that the licensing board:

- acknowledges the high level of alcohol-related harm in Edinburgh and the importance of regulating licensing to reduce it
- expresses a clear intention to declare areas of high alcohol-related harm to be overprovided
- requests further data analysis during the consultation period to identify the areas of the city where this policy will have greatest impact
- requires that the information available on licenses be expanded.

The Partnership is confident that the board's adoption of an active approach to reducing over-provision will make a very significant contribution to reducing the toll of alcohol-related harm in the city and is keen to help the board to develop its policy.

Introduction

This submission is on behalf of Edinburgh Alcohol and Drug Partnership, which co-ordinates the development and implementation of an alcohol and drug strategy for Edinburgh. Constituent organisations (including NHS Lothian and Police Scotland) are making submissions and recommendations that focus on the impact of licensing on particular areas of the city. The Partnership strongly endorses these views. This submission is intended to be complementary to them and it will:

- expand the information available to the board on alcohol-related harm in Edinburgh
- identify the causes of this harm
- summarise the local strategy to reduce alcohol-related harm
- describe the effective strategies available to address alcohol-related harm, with particular reference to licensing
- make preliminary recommendations for the board's policy.

Alcohol-related harm in Edinburgh

The role that alcohol plays in the social, recreational, and economic development of the city is well recognised. Edinburgh has a long tradition of brewing beer and has an internationally renowned nightlife scene and cafe culture, with some of the best restaurants, pubs and bars across the UK and beyond. Many communities will identify a particular pub, bar or restaurant as a key part of their social fabric.

However, alcohol-related harm has increased significantly in Edinburgh and across Scotland over the past 30 years. This harm includes the **doubling** of alcohol-related hospital stays and alcohol-related deaths between 1987 and the present¹. The harm is directly linked to increases in the consumption of alcohol. On average, each adult in Scotland now drinks the equivalent of eight litres of pure alcohol per year, compared with seven litres in England. 20% more alcohol was sold per adult in Scotland than in England/Wales in 2015. 97% of this increased level of consumption is directly attributable to rising off-sales².

The Economic cost to Edinburgh of alcohol:

It was estimated in 2010 that alcohol-related harm cost Edinburgh £221 million per year, or £455 per person per year³.

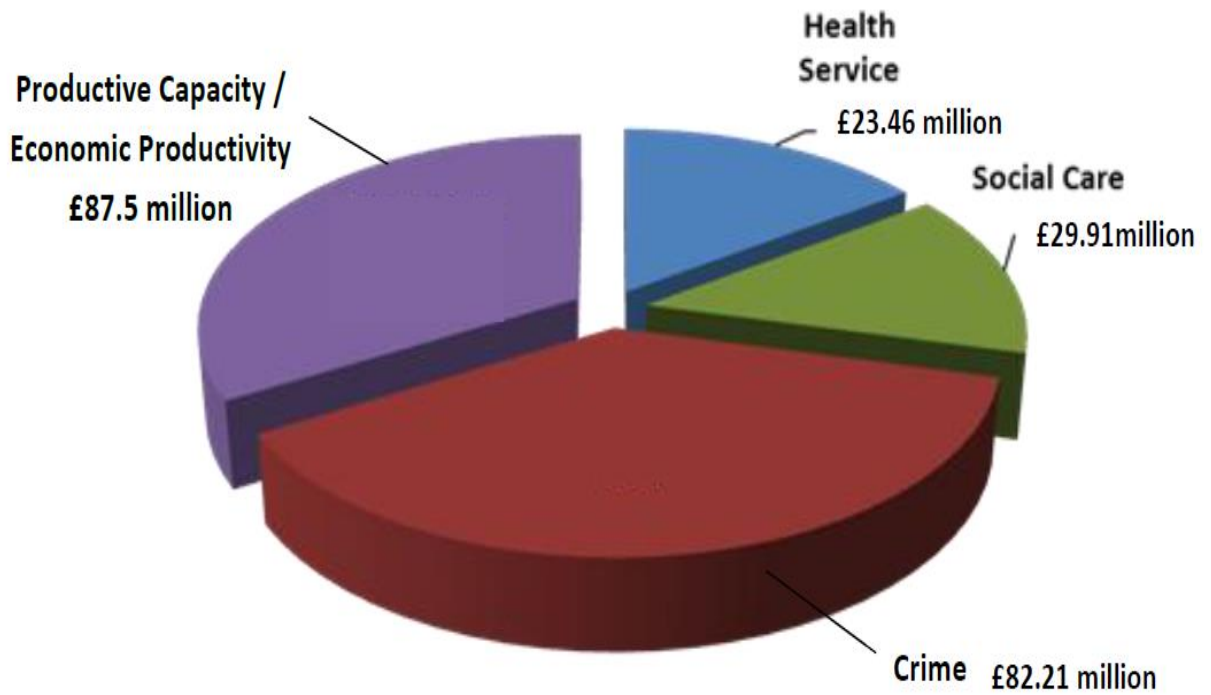
What is the Edinburgh Alcohol and Drug Partnership?

EADP is a Partnership between the City of Edinburgh Council, NHS Lothian, Police Scotland, the third sector and people with lived experience of addiction and recovery. It is the forum where these organisations work together to make Edinburgh a city that has a healthy attitude towards drinking and where recovery from problem alcohol or drug use is a reality. The EADP strategy has three high level outcomes.

1. Children and young people's health and wellbeing are not damaged by alcohol and drugs.
2. Individuals and communities affected by alcohol and drugs are stronger and safer.
3. Fewer people develop problem drug/alcohol use and more people (and their families) are in recovery.

The EADP is responsible for investing over £18 million to support the delivery of the strategy.

The Estimated Cost of Alcohol in Edinburgh City (in 2010)



Source: Alcohol Focus Scotland

For comparison, the Council spends approximately £240 million per year on educating children; a new 290 bed hospital would cost approximately £221 million and the same figure would employ approximately 7,350 police officers.

Loss of productive capacity is the greatest contributor to these costs. It was estimated in 2010 to be £85.7 million per year lost to the Edinburgh economy³. The main component of this is premature mortality, the potential working years lost through alcohol-related premature deaths.



Other factors contributing to the loss of productive capacity include presenteeism (being present at work, but with one's performance negatively affected by alcohol consumption), absenteeism and unemployment due to alcohol misuse. Presenteeism and absenteeism both reduce the productivity of the workforce and impact directly on employers; whilst alcohol-related unemployment and premature mortality in the working population affect employers, individuals, and society overall. More working years are lost to alcohol than the ten most frequent cancer types combined⁴.

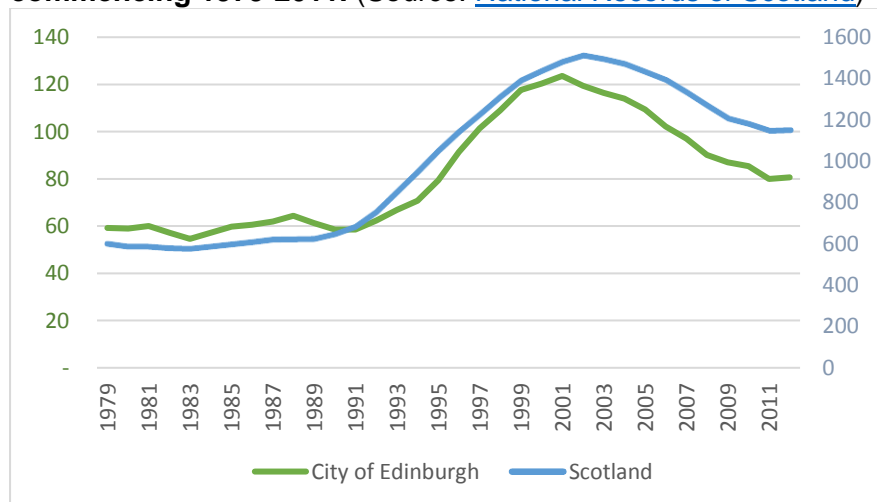
Alcohol-related health harms

Alcohol is the third greatest risk factor to the health of people in Scotland. It is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality (see right).

For most conditions in which alcohol is a factor, there is a dose dependent relationship. That is, the more alcohol is consumed, the greater the risk of alcohol-related health harm: 44% of men and 36% of women in Scotland exceed the recommended daily limits of alcohol consumption.⁵

Despite slight reductions since the beginning of the recession, alcohol is the direct cause of a number of deaths in Scotland and Edinburgh, significantly more than drugs, for instance.

Alcohol-related deaths 5-year moving averages, years commencing 1979-2011. (Source: [National Records of Scotland](#))



In 2010, the last year for which figures are available, treating alcohol-related illness and injuries in Edinburgh cost NHS Lothian £23.46 million per year³. This figure includes hospital admissions, A&E attendances, ambulance journeys, outpatient attendances, alcohol services, prescription costs and GP consultations.

Diseases linked to alcohol

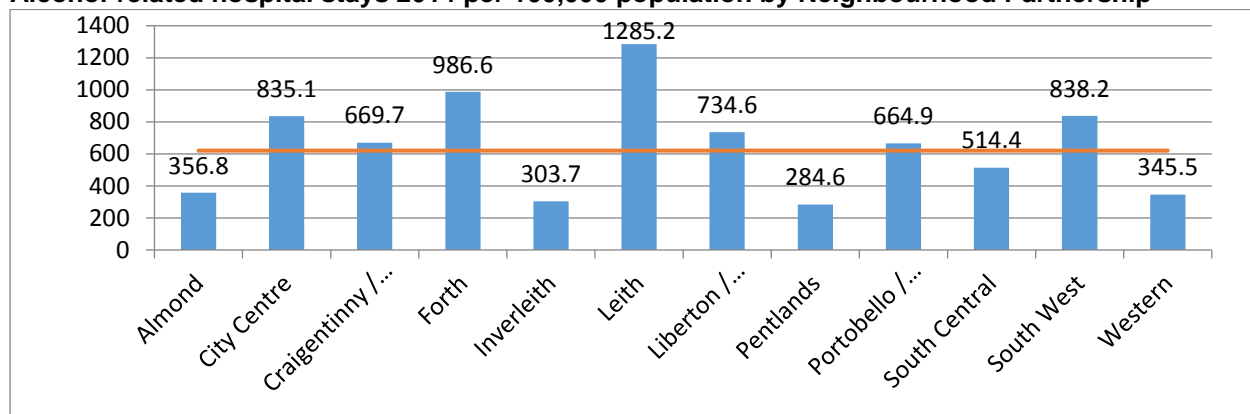
Alcohol is a dependence-inducing, psychoactive drug, which is linked to around 60 different diseases and conditions. Average alcohol consumption is causally related to the following major diseases:

- tuberculosis
- mouth, nasopharynx, other pharynx and oropharynx cancer
- oesophageal cancer
- colon and rectum cancer
- liver cancer
- female breast cancer
- diabetes mellitus
- alcohol use disorders
- unipolar depressive disorders
- epilepsy
- hypertensive heart disease
- ischaemic heart disease (IHD)
- ischaemic and haemorrhagic stroke
- conduction disorders and other dysrhythmias
- lower respiratory infections (pneumonia)
- cirrhosis of the liver
- preterm birth complications and fetal alcohol syndrome

Source: [Scottish Health Action on Alcohol Problems](#)

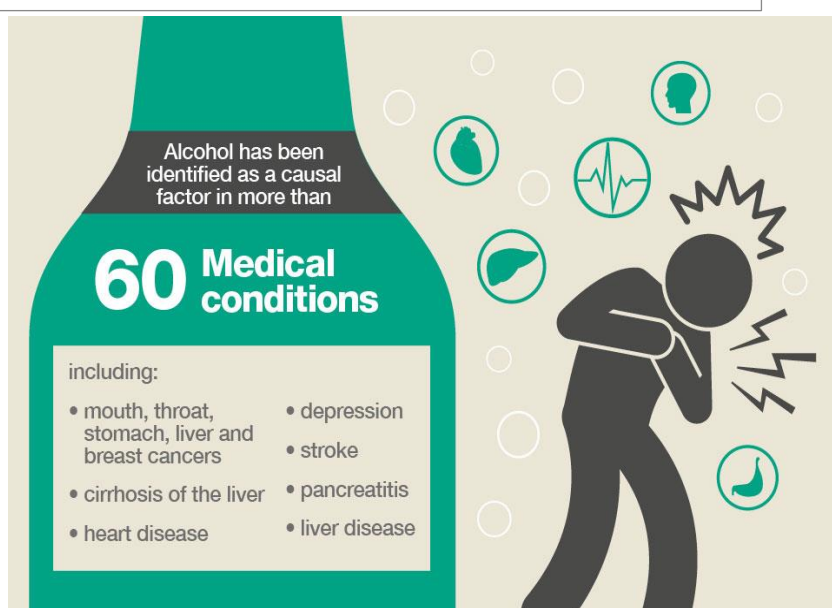
In 2014, there were 2,802 alcohol-related hospital stays in Edinburgh (see figure 3 below). In 2015, there were 2556 alcohol-related hospital stays and 75 alcohol-related deaths⁶.

Alcohol-related hospital stays 2014 per 100,000 population by Neighbourhood Partnership ⁶



Alcohol misuse is both a product and a driver of social deprivation, marginalisation and greater inequalities.

Although alcohol use tends to be fairly universal across all sectors of society, the harm experienced is not spread equally among communities. Those living in more disadvantaged and deprived circumstances are much more likely to experience alcohol-related harm than their more affluent neighbours. At a national level, those in the 10% most deprived areas are **eight times** more likely to be admitted to hospital due to alcohol than those in the most affluent communities.

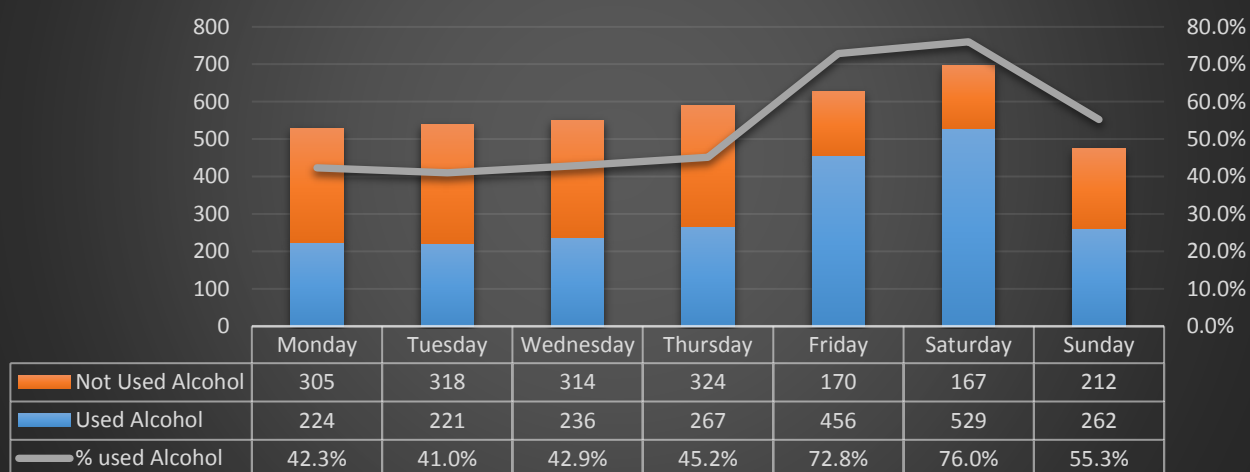


Alcohol, crime and disorder

Alcohol is known to be a contributory factor in a wide range of crime and disorder, including violent crimes such as domestic abuse, sexual and physical assault. Violent crime follows a marked pattern of occurring during the times of day in which drinking is most prevalent and the night time economy is most active. Most offenders have used alcohol at the time of their arrest.

The figures below are taken from Police Scotland's detailed submission and illustrate the strength of the association between alcohol and the most damaging offences.

Proportion of Custodies Arrested During Night Time Economy Hours by Day



Violent offences recorded 2015-16, Edinburgh	Total Crimes/Incidents	Of which occurred during Night Time Economy period (2000-0600 hrs)	
		Number	%
Murder/attempted murder	30	19	63.3%
Robbery and assault with intent to rob	211	96	45.5%
Serious assault (incl. culpable and reckless conduct - causing injury)	385	272	70.6%
Rape and attempted rape	185	136	73.5%
Sexual assault (SOSA 2009)	491	257	52.3%
Common assault	5872	3177	54.1%
Vandalism (incl. reckless damage, etc.)	4985	1698	34.1%
Threatening and abusive behaviour	4137	1692	40.9%
Crimes recorded with hate crime or domestic aggravators			
Hate crime	1447	597	41.3%
Domestic abuse	3366	1833	54.5%

Alcohol and fire:

Alcohol consumption is a significant contributor to the risk of fire: alcohol or drugs consumption contributed to at least 76 fires in Edinburgh in 2015-16, 14% of the total incidents⁷.

Harm to others:

Alcohol harm not only affects the individual drinker, but others around the drinker, including family members, friends, co-workers and the wider community. Harm to others occurs along a continuum, ranging from minor to serious, which may be due to one-off or recurring incidents. Types of harm include injury, assault, traffic and workplace accidents, child neglect, partner abuse, relationship problems, harassment, noise and damage to property. These harms are experienced in public spaces, such as communities, town centres and workplaces, as well as in the home⁸. 95 child protection cases were recorded in Edinburgh in 2015 where parental alcohol or drug misuse was involved⁹.

Social costs of alcohol in Scotland

- 1 in 6 of those 15 year olds who have drunk alcohol reported trying Drug and 1 in 7 reported have unprotected sex as a consequence of alcohol consumption
- 65,000 Scottish children are estimated to live with a parent whose drinking is problematic
- A quarter of children on the Child Protection Register are estimated to be there due to parental alcohol or drug misuse
- One in three divorces cite excessive drinking by a partner as a contributory factor

Source : [Scottish Health Action on Alcohol Problems](#)

Determinants and causes of alcohol-related harm

The degree of harm caused by alcohol is largely determined by the volume of alcohol consumed. Three main factors heavily influence levels of consumption:

- 1) how cheap alcohol is (**affordability**)
- 2) the social norms (in own home, and outside the home) surrounding its consumption (**acceptability**)¹⁰
- 3) how easy it is to purchase or consume alcohol (**availability**)

Affordability

At an aggregate population level, the amount of alcohol people drink is directly linked to how affordable it is – i.e. its cost relative to income¹¹. Alcohol is much more affordable to buy now than it was in the past. It is **60% more affordable today** compared with 30 years ago – particularly in supermarkets and other off-sales premises where we now buy most of our alcohol. This increased affordability has led to higher consumption and higher levels of alcohol-related ill-health and social harm². The average price per unit in Scotland in 2015 was 52p in off-sales, with the cheapest cost identified in 2016 as 18p¹².

As part of the national strategy to address alcohol use in Scotland, the Scottish Parliament passed the Alcohol Minimum Pricing (Scotland) Act in May 2012. This act sets the lowest price a unit of alcohol can be sold at (currently proposed to be 50p)¹³. The implementation of this policy was delayed by a legal challenge by the alcohol production industry, which was eventually defeated. The policy will be implemented in May 2018. The Partnership strongly supports this policy and is optimistic that it will reduce consumption and harm significantly.

Public opinion: “Alcohol in our community” research



“People know how”, a local community group, was commissioned by the EADP to provide insight into the views and experiences of Edinburgh residents about alcohol. They trained a group of community researchers who undertook focus groups, an online survey and 1:1 interviews and have now gathered the views of 354 residents. They will shortly be finalising their report. The findings indicate a widespread recognition of social and economic value of alcohol in Edinburgh – the public view that emerges is not “anti-alcohol”. However, people do describe a widespread experience of harm:

When asked: **Does other people’s drinking affect you?** 73% of respondents stated that they had been affected by other people’s drinking, while 27% stated that they had not. 36% of respondents stated that they had issues with excess noise, occurring late at night, mostly from people returning home after a night out.



I do not encounter much trouble within the city centre. However, the area I live in is more deprived and I think alcohol probably contributes to crime, littering and other issues in the area.”

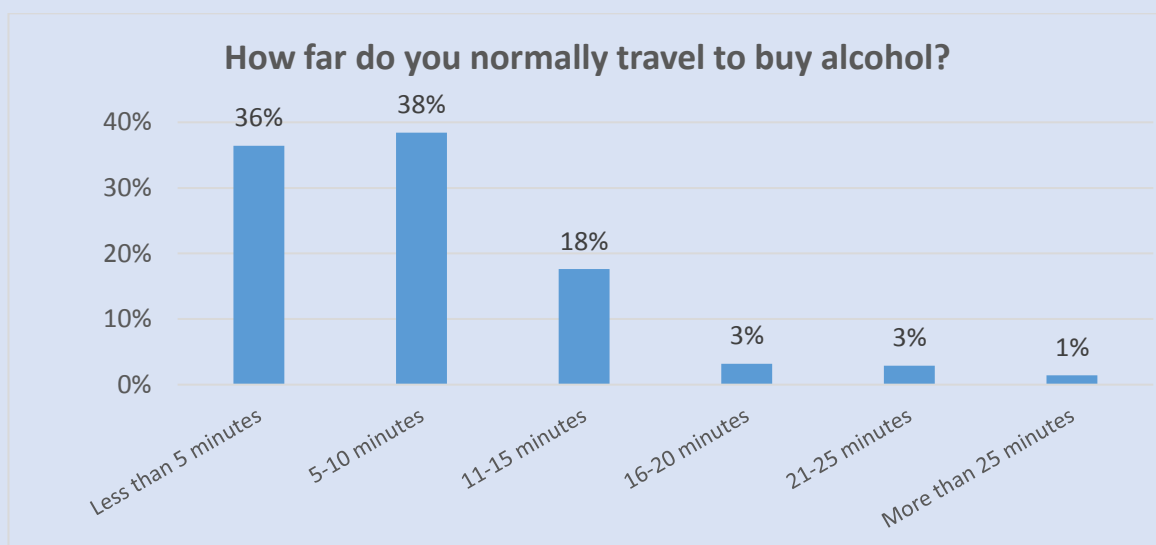
32% of respondents stated that litter, broken glass, vomit, urine and vandalism were a problem due to alcohol. 25% of respondents stated that they felt unsafe or fearful at certain times due to drunk people’s behaviour. 11% respondents stated that they had been affected by observing violent incidents and/ or aggressive behaviour carried out by people under the influence.

8% of respondents stated that their lives had been or were currently negatively impacted by people close to them with alcohol problems.

“It contributes to ill health in the poorest communities”



The survey also asked those who drank how far they travelled to buy alcohol and the results reinforce the ready availability of alcohol, with 93% of those who drink travelling for less than 15 minutes to buy it.

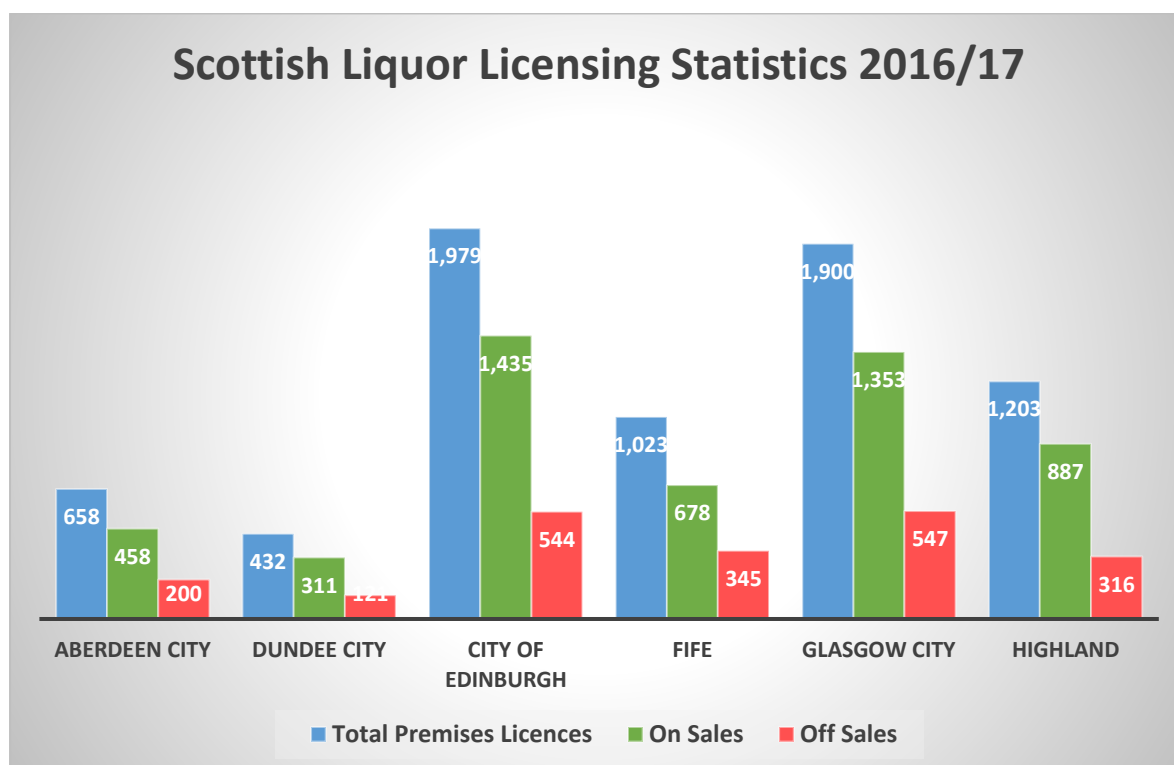


73% of alcohol in Scotland is sold through off-sales premises and it is the growth in these sales that has driven rising levels of consumption over time¹. The on-sales environment offers several social controls that potentially reduce the likelihood of overconsumption. Licensing regulations prevent an intoxicated individual being served any additional alcohol, and the time-limited nature of the on-sales premise means there is a limit to how much alcohol can be consumed. These social controls do not exist in the same way for alcohol purchased off-sales, and consumed at home. However, the numbers of intoxicated people gathered in off-sales premises and their environs create significant and costly challenges to public order and these premises are the scenes of most alcohol-related violence.

Availability

Availability refers to the ease with which alcohol is acquired. It depends primarily on how easy it is to reach an outlet that sells alcohol (proximity and convenience of travel), but other factors may also play a part: legal restrictions on who can buy alcohol; hours of sale; settings in which alcohol is sold (such as whether it is market only in specialist office-licenses or, as in the UK, principally in shops that sell other goods); the capacity of outlets (shelving space of off-sales outlets, floor space of on-sales).

There are over 2000 premises licensed to sell alcohol in Edinburgh. The city has the highest outlet availability in Scotland, approaching **three times more** than the national average¹⁶. The average density for all datazones in Edinburgh is 22.0 outlets per km², while the average density for Glasgow is 13.7 outlets per km², and for all Scottish datazones is 8.0 outlets per km². To an extent this reflects the Edinburgh tourism economy and its geography, but not entirely.



Density of outlets is linked to alcohol consumption and this is in turn linked to alcohol-related harm. This may be for several reasons: the greater number of outlets may increase the visibility and impact of the alcohol industry's marketing; prices may be reduced through greater competition; alcohol becomes more easily, impulsively bought; and drinking and drunkenness are normalised.

The research evidencing the link between harm and outlet density is extensive^{e.g.17,18}. It is complex and international, but a recent review of the evidence¹⁹ reported that:

“Taken together, the evidence suggests that higher levels of Alcohol Outlet Density are associated with:

- more frequent alcohol consumption
- increased overall alcohol consumption
- greater average levels of drinking among students
- alcohol-related violence
- self-reported injuries
- alcohol-related road traffic crashes
- sexually transmitted infections
- child abuse and neglect
- suicide.”

Public Health England, 2016, p114

The **research linking density of outlets and social disorder is strong** and consistent – areas with high concentrations of alcohol outlets, especially on-sales premises, experience significantly greater levels of violence and public disorder than those with lower concentrations.¹⁹

The international evidence linking high levels of outlet density and chronic health harm is still developing. Variations in planning, regulation, patterns of retail sales (for instance, whether alcohol is sold in grocery stores or only in specialist off-licenses) and other issues of geography, mean that it is more difficult to find patterns that apply in all settings and to demonstrate them to high statistical standards.

It is beyond the scope of this submission, or the Public Health or Police Scotland submissions to provide complete, statistically robust evidence of the strength of correlation between outlet density and health harm in the limited time, data and analytical resources available. Moreover, within the small dataset provided by a single city, the correlations between each type of harm and over-provision would not be expected to emerge as a simple linear correspondence (i.e. with every area with large numbers of outlets uniformly experiencing exactly proportionate harm). Larger scale studies provide a sample big enough and analyses sophisticated enough to demonstrate the strength of the statistical relationship clearly. For instance, the relatively small number of alcohol-related deaths in Edinburgh do not form a clear pattern of distribution, whereas the national ones do show trends.

We are fortunate in having detailed research on the impact of over-provision, specifically in Scottish urban settings. This research²⁰ indicates clearly that **the number of premises licensed in an area of a Scottish city and the level of health harm are related**. A team from Edinburgh University, systematically studying data from Edinburgh, Glasgow, Dundee and Aberdeen, asked the question “is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities?”. They state:

Alcohol-related hospitalisations and deaths were significantly higher in neighbourhoods with higher outlet densities, and off-sales outlets were more important than on-sales outlets. The relationships held for most age groups, including those under the legal minimum drinking age...efforts to reduce alcohol-related harm should consider the potentially important role of the alcohol retail environment.

Richardson et al (2015), p1.

Hours of opening also affect harm. There is international evidence that longer opening times for on-sales outlets are linked to higher levels of crime and disorder²¹. In Edinburgh, pubs and bars have licenses to open until 01.00, and nightclubs until 03.00. Historically, extensions to these hours have been restricted to specific times of the year, for example, during the Edinburgh Festival in August and over the Christmas and New Year period.

Ubiquitous sale of alcohol also acts a significant barrier to those seeking **recovery from addiction**: alcohol-related environmental cues, such as packaging, advertising images, etc., act as triggers for cravings and are a significant contributor to relapse²². The current level of over-provision means that outlets with visible advertising and visible drinks are omnipresent in many areas of the city, and most grocery shopping will include exposure to alcohol (in contrast with smoking, for instance). Recent local research²³ has presented vivid picture of the effects of this on those trying to recover from dependent drinking (see “Risky environments: Edinburgh as a place to recover” below).

Distribution of harm in Edinburgh:

The Partnership and our partner organisations have gathered and analysed data on health and criminal justice harm in Edinburgh and have begun to gather information on the distribution of alcohol outlets. The strongest pattern to emerge in the data is that health harm and criminal justice harm correlate strongly with each other and, other than in the city centre, with areas of deprivation. We are therefore able to identify the areas where harm is greatest and where further increases in availability are most likely to cause the greatest level of further damage.

Each of these areas was above the Edinburgh average (by 50% or more) for **both** health harm (the number of alcohol related hospital stays per year) **and** for recorded crime / anti-social behaviour associated with the night time economy. That is, they are substantially above the high average level of harm experienced in Edinburgh:

Intermediate zone

Hyvots and Gilmerton

Murrayburn and Wester Hailes North

South Leith

Niddrie

Moredun and Craigour

The Calders

Leith (Albert Street)

Restalrig and Lochend

North Leith and Newhaven

Granton South and Wardieburn

Clovenstone and Wester Hailes

Muirhouse

Bingham, Magdalene and The Christians

Great Junction Street

West Pilton

The Shore and Constitution Street

Dalry and Fountainbridge

Restalrig (Loganlea) and Craigentenny West

Easter Road and Hawkhill Avenue

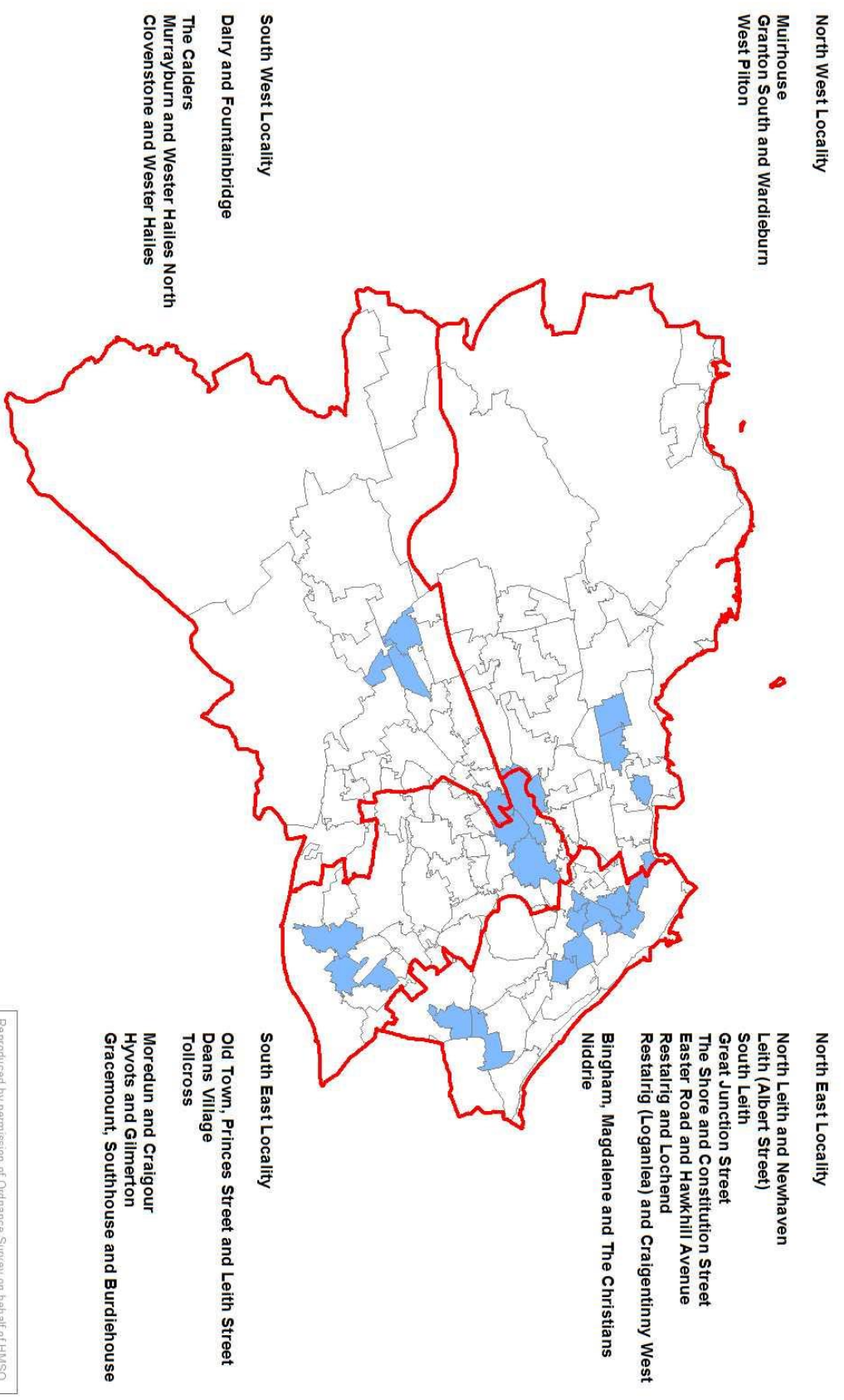
Gracemount, Southhouse and Burdiehouse

Tollcross

Old Town, Princes Street and Leith Street

Deans Village

Areas with High Alcohol Related Hospital Stays and High Night Time Economy Crime/ASB*



Where High Alcohol Harm and Night Time Economy Crime or ASB are at least 50% above the Citywide Average. Areas have been defined at an Intermediate Zone level.

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Risky environments: Edinburgh as a place to recover

In 2016, researchers from Edinburgh University worked alongside a group of Edinburgh people in recovery from alcohol addiction²³. They used Photovoice, a participatory research method that enabled the participants to capture images of their recovery and to document features of the environment that enable and/or hinder them. In focus group discussions participants talked about the images and identified features of the environment that were therapeutic and risky. Edinburgh's natural and built environment were inspiring for them and the city offered many welcoming and healing places. But **every participant identified sale of alcohol in retail environments as a trigger and a threat to their sobriety:**

Of supermarkets: *'It's still a challenge to avoid it because and like even challenging to walk down the aisles cause, like, you were seeing about the offers and stuff. I still look at things like that as well'* **Of smaller local shops:** *'Wherever I have to go I have to go past these shops but I don't go in for milk or paper or anything like that anymore because I didn't use it for that. I used it because the alcohol is right at the counter, it is right there. I'd go first thing in the morning and you know, it's a trigger for me'*

Lisa, 1 year sober



'It's just there right on my doorstep and the first sign is beers and cider'

by Tom, 3 years sober.



'The casino shuts at 6 a.m. and there are pubs that open at 6 a.m., I have one at the end of my street. Outside my window there is also an off-licence and a pub that opens at 9 a.m. I've travelled them all' by Tom, 3 years sober.

Effective interventions: licensing and harm

In the face of this extreme harm and with an understanding of the factors that influence it, we have a responsibility to use the most effective, evidence-based interventions. The table below sets out the respective strengths of the evidence that interventions reduce alcohol-related harm^{24&25} effectively.

High Impact
<ul style="list-style-type: none"> Restricting the availability of alcohol Taxation and minimum unit pricing Limiting the density of outlets Lower/zero breath alcohol content limits when driving
Medium Impact
<ul style="list-style-type: none"> Brief interventions to reduce harmful drinking Treatment for dependent drinking Safer drinking environments Heavier enforcement of legislation
Low Impact
<ul style="list-style-type: none"> Labelling bottles / cans Sensible drinking campaigns Public education School based education Voluntary advertising restrictions

Some of these interventions cannot be delivered at local level but our Partnership supports the Scottish Government's efforts to implement them in line with the evidence base.

Most of the interventions known to have greatest effect on harm are those that involve regulation of the supply of alcohol – controls of how, when, where and for how much alcohol can be sold. These approaches most obviously control **affordability** and **availability** of alcohol, but also have a clear relationship to **acceptability**: it is wrong to think of there being a culture of drinking intrinsic to Scotland which creates demand and a market which passively meets it – alcohol marketing can make drinking more desirable; its ubiquitous sale as an “ordinary commodity” in itself affects attitudes to it.

Only regulation by responsible authorities has a significant impact on harm. Industry-led interventions (such as voluntary advertising restrictions) typically have minimal impact on harm: the UK “Public Health

EADP Alcohol Strategy 2017-2022

Vision and outcomes

The overarching vision of this strategy is that:

Edinburgh is safe, healthy and has a culture of low risk drinking. The city is socially, economically and culturally vibrant, and alcohol consumption is incidental to the good quality of life that people enjoy.

Outcomes

The strategy outlines how partners and stakeholders will work together towards achieving the following outcomes:

Outcome 1: Local environments are supportive of people's health and wellbeing and reduce the risk of alcohol-related harm and disorder

Outcome 2: Children, adults and their families are not harmed by other people's drinking or made vulnerable through their own drinking

Outcome 3: Individuals' health and wellbeing are improved through access to effective early interventions and recovery-focused treatment and care services for those who need them

Responsibility Deal”, for instance, was found to have “no demonstrable impact” on alcohol harm¹⁹. Similarly, public education via mass media or schools has minimum impact in the absence of regulatory interventions. No plausible level of public health intervention is available to counteract alcohol-related harm if the market is not also regulated¹⁹. In this it is comparable to the public health issues around tobacco; the successful reduction of smoking prevalence and smoking-related health harms in Western societies has been largely driven by regulation of the industry (taxation advertising bans, point of sale display bans).

Conclusion and recommendations:

The Partnership strongly believes that all local agencies should act as far as their powers allow to address harm in the most effective ways. The evidence is clear from this and our partners’ submissions that alcohol is a cause of enormous harm to individuals and communities in Edinburgh. This is driven by over-provision in some areas. In these areas, stopping the addition of new alcohol outlets can be expected to reduce local consumption and decrease harm. Restricting the growth of outlet density in the areas of highest harm and availability will not eliminate all alcohol-related harm. We suggest that this measure should not be evaluated against the standard of resolving all harm or be judged by the issues it does **not** address – it will not solve everything, but we are unequivocal in our belief that if targeted it will make a substantial contribution to reducing harm. Conversely, we are sure that **not** doing so and allowing further profusion of outlets will do further to economic, health and social damage to our communities.

The data-quality, time and resources available for analysis have not enabled us to understand fully the current distribution of alcohol outlets across the city well enough to identify definitively the areas of overprovision. The licensing data has only permitted a basic count of the number of outlets in each intermediate zone. This data is not helpful and we lack both an analysis of the type of outlets in each area (more specific than on- and off-sales) and the essential element of measuring distances (as undertaken in the previous academic research and essential in an urban setting). Therefore, having identified the most important geographies to target (see “distribution of harm”), we recommend that the board request that the Partnership and others undertake a more detailed analysis of alcohol sales outlet provision in the areas of highest harm to inform the city’s over provision policy more effectively.

This is a very high priority area of work for our Partnership. We and our colleagues would be very happy to provide information or arrange further submissions to support the board’s consideration, and we would be happy to source clinical, academic, or public health expertise and resources. We would also be keen to arrange any primary or secondary research that may assist the board in its work. It is our intention to provide the board with updated data on harm and availability compared to national data (to be released in January 2018). We would be keen to work with the Licensing Forum to support the board’s decision making.

We also recommend that the quality of the data held regarding licenses should be improved to facilitate ongoing understanding (and particularly exercises such as this). We would be keen to meet during the consultation period with the clerks and others to explore how the data gathering and dissemination can be expanded.

Appendix 1: Evidence on the impact of overall alcohol availability on alcohol harm

Taken from: <http://www.alcohol-focus-scotland.org.uk/media/263116/AFS-Resource-Online-Version.pdf>

Type of harm	Summary results and selected findings
Violence	<p>Research has found a consistent relationship between alcohol availability and violence:^{1 2}</p> <ul style="list-style-type: none"> • Bar density more strongly associated with rates of assault than restaurant density.³ • Late night trading hours associated with higher assault rates.^{4 5} • More violence linked to off-premises than on-premises in two studies.^{6 7} • Number of licensed premises linked to alcohol-related crime in Glasgow.⁸ • Closure of alcohol outlets linked to decrease in assault rates in a US city.⁹ • Cutting pub late night opening by two hours produced a large relative reduction in the rate of assaults in an Australian city.¹⁰ • Changes in walking outlet density associated with alcohol-related harms including violent crime in Wales.¹¹ <p>In addition, local areas in England with more intense alcohol licensing policies had a stronger decline in rates of violent crimes, sexual crimes and public order offences in the period up to 2013. Reductions were to the order of 4-6% greater compared with areas where these policies were not in place. However, there were not similar reductions after 2013.¹²</p>
Hospital attendances	<p>Alcohol-related hospital admissions increased in London hospital after extension in licensed hours.¹³</p> <p>More off-sales premises in England linked to alcohol-related hospitalisations of under-18s.¹⁴</p> <p>Significant reduction in the number of night-time injury-related hospital emergency department presentations at high-alcohol risk times found following the introduction of regulatory licensing conditions in a town in Australia.¹⁵</p> <p>Changes in walking outlet density associated hospital admissions in Wales.¹¹</p> <p>Reduction in off-license hours associated with a significant decrease in hospital admissions for acute intoxication among adolescents and young adults in a Swiss city.¹⁶</p> <p>Across the whole of Scotland, alcohol-related hospitalisation rates significantly higher in neighbourhoods with the most alcohol outlets.¹⁷</p> <p>In England, local licensing policies appear to be associated with a reduction in alcohol-related hospital admissions in areas with more intense licensing policies.¹⁸</p>
Underage drinking	<p>Outlet density found to be a significant factor in the prevalence of teenage high-risk drinking.^{14,16,19, 20,21}</p>

	Adolescents in Scotland living close to an off-sales outlet and adolescents living in areas with many nearby off-premises outlets more likely to drink frequently. ²²
Property crime/damage	People living closer to alcohol outlets in high density areas are more likely to report damage to property. ¹ (3 studies)
Car crashes/injuries/fatalities	Traffic incidents linked to increased outlet density and hours of sale. ¹ (6 studies) Alcohol-involved pedestrian collisions significantly and positively related to number of on-sales per kilometre of road in US city. ²³
Deprivation	Relationship between neighbourhood deprivation and off-sales alcohol outlets in Scotland, with the most deprived quintile of neighbourhoods having the highest outlet densities. ²⁴
Drink driving	Self-reported driving after drinking goes up with increased outlet density. ¹ 10% increase in outlet density associated with 3% increase in drink driving incidents in US state. ²⁵
Child maltreatment and neglect	Areas with more bars found to have higher rates of child maltreatment. ¹ (2 studies)
Domestic violence	Domestic violence increases as the number of premises selling alcohol goes up. ^{26,27} Total alcohol outlet density and off-premise alcohol outlet density associated with intimate partner violence. ^{28,29}
Murder	A significant positive relationship found between murder rates and alcohol outlet density. ¹
Mortality	Increase in alcohol outlets over five-year period associated with rising alcohol consumption and a 27% increase in the alcohol mortality rate. ^{30,31} Across the whole of Scotland, neighbourhoods with higher numbers of alcohol outlets had significantly higher alcohol-related death rates (34 alcohol-related deaths per 100,000 people in neighbourhoods with the most off-sales outlets, compared with 13 per 100,000 in neighbourhoods with the fewest). ¹⁷
Suicide	Significant association found between suicide and outlet density. ¹
Sexually-transmitted disease	Decrease of one alcohol outlet per mile of roadway associated with 21 fewer cases of gonorrhoea per 100,000 people. ³²

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From: Philip.Johnston
Sent: 22 December 2017 10:44
To: Licensing Consultation <licensingconsultation@edinburgh.gov.uk>
Subject: licensingconsultation@edinburgh.gov.uk

Good morning,

Thank you for the opportunity to respond to the Licensing Board's consultation on the current policy. As a nationwide retailer we at Aldi are constantly engaged with all of Scotland's licensing boards and we are passionate about being able to work together to deliver our products to our customers.

We hope that our attached opinions are useful and can help guide current and future policies. Should you wish to discuss these further please do not hesitate to contact me at any time.

Kind regards and merry Christmas.

Philip Johnston

Property
Property Director
ALDI Bathgate



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Edinburgh Licensing Board Consultation on Statement of Licensing policy

Aldi are grateful for the opportunity to respond to Edinburgh Licensing Board's informal consultation on the current policy.

Background:

We wish to give the Board some background about Aldi and our mode of operation. It is important to us for the Board to understand the wider value and benefit of responsible well run retail premises both within the Board's area and across the Scottish economy as a whole. Unfortunately, it has been our experience that in some areas an overly simplistic view has been endorsed, namely, all off-sales premises have a negative effect. It is our respectful opinion that this is simply not the case.

Since opening the doors of our first store in 1913, we have established ourselves as one of the most reputable retailers in the world, as evidenced by being awarded many accolades such as being Which? Best Supermarket of the Year Award 2009, 2012, 2013 and 2015; Grocer Gold 2017 Employer of the Year; Netmums Best Supermarket of the Year 2017; Good Housekeeping Food Award 2017; Fresh Awards Multiple Retailer of the Year 2017.¹

Our aim remains to provide our customers with good quality products at a fair price.

Aldi has over 700 stores in the UK and we believe that these stores make a positive contribution to local communities, complementing existing retailers and providing a range of benefits in the local area. We are pleased to have six operational stores² in this Licensing Board's jurisdiction and we have plans for further expansion.

Aldi in Scotland:

In Scotland, Aldi currently operates 78 stores and we wish to expand that portfolio to have over 100 stores throughout the country by 2020. Through all of these stores, we showcase the best food and drink that Scotland has to offer.

We stock more than 350 every day Scottish products and work with over 80 Scottish core suppliers. 22 % of our sales in Scotland come from products sourced from these suppliers. All of Aldi's fresh (everyday) meat is either Scottish or British sourced. Where possible, we source Scottish fruit and vegetables and we work sustainably to build long term relationships and share expansion plans with growers. By doing so Aldi supports Scottish farmers, producers and manufacturers, and helps grow the value of Scotland's food and drink industry. We work with a number of suppliers in the Edinburgh area, these suppliers cover a range of different products

¹ <https://www.aldi.co.uk/awards>

² 100 Gorgie Park Road, Edinburgh, EH11 2QH, Gilmerton Road, Edinburgh, EH17 7QS, Hutchison Road, Edinburgh, Main Street, Portobello, 345 Oxfords Road North, Edinburgh, EH13 9LY, Unit 36 Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh, and Oxfords Road, Edinburgh.

from fresh and frozen meat and game, both seasonally and as a core product, to ready meals and preserved foods. We are responsible for £244 million in gross value added contribution ("GVA") to the gross domestic product ("GDP") from working with Scottish suppliers and we contribute £169 million in GVA to the GDP through selling Scottish products in our UK and Irish stores.

We are a major contributor to the Scottish Economy. In 2016 we contributed over £380m gross to the Scottish economy and £127m by way of our retailer operations; £75m through sales of Scottish sourced products in Scottish stores; £169m through selling Scottish products in Aldi's UK and Irish stores; £9m taxes on product. Our total tax contribution was £27.4m.

In 2016, we employed 2100 people (an increase from 242 employees in 2005) across Scotland. We support 7,800 jobs - for every one Aldi job, 3.75 jobs are supported in the wider Scottish economy, with £214m in wages being spent.

Limited range:

Aldi's trading philosophy is based on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling us to sell high quality products from a limited range of exclusive own labels at competitive prices.

A key part of this approach is our "limited range" approach to the stocking of goods. We restrict the range to about 1,500 core products which allows us to create operational efficiencies that creates savings to be passed to customers.

This limited range is reflected in our alcohol range, i.e. there is one facing of gin. We do not operate aisles of alcohol, instead it is a relatively small area for the size of store that we typically operate.

This is evidenced by the fact that in many of our stores, we have a "seasonal" component to the alcohol display that is online between 24 November to 9 January each year. This extra space is designed to accommodate Christmas lines, including Port, Glühwein, Sherry etc. we do not need this space most of the year only applying for what we need without "banking" space and we feel demonstrates our responsible approach to retailing.

Aldi in the Community:

We see ourselves as very much a part of local community. As a responsible business we want to make a positive contribution to the community by applying our skills and resources beyond just our stores. To this end we support charities and also operate our own schemes that make a positive impact on the community.

Aldi are proud to operate the Scottish Sport Fund, a Scotland-wide community-based sport programme to make it easier for children to take part in sports within their local communities by giving clubs the chance to secure up to £500 of funding.³ This fund has went to supporting clubs from the Leith Rugby Youth Development to Holyrood Junior Netball Club.

As Official Supermarket Sponsors of Team GB, the Scottish Sport Fund will be a lasting legacy of Aldi's commitment to help young people take part in physical activity within their local communities. Aldi expect to support 40 clubs across Scotland who will benefit from up to £500 in funding for new kit, to invest in facilities or to help fund transport and expenses to make local sport projects possible.⁴

³ <https://www.aldi.co.uk/scottishsportfund>

⁴ <http://www.telegraph.co.uk/finance/newsbysector/retailandconsumer/11953908/>

Since 2012 we have donated food to vulnerable people through our work with FareShare, a registered charity that redistributes surplus food to local charities throughout the UK. This includes care shelters, women's refuges and children's breakfast clubs. Between June 2015 and June 2016, we donated the equivalent of over 216,000 meals and we also provide food to smaller charities.

Aldi also has a partnership with the RSPB to help promote the importance of safeguarding the environment. We currently charge 5p for single use carrier bags. Profits generated from Aldi's single use carrier bag sales are donated to the RSPB and we are proud to support both education and wildlife. Aldi and the RSPB are working together to give children the opportunity for hands-on learning experiences and ability to connect with nature by implementing various initiatives and running competitions. We have donated £775,000 from the sale of carrier bags and the RSPB's Connecting Children with Nature project has allowed over 50,000 children to enjoy more than 25,000 hours of fun, exciting and educational nature experiences in 15 cities across Britain. The funding is expected to reach over £2m in 2018.⁵

We have also just launched our Community Cafe programme in Scotland. We supply ingredients for five Community initiatives in Glasgow, Edinburgh, Dundee and Aberdeen. In Edinburgh we support Fresh Start and Bethany Christian Trust. In practice, we cover the cost of ingredients for a block of cooking classes to help people in the local area learn how to cook. This programme embodies the core principles of the Scottish Government's "Eat Better, Feel Better" campaign.

We've also committed to removing confectionary and sugary drinks from till points, checkout aisles and areas around checkouts. As part of our "Healthier Tills" policy, we stock healthier options including dried fruit, nuts, juices and water around our checkouts.

Employment opportunities:

Each Aldi store directly employs around 30 members of staff and where possible these positions will be filled by people from the local area. These jobs range from store staff to management positions. In 2016, we set a new market leading rate of pay for employees in the UK of at least £8.40 per hour, significantly more than the Government's Living Wage.

Aldi also has an industry leading Apprenticeship Programme and apprentice scheme – a 1 year contract following NVQ and a 2 year management trainee scheme. In November 2017 we were ranked the 14th overall best employer on Rate My Apprenticeship.co.uk with no other supermarket ranking within the top 30. The programme was launched in the UK in 2011, with over 1000 apprentices taking part since then, making us one of the largest retail programme within the UK. With apprentice hourly rates starting at £5.52 per hour and rising to £8.02 per hour, it is a very attractive career option for younger people.

In Scotland we currently have 88 apprentices, with 10% in our Northern region, 36% in East and 53% in the west. In October 2017, 17 apprentices graduated from our three-year programme. 15 went into a management position and two secured an Assistant Store Manager contract.

Alcohol:

Aldi is a socially responsible retailer and we take our obligations to uphold the licensing objectives, in particular promoting public health, very seriously. Our staff training in relation to alcohol sales, goes beyond legal minimum in terms of content and regularity; we abide by Portman Group's Code of Practice on naming, packaging and promotion of alcoholic drinks. We provide a wide variety of lower strength alcohol drinks and we do not sell alcopops or

⁵ <https://www.rspb.org.uk/our-work/rspb-news/news/401237-rspb-partner-with-supermarket-aldi-to-connect-more-than-half-a-million-children-with-nature>

caffeinated tonic wines in any of our stores. Additionally, we do not stock high strength ciders or beers (above 7.5% ABV) within our core range and we are members of the Retail of Alcohol Standards Group which maintains the "Challenge 25" scheme.

We are very strong supporters of local Scottish brewers with an incredible 42 products on sale as part of our core and seasonal ranges. In addition, we have three festivals per year, which are supported by Scottish Food and Drink allowing us to showcase a wider range of Scottish beers and ales. We actively display the unit information, Drinkaware website and pregnancy warnings when advertising alcohol on our company website.

Licensed hours:

Aldi is of the view that the statutory hours of sales hours are suitable and should be considered the Board's policy. This wide spread of hours is necessary so to cater to modern society where working 9am to 5pm is no longer the norm. These hours are especially fitting for a retailer such as Aldi where alcohol is truly ancillary to the customer's shop.

Overprovision:

One of Aldi's principal concerns with the development of new licensing board policies relate to the construction of a board's overprovision policy. As the Board will be aware the designation of an area as one of overprovision creates a presumption against the grant of a licence application. Therefore, we are concerned that the adoption of an overprovision policy will restrict our expansion in the Edinburgh Board area. The existence of such a policy will be a material factor for us when determining whether to invest in Edinburgh. Given that planning permission is a pre-requisite for making a licence application this requires Aldi to make a substantial investment prior to knowing whether they will secure a liquor licence. As the Board will no doubt appreciate every new site under consideration is assessed by a team of professional advisors regarding its viability during which the prospects of obtaining all required permissions (including licences) are considered.

Although alcohol is very much ancillary to our overall offer, our business model is predicated on being able to offer customers a full range of products. The commercial disadvantage that would be experienced by a new supermarket, unable to offer alcohol as part of a "full basket shop", cannot be underestimated. The availability of alcohol in an existing competitor store gives a prospective customer a reason to choose to shop there. The convenience element of being able to buy the "full basket" from a competitor, provides unfair commercial advantage. A new store would not therefore be viable with a restricted range.

Our position is that unlike other new entrants into the market, many of our new stores are planned for areas that would benefit from a provider of high quality fresh produce at a competitive price. Kantar World Panel stats show that across every demographic, fresh fruit and veg is the main component of the shopping basket with fresh meat following close behind it. When looking at total sales: beer accounts for 2%, spirits 2% and wine 6-7% and in relation to alcohol is about 18% of the total spend.

While we appreciate that the Licensing Board considers each case on its own individual merits, the presumption against grant makes justifying the initial investment for potential new stores very difficult. While Aldi appreciates that the grant of a premises licence is always within the gift of the licensing board, it cannot routinely commit extensive funds to negotiating the acquisition of a site, applying for planning permission and thereafter seeking a licence in an area of overprovision, i.e. where there is a presumption against grant.

Aldi recognise and welcomes the Board's early engagement with stakeholders. It is our submission that the Board must perform a balancing act between any concerns expressed by

Police Scotland and health agencies and the benefits of a licensed premises, such as an Aldi store. With that in mind we suggest that an Aldi store can bring real benefits to a local area through the associated inward investment with the creation of jobs as well as the improvement of the built environment. Aldi pays above the living wage and would encourage the Board to have regard to the health benefits of sustainable employment. In addition to health benefits of creating employment there is of course the accessibility to affordable fruit and vegetables in our stores

As noted above substantial investment must be made by a prospective applicant prior to lodging a licence application. Accordingly if further overprovision is established it is of paramount importance for the Licensing Board to narrate in their policy the positive factors that they would take into account when determining whether to overturn the presumption against grant. We would submit that this is lawful given the recent amendments to section 7 of the 2005 Act so that licensing boards *"may have regard to such other matters as the Board thinks fit..."*.

We would also suggest that the Licensing Board bear in mind the technological and retail advances that have taken place since overprovision was introduced. A customer can now order alcohol to be delivered to their home via their computer or phone. This alcohol can be dispatched from anywhere in the world completely unaffected by a finding of overprovision with a geographic area. Such operations do not bring the same benefits to the local area as a retail store. Increased overprovision is no the panacea some would purport it to be, even board wide overprovision would, in our respectful submission simply penalise proposed new retail stores and alcohol would remain available.

Areas of serious, special concern:

It is also noted that in its last policy the Board designated a number of areas as areas of serious, special concern. We understand that this is an indication that while overprovision is not established; the Board will closely examine any relevant applications. While the Board is to be praised for taking a transparent approach, we respectfully suggest that there is a concern is that this may in practice result in applicant needing to overturn a presumption against grant. This is, in Aldi's respectful submission, contrary to the statutory framework.

Calculation of designated off sale displays:

In relation to off sale premises licences it is a statutory requirement that an applicant declares the alcohol capacity that they are seeking. The Premises Licence (Scotland) Regulations 2007 stipulate that both the length and height and the maximum linear measurement must be shown.

All bar three licensing boards base their calculations on the length x height of the alcohol display. Out of the three licensing boards that do not adopt this mode of calculation, the Edinburgh Licensing Board is the biggest. Edinburgh of course utilises the maximum linear measurement. No other Board in Scotland calculates capacity based on linear measurement. Aldi respectfully submits that this approach is overly prescriptive. If a retailer were to introduce a new shelf within the designated alcohol display frontage then a major variation application would, more likely than not, be required. The Licensing Board may wish to consider utilising the height and length of the alcohol display when calculating the alcohol display (as per Q7 of the operating plan).

Confirmation of provisional premises licences:

The grand opening of a new Aldi store, as the Board will appreciate, sees Aldi make a considerable investment not just in the infrastructure but also in perishable stock and marketing. As a consequence of this there is a very short time period, often days, between

practical completion being achieved and the store opening. In recent years our licensing agents have lodged occasional licence applications in order to licence the store pending confirmation. The Board and its officers are to be praised for this practical and sensible approach that allows the store to trade whilst ensuring that the licensing objectives are adhered to.

Regeneration:

Aldi respectfully submits that consideration should be given to the regeneration and other benefits that a licensed premises could bring to an area in the context of the Licensing Objective of Protecting and Improving Public Health. As noted within this submission, a new Aldi store will create approximately 30 jobs, as well as directly related construction and ancillary jobs, in the local area. These jobs include market leading terms and conditions as well as quality training.

In bringing the employment benefits to the Board's attention, Aldi notes that the Waddell and Burton report, "Is work good for your health and well-being?" recognises the "*strong association between worklessness and poor health*" as well as there being "*strong evidence that unemployment is generally harmful to health*".⁶

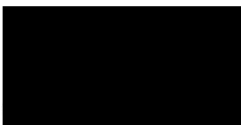
Aldi are of the view that the development of, for example, a derelict site can be beneficial to the local community. The built environment has been found to affect a range of behaviours that can have an influence on health and improvements to physical characteristics of a neighbourhood can have a positive impact on health.⁷

Conclusion:

Aldi is of the view that Edinburgh's unique status as Capital of Scotland and its continued growth means that the positive benefits of inward investment for the local community associated with retail must be finely balanced with any concerns put forward by the NHS or similar organisations. This is within the context that Edinburgh's population is increasing and therefore it is proper that additional retail facilities are introduced to support this increase.⁸

While not wishing to pre-empt any decision by the Board; the adoption of areas as overprovision risks the City losing the employment and development opportunities that a new store provides. Coupled with the provision of fresh fruit and vegetables at an affordable price for consumers, plus additional community projects and of course economic impact of developments within local areas, the proposed policy fails to recognise the positives in terms of the Protecting and Improving Public Health objective.

Yours Sincerely



Philip Johnston
Property Director

⁶ <https://www.gov.uk/government/publications/is-work-good-for-your-health-and-well-being>

⁷ The built environment and health: an evidence review, Glasgow Centre for Population Health, November 2013, [http://www.gcph.co.uk/assets/0000/4174/BP_11 - Built environment and health - updated.pdf](http://www.gcph.co.uk/assets/0000/4174/BP_11_-_Built_environment_and_health_-_updated.pdf)

⁸ <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/populationdynamicsofukcityregionsincemid2011/2016-10-11#population-change-mid-2011-to-mid-2015>

Nicholas Fraser

From: Michael McDougall <[REDACTED]>
Sent: 22 December 2017 11:18
To: Licensing Consultation
Cc: Stephen McGowan; Niall Hassard; Alice McLaughlin
Subject: Response to consultation by Greene King plc
Attachments: Response to Lic Board consultation by Greene King.pdf

Dear Clerk

Please see attached.

Kind regards

Michael

Michael McDougall
Solicitor - Licensing (Scotland)
for TLT LLP
D: [REDACTED]
M: [REDACTED]

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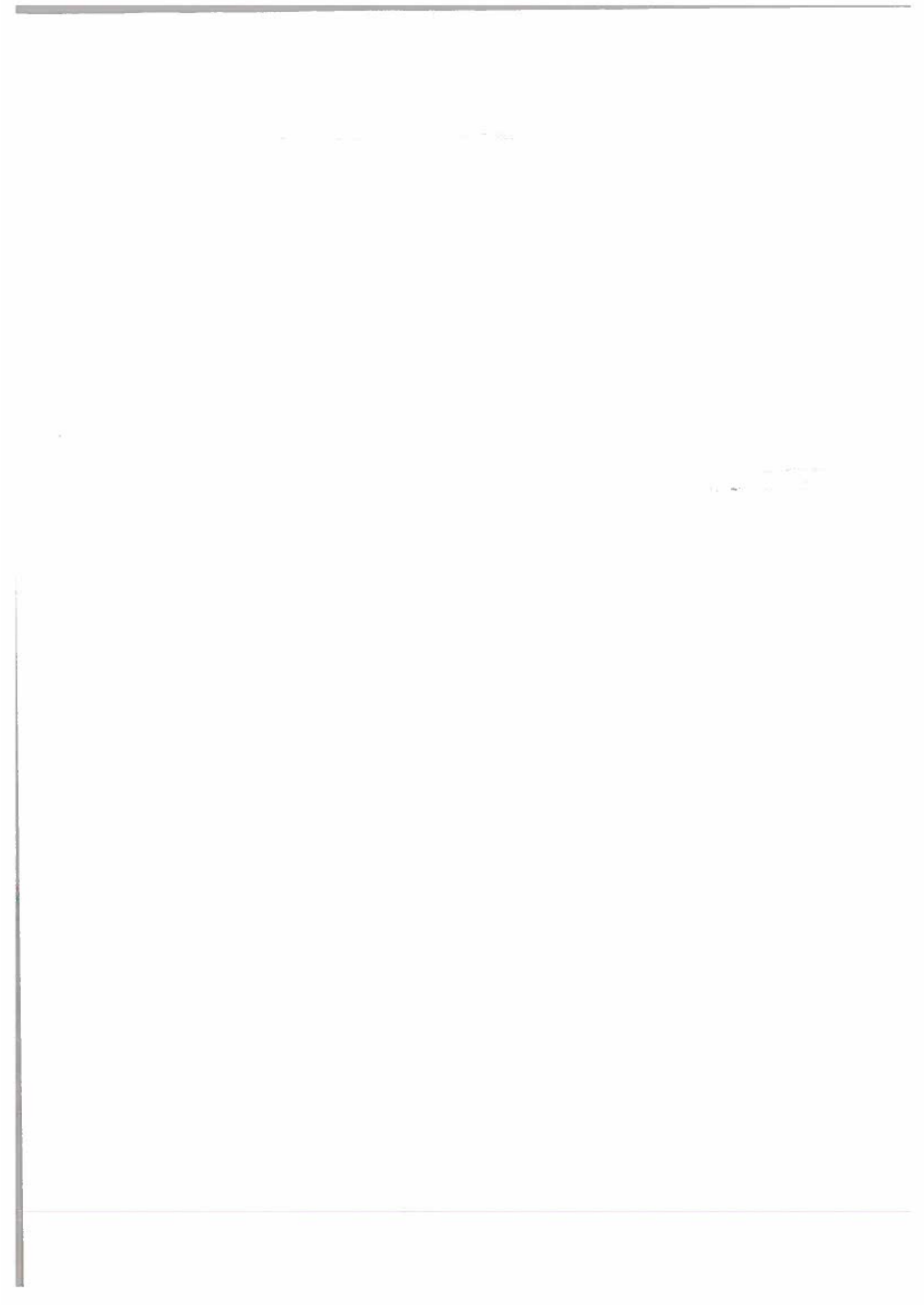
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GREENE KING

Our ref MM30/085742/000429 BURY ST EDMUNDS
Your ref

FAO Nick Fraser
Edinburgh City Licensing Board
249 High Street
EDINBURGH
EH1 1YJ

By email to licensingconsultation@edinburgh.gov.uk

Direct tel [REDACTED] Date 22 December 2017
Direct fax [REDACTED] Email [REDACTED]

Dear Clerk

Licensing (Scotland) Act 2005 ("the 2005 Act")
Edinburgh Licensing Board - consultation on Statement of Licensing Policy

Greene King Plc (Greene King) write in response to the abovenoted consultation.

Introduction

Greene King Plc, (Greene King) was founded in 1799 and is one of the UK's largest pub retailers and brewers. Headquartered in Bury St. Edmunds, Suffolk, it currently employs over 21,000 people across its main trading divisions: Retail, Pub Partners and Greene King Brewing & Brands.

Greene King operates over 3,100 pubs, restaurants and hotels across England and Scotland, of which c. 1,200 are operated by independent licensees running their own businesses through Greene King – each pub has its own unique style from traditional country inns to city centre bars. The premises licenses for this leased estate are held by Greene King Retailing Ltd or Spirit Pub Company (Leased) Limited. The leased part of the business is referred to as the 'Pub Partners' estate.

Greene King is recognised as a responsible retailer and brewer. By way of example:

- 1) Greene King created the 'Enjoy Responsibly' website, in 2012, to ensure consumers have a full understanding of how to enjoy alcohol responsibly. The website offers advice on the dangers of over-consumption/binge drinking with signposts to help those who have a problem. This site is at www.enjoyresponsibly.co.uk.
- 2) All labeling of Greene King's bottled drinks for sale in the UK, show the required alcohol unit content, the NHS guidelines and drinking whilst pregnant advisory logo.
- 3) All Greene King's own brewed cans, for sale in the UK, show the required alcohol unit content, NIIS guidelines and pregnancy logo.

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GREENE KING PLC

Westgate Brewery / Bury St Edmunds / Suffolk IP33 1QT
T [REDACTED] / F [REDACTED] / DX 57237 / greeneking.co.uk
Registered in England and Wales with registered number 24511.
Registered office as above



GREENE KING

BURY ST EDMUNDS

Greene King welcomes the opportunity to engage with the Edinburgh Licensing Board in the formulation of its new licensing statement of policy at an early stage.

This response is made on behalf of the Greene King Pub Partners estate.

The Pub Partners Estate in Edinburgh includes the following premises:

- Abbey, Edinburgh
- Montys, Edinburgh
- Centurion, Edinburgh
- Clermiston Inn, Clermiston
- Empress of Broughton Street, Edinburgh
- Harbour Inn, Newhaven
- Hebrides Bar, Edinburgh
- Henricks, Edinburgh
- Jeremiahs Taproom, Edinburgh
- Lebowskis, Edinburgh
- Mercat Bar, Edinburgh
- Middletons Bar, Edinburgh
- The Torfin, Corstorphine
- Orchard, Edinburgh
- Oxford Bar, Edinburgh
- Paradise Palms, Edinburgh
- Scotties, Edinburgh
- Spiers Bar, Edinburgh
- Telford Arms, Edinburgh
- Terrace, Edinburgh
- Thistle Street Bar, Edinburgh
- Wally Dug, Edinburgh
- Ye Olde Inn, Davidsons Mains

It is Greene King submission that well run licensed premises are of cultural, social and economic benefit both to the City and Scotland's flourishing tourism industry. The growth of fast-food casual dining establishments, such as Wagamama, Five Guys, Costa, and Starbucks has been exponential and such establishments now compete with traditional pubs for market share.

A pub premises in 2017 can be serving exceptional food, Bib Gourmand, but not have "white table cloth" tables or be set with cutlery. The explosion of casual dining means premises serving this type of top quality food all day, are doing so in an environment which equally welcomes patrons simply wishing to have a quality beverage. The focus of pubs and bars has, in our experience shifted from being wet led to having a substantial food offer.

It is Greene King's respectful submission that it is important that the Board has regard to the benefits brought about by persons consuming alcohol in a well regulated environment such as a bar or pub as opposed to drinking at home. Persons within licensed premises are, in effect, supervised by trained staff who have a duty of care to their customers. Accordingly the Board should look to support the consumption of alcohol in such regulated premises.

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Licensed hours

Greene King holds premises licenses in 24 other licensing board jurisdictions and are pleased to say that Edinburgh leads the way in licensed hours that balance the needs of a Capital city from a hospitality and leisure viewpoint with need to protect residential amenity. The 1am terminal hour for licensed premises is particularly important given our earlier comments about the focus of bars/pubs shifting to being food led. A 1am terminal hour is, in our submission, in keeping with the food led nature of many bars and pubs.

Overprovision

We appreciate that the ability to designate an area as one of overprovision is an important tool for the Board when tackling concerns ranging from anti-social behaviour to health harms that arise from the operation of licensed premises. When considering such matters Greene King would ask that the Licensing Board have regard to the positive contribution that pubs and bars make to Edinburgh through employment opportunities and adding to the vibrancy of the city.

An overprovision policy that designates key parts of Edinburgh as being overprovided for will inevitably send the message that Edinburgh is closed for business. Such a policy will not only deter new applicants but also existing licence holders who are considering refurbishing premises as any expansion to capacity or extension of licensed hours may trigger overprovision and thereby introduce a presumption against grant.

In order to give reassurance to licenceholders the Board may wish to set out what positive factors they may take into account when assessing applications such as employment.

Children and young persons access

Greene King recognise the import of ensuring that the licensing objective of protecting children and young persons from harm is upheld at all times. However, we would respectfully submit that the Board should recognise that the environment of a typical pub has transformed over the past few years. As noted elsewhere in our response increasing numbers of pubs and bars are food led with a real emphasis being on a quality food offer. This change has meant that such premises now appeal to families looking to dine in an informal and relaxed atmosphere. Children and young persons access is particularly important in Edinburgh given its appeal as a tourist destination. A great many families will visit Edinburgh and will be disappointed when they are informed that their children must leave a premises by 10/11pm (or earlier in some cases) due to the terms of the premises licence. It is perhaps important to note that Edinburgh as a vibrant capital city is not just competing for leisure tourism with Glasgow or London but the major European capitals and beyond.

Whilst no one would doubt that very few traditional wet led bars would be suitable for children post 9pm, hotel bar areas, restaurants and food-led premises may well be. Always "legislating" for the lowest common denominator and removing trust in and discretion of management in premises that strive to create and maintain a suitable ambience for families can be very penal. As Edinburgh's tourist appeal continues to grow, our premises regularly express their frustration at having to turn away families who simply do not understand and feel affronted by being refused service.

In short, we submit that the Board should, as is the case with all other matters, have regard to the operation of the premises as well as other factors such as its locality so to identify possible inconsistencies with the licensing objectives when determining the appropriate children's access.

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In addition to the above we support the contention that there should be a different policy for young persons. Given that young persons may have left school, married, drive, vote and joined the armed forces it seems proportionate that they are permitted in suitable licensed premises beyond the hour which would see children need to leave especially in relation to the family friendly premises referred to above.

Outside drinking areas

Outdoor licensed areas in Edinburgh provide an enjoyable experience for customers and that they contribute, in many cases, to the city's reputation as a stylish and vibrant place in which to visit and socialise. The attraction and success of outside drinking areas is highlighted every year during the Edinburgh Festival where many patrons enjoy drinking and dining outside.

The Board typically attaches a condition to a premises licence that imposes a terminal hour of 10pm on an outside drinking area. At para 19.3 of the Board's current policy it is narrated that a terminal hour of 11pm will be considered in the appropriate circumstances.

We would urge the Board to continue to carefully balance the concerns of local residents with applicants' desire to create a café culture that will in turn make sure Edinburgh remains a vibrant city. In particular we would suggest that the Board closely examine the location of the outdoor area as there may be examples of areas that will not prejudice residential amenity and as such a later terminal hour may be appropriate. Furthermore, it should be noted that in order to utilize an outdoor area it will require both planning and roads consent. As such, we would respectfully submit that the Board shall have regard only to matters flowing from the sale of alcohol.

Extended hours applications

Many of our partners utilise extended hours certificates so to cater for either special events occurring on their premises or alternatively special events of local or national significance. We would suggest that Parliament has intentionally created a "light touch" regime to allow premises to respond to local or national demands, e.g. a Halloween party taking place on the premises or a showing of a boxing match in Las Vegas (with a time differential). It is important that residents and visitors to Edinburgh have a place they can go to celebrate or watch important events in a well-regulated environment.

We note that there has been a recent trend of Police Scotland objecting to extended hours applications owing to the demand that extended hours place on Police resources. Our concern is that such statements do not appear to relate to the premises that is making the application and is therefore irrelevant. Any objection or representation from Police Scotland should focus on the operation of the premises and whether an extension in hours would compromise the licensing objectives. While important, police resourcing is not a relevant consideration when considering this type of application. There must be a link between the applicant premises and the issue disclosed in objections or reports. Ultimately it is unfair that individual operators are being denied the opportunity to showcase important events owing to wider issues outwith their control.

Pop up events licensed by way of occasional licences

Greene King recognises the incredible importance of the Edinburgh Festival and the benefits that it brings to both the local and national economy. It is a truly international event and one that Greene King is proud to support.

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We do, however, have a concern that our trade is materially prejudiced by parties coming to Edinburgh for the Festival and other such events to operate pop up events by way of occasional licences and other temporary permissions. Such operators will not pay non-domestic rates and their contribution to the Board will be minimum given the low cost of occasional licenses (£10 per 14 days). This needs to be compared against operators who are based in Edinburgh and pay business rates and the annual licensing fee.

Given that the Festival and similar events could not go ahead without a strong city infrastructure and a well-resourced Licensing Board, Greene King would respectfully suggest that the Board investigate ways in which priority could be given to operators who are based in Edinburgh and therefore contribute via the annual fee.

Amplified music

Greene King notes that the previous incarnation of the Board carried out an extensive and detailed consultation on its policy on amplified music in licensed premises. As a consequence of this consultation the Board's policy and standard condition was amended. We would respectfully suggest that given how up to date this policy is then the current Board should consider adopting the policy unchanged. We are unaware of any material change in circumstances that would make the Board's conclusions unsound.

In particular Greene King supports the position that the revised policy creates a better environment for musicians and citizens as well as providing clearer guidance for Licensing Standards when carrying out enforcement action.

We do, however, urge the Board to consider granting any variation application seeking to amend the previous wording unless there are compelling reasons to refuse it. As noted above, the new wording will in fact assist in Licensing Standards Officers when taking enforcement action and will provide a clearer playing field for all involved from residents to operators.

In addition to adopting the current policy, Greene King asks that the Board consider adopting the "Agent of Change Principle", i.e. the person or business instigating the change is responsible for managing the impact that change. All too often we see examples of persons moving into properties above a public house and then complaining about noise nuisance. Whilst we expect our operators to be good neighbours, there has to be a recognition that if a person decides to move next to an existing licensed premises then there will be some noise linked to that premises' operation. This is especially true when you consider the construction of or a change of use for a hotel or apartment next to a public house and then there are complaints about the operation of that premises that may have existed for 100s of years.

In practical terms the introduction of the Agent of Change Principle would see the person who caused the change being responsible for ameliorating the knock-on effects of that change. For example, if a block of residential flats are constructed next to a licensed premises then the builder will be responsible for making sure that the new flats are adequately soundproofed. Failure to adopt this position will see licensed premises that have operated without complaint for a number of years being threatened with closure through circumstances outwith its control.

Conclusion

Greene King appreciates that the Edinburgh City Licensing Board will have to balance various competing interests when formulating its new statement of licensing policy. It is

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GREENE KING

hoped that the Board will give due weight to the important part that pubs and bars pay in the life of the City both for residents and visitors. It is our submission that well-regulated pubs and bars are to be welcomed and supported.

We are happy to provide the Licensing Board with any additional information that it may require in the formulation of this policy.

Yours sincerely


Greene King plc

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Nicholas Fraser

From: Paul Togneri <[REDACTED]>
Sent: 22 December 2017 11:44
To: Licensing Consultation
Subject: Submission from Scottish Beer & Pub Association
Attachments: Edinburgh consultation response SBPA .docx

Dear All,

Please find attached our submission.

Best wishes,
Paul

Paul Togneri
Senior Advisor



**Edinburgh City Licensing Board
Consultation on Statement of Licensing Policy**

Scottish Beer & Pub Association,

We are grateful for the opportunity to respond to Edinburgh Licensing Board's consultation on the formulation of its new statement of licensing policy.

Background:

The Scottish Beer & Pub Association (SBPA) is the leading body representing Scotland's brewers and pub companies. It is part of the British Beer & Pub Association, which is more than a century old and was originally founded as the Brewers' Society in 1904.

British Beer & Pub Association members account for some 90 per cent of beer brewed in Britain today, and around half of the nation's pubs. These members are also diverse in their activity – from international brewers, to market-leading managed pub companies, the nation's largest tenanted pub companies and historic family brewers. This diversity of membership enables us to speak for a large and diverse part of the industry.

Our Members in Scotland:

The brewing and pub industries support the employment of almost 60,000 people in Scotland. Some 72 per cent of these people are directly employed in the industry, and of these, 40 per cent are aged under 25. Individuals working in these jobs earn a combined £767 million per year.

The industry contributes £1.6 billion to the Scottish economy and generates £972 million in tax revenues, with annual investment of £69 million.

In Edinburgh we estimate the industries we represent pay approximately £113 million in wages per annum and employ 7,824 persons with there being approximately 481 pubs and eight breweries.

Overprovision and the general operation of pubs in 2017/18:

One of the SBPA's principal concerns is the possibility of key parts of the City being declared areas of overprovision and thereby introducing a presumption against the grant or new licences. While it is appreciated that the Board will receive representations highlighting the issues caused by licensed premises it is important for the Board to recognise the cultural, social and economic benefit of well-run licensed premises both to the City and more generally for "brand Scotland" in terms of tourism. The pub is seen as a quintessential Scottish tradition with over 45% of visitors choosing to dine in a pub, furthermore data shows that tourists whose itinerary includes at least one visit to a pub, contribute significantly more to local economies than those who don't.¹

When considering a pub's operation it is important to note that a pub premises in 2017 can be serving exceptional food, Bib Gourmand, but not have "white table cloth" tables or be set with cutlery. The explosion of casual dining means premises serving this type of top quality food, all day, are doing so in an environment which equally welcomes patrons simply wishing to have a quality beverage. Wet led pubs and bars are, in our experience becoming the exception rather than the rule.

The SBPA suggests that the Licensing Board have regard to the benefits brought about by persons consuming alcohol in a well regulated environment such as a bar or pub as opposed to

¹ Visit Britain (2012). https://www.visitbritain.org/sites/default/files/vb-corporate/Documents-Library/documents/foresight_-_issue_103.pdf

drinking at home. Persons within licensed premises are, in effect, supervised by trained staff who have a duty of care to their customers. It is respectfully submitted that the Board should look to support the consumption of alcohol in such regulated premises.

While we appreciate that the Licensing Board considers each case on its own individual merits, a possible presumption against grant makes justifying investment in a new premises or extending existing premises unlikely. This stifling effect risks seeing the pub and bar sector in Edinburgh become stale with standards and quality likely to drop. Competition drives innovation and at a time Edinburgh is seeking to open itself up to tourism and compete with Glasgow, London and other European capital cities, we should be embracing a thriving hospitality sector. Overseas tourists expect to be able to visit quality pubs and bars. Any presumption against, new licences or expansion of existing licences means the pub operators who we represent are more likely to invest in areas without such a policy. The Board should also note that the Scottish Government has stated that loneliness is a key factor in an individual's general health. Encouraging people to come to well run on-sales licensed premises and interact with one another is good for mental and physical wellbeing. The Scottish Government's research shows that loneliness is as damaging to Scots health as poverty and poor housing².

Licensed hours:

The SBPA and its members are of the view that the current Board's policy in relation to licensed hours are fit for purpose. The 1am terminal hour for licensed premises strikes the right balance between residential amenity and the needs of pubs to offer flexibility and a venue for persons to come and socialise, in a thriving European capital city. In addition it is very important that operators can (provided the terms of s.68 are met) obtain an extended hours certificate from time to time to hold specific events which can take place outside these hours. It should also be noted that many special events, such as the Super Bowl take place outside the weekend and the only way for any establishment to show the entirety of the event, would be to surpass the 1am terminal hour. We encourage the board to look favourably in such cases.

Children and young person's access:

As noted elsewhere in our response it is our submission that the environment of a typical pub has changed beyond all recognition over the past few years. A focus on an informal and relaxed dining atmosphere has meant that pubs appeal to families and therefore consideration should be given to revisiting what the appropriate access for children and young persons.

When considering the appropriate terminal hour the SBPA suggests that setting aside the traditional "working mans" bars the Board should seek to evaluate the operation of premises and empower those that strive to create and maintain a suitable ambience for families by entrusting them with suitable children and young persons access. As Edinburgh's tourist appeal continues to grow, members regularly express their frustration at having to turn away families from abroad who simply do not understand and feel affronted by being refused service. This is especially true when one looks to the growth of fast-food casual dining establishments, such as Nandos and Pizza Express etc. They are generic and you can visit one in many cities across the UK and beyond, further more these establishments also serve alcohol. Edinburgh is blessed with some fantastic food led pub establishments that should be permitted to compete for the tourist trade not least as they are presently turning many potential patrons with children away. The presence of alcohol or a bar counter/gantry – with the appropriate control measures – should not prevent licensed premises from competing with such businesses.

Extended hours applications:

We have heard from our members that there have recently been real problems with the use of extended hours certificates to cater for special events. Police Scotland of late appear to be objecting to extended hours applications on the basis that the grant of such applications would

² <http://www.parliament.scot/newsandmediacentre/93466.aspx>

place undue demand on Police resources. Our concern is that such statements do not appear to relate to the premises that is making the application and is therefore irrelevant. It is SBPA's submission that any objection or representation from the Chief Constable, as a matter of law, needs to focus on the operation of the premises and whether an extension in hours would be inconsistent with the licensing objectives. With respect, police resourcing as a generality is not a relevant consideration. There must be a link between the applicant premises and the issue disclosed in objections or reports. Our concern is that this approach prevents our members from catering for local, national and special events that will be of real interest to residents and visitors.

While we appreciate that the content of the Police's report is not a matter for the Board, we would urge it to give careful consideration as to whether the objection activities the grounds of refusal.

Conclusion:

The importance of Edinburgh Licensing Board's approach to liquor licensing cannot be understated. Licensed premises play a key role in the City's economy and appeal and provides a vital service to both Edinburgh's citizens and visitors. A strong and responsible licensed trade provides employment and inward investment as well as being a welcome host for visitors. The SBPA urge the Board to adopt a policy that is forward looking and seeks to promote the values of responsible operators and support those businesses.

Nicholas Fraser

From: Nicholas Fraser
Sent: 22 December 2017 12:00
To: Licensing Consultation
Subject: FW: SLTA - ELB CONSULTATION RESPONSE

From: Scottish Licensed Trade Association [REDACTED]
Sent: 22 December 2017 11:44
To: Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>
Cc: [REDACTED]
Subject: SLTA - ELB CONSULTATION RESPONSE



The Scottish Licensed Trade Association has been supportive of the Edinburgh Licensing Board implementing positive changes that improve the experience customers and visitors can expect in one of Europe's most vibrant capital cities.

Edinburgh's licensed premises have made the sometimes challenging changes since the new licensing act came into force and embraced them to give the City a worldwide reputation for Scottish Hospitality. We will continue to support the Licensing Board to help make our pubs and bars traditional, safe, family friendly venues for locals and tourists to visit.

The Association would like the board to support pubs and bars who encourage tourists with families who traditionally dine and drink later in the evening to have extended hours for children and young persons. The licensing objectives would have to be adhered to but would enhance the already legendary "Scottish pub experience".

The need for morning opening, including Sundays, is essential to support the needs of visitors to the city and this market within tourism, we believe, should be met to enhance Edinburgh's cosmopolitan reputation.

Our support over three decades for minimum pricing has now come to fruition and our belief is the changes will not only improve the health of the country but given time see changes in peoples drinking habits and reignite peoples enthusiasm for their "local" bar or pub where there is a regulated environment.

There was a much debated change to the condition on licences regarding noise. The board in our opinion made the right decision changing the licensing condition to "audible nuisance". As the Capital and festival city with arts and music at the centre, the Licensing Board's decision was inspirational and has been implemented sympathetically by the licensed trade with no noticeable increase in noise pollution.

The cost involved to premises to change their licence to the new condition can be expensive. Therefore the Scottish Licensed Trade Association would encourage Edinburgh Licensing Board to consider implementing the condition to all licensed premises. This would be in line with most of Scotland's Licensing Boards position.

We would also seek the Board to use the condition of "Agent of Change" when making decisions on licensing disputes between licensed premises and neighbouring properties. If we are to

encourage businesses to make huge investments in Edinburgh's infrastructure they must have a fare system that doesn't obstruct their ability to carry out their business fairly and responsibly.

The Scottish Licensed Trade Association will take every opportunity to work with the Edinburgh Licensing Board to further enhance Edinburgh's pubs and bars reputation throughout the world.

Marshall Bain
President.

The Scottish Licensed Trade Association
CBC House, 24 Canning Street,
Edinburgh EH3 8EG
Tel: [REDACTED]
[REDACTED]

Scotland's Pubs and Bars - A Story To Tell
www.scotlandspubsandbars.co.uk

Nicholas Fraser

From: Nicholas Fraser
Sent: 22 December 2017 12:00
To: Licensing Consultation
Subject: FW: Consultation on Statement of Licensing Policy
Attachments: Alcohol in Leith Summary.doc.docx

From: tracey stewart [mailto:██]
Sent: 21 December 2017 13:56
To: Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>
Cc: Tom Veitch <Tom.Veitch@edinburgh.gov.uk>; David Hathaway <David.Hathaway@edinburgh.gov.uk>
Subject: Fw: Consultation on Statement of Licensing Policy

Dear Nicholas

Thank you very much for taking the time to speak with me last week. I found it most helpful and my new understanding of the consultation process has resulted in this communication.

I am writing to you from Rowan Alba Ltd, a registered charity set up in 2007 to prevent homelessness. We have over ten years of experience in the alcohol field, both residential and outreach, covering:

- Harm Prevention
- Harm reduction
- Recovery
- Community development
- Local government
- And most recently with the Scottish Parliament's outreach department.

Through these networks we established a close and constructive relationship with the City of Edinburgh Council's Licensing Team in 2010.

This led to our place on the Healthy Leith Action Group when consulting with the citizens of Leith around Alcohol Harm. (I am both a community representative with the added reach of the charities networks). I presented our learning from this local consultation to Leith Neighbourhood Partnership in May 2016. See links below for further information.

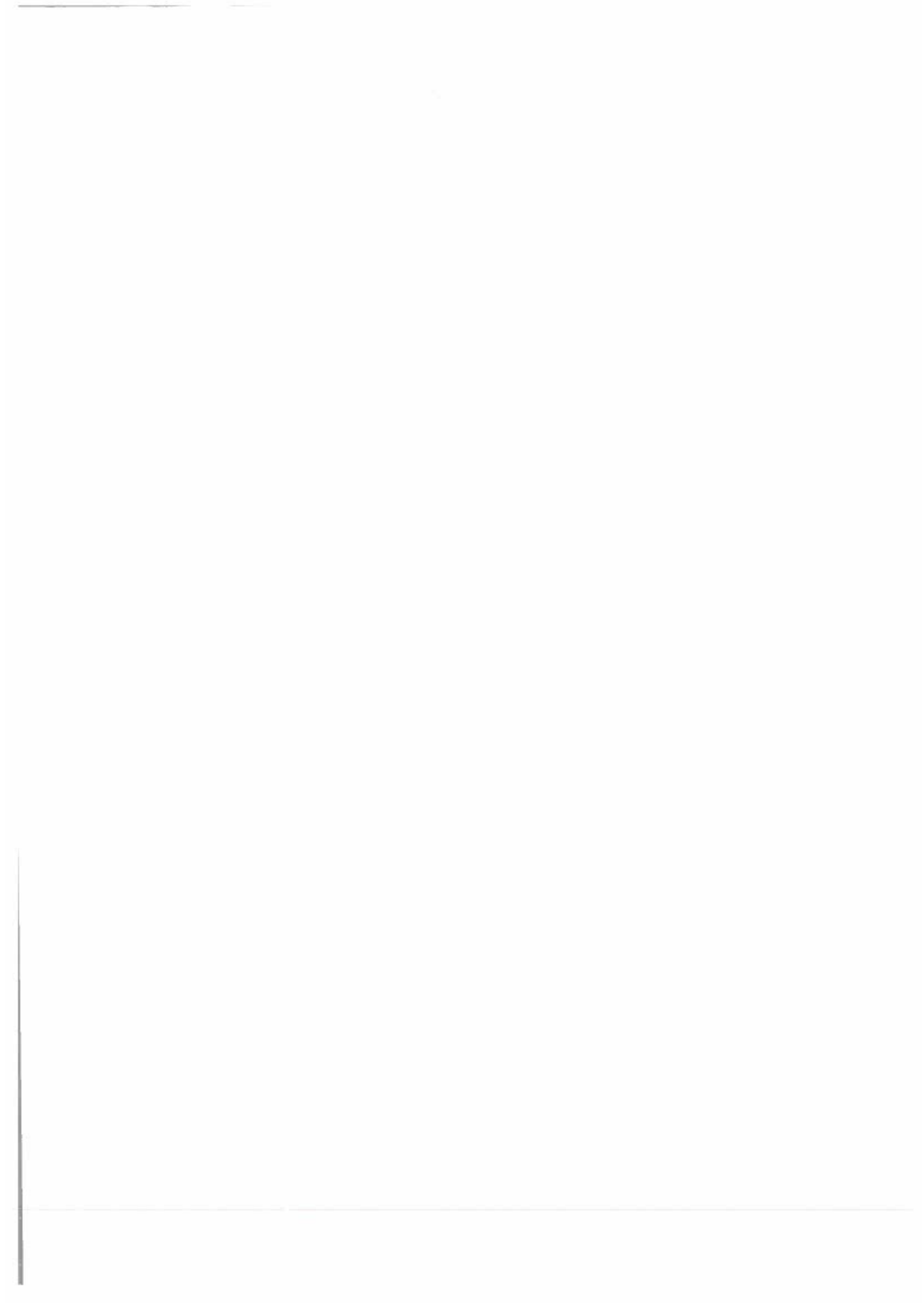
It was the Group's intention at the time to ensure that our findings were submitted to the Edinburgh Licensing Board during the next consultation process. I have highlighted the solutions and recommendations in the attached report evidence the demand for the work progressed, and it's relevance to the alcohol licensing objective of protecting and improving public health. I will attempt to summarise in the following paragraphs.

What we know

Our charitable work, across many social problems, have evidenced that individuals deteriorate rapidly when their link with the local community is lost. The well run local pub, and responsible licensee, is the last point of contact with some of the city's most isolated and vulnerable individuals during their last grip on socialisation and community inclusion. These individuals often slip through the net when health and social crisis' overwhelm their ability to cope on their own, and they are subsequently referred to our services. It is at this point that the relationship with David Hathaway - Licensing Standards Officer – became valuable in providing the link with the individual at point of sale before the point of crisis in our hospitals, social work departments and criminal justice systems.

www.rowanalba.org

THE DIFFERENCE WE MAKE From a young woman at Stramullion Being 16 and becoming homeless is a stressful situation. Before I came here I felt alone and like I had [...]



**LEITH NEIGHBOURHOOD PARTNERSHIP
HEALTHY LEITH ACTION GROUP**

ALCOHOL IN LEITH: SUMMARY AND NEXT STEPS

Background

1. Over 700 local people identified six priorities for the Local Community Plan 2014-17 (Clean, Green Leith, Leith Economy, Healthy Leith, Safe Leith, Young Leithers and Engaged Leith). Alcohol was also recognised as something which impacts on all priorities. In response to this, the Healthy Leith Action Group carried out a local survey to gather up-to-date information on local views spring 2016. A total of 263 responses were received.
2. A further short survey was carried out with on-sales licensee holders in which 12 local on-sales licensees gave their views. Time and resources did not allow for a survey to be carried out with off-sales licensees.
3. The Edinburgh Licensing Forum has asked for information on the survey. Members of the forum attended the Leith Neighbourhood Partnership meeting in May 2016, which was themed around the Alcohol work done by the Action Group.
4. The Leith Neighbourhood Partnership joins the North East Locality, as part of the City of Edinburgh's Transformation programme. As such, the area is included North East Locality Improvement Plan which is due to be published in October 2017 following the consultation and planning period. The life of the current Local Community Plan concludes in March 2017.

Summary of Findings

Personal Experience

5. 86% of all respondents said that they drank alcohol, with 30 % drinking regularly on 1-2 days a week and 30% saying they did not drink every week. 8% said they would drink 6-7 days per week. Most people preferred to drink in their own home at 43% of respondents. The pub was the next most popular venue at 30% of respondents. Atmosphere (39%), convenience (37%) and cost (24%) were the main reasons for the choice of venue.
6. Under-age drinking:
There were small numbers (12) of respondents under 18 years old (6%). Three quarters who did respond said that they did not drink alcohol. Two of the young people did not drink every week, but one drank 6-7 days per week. One said that they would drink before a night out.

7. Police Scotland has recently set up a North East Community Alcohol Partnership with the aim of reducing under-age drinking. This may include training for licensees and funding for youth activities.

8. Pre-loading:
Most people were unlikely (27%) or extremely unlikely (18%) to drink before a night out. However, 16% were likely and 10% extremely likely. Two thirds of people aged from 18 yrs to 34 yrs said that they would be likely or extremely likely to drink before a night out, compared with less than a third from 35 years to 54 years. About a quarter of people 65 years and over said that they were likely or extremely likely to drink before a night out. A comment was made by a publican that people can buy cheap drink from off-sales to consume and then expect to be served in a bar when they are drunk.

8. Lost work hours:
Only the 35 to 54 year old age group said that they had taken time off work due to alcohol in the last year, with 5% of that age group saying they had taken time off once or twice and 2% a few times. This equates to 3% of all respondents. Almost a third of respondents said that they had been hungover at work in the last year, with 20% of all respondents saying once or twice and 11% saying a few times. No age group from working age people stood out as being more likely to take time off. Of those who said they were working full-time, 53% said that they had been hungover at work in the last year (70% once or twice, 38% a few times and 3% regularly).

9. Other people's drinking:
More than three quarters of respondents said that they had had a negative experience as a result of someone else's drinking in the last year. For most this was due to anti-social behaviour. 44% had been kept awake at night by noise, 40% had been afraid on the street, 39% felt unsafe on the street and 34% had been harassed on the street.

10. Hospital admissions:
Leith has higher alcohol-related hospital admissions rates per 10,000 residents than the Edinburgh average (134.2 per 10,000 residents compared to 89.4) and has the second highest rate in the city. Those admissions are much higher in North Leith and Newhaven (163.9), South Leith (155.4), Great Junction Street (153.7), Bonnington & Pilrig (151.9) and Lorne (148.5). Only the Hermitage Park & Prospect Bank area is lower than the Edinburgh average. (Alcohol Problem Profiles, 2015)

Alcohol Sales

11. 88% of respondents bought alcohol in the Leith area. 45% said they bought alcohol at a large supermarket compared with 14% who bought alcohol at the pub. Most people would walk to buy alcohol (62%), with the method of travel by car/van /motorbike (18%). Very short journeys were needed with 73% of people needing no more than 15 minutes. 32% took no more than 5 minutes on their journey to buy alcohol. Generally,

alcohol is bought quite frequently. 23% buy alcohol 1-3 times a month and 17% bought alcohol 2-6 times a week. Only 4% bought alcohol every day. Convenience to home (40% of respondents) and low /good value cost (30% of respondents) were the most popular reasons for choosing where to buy alcohol. However, 41% feel that there are too many convenience stores and small local supermarkets in the area compared with 24% who feel that there are too many large supermarkets. 28% feel that there are too many pubs.

12. 67% of licensees felt that there were too many convenience stores and small supermarkets selling alcohol and 58% felt there were too many large supermarkets. Many made the point that off-sales outlets do not have the same regulations and duty-of-care as pubs and restaurants.
13. The Healthy Leith Action Group noted at their meeting on 23 November 2016 'There is a conflict between the number of planning consents approved and alcohol licences for shops'.
14. Alcohol Problem Profiles, 2015, provides the following information on alcohol sales outlets.
 - There are a total of 247 licensed premises in Leith (July 2013), 164 on-sales (of which 85 are pubs) and 74 off-sales (of which 42 are convenience stores)
 - There are 34.2 on-sales premises per 10,000 residents over the age of 18, which is higher than the Edinburgh rate of 27.5; there are 15.4 off-sales premises per 10,000 residents which is again higher than the rate for Edinburgh of 10.4

Neighbourhood Partnership	Intermediate zone	Average Density of On-Sales	Average Density of Off-Sales
Edinburgh Average		16.3	5.7
Leith	Bonnington and Pilrig	26.5	14.6
	Great Junction Street	45.9	15.0
	North Leith and Newhaven	26.6	9.8
	Lorne	31.4	19.1

15. The density of alcohol sales outlets is further demonstrated when comparing the Leith area average of 43 alcohol sales outlets per square kilometre compared with the Edinburgh average of 22. (Cresh, 2016)

Local Events

16. The table below shows the percentage of people who answered yes/no when asked if alcohol should be sold at local events.

Local Event	All Respondents		On-sales licensees	
	Yes %	No%	Yes%	No%
Events aimed at Families and Children	27%	66%	25%	50%
Events in Schools / Community Centres	30%	63%	33%	42%
Sports Events	51%	41%	42%	33%
Leith Festival and Gala	64%	31%	58%	25%
MELA (in Leith)	64%	30%	50%	33%
Arts and Music Events	83%	10%	58%	17%

17. Most respondents thought that events aimed at or in venues involving families and children should not sell alcohol. The most common reasons for this is that alcohol should not be where children are, presents a bad example, was not appropriate and doesn't add to this type of event. Respondents are more tolerant of alcohol being sold at galas, arts and music events. For those who did not wish to have alcohol at those events, children's attendance was the main reason given.

Local Perceptions

18. Issues:

48% of respondents think that alcohol contributes positively to the area. Most of the reasons given were around the social aspects, citing that Leith has many good bars and restaurants, as well as the positive impact on the local economy. However 79% said that there were negative consequences of alcohol. The biggest concern was anti-social behaviour with 62 people giving this as an example and 32 saying violence was an issue. Addiction issues and littering were also concerns.

19. The top 4 themes were identified from local respondents' comments on the main issues:

- Anti- social / abusive behaviour
- Drinking in the street / public spaces
- Littering
- Easy access to alcohol

20. The above perceptions are supported by statistical information from the Alcohol Problem Profiles (2015):

- Of the 77 fires that occurred in Edinburgh where people were suspected to be under the influence, 3 (4%) occurred in Leith, of whom none were injured or had to be rescued (data from April 2012 – Jan 2013)

- Eleven of the 84 incidents in which a drunk pedestrian was injured in a collision with a motor vehicle occurred in Leith, of which one was fatal (data from April 2012 – March 2013)
- A total of 30 road traffic accidents occurred in Edinburgh in which alcohol was involved, 4 of which were in Leith (data from April 2012 – March 2013)
- Alcohol-related crimes are slightly higher in Leith than the Edinburgh average, with 124.0 and 106.5 per 10,000 residents, respectively (data from Jan – Dec 2012)
- Great Junction Street has one of the highest rates of alcohol-related crimes in the whole city, with 293.2 per 10,000 residents

21. Solutions:

The top four themes to tackle the negative aspects of alcohol in Leith from local respondents were as follows:

- Licensing controls
- Policing / fines
- Education and awareness
- Alcohol restrictions

22. Most on-sales licensees saw the training and education of both licensees and public as the best way to tackle alcohol harm (42%). A third supported minimum pricing and a quarter suggested limiting or stopping new licences in the area.

23. Licensees saw themselves as part of the solution and most would take steps to reduce alcohol consumption, such as providing food, soft drinks and water. Two thirds would take the following steps:

- Engage with local pub watch schemes.
- Establish awareness amongst staff of local alcohol and drug agencies for advice, information and sign-posting.
- Encourage staff to regularly leave the bar area to engage with customers with a view to monitoring over-consumption.

24. 70% of on-sales licensees expressed an interest in receiving further training and health promotion posters and leaflets. They would like training on the following:

- Conflict management (83%)
- Alcohol awareness (75%)
- Drug awareness and legal highs (67%)
- Mental health and wellbeing awareness (67%)

Conclusions

25. The following conclusions have been drawn from the above:

- There is an over-provision of alcohol sales outlets in the Leith Neighbourhood Partnership area.

- Most people prefer to drink in their own or someone else's home and would buy alcohol from a large supermarket. Convenience and cost are the main reasons for this.
- Alcohol impacts on the workplace, mainly from attendance with a hangover.
- Most people would support no alcohol being allowed at events aimed at families / children as well as events held in schools and community centres.
- There is a correlation between alcohol, anti-social behaviour and local people not feeling safe in the street.
- Local people see stricter control on licensing and policing in respect to alcohol as a way of tackling alcohol's negative impact on the area.
- Both local residents and on-sales licensees would like to see more education / training and awareness-raising on alcohol issues in Leith.
- Licensees would work in partnership to reduce the negative aspects of alcohol.
- The views of off-sales licensees are required to complete the above information.

Recommendations

26. It is recommended that this report is referred to the North East Locality Improvement Board, with a request that the following is included in the North East Locality Improvement Plan:
- Make a submission to the next consultation for the Licensing Policy Statement, providing evidence that the Leith Neighbourhood Partnership area is designated an 'area of overprovision'.
 - Apply a more stringent control of licensing and policing.
 - Work in partnership with local agencies to provide awareness sessions on issues around alcohol and support for the following groups:
 - licensees
 - pub watch schemes
 - community councils and other community groups.
 - Include licensees, service partners and service users who have shown commitment to reducing alcohol harm in Leith as partners in the North East Locality Improvement structure.
 - Carry out a survey with off-sales licensees.
 - Mirror the links made with publicans and progress a similar relationship with off-sales licensees.
 - Consider introducing a no alcohol policy for events in schools and community centres.
27. It is also recommended that this report is:
- Referred to the Edinburgh Licensing Forum for information.
 - Sent to everyone who took part in the survey who provided contact details for information and thanking them for their input.

Nicholas Fraser

From: Tim Pogson [REDACTED]
Sent: 22 December 2017 13:20
To: Licensing Consultation
Cc: The Carters; Deborah Charlesworth; Philip McDowell
Subject: Consultation on Statement of Licensing Policy (Response by Southside Community Council)
Attachments: Response to Consultation on the Statement of Licensing Policy 2013 (1).odt

We appreciate the opportunity to contribute to the pre-consultation phase of the review of the licensing policy. This was discussed at the most recent meeting of the Southside Community Council, the members of which would like to ensure that the following points are captured in any future review of the policy:

- the owners and management of licensed premises must ensure that the frontages of their businesses are as well-maintained and supervised as their interiors. This is particularly important as groups of smokers gather outside the frontage of all licensed premises. These groups potentially cause nuisance to immediate residential neighbours of licensed premises through the noise of their chatter. This is a particular problem in districts such as the Southside where licensed premises generally occupy the ground floors of tenemental properties with flats immediately above.

Groups of smokers also cause potential nuisance through littering of the frontages of licensed premises with cigarette butts and also drinks glasses and bottles that get left in the frontage area. This again is a particular issue in districts such as the Southside where the doors of licensed premises tend to open directly onto the street;

- related to the good management of frontages, we find widespread flagrant violation of the Council's policies on trade waste (that trade waste bins should only be on the pavement for limited periods immediately prior to and subsequent to scheduled collection times), by licensed premises as much as any other business types. This is not challenged by Council officers and creates a visual nuisance as well as a practical nuisance in preventing clear passage along pavements;
- the disposal of glass in recycling bins is an exceptionally noisy activity. Whilst recycling is welcomed, such disposal activity should only be carried out at hours when it does not constitute a noise nuisance. Bins for residents to dispose of bottles ask people not to do this after 9pm, but restaurants and bars are free to do it later, causing significant nuisance;
- the amendment of the Council's policy on amplified music caused great concern to the members of Southside Community Council. We were assured that the new provisions, by which music had to constitute an 'audible' nuisance in order to be grounds for complaint, were only to be applied in non-residential areas; the example of the Cowgate was given during discussions on the new policy. We remain concerned that this understanding, that the new provisions are only to apply in non-residential areas, appears not to be understood and respected by publicans and City Council officers, and is not being appropriately enforced. The Southside is a densely residential area and we therefore argue that the amended provisions of this policy should not apply to licensed premises in this area;
- the licenses of those premises that use flyposting to promote themselves should be revoked and those premises should be held responsible for the removal and cleaning up following their flyposting. This should extend to the flyposting by businesses, events and similar, trading within the licensed premises.

We believe that the granting of liquor licenses should be subject to the good management of all the above factors:

- the frontages of licensed premises, including maintaining quiet, and adequate trade waste arrangements;
- responsible recycling behaviour with awareness of potential noise impacts on residents;
- responsible management of amplified music in licensed premises so as not to cause a nuisance to neighbours, especially in residential areas such as the Southside, and
- promotional activities not to include flyposting.

Additionally, Southside Community Council agree with and support the further points made by our colleagues at the Southside Association in their previously submitted response to the consultation, attached here.

Many thanks,

Tim Pogson

Chair, Southside Community Council

Nicholas Fraser

From: Michael McDougall [REDACTED]
Sent: 22 December 2017 16:25
To: Licensing Consultation
Cc: Niall Hassard; Caroline Loudon; Stephen McGowan
Subject: TLT response to Edinburgh consultation
Attachments: TLT response to Edinburgh consultation.pdf

Dear Clerk

Please see attached.

Kind regards

Michael

Michael McDougall
Solicitor - Licensing (Scotland)
for TLT LLP
D: [REDACTED]
M: +[REDACTED]

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By email – licensingconsultation@edinburgh.gov.uk

Direct tel [REDACTED] Date 22 December 2017
Direct fax [REDACTED] Email [REDACTED]

Dear Clerk

**Licensing (Scotland) Act 2005 ("the 2005 Act")
Edinburgh Licensing Board - consultation on Statement of Licensing Policy**

We write in response to the aforementioned consultation. Please note that the views expressed in this response are those of the licensing solicitors at TLT LLP only and in no way reflect the views of our clients.

Firstly, we are grateful for the opportunity to input at such an early stage in the preparation of the Edinburgh City Licensing Board's ("the Licensing Board" or "the Board") Policy Statement. This early engagement with stakeholders is to be welcomed. We hope that the Licensing Board holds oral evidence sessions to allow the Board to explore respondents' views in detail. We would be happy to participate if requested to do so.

We have not sought to respond to all points raised in the policy document in order to focus on those points most pertinent to our dealings with the Board. However, if our views on any other matter would be useful please let us know.

OCCASIONAL LICENCE APPLICATIONS

Edinburgh given its rich cultural background as capital of Scotland and home of world renowned festivals such as the Edinburgh International Festival has a particular and unique need for temporary licence permissions (<https://www.edinburghfestivalcity.com/>). Without the flexible system of occasional licences Edinburgh would sadly be unable to compete with other international cities in offering both its citizens and visitors the chance to experience many varied and exciting events in a range of buildings or areas that are normally unlicensed.

While the Board has always had a commendably pragmatic and sensible approach to the issuing of occasional licences, we have noted a change in approach since the change in the system of delegation and the lack of involvement of the Clerks. These serious concerns can be

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broken into two issues: (1) applying the relevant legal test to a contentious application; and (2) dealing with a series of occasional licences.

We would respectfully submit that, in our view, these issues arise in the main owing to the Board's scheme of delegation where applications are granted or refused by a Board member who, based on a rota, determine application for a particular date span. Fundamentally, the Board member when determining an application is exercising authority that is delegated to them by the Licensing Board, i.e. they are permitted to function in the name of the Board. Therefore, a Board member when doing so is bound by the 2005 Act in the same way that the Board itself is and the question for the Board member is whether the grounds of refusal set out at section 59 of the 2005 Act are met, and if not then the application should be granted.

We are aware of situations whereby one occasional licence in a series was granted, however, the next occasional licence was refused. The application was in identical terms and the same material was in front of the relevant Board members i.e. a representation/objection and the applicant's response. Importantly no complaints as to the premises' operation during the first occasional licence had been received yet the second occasional licence was refused. TLT respectfully submit that such a situation demonstrates a failing in the Board's administration and the discharge of their functions under the relevant law. Moreover this "disconnect" also causes the trade practical difficulties. If the first signing Board member (acting as the Board) determined that the grounds of refusal were not activated (and granted the application) then the Board as a matter of law and fact approved the application. Unless there is a material change in circumstances the Board must continue to grant the applications. A Board member signing a second application is bound by the first member's decision as that person was in fact the Board. The Board, as a quasi-judicial body, cannot be of two minds when there has been no intervening act.

From a practical perspective the aforementioned approach creates uncertainty that will hamper Edinburgh's position as market leader in entertainment and culture. A temporary event will require investment (this can be significant) whether it be in street furniture or staff. Commercially, monies are often paid and allocated once the first application is granted but if there is no guarantee that the subsequent application will be granted (once initially approved by the Board and subject to no change in circumstances) then applicants will not be able to budget and commit funds to such events. The vibrancy and cultural life of Edinburgh will be greatly impaired by this.

Finally, we are aware of some Boards in Scotland who have sought to impose a cap on the amount of occasional licences they will grant as part of a series. This has, in our experience, proved unworkable and we suggest the principle remains that applications are determined on its own merits. If the Board are concerned with consecutive occasional applications there is nothing prohibiting them from citing the applicant to attend a board hearing and explain the situation. An arbitrary cap should be avoided in the policy.

EXTENDED HOURS APPLICATIONS

The 2005 Act provides a system to extend a premises' licensed hours. In order for an application to be made it must be demonstrated that there is either (i) a special event is to be catered for on the premises; or it is in respect of (ii) an event of local or national significance. Should the Board be satisfied that either branch of the test is met then it should consider the application with reference to any objection (e.g. from the chief constable or a report from licensing standards).

We are concerned that it seems to be becoming a stock Police Scotland response to be objecting to such applications on the basis of demands on Police resources. Often bland reference is made, in general terms, to claim "alcohol fuelled violence and disorder is an issue during the





night time economy". This is entirely irrelevant in the context of an extended hours application. What is being assessed is the premises' application for extended hours and the only relevant material for Police or licensing standards is that which flows from the premises' operation – there must be a nexus i.e. noise complaints relating to premises or anti-social behaviour taking place on the premises. Meta issues relating to police resourcing are not relevant when considering this type of application. There must be a link between the applicant premises and the issue disclosed in objections or reports. If parliament had intended police resources or wider social matters to be relevant then an alternative system would have been created.

Applications for extended hours beyond 3am across the city will usually attract a blanket, non-premises-specific objection from Police Scotland. This year we have seen many more refusals of applications. Premises where specific events have been run "successfully" for many years now face applications being refused without real recourse and with the refusal being intimated very late in the day- often after considerable money has been spent in organising the event. We would ask the Board to avoid the City falling into what is essentially a curfew trap.

OVERPROVISION

It is difficult to assess the success of the Board's overprovision policy given that one of its main purposes is to deter an applicant from making an application. Therefore, without extensive research it is difficult to say that such a policy has been successful. However, we can say that from TLT's point of view is, we routinely advise clients about whether a proposed site falls into an area of overprovision and if it does we assess prospects of success at less than 50/50. On that basis a great many applicants do not proceed with the application. Therefore, it is our submission that on one view the Board's overprovision policy is successful.

Notwithstanding the presumption against grant facing an application in an area designated as "overprovision" we do note that, on occasion, the Board will grant such an application. Given that no Statement of Reasons would be sought it is difficult to say why the Board granted the application other than it satisfied itself that the application did not compromise the licensing objectives. We are of the view that a new licensed premises can, in certain situations, be of real positive benefit to the local area. Whether that be through that inward investment or regeneration. For example, new licensed premises can create jobs and result in buildings being refurbished etc. This inward investment is especially pertinent given that many suggested areas of overprovision are often places that lack economic development and have high levels of unemployment and other social issues. It is important to note that many different types of licensed premises ranging from bars and hotels to supermarkets and restaurants will not open without a premises licence authorising the sale of alcohol. Without the introduction of jobs and investment that a licensed premises will bring the area of deprivation remains disadvantaged.

The Board must appreciate that prior to lodging an application for a licence a prospective applicant must negotiate a commercial deal with the current owner of the site or building, this will often be suspensively conditional on planning and licensing. They must obtain planning permission, which is not straightforward. Combined this process can realistically cost many tens of thousands of pounds. This is all before a licence application has been lodged. Overprovision is a significant disincentive and discourages applications. By determining areas are overprovided for the Board may never get to hear an application that it may look favourably upon. It is important for the board to appreciate that licensing can materially affect the viability of a project and thus the proliferation of overprovision risks good applications never being considered. Accordingly, if overprovision is extended, we suggest that serious consideration is given to the Board expressly setting out what factors it will take into account favourably when asked to set aside the presumption against grant. Post implementation of the Air Weapons and Licensing (Scotland) Act 2015 the Board now has express power to consider all matters it deems relevant. This should, in our view, also include the "positives".





We note that a great many boards utilise an evidence led approach in relation to overprovision (similar to the approach taken by this Board for areas of serious, special concern). This is to be welcomed as it allows applicants to research a local area and identify the factors that led the Board to designate it as one of overprovision. It is, however, important to recognise the limitations of overprovision and in particular the statistics typically available to a licensing board. The use of Intermediate Data Zones ("IDZ") means that data is being applied to abstract geographical areas that do not conform to any particular local features and will not reflect how the residents interact with the local licensed premises, i.e. an IDZ does not equate with an area that has some sense of identity of a community. This can lead to peculiar results, e.g. an area with high levels of alcohol health harm but is not determined to be an area of overprovision as there is a lack of licensed premises and may make it difficult to determine the existence of a causal link. Furthermore, overprovision does not take into account the increasing trend of online shopping where customers can have alcohol delivered to their door via an order placed on a smartphone app. This alcohol could be dispatched from anywhere in Edinburgh (or indeed the UK).

As noted above it is vital that applicants and their professional advisors are able to give advice on whether a potential site is in an area of overprovision. Accordingly, we request that legible maps of the aforementioned areas are provided.

FUTURE OVERPROVISION POLICY

In our submission notwithstanding the recent legislative amendments, the Board should neither consider the City as a whole as a potential area of overprovision nor should it take into account licensed hours when considering whether there is an overprovision of licensed premises. To consider the City as a whole for an overprovision would have a disregard for the complexity of Edinburgh's geography (and the wide spread of hospitality premises from Stockbridge to Morningside) and would act as a sign to potential investors of all shapes and sizes that Edinburgh, as a city, is closed for business - to all types of businesses from retail to hospitality. Our extensive experience across Scotland tells us that a finding of overprovision sends a message that the City is closed for business.

In relation to the use of licensed hours as a comparator we are of the view that this would be unsatisfactory given that a great many premises will not regularly utilise the full extent of their licensed hours. Given that a duty to trade does not exist, a great many licence holders legitimately seek the maximum licensed hours allowed by the policy to allow them the flexibility to trade longer for special events etc. Furthermore, given the cost and delay of applying a major variation then it is sensible that licence holders obtain the widest possible permission.

When determining the overprovision policy we suggest that it is important to have regard to the wider context of local areas. For example, the city centre is unique in that it is the heart of Edinburgh's night time and hospitality economy. Given the unique way in which it is policed and managed as well as the relatively low permanent residential population we suggest that it is set apart. Furthermore, it is important that the Board bear in mind that any statistics relative to the city centre will be distorted given the number of persons who travel to it on a daily basis for work, pleasure and retail. Therefore, it cannot be compared like to like with other areas of the City.

AREAS OF SERIOUS, SPECIAL CONCERN

It is also noted that in its last policy the Board designated a number of areas as areas of serious, special concern. We understand that this is an indication that while overprovision is not established; the Board will closely examine any relevant applications, i.e. a half-way house between presumption against grant and the normal grounds of refusal. While the Board is to be praised for taking a transparent approach, we respectfully suggest that there is a growing concern that this may in practice result in applicant needing to overturn a presumption against





grant. TLT would respectfully suggest that the Board underlines the different tests and areas of serious, special concern do not become *de facto* areas of overprovision.

LICENSED HOURS

Edinburgh, as a vibrant capital city, is not just competing for leisure tourism with Glasgow or Manchester but with the major European capitals and beyond. With its rich cultural tapestry Edinburgh should seek to remain flexible and forward thinking regarding licensed hours, provided applicants can demonstrate compliance with the licensing objectives.

TLT are of the view that in terms of licensed hours Edinburgh leads the way in having hours that balance the needs of a Capital city from a hospitality and leisure viewpoint with need to protect residential amenity. Our national/International clients often report to us that the broad licensed hours permitted for premises are a factor in them deciding to invest in Edinburgh as opposed to, for example, Glasgow.

We do note that in recent months applicants have been asked to justify why they are applying for policy hours. It is our view that unless there are objections or adverse reports then applicants should not be expected to justify that they can operate policy hours in accordance with the licensing objectives.

CHILDREN AND YOUNG PERSONS ACCESS

Children and young persons access is often raised by our clients as an issue when preparing to trade in Edinburgh or indeed elsewhere in Scotland. There is a feeling that Scottish licensing boards have been slow to recognise the change in the character of many licensed premises. In order to keep up with the demands of the market a great many pub and bars now provide a substantial food offer along with a casual and relaxed dining experience. This has led these premises to become attractive to families both in terms of local residents and also visitors to Edinburgh. The feedback we receive from operators is that many families are confused and disappointed when they are told that they will need to vacate the premises by 9 or 10pm owing to the presence of children.

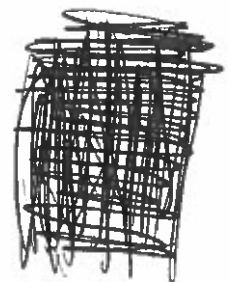
TLT would respectfully submit that provided that the Board satisfies itself that the environment and mode of operation of a licensed premises is suitable for children and young persons then they should not seek to impose an unduly restrictive terminal hour for children and young persons aimed towards the lowest common denominator. This penalises good operators who run responsible well managed licensed premises and offer a valuable service to its customers.

Restrictive children and young persons access is often brought into sharp focus when compared to the arrangements abroad and tourists in particular can be offended and fail to understand being refused family entry.

In addition to the above we support the contention that there should be a different policy for young persons. Given that young persons may have left school, married, drive, vote and joined the armed forces it seems proportionate that they are permitted in suitable licensed premises beyond the hour which would see children need to leave especially in relation to the family friendly premises referred to above.

ADMINISTRATIVE PROCESSES

The Board and its officers are to be praised for leading the way with making itself accessible to both agents and the general public. We have found feedback sessions very useful in terms of our being able to air any concerns but also understand the Board's position on matters, TLT enjoy an excellent working relationship with the Edinburgh Board's staff and commend them for the flexible and pragmatic way in which they deal with applications.





However, we do have a concern, albeit that may be down to the processing times of partner agencies, with the notice which is given to agents of adverse reports in relation to temporary applications and also of hearings. Given the need to seek instructions and also gather detailed information to rebut any concerns expressed within the papers. We would ask the Board to consider what can be done to smooth this processing of reports.

We understand why the Board will not grant "batches" of occasional licences and will issue grants on a period basis, however the timing of receiving granted applications does create significant issues. An example: applications for the Festival period were submitted in early April 2017 but granted applications were not received until the morning of the first trading day. This is not an unusual situation. Often we are left chasing paperwork right up until the last hour before an application is due to start. This creates significant difficulty and uncertainty for clients.

We wonder whether use of the Royal Mail to issue Board paperwork is effective and efficient. Again, on many occasions, paperwork sent by Royal Mail has arrived after the effective date of the occasional licence or extended hour application. Email is a much more efficient use of time and whilst we appreciate that not every applicant will be able to rely on email, it should be used as first point of response/issue.

We commend the Board on the retention and use of last lodging dates. Despite any pressures that may be placed on the Board we are of the view that such dates are essential to the licensing process in Edinburgh. This certainty as to when an application will be considered is a key selling point for Edinburgh and makes the city highly attractive to national and International operators. Being able to specify licensing closing dates in commercial transactions is extremely helpful with a view to setting timescales in commercial deals.

AMPLIFIED MUSIC

TLT welcomed the Board's updated policy on amplified music in licensed premises. This marked a positive change and offered comfort to musicians/ music venues and clearer guidance to LSOs and local residents. For the licensing objectives to be engaged there must, as a matter of law, be a nuisance created.

EXTERNAL DRINKING AREAS

External drinking areas are vital to adding vibrancy to city centre life and key to creating a café culture that appeals to both residents and visitors. Whilst we appreciate that the licensing objective of public nuisance must be considered when determining applications for such areas and in particular the appropriate terminal hour, TLT ask that the Board carefully assess the likelihood of that objective being prejudiced. In doing so, it is our submission that the Board should avoid applying one rule to all such areas but instead attach a bespoke hour depending on factors such as the proximity of residential properties, soundproofing etc. We would suggest that there are external areas within Edinburgh that could trade past 11pm without compromising the licensing objectives.





We trust that our input here is of some assistance to the Licensing Board and as noted at the outset we would happy to appear at an oral evidence session.

Yours sincerely

TLT LLP

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11/11/11

Nicholas Fraser

From: Sherval, Jim [redacted]
Sent: 22 December 2017 17:14
To: Licensing Consultation
Cc: Elizabeth Oldcorn; Dianne.Bruce [redacted]; David Williams
Subject: NHS Lothian Consultation response
Attachments: NHS Lothian Consultation response Edinburgh December 2017.pdf

Hi
Please find attached the NHS Lothian response to the Licensing Board's consultation request.
Obviously, we would be very happy to present or discuss anything in the submission further with the Board.
I'm back in the office on the 3rd January in case you have any queries.
Merry Christmas and happy reading
Best wishes
Jim

Mr Jim Sherval | Consultant in Public Health | NHS Lothian | Email: [redacted] | Mob: [redacted]
[redacted] | For urgent queries please contact Lothian Public Health Department on [redacted]

Our Values Into Action

Quality | Dignity and Respect | Care and Compassion | Openness, Honesty and Responsibility | Teamwork

For more information visit: <http://www.nhslothian.scot.nhs.uk/values>

This email has been sent across an internal secure connection
from the NHS Lothian Network.

Response to Edinburgh Licensing Board initial consultation

Introduction

NHS Lothian is grateful for the opportunity to respond to this initial consultation on the Edinburgh Licensing Policy.

While Health Boards have always been able to comment on licensing issues they have only relatively recently been statutory consultees to the licensing process. This has led to increased participation in the licensing process particularly via the public health department, in such things as commenting on individual license applications and participation in the licensing forum. It has been a journey characterised by a great deal of learning.

NHS Lothian has a duty to protect and promote the health of residents and visitors to Lothian, and to support the effective implementation of the alcohol licensing principles. NHS Lothian Public Health Directorate works to principles of health protection, health promotion and prevention of harm, as well as addressing existing harm and associated risk factors. The improvement of health and reduction of health inequalities through tackling the social determinants is key to the public health approach to reducing alcohol-related harm.

NHS Lothian is required to be notified of all license applications and is a statutory consultee on licensing policy, and must provide statistical or other information reasonably required by Licensing Boards¹. Therefore the involvement of NHS Lothian in alcohol licensing is threefold, a. considering license applications and variations in respect to the licensing objectives, b. supporting the development and implementation of effective alcohol licensing policy across Lothian, c. providing health-related statistics and other information requested. By implication this involves working with local Licensing Forums, Alcohol and Drug Partnerships and other partners on matters relevant to the licensing principles.

The five licensing principles or objectives in Scotland are:

1. preventing crime and disorder
2. securing public safety
3. preventing public nuisance
4. protecting children from harm
5. protecting and improving public health

Evidence and advice from the World Health Organisation and others strongly indicate that the main contributors to levels of alcohol consumption on a population level are availability, affordability and

¹ <http://www.legislation.gov.uk/asp/2005/16/contents>

acceptability (e.g. advertising and marketing, culture and norms)². Effective interventions include drink-driving legislation and measures to control price and availability (including outlet density and hours), the latter of which can be influenced by local licensing policy.

The Licensing Board and its Statement of Licensing Policy is the main vehicle for setting local expectations for availability and the Health Board is very keen to assist the Licensing Board in promoting the licensing objectives.

Alcohol related health harm

Within certain parameters alcohol based products are legal to sell and consume. It is sometimes said that it is our psychoactive drug of choice, but by having a licensing regime we recognise as a society that it is a strong psychoactive drug with the potential for physical and psychological addiction, and a cause or contributory factor to many health and social harms. While we now leave a good deal to the operation of the market we recognise that markets fail to achieve all the desired outcomes we seek.

Alcohol is a risk factor in the development of a number of illnesses, accidents and conditions. In the developed world it is one of the major risk factors contributing to ill health. Put another way, alcohol causes a range of acute and chronic conditions. This is why Scotland has a separate Alcohol strategy for prevention and treatment, along with strategies for other key risk factors such as smoking and obesity.

For certain conditions, such as alcoholic liver disease or fetal alcohol syndrome, alcohol is the sole reason for the occurrence of the disease. For other conditions, alcohol use has caused a proportion of the cases to occur such as a number of cancers (cancers of the mouth, the oesophagus, colon and breast), cardiovascular diseases (coronary heart disease, stroke) gastrointestinal conditions, and injuries (traffic accidents, assaults, self harm). NHS Scotland produced a report in 2009 estimating the proportion of cases attributable to alcohol in Scotland.³

In Edinburgh and the Lothians, the Scottish Health Survey found 30% of adults self-reported drinking more than the weekly guidelines, a significantly higher proportion than across Scotland as a whole.⁴

Recent research in Scotland⁵ and England⁶ shows the relationship between outlet density and rates of alcohol-related harms including deaths and hospital admissions. We expand on this more in the overprovision section below.

² http://www.euro.who.int/data/assets/pdf_file/0020/74702/E82969.pdf

³ http://www.scotpho.org.uk/downloads/scotphoreports/scotpho090630_alcoholfractions_rep.pdf

⁴ <http://www.gov.scot/Publications/2016/09/2408/0>

⁵ <http://www.alcohol-focus-scotland.org.uk/media/65042/Alcohol-outlet-density-and-harm-report.pdf>

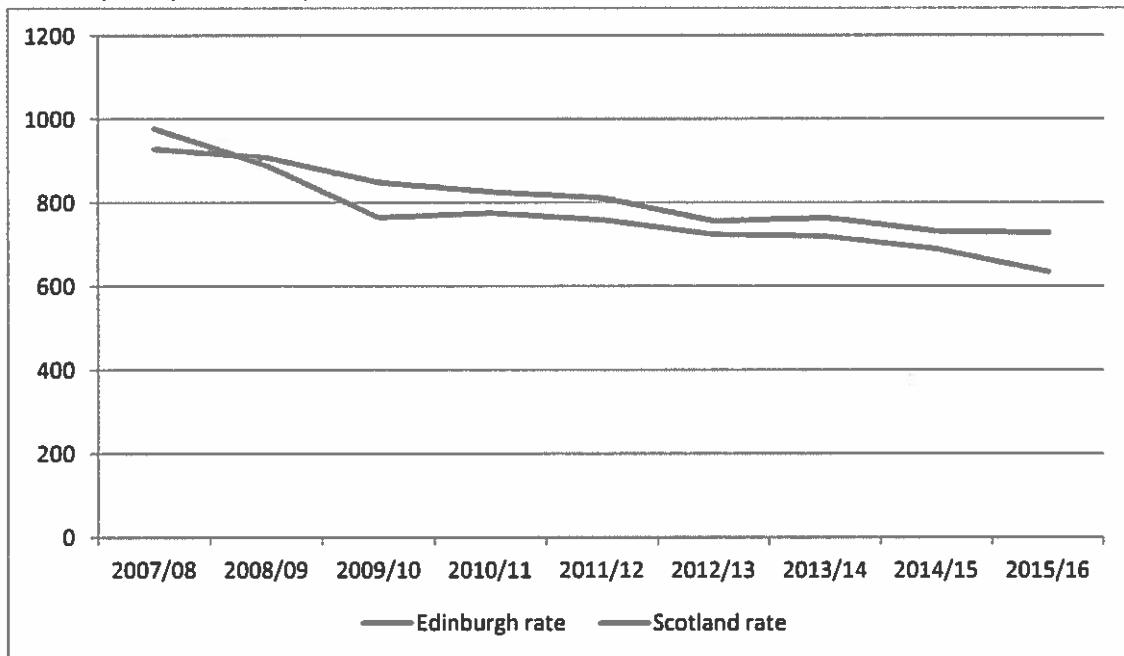
⁶ <http://jech.bmj.com/content/early/2015/10/05/jech-2015-206040>

Hospital admissions

The NHS codes every hospital stay for the presenting diagnoses. The following analysis is based on stays in hospitals for conditions wholly caused by alcohol. This is a subset of all conditions related to alcohol. Therefore it can suggest trends but does not cover the full burden of alcohol related conditions on the health service.

The good news is that hospital stays are on a downward trend. The chart below shows this to be the case for both Edinburgh residents and Scotland as a whole. A sharp reduction in the first three years was followed by a shallower trend. Having been above the Scottish rate Edinburgh is now somewhat below.

Chart: Age and sex standardised rate of hospital stays per 100,000 population, Edinburgh and Scotland, 2007/08 to 2015/16



Source: ISD

Turning attention to the latest year's statistics, the table below shows that 1,565 Edinburgh residents had at least one stay in hospital related to alcohol in 2016/17. Of these stays, 91% were emergency admissions rather than planned procedures, putting significant pressure on the hospital system. Edinburgh residents have the same rate as the wider Lothian population for hospital stays. As mentioned above, this is below the Scottish rate and is also below the rate of the other three major cities in Scotland.

Table: Hospital stays for all alcohol conditions, standardised rates per 10,000 EASR population and numbers, financial year 2016/17

	Stays (EASR)	Patients (EASR)	Stays (Number)	Patients (Number)
Scotland	68.5	45.5	36,235	24,060
NHS Lothian	54.3	34.9	4,511	2,905
Aberdeen City	70.5	48.1	1,519	1,039
Dundee City	65.8	44.9	870	600
Edinburgh City	54.9	34.1	2,512	1,565
Glasgow City	133.9	84.8	7,306	4,611

Note: EASR is European Age and Sex Standardised Rate population

The wrong conclusion to draw from this table is that Edinburgh residents don't experience harm from alcohol use and that we should be complacent about the situation. The benefits to individual health and the health of the NHS if we were able to cut the Edinburgh rate by, say, half would be considerable and very worthwhile. To say that 'things aren't so bad here' does not seem to be an ethically sound standpoint as far as health professionals are concerned. While we welcome the downward trend in admissions we wish to see this maintained and indeed for the reduction to steepen again.

Trauma (Accident and Emergency)

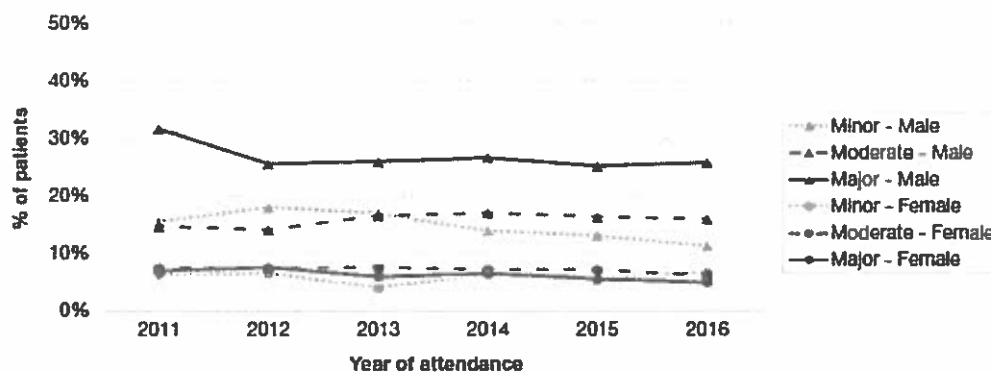
Alcohol has been found to be a consistent factor in the admission of trauma patients who require to spend 3 or more days in hospital or who die as a result of their injury. The Scottish Trauma Audit Group (STAG) publishes information on trauma admissions where there was evidence that alcohol was implicated.⁷ Between 2011 and 2015 that alcohol was involved in around 1 in 5 of minor trauma patients, and around 1 in 3 of major trauma patients who met the STAG entry criteria. Alcohol was either ingested by the trauma patient or another person involved in the trauma incident. Between 2011 and 2015, alcohol was more than twice as likely to be a factor in male trauma patients compared to female patients (15% vs. 6% respectively).

Figure 2.7 below is taken from the latest STAG report and shows the consistent relationship between alcohol and a large percentage of trauma cases seen in A&E Trauma departments such as Edinburgh Royal Infirmary.⁸

⁷ <http://www.stag.scot.nhs.uk/>

⁸ <http://www.stag.scot.nhs.uk/docs/2017/Scottish-Trauma-Audit-Group-Annual-Report-2017.pdf>

Figure 2.7 Percentage of male and female patients where there was evidence of involvement of alcohol, by severity of trauma (2011-2016)



Note: Data are collected on whether alcohol played a role in trauma injuries. It is recorded if evidence existed that either the trauma patient or another contributor to the trauma had ingested alcohol.

Assaults

NHS Lothian operates an Emergency Department Assault Injury Surveillance system. This system is developing but it shows that there were 2638 incidents at A&E due to being assaulted by an object. In 73% of cases there was record of what the person was attacked with. The table below shows that, where the information has been recorded, the majority are by a 'body part' (e.g. a fist). At least 5% of the incidents involved a bottle or glass.

Table: Patients attending NHS Lothian ED as a result of being assaulted, 2016, by selected weapon attacked with

Blunt object	Body part	Bottle	Glass	Knife	Other	Unknown	Missing	Total
97	1461	84	63	79	150	147	557	2638
4%	55%	3%	2%	3%	6%	6%	21%	100%

Source: NHS Lothian

These incidents are very heavily weighted to the weekend and attendances at A&E peak in the early hours of the morning, between 1 and 3am. This pattern is highly suggestive of a link with alcohol consumption.

The system is in development and further information will be published in 2018.

RECOMMENDATION: The Licensing Board should consider encouraging further use of laminate glasses and other strategies to reduce the number of assaults where a bottle or a glass was used as a weapon.

Overprovision

The duty to assess overprovision is in s.7 of the Licensing (Scotland) Act 2005, as amended. In considering whether there is overprovision in any locality the Board must consult with the relevant Health Board.

The overprovision policy is an opportunity for a licensing board to take stock of the overall impact of licensed premises. Without casting blame on any licensed premises or group of premises, the board can look at the *collective effect* of licensed premises in their area and see if there are parts of it, or all of it that are experiencing alcohol related problems that necessitate a declaration of overprovision

The advantage of a robust overprovision policy is that it gives applicants a clear steer on where the board thinks that there are issues that need addressed. It does not in itself restrict innovation or a change in commercial offers. Applicants have the right to make their case and persuade the board that their offer will not lead to overprovision in an area so labelled.

Experience of case law emerging around the 2005 Act suggests that linking health data in an area to the operation of a single premises is in general very difficult. Hence the opportunity to consider the collective operation of licensed premises in an area is critical to promoting all five of the licensing objectives.

Availability of alcohol outlets

Why as a Health Board are we interested in overprovision? A robustly produced overprovision policy offers the Licensing Board a basis to turn down further licenses and to a certain extent restrain the availability of alcohol, either in general or in certain types of premises, depending on the particular context and the merits of the application. No one else can do this. In fact, the Health Board's only interest is in preventing alcohol related harm and this appears to be one way that it can be potentially tackled, as one part of an overall strategy.

The most influential rationale for this interest in availability has been imaginatively named "Availability Theory". This puts forward the idea that "...alcohol consumption and related problems increase when alcohol becomes more accessible and convenient to use. By restricting hours, days and locations of sale, as well as the density or concentration of on-premises and retail drinking establishments, policymakers can reduce overall exposure to alcohol's intoxicating and toxic effects, and thereby reduce alcohol-related problems." (Babor et al 2010, P.249)

Since the 2005 act came into force there has been considerably more academic work undertaken in the area of availability and its influence or otherwise on consumption and harm. In broad terms there is something of an academic consensus that there is a positive relationship between density of outlets and problems from alcohol consumption. There is a large body of evidence on which to base this general observation (138 studies to January 2014 – Holmes et al 2014). In the first study of its kind in Scotland the CRESH team at Edinburgh and Glasgow Universities gathered licensing data from all 32 licensing Boards and found a strong association with health harm. They found that

significantly more alcohol related hospital admissions and deaths occurred in areas with greater outlet availability and off-sales outlets were more important for health than on-sales outlets (Richardson et al 2015).

However, behind this general point there are limitations with the literature which makes guiding policy makers more difficult than anyone would like. There are many reasons for this and Holmes et al (2014) set these out very nicely. Among the limitations are that:

- Most of these studies are in the US and Australia
- There is a narrow focus on acute harms
- The licensing regimes studied are quite diverse
- Types of license are not disaggregated
- Studies often do not recognise the spatial range of individual's lives - availability is experienced by individuals not populations
- Online availability has not been considered in studies

Holmes et al (2014) summarise that

"...the empirical evidence base demonstrates the impact of outlet density across large areas but offers less evidence on alternative or more localised forms of spatial availability...". One of their conclusions is a call for more innovation in research studies including better differentiation of outlet types and ways of following how people live their lives rather than simply where they live.

The reason for going into a little bit of detail about the literature is to acknowledge that there are these limitations. We would be remiss if we didn't bring them to the Licensing Board's attention.

Pragmatically, where does this leave the Licensing Board? Firstly, there are other sources of information to bring to bear on a judgement of overprovision other than the academic literature. It is a helpful guide but not the final arbiter. Secondly, it points up that our local licensing data was not made available in a form sufficient to make a more nuanced analysis (e.g. there was no distinction made other than between on and off sales).

RECOMMENDATION: The Licensing board should ask for the premises database to take account of types of licensed premises for the purposes of more nuanced analysis

Another message to draw from this literature is that off sales and chronic harm have been under studied and with changes in the market for alcohol over the years should be a key area of attention. In 2015, 74% of alcohol sold in Scotland was sold in off-sales outlets.

RECOMMENDATION: the overprovision policy should look closely at off sales in the city in particular.

RECOMMENDATION: The overprovision policy should take into account that people buy their alcohol from a variety of off sales outlets, not necessarily in the immediate area that they live, and that chronic health harm may not be closely related to the density of the immediate vicinity. Wider areas than intermediate zones could be considered by the Licensing Board as part of further analysis on overprovision.

RECOMMENDATION: The Licensing Board should consider involving local academic experts such as CRESH to help develop a more nuanced approach to overprovision

EADP analysis

We are grateful for the recent analysis of the Licensing data by the City of Edinburgh Data Services team who have done a very good job in a short time. The full table that they have produced is at appendix 1.

This analysis identifies a number of intermediate zones that are of concern because they are much higher than the city average for both health and crime statistics.

Bingham, Magdalene and The Christians
Clovenstone and Wester Hailes
Dalry and Fountainbridge
Easter Road and Hawkhill Avenue
Gracemount, Southhouse and Burdiehouse
Granton South and Wardieburn
Great Junction Street
Hyvots and Gilmerton
Leith (Albert Street)
Moredun and Craigour
Muirhouse
Murrayburn and Wester Hailes North
Niddrie
North Leith and Newhaven
Restalrig (Loganlea) and Craigentenny West
Restalrig and Lochend
South Leith
The Calders
The Shore and Constitution Street
Tollcross
West Pilton

RECOMMENDATION: To the list of 23 intermediate zones with highest health and crime issues, we would recommend consideration of the following areas that are also more than 20% above the City rate for hospital stays.

Bonnington
Broomhouse and Bankhead
Canongate, Southside and Dumbiedykes
Colinton Mains and Firrhill
Cramond
Fernieside and Moredun South
Gorgie East
Granton and Royston Mains
Leith (Hermitage and Prospect Bank)

Liberton West and Braid Hills
Oxgangs
Pilrig
Portobello
The Inch
Trinity

The rationale for this is that we should aspire to make a significant impact into the Edinburgh rate and while it is lower than the national rate it could be lower still and the health benefits for a considerable reduction on individual health and the health of the NHS are considerable.

Children

One of the five licensing objectives is to protect children from harm. There is a debate about how we socialise our children into being happy and successful adults and where alcohol fits into this. Recent evidence suggests that early exposure should be discouraged. Much of this work will be for the education of parents and social attitudes rather than the Licensing Board.

We welcome the Licensing Board's continued scrutiny of applications that seek to extend children's access to licensed premises and the site visits that Board members undertake. The on sales market has been changing over the last ten years and the local nature of the board's focus can take this into account. We welcome the move to premises where alcohol is ancillary to (quality) food-based offerings. Much used to be made of a European or Mediterranean culture which the simple deregulation of hours unsurprisingly failed to bring about.

Underage sales – we welcome the licensed trade's focus on this issue and would welcome more work by it on agent purchase.

It is our understanding that shoplifting can be an issue in certain stores, and not just involving young people. We would respectfully suggest that stores that experience the shoplifting of alcohol look to rearrange their layout so as to minimise the chances of this.

RECOMMENDATION: that the Licensing Board to reassure itself that the trade is actively protecting premises against the theft of alcohol.

Operation of the Board

As an attendee at the Licensing board we have observed that the process of presentation is made substantially easier by fair and receptive convening and we welcome the general atmosphere within which the meetings are conducted.

We are concerned that applicants are putting very brief applications in and that there is little prior description of how the premises will actually operate and it would be helpful if the board could

encourage fuller descriptions. This might avoid unnecessary representations and objections ourselves and other parties.

RECOMMENDATION: That the licensing Board ask future applicants for applications to be more descriptive of their 'offer'.

It would be helpful if a database of all licenses in operation were made available on the Council website (e.g. in Excel).

RECOMMENDATION: That the Licensing Board publish, and regularly keep up to date, a database of licenses currently in force in the area in a format that all stakeholders can access and use in the licensing process.

**Jim Sherval FFPH
Consultant in Public Health
On Behalf of NHS Lothian**

Nicholas Fraser

From: WRIGHT Alex <[redacted]>
Sent: 25 December 2017 19:56
To: Licensing Consultation
Subject: Consultation on current Statement of Licensing Policy
Attachments: Licensing Board Consultation_December 2017_v2.pdf; Edinburgh University charitable status

Dear Edinburgh Licensing Board,

I am pleased to submit the attached letter on behalf of the Muirhouse/Salvesen Community Council as our response to your consultation on the terms of the current Statement of Licensing Policy.

Kind regards,

Alex Wright
on behalf of Muirhouse/Salvesen Community Council

22 December 2017

Edinburgh Licensing Board
City of Edinburgh Council
249 High Street
Edinburgh
EH1 1YJ

RE: Consultation on 2013 Edinburgh Licensing Policy Statement

Dear Edinburgh Licensing Board,

Please accept this response to your call for consultations regarding the 2013 Edinburgh Statement of Licensing Policy. We are pleased to respond to this call as Muirhouse/Salvesen Community Council.

We have read the current Statement of Licensing Policy in the context of what is currently known about levels of alcohol-related harm in Edinburgh. We observe that Edinburgh has the highest alcohol outlet availability in Scotland, nearly three times higher than the national averageⁱ. We also note that, in Edinburgh, alcohol was involved in over 2500 hospital stays and 76 deaths in 2016, and 96 child protection cases in 2015ⁱⁱ. We are aware that the total cost of alcohol-related harm (including health service, social care, crime and productive capacity) to Edinburgh City is £221.28m annuallyⁱⁱⁱ.

As a Community Council and as residents of Edinburgh, we are supportive of efforts which seek to reduce the harms experienced from, and costs associated with, alcohol misuse. Our Community Council area is ranked within the lowest decile of the Scottish Index of Multiple Deprivation^{iv}, meaning that the people in our area often experience poorer health, higher rates of crime, and more housing problems than other less-deprived areas. Therefore, our area is more vulnerable to alcohol-related harm and associated health inequalities.

Although our area is not considered to have a high density of on-sales premises, we recognise the mobility of people across the city, and that our communities do not exist in isolation. Alcohol-related harms can readily travel to our area – people can source their alcohol in the city centre and return home to Muirhouse/Salvesen. Additionally, we wish to contribute positively to the health of the city overall – this response to your consultation is meant to add our voice to the broader assessment of how licensing can improve the health and wellbeing of our city and communities.

We wish to speak specifically to the issue of overprovision. Existing evidence shows that an important approach to reducing alcohol-related harm is to reduce the availability of alcohol^v. In Scotland's local areas, increases in the number of alcohol outlets is associated with a higher alcohol-related death rate^{vi}. We are also sympathetic to the need for Licensing Boards to be equipped to justify their decisions within the existing legal system. We note the comment by Andrew Fraser, Former Clerk West Dunbartonshire Licensing Board, in his guidance^{vii} on

preparing an evidence-based overprovision statement. He states, "decisions based on robust evidence-led policies are likely to withstand subsequent court challenge...this is particularly the case for overprovision" (p.3).

We note that the area of the Grassmarket and Cowgate are currently considered as 'overprovided'. An additional seven areas of the city were recommended for this status by the Edinburgh Licensing Forum and the Edinburgh Alcohol and Drug Partnership^{viii}, however at the time of writing the 2013 Licensing Statement, these were considered only 'areas of special concern'. However, we note that the designation of 'areas of special concern' has no legislative basis and cannot be used as a reason for refusing to grant a new premises license, and that existing research suggests this term has had little meaning in practice^{ix}.

As a result of the above, we suggest that the overprovision statement of the current 2013 Statement of Licensing Policy is insufficient for addressing overprovision and resulting alcohol-related harms in Edinburgh. We urge that:

- *The use of the categorisation 'areas of special concern' be removed;*
- *The previously designated areas of special concern be re-classified as overprovided; and*
- *Additional areas designated as 'overprovided' be substantially expanded in the review of the Statement of Licensing Policy.*

Thank you again for the opportunity to comment on the current 2013 Licensing Policy Statement. We look forward to reading and commenting further on the future draft of the new Statement.

Sincerely,

Muirhouse/Salvesen Community Council

ⁱ Alcohol Focus Scotland (2017) Alcohol harm in Edinburgh. Available from: <http://www.alcohol-focus-scotland.org.uk/media/218223/Alcohol-harm-Edinburgh.pdf>

ⁱⁱ Ibid.

ⁱⁱⁱ Alcohol Focus Scotland (2017) Alcohol harm in Edinburgh. Available from: <http://www.alcohol-focus-scotland.org.uk/media/218223/Alcohol-harm-Edinburgh.pdf>

^{iv} The Scottish Index of Multiple Deprivation 2016. Available from: <http://www.gov.scot/Topics/Statistics/SIMD>

^v Richardson, E., Shortt, N., Pearce, J., Mitchell, R. (2014). Alcohol-related illness and death in Scottish neighbourhoods: is there a relationship with the number of alcohol outlets? Report for Alcohol Focus Scotland.

Available at: <http://www.alcohol-focus-scotland.org.uk/media/65042/Alcohol-outlet-density-and-harm-report.pdf>

^{vi} Ibid.

^{vii} Fraser, A. (n.d.) Preparing and Evidence-Based Overprovision Policy: Step-by-step Guide.

^{viii} Alcohol Focus Scotland (2014). Review of statements of licensing policy, 2013-2016. Available from: <http://www.alcohol-focus-scotland.org.uk/media/85184/Review-of-statements-of-licensing-policy-FINAL.pdf>

^{ix} Ibid.

Nicholas Fraser

From: Nicholas Fraser
Sent: 27 December 2017 09:51
To: Licensing Consultation
Subject: FW: Notice of Applications

From: Nicholas Fraser
Sent: 27 December 2017 09:51
To: 'Susan [REDACTED]'; [REDACTED]
Subject: FW: Notice of Applications

Hello Susan,

Your email has been passed to me to provide a reply. I'm assuming from the content of your email below that you hope to be able to submit a response to the Licensing Board's consultation on the terms of its Statement of Licensing Policy (as detailed in the link attached to the Licensing Officer's email). Notification of the consultation process was sent out to community councils by email at the end of October. I would emphasise however that this is only the first stage of the consultation process: there will still be the opportunity to contribute at a later stage, if your community council wishes to do so. If you want to make a more detailed submission at this stage, that option is still available to you. It is intended that all of the initial responses will be collated and reported to the Board for consideration at the end of January.

Your response below will be included in any event. I would confirm though, that membership of the Licensing Forum is appointed by the City of Edinburgh Council rather than the Licensing Board and the Board has no control nor involvement in the Forum appointment process..

Hope this assists – but if there's anything further please don't hesitate to let me know.

Regards,

Nick

Nick Fraser | Depute Clerk of the Licensing Board | Legal and Risk | The City of Edinburgh Licensing Board | Business Centre 1.9 Waverley Court | 4 East Market Street | Edinburgh | EH8 8BG **Direct Dial: 0131 5294424 Fax 0131 529 6220**

From: Susan Carr [REDACTED]
Sent: 22 December 2017 12:40
To: Amy McLeod <[REDACTED]>; 'Craigmillar Comm1' <[REDACTED]>; 'Craigmillar Comm2' <[REDACTED]>
Cc: Eric Carlin <[REDACTED]>; John Clark <[REDACTED]>
Subject: RE: Notice of Applications

Good Afternoon

As you can see we only received this consultation notification yesterday so have not had time to prepare a full response. Having discuss this subject previously at Craigmillar Community Council meetings I would like to give the following interim response;

Craigmillar Community Council believes that all Community Councils should be able to have a representative on the licencing forum as they are best placed to know their own community's needs. It is especially important for communities like Craigmillar that have an ongoing problem with substance/alcohol abuse.

If required we would be happy to expand this response after the holiday period when we can meet to discuss more fully.

Kind regards

Susan

From: Amy McLeod [mailto: [REDACTED]]
Sent: Thursday, December 21, 2017 3:22 PM
To: Craigmillar Comm1 [REDACTED] <[REDACTED]>; Craigmillar Comm2 [REDACTED]; Craigmillar Comm3 ([REDACTED])
Subject: Notice of Applications

Good Afternoon

Please see attached. Enquiries can also be addressed to my colleague Christopher McKee at [REDACTED]

Kind Regards

Amy Macleod | Licensing Support Assistant | Directorate of Place | Licensing Service | City of Edinburgh Council | Level 9, City Chambers, 249 High Street, Edinburgh, EH1 1YJ | licensing@edinburgh.gov.uk | 0131 529 4208

The Edinburgh Licensing Board is carrying out an initial, informal consultation on the terms of its Licensing Policy. Details are available on the Council's Consultation Hub – <https://consultationhub.edinburgh.gov.uk/cg/edinburgh-licensing-board-consultation-on-statement/>

Responses to the consultation are welcomed, by email to licensingconsultation@edinburgh.gov.uk or by post to Licensing, City of Edinburgh Council, 249 High Street, Edinburgh, EH1 1YJ, marked "Licensing Board Consultation".

The initial consultation closes on 22nd December.

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Nicholas Fraser

From: Nicholas Fraser
Sent: 27 December 2017 14:44
To: Licensing Consultation
Subject: FW: Police Scotland Submission - Edinburgh Licensing Board Policy Consultation (Dec 2017) [NOT PROTECTIVELY MARKED]
Attachments: Police Consultation Response Dec 2017.doc

From: Robert.Paris [redacted]
Sent: 22 December 2017 12:44
To: Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>
Cc: Dianne.Bruce [redacted]; Gillian.Geany [redacted]
Subject: Police Scotland Submission - Edinburgh Licensing Board Policy Consultation (Dec 2017) [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Dear Mr Fraser

Please find attached a report from Police Scotland to your consultation on the Edinburgh Licensing Board's Statement of Licensing Policy. I hope this assists the Board in developing the new policy. I am happy to answer any queries you or the Board have in terms of our response and welcome the opportunity to be further involved as the process develops.

Regards

Bob

Bob Paris
Superintendent Specialist Operations
Edinburgh Division
Police Scotland
14 St. Leonard's St,
Edinburgh EH8 9QW

Tel. [redacted]

Mob. [redacted]

Email: [redacted]

Website: www.scotland.police.uk <<http://www.scotland.police.uk/>>

Twitter: @policescotland

Facebook: www.facebook.com/policescotland <<http://www.facebook.com/policescotland>>



**POLICE
SCOTLAND**

Keeping people safe

**POLICE SCOTLAND CONSULTATION RESPONSE
STATEMENT OF LICENSING POLICY FOR EDINBURGH
DECEMBER 2017**

Executive Summary

The population in Scotland is still drinking at hazardous levels and this has ramifications in terms of health, crime, disorder, families and communities. In terms of crime and disorder, excessive consumption of alcohol is a major factor in crimes such as violence, sexual offences, antisocial behaviour, vandalism, hate crime and domestic abuse. This is most visible in public spaces during the night time economy, however private space violence and disorder is also an issue where individuals consume large quantities of alcohol in domestic settings.

This police report highlights the impact of alcohol on crime and disorder in the City focusing on the above mentioned crime types along with the connection between alcohol consumption and individuals in police custody. The report also highlights areas for consideration and improvement in terms of policy including occasional licences, pop up bars, extended hours, trading hours, outdoor drinking areas, access to licensed premises by children and young persons and violent crime using glass or bottles.

In terms of overprovision, police have worked as part of a group led by the Edinburgh Drug and Alcohol Partnership to gather and analyse data to examine alcohol related harm at an Intermediate Zone in Edinburgh. The report highlights zones that are 50% above the Edinburgh average for alcohol related health and criminal justice harm and recommends that these areas are subject to a full consultation and further analysis to establish whether outlet density is driving harm in these areas.

The police report concludes with a summary of recommendations for the Board to consider in developing the new 'Statement of Licensing Policy' for Edinburgh. Police are of the view that these recommendations will reduce alcohol related harm in the City, alleviate pressure on police resources and health, make licensing processes and applications more transparent and enhance Edinburgh as a safe and enjoyable place to live, work and socialise.

1. Introduction

Health Scotland provide some key facts on Scotland's relationship with alcohol as detailed below:-

- On average 24 people in Scotland died from illnesses wholly caused by alcohol every week in 2016
- People are being diagnosed with alcohol related diseases, such as liver cirrhosis, at a younger age
- 20.2 units of alcohol were sold per adult per week in 2016, 17% more than in England and Wales
- On average 96 hospital admissions a day in 2015/16 were due to illnesses wholly caused by alcohol
- Although alcohol related mortality and morbidity in Scotland have fallen, they remain high, and higher than England and Wales
- Alcohol misuse is estimated to have cost the Scottish economy 3.56 billion per year in 2007, equivalent to £900 per adult

The above statistics indicate that the population in Scotland is still drinking at hazardous levels. Alcohol misuse not only causes health issues but also damages individuals, families and communities. The consumption of alcohol is a major factor in levels of crime and disorder including violence, sexual offences, antisocial behaviour, vandalism, hate crime and domestic abuse.

It is therefore no surprise that the areas in Edinburgh that are densely populated with licensed premises are also hotspots for violence and disorder, particularly during the night time economy (NTE) period. It is also well known that many individuals who enjoy Edinburgh's NTE preload on cheap alcohol purchased from off sales prior to going out.

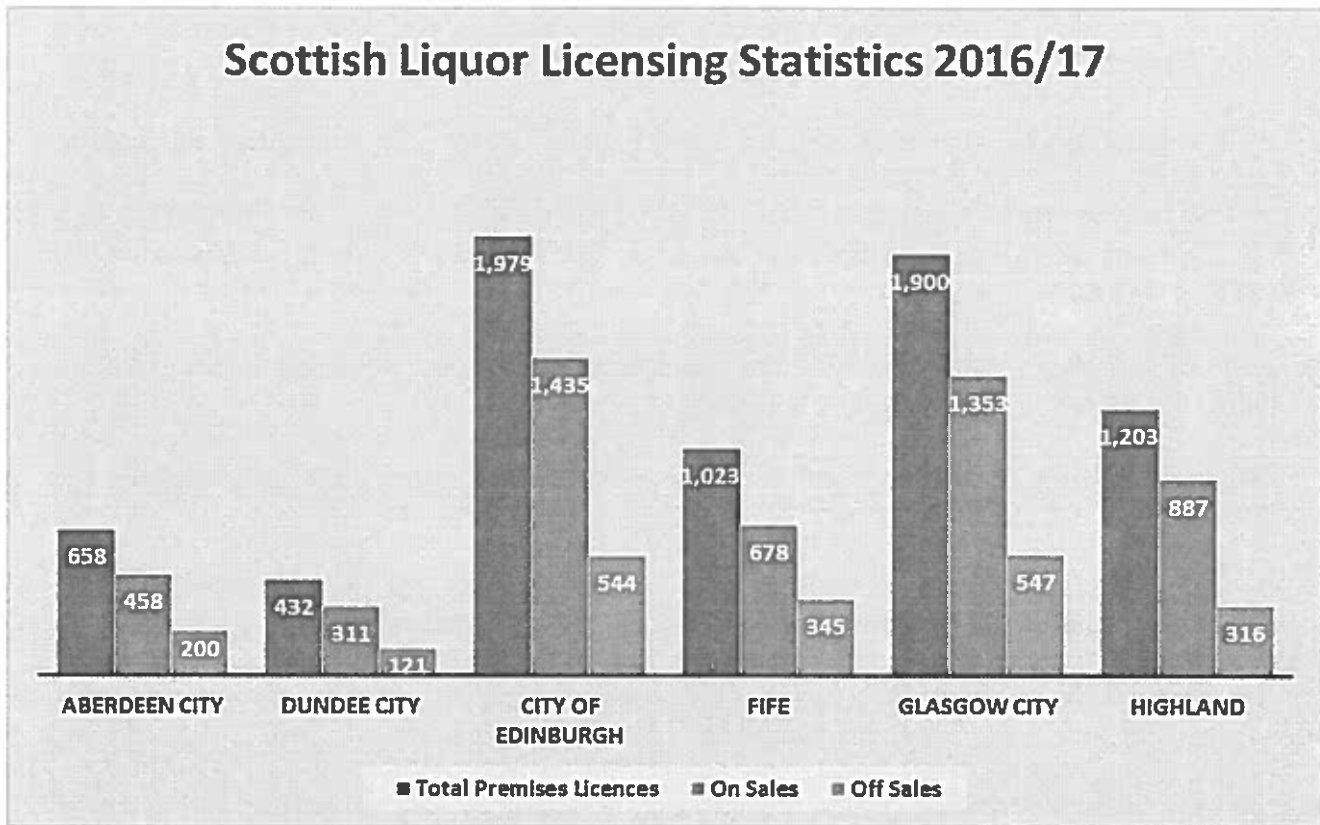
Private space alcohol fuelled violence and disorder is also an issue. Alcohol consumption in private spaces may be considered a higher risk as levels of consumption are not checked and monitored as they would be in licensed premises and alcohol is cheaper from off sales therefore individuals can drink more for less.

There is much evidence linking availability and affordability of alcohol with alcohol related harm. Indeed, the Scottish Government recently announced plans to implement a minimum price of 50p per unit for alcohol in May 2018 as one measure of tackling alcohol related harm following a five year legal battle with alcohol producers.

This police submission firstly highlights the impact of alcohol on crime and disorder in the City and thereafter highlights specific licensing areas the Board may wish to consider in respect of the new Statement of Licensing Policy.

2. Scottish Government Liquor Licensing Statistics 2016/17

Edinburgh currently has the highest number of premises licences in Scotland with 1979 premises licences in force on 31st March 2017 (1435 on sale and 544 off sale). In comparison, Glasgow had 1900 premises licences (1353 on sale and 547 off sale). The chart below provides a comparison with other major Scottish cities or areas.



3. Crime and Disorder during the Night Time Economy (NTE)

Excessive consumption of alcohol is a significant factor in levels of crime and disorder, particularly during the NTE. This manifests itself in public space violence and disorder in areas densely populated with licensed premises or private space crime where individuals may consume large quantities of cheaper alcohol from off sales. There are a number of alcohol statistics that evidences this link including those detailed below:-

- Two in five (41%) prisoners report being drunk at the time of their offence (Prisoner Survey 2015, Scottish Prison Service)
- 54% of victims of violent crime thought the offender was under the influence of alcohol (Scottish Crime and Justice Survey 2014/15, Scottish Government 2016)
- 60% of young offenders report being drunk at the time of their offence (Young People in Custody 2015, Scottish Prison Service, 2016)

Alcohol fuelled crime is most visible at weekends within the City Centre. In order to manage this, a dedicated policing plan and resource detail is implemented every Friday and Saturday night purely to police the NTE. This policing detail can vary but comprises a minimum of 2 sergeants and 30 police officers in addition to regular shift officers and partners. This detail was increased in recent years due to the high volume of incidents of crime and antisocial

behaviour that resulted in officers being extracted from the detail at an early stage to deal with arrests. The resource increase was therefore necessary to maintain a visible police presence. There is also a dedicated police licensing officer based at the West End Police Station who is tasked with tackling operational licensing issues and problems arising from the NTE.

The Board can assist in reducing alcohol related harm during the night time economy by targeting availability. This may be in respect of outlet density and/or a reduction in the hours alcohol is available for sale.

The table below details a number of crimes across Edinburgh over the period 2016/17. The data has been extracted from the police crime recording system UNIFI. The purpose of this is to identify those crimes that are most prevalent during the NTE (2000-0600hrs) and linked to alcohol consumption.

	Total Crimes Created Date 2016-17	NTE 2000-0600 hrs	% NTE	Total Crimes Created Date 2015-16	change	% change
Murder/Attempted Murder	30	19	63.3%	30	0	0.0%
Robbery and assault with intent to rob	211	96	45.5%	236	-25	-10.6%
Serious Assault (incl. culpable & reckless conduct - causing injury)	385	272	70.6%	382	3	0.8%
Rape & Attempted Rape	185	136	73.5%	199	-14	-7.0%
Sexual Assault (SOSA 2009)	491	257	52.3%	617	-126	-20.4%
Common Assault	5872	3177	54.1%	5961	-89	-1.5%
Vandalism (incl. reckless damage, etc.)	4985	1698	34.1%	5313	-328	-6.2%
Threatening and abusive behaviour	4137	1692	40.9%	3979	158	4.0%
Crimes recorded with hate crime or domestic aggravators						
Hate Crime	1447	597	41.3%	1365	82	6.0%
Domestic Abuse	3366	1833	54.5%	3737	-371	-9.9%

3.1 Violence

The above table shows that 63% of murders/attempted murders and 71% of serious assaults occur during the NTE. Based on police experience, the majority of these crimes are fuelled by alcohol. This link between serious violence and alcohol was examined in greater detail for the performance year 2015/16 when all the serious assaults were researched for the full year to establish any connection with alcohol. The number of serious assaults over this period totalled 377 and the following information was gleaned:-

- 69 serious assaults (18%) occurred within licensed premises
- 135 (36%) were linked to consumption within licensed premises
- 44 crimes (12%) highlighted that the victim and/or accused had been refused or ejected from licensed premises
- A significant number of serious assaults were linked to excessive consumption of alcohol by either the victim, offender or both

- Overall, 223 (59%) serious assaults during this period could be linked to alcohol consumption, although in reality, this figure will be higher due to several reasons. For example, perpetrators may not be traced at the time of an incident and/or some crimes will be reported to police days after the incident when individuals involved are sober.

3.2 Domestic Abuse

The number of crimes recorded with a domestic aggravator had been increasing year on year since the inception of Police Scotland. The increase between 2011-2013 was considerable with almost five times as many crimes recorded with a domestic aggravator. This number has stabilised in recent years with moderate reductions in the number of crimes with a domestic aggravator. This trend reflects the systemic change of more robust and focussed policing around domestic abuse. In terms of recorded crime, domestic crimes can include assaults, threatening and abusive behaviour, bail offences, sexual assault, stalking and vandalism amongst others.

Year	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Crimes with Domestic Aggravator	943	1276	4671	4139	3737	3366

In terms of the crimes committed during 2016/17, 55% occurred during the NTE and a significant % are aggravated by alcohol consumption.

Police Scotland recently launched a campaign to raise awareness of domestic abuse for the 2017 festive period. This campaign highlighted a concerning increase in domestic incidents over the 2016 period. Between Christmas Eve 2016 and 5 January 2017, Police Scotland received on average 199 reports of domestic incidents daily, compared to 158.5 reports daily on average outside this period, an increase of 25%. A significant factor in this is obviously excessive consumption of alcohol.

3.3 Sexual Crime

In terms of sexual crimes, it is notable that 73% of rapes or attempted rapes over the period 2016/17 occurred during the NTE. Further to this, between 01/04/17-30/09/17, 6 stranger rapes were committed in Edinburgh. Over consumption of alcohol was found to be a factor in all of these crimes, and can affect both innocent victims and perpetrators by increasing vulnerability and affecting disinhibition.

3.4 Hate Crime

A significant proportion of hate crime is associated with alcohol-related street disorder in the form of common assault, verbal abuse and racially aggravated conduct. In terms of the NTE, hate crime hotspots are areas densely populated with licensed premises as well as takeaways and other food outlets where security staff and shop workers are often subjected to drunken verbal or physical abuse, particularly when refused entry, service or ejected from premises. This alcohol fuelled abuse is also directed at emergency services workers and taxi drivers.

The previous table shows 1447 crimes recorded with a hate crime aggravator during the year 2016/17. This is an increase of 6% on the previous year (+82).

All hate crimes are reviewed by the police in terms of the support, crime prevention and intervention that may be offered to individuals and venues. One particular tactic recommended to licensed premises by Police Scotland in recent years to tackle hate crime is 'body worn security cameras'. These cameras are worn by door stewards and film communication and confrontational situations with customers both within and at the entrance to licensed premises. At one particular venue that was a repeat loci for hate crime, the number of crimes went down significantly when stewards started using these cameras and individuals were aware they were being filmed.

It is important to note that the number of hate crimes reported to police is thought to be significantly under reported, particularly within the licensed trade. Some staff and stewards tolerate this abuse believing it to be down to the nature of the job they are undertaking whilst others tire of the personal commitment required to see numerous reported crimes through the judicial process. Police Scotland has a zero tolerance approach to hate crime and will always encourage members of the licensed trade to report these crimes.

3.5 Antisocial Behaviour

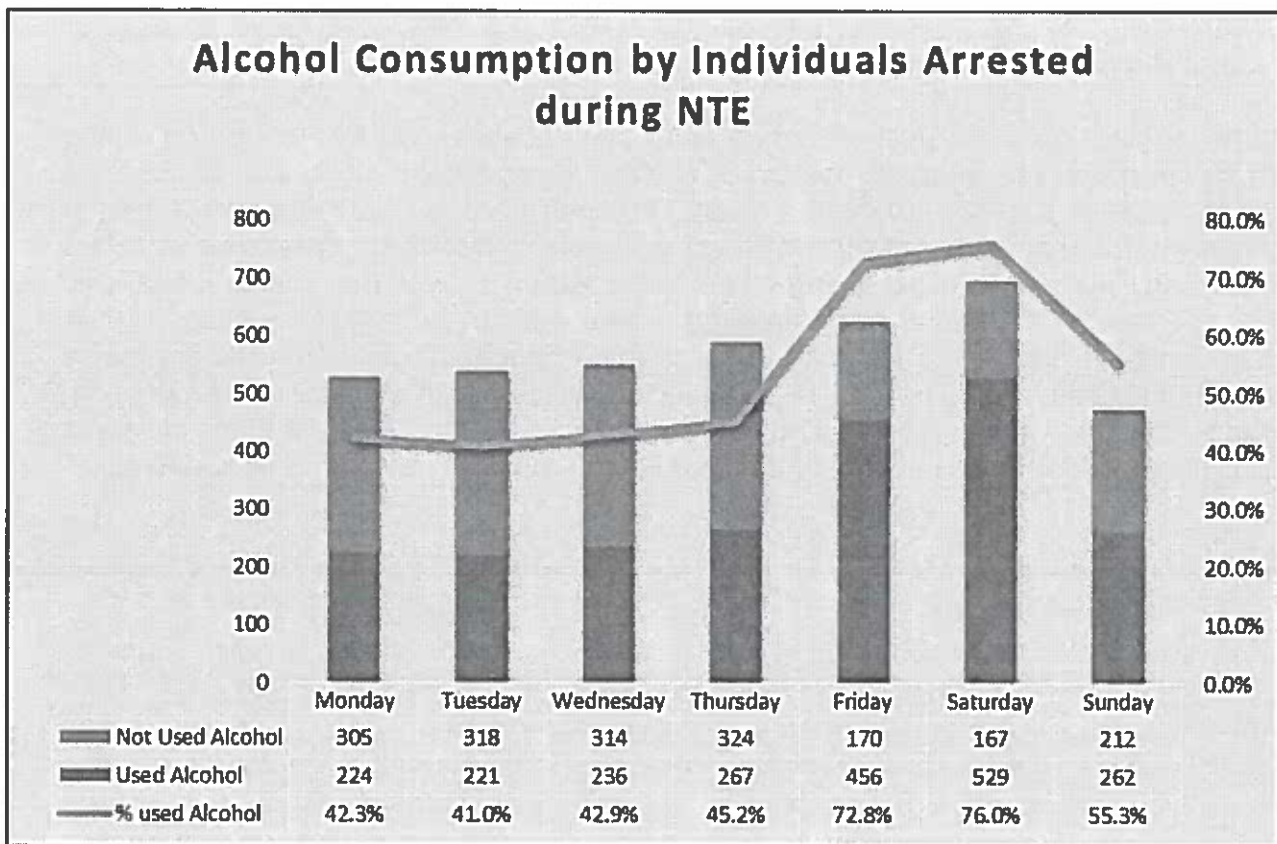
The table below highlights statistics regarding antisocial behaviour calls in Edinburgh during 2016/17 from the police call recording system STORM. It is notable that 61% of all disturbance calls and 76% of noise calls are during the NTE. The statistics also show that over a third of all vandalisms in Edinburgh during 2016/17 occurred during the NTE. Weekends and late evening into early morning are peak times which supports the view that many vandalisms during the NTE are alcohol related. Vandalisms can include damage to vehicles, street furniture and business premises. It is notable that many acts of antisocial behaviour are felt by communities but not reported to police. This can include issues such as noise, litter, urinating, vomit and disturbances, all of which affect quality of life for residents. Many of these incidents are not officially reported to police but may be raised in forums such as community meetings.

	Total ASB Calls Created Date 2016-17	NTE 2000-0600 hrs	% NTE	Total ASB Calls Created Date 2015-16	change	% change
ASB STORM calls:	41245	20701	50.2%	40025	1220	3.0%
Public Nuisance	11823	4742	40.1%	11224	599	5.3%
Disturbance	10839	6590	60.8%	10986	-147	-1.3%
Noise	9515	7221	75.9%	9084	431	4.7%
Vandalism	4168	1000	24.0%	4451	-283	-6.4%
Communications	2924	634	21.7%	2230	694	31.1%
Neighbour Dispute	1827	444	24.3%	1901	-74	-3.9%
Drinking in Public	149	70	47.0%	149	0	0.0%

3.6 Edinburgh Custody Information

In order to further evidence the link between alcohol consumption and crime/antisocial behaviour, the police custody computer system was examined for the period between 11/01/2017 (inception of new national custody system) and 12/12/2017 for all individuals taken to St Leonards Police Station, the custody holding centre in Edinburgh.

Individuals processed at St Leonards are asked a number of questions to assess risk and vulnerability including whether they have consumed alcohol in the last 24 hours. The chart below shows the % of people who had consumed alcohol in the last 24 hours who were arrested during the NTE period (2000-0600hrs). This shows that the number of custodies affected by alcohol on average doubles on Friday and Saturday nights compared to other nights of the week.



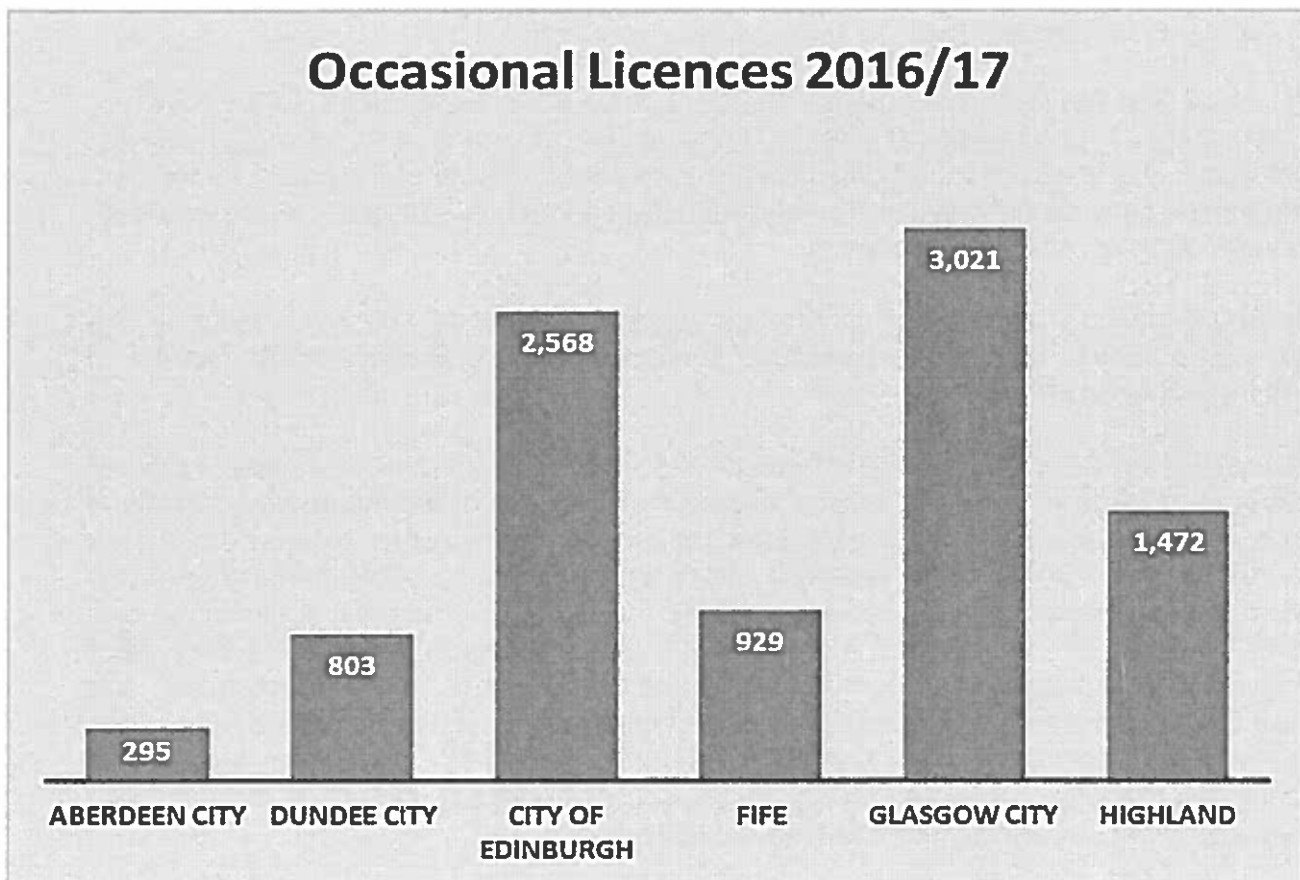
4. Statement of Licensing Policy

There are a number of general areas that Police Scotland wish to comment on to assist the Board in developing a new policy. It is obviously vital that the aforementioned sections relating to crime, disorder and antisocial behaviour are taken into account throughout as they interlink.

4.1 Occasional Licences

Occasional licences add to the availability of alcohol in a Board area and there are a significant number granted in Edinburgh each year (2568 in 2016/17). As density and availability increases, so too does alcohol related harm. This can be observed in crime and disorder hotspots which are centred on areas saturated with licensed premises.

The chart below provides a comparison with other major cities or areas.



Police Scotland wish to raise several issues for Board consideration in relation to the current system of granting occasional licences in Edinburgh.

There are a number of unlicensed venues throughout Edinburgh that are increasingly catering for a wide variety of events. Some occasional licence applications are being submitted by the same individuals/companies in respect of these unlicensed venues on an ongoing basis. Police are of the opinion that occasional licences should not be used as a mechanism to avoid applying for a premises licence as occasionals are not subject to the same level of scrutiny in terms of the licensing objectives. As a result, events and the premises they are held in may present unknown risks, for example, suitability/safety of premises. Abuse of the system is also unfair in respect of premises licence holders who have to pay full licence fees. This issue is highlighted in paragraph 12.3 of current Board

Policy, however over the past few years, several premises have applied for a significant number of occasionals with no obvious progress towards a premises licence. Police Scotland requests that the Board examine this issue further and adopt a robust approach towards this.

The aforementioned issues with unlicensed venues ties in with the subject of 'Pop Up Bars'. Due to the festival and festive seasons along with other significant events, Edinburgh is a popular venue for pop up bars. It is accepted that additional venues/facilities are necessary to meet the demand of the thousands of visitors who descend on Edinburgh at these times of the year, however, when is another pop up bar one too many? Given the association between availability and crime and health issues, Police ask the Board to consider this issue and find a balance between demand and detriment to the licensing objectives.

In addition, there have been pop up bars that have emerged in recent years that remain in operation after the conclusion of a festival or event and become almost a permanent fixture. Police Scotland is opposed to this type of pop up bar for reasons outlined above and ask the Board to consider this issue.

Police also ask that Board policy requests sufficient detail and greater regard to the licensing objectives in terms of occasional licence applications as many are submitted without sufficient detail or due regard to the objectives in terms of the nature of the event catered for. If licence applications do not have sufficient detail, they should be sent back to the applicant until they are of an appropriate standard.

Current Board policy (12.6) specifies that an occasional licence will be subject to the Mandatory Conditions. It may be beneficial to detail these conditions for the benefit of applicants within Board Policy.

Police Scotland requests that the Board consider specifying a number of 'local conditions' appropriate to occasional licences. This could be a minimum set of recommended conditions for events or indeed a lengthy list of potential conditions an applicant may consider for their event. At present, police and licensing standards officers (LSOs) make numerous representations in respect of applications and ask the Board to consider applying several conditions to a licence. At present, the conditions and/or the wording of them may differ slightly therefore standardising them would make the process more transparent and beneficial for all concerned in particular, the staff processing applications and applicants themselves. The addition of local conditions would significantly reduce the number of representations made by police and LSOs if the applicant agreed to implement the minimum recommended Board local conditions at time of application.

It is accepted that many occasional applications are for community events, however Police question the need for alcohol at many events related to schools and youth organisations where children and young people will be present. For example, is there a need for alcohol at primary school events? This may be an issue the Board wish to consider and address in policy.

Police Scotland would also welcome a firm approach in relation to late Occasional Licence applications and ask applicants to adhere to the minimum notice of 28 days. This ensures that the police and other partners are afforded sufficient time to assess and compile an appropriate response. This is particularly relevant for repeat annual events where dates are known well in advance and advertised by the applicant. Police Scotland can see no justifiable reason why applications should be late in these circumstances.

Section 57(5) allows the notification period to be shortened to not less than 24 hours where the Licensing Board is satisfied that the application requires to be dealt with quickly. Police ask the Board to only consider using this discretion in exceptional circumstances which the applicant could not have reasonably predicted e.g. funeral.

4.2 Extended Hours

Extending the hours during which licensed premises can sell alcohol is associated with higher levels of consumption and higher levels of crime and disorder. A report by Public Health England in 2016 (The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies 2016) stated that "policies that sufficiently reduce the hours during which alcohol is available for sale particularly late night on-trade sale – can substantially reduce alcohol-related harm in the night time economy". As such, extended hours is one area the Board may wish to target in order to positively impact on crime and disorder during the NTE.

Current Board Policy states that the terminal hour for public houses and bars is 0100 hours and 0300hrs for nightclubs and restaurants. During the festival and festive seasons, the majority of premises benefit from two hours extra trading until 0300 hours and 0500 hours respectively. Core hours in Edinburgh are generous as they extend beyond the recommended trading hours of 14 within the Scottish Government guidance.

Section 68(1)(b) of the Licensing (Scotland) Act 2005 allows applications for extended hours to be granted if the Licensing Board consider it appropriate to do so in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance.

In 2016/17, there were 381 extended hours applications compared to 275 the previous year, a significant 28% increase. This is in addition to premises enjoying extended hours through seasonal variations.

Many of the applications fail to provide sufficient information to enable determination that a genuine special event is taking place that justifies extended hours or why the event cannot be adequately catered for during core hours. Furthermore rarely do applicants provide information indicating that they have considered the Licensing Objectives and how they intend to minimise risk to them.

Examples of extended hours applications that police do not believe to be in the spirit of the legislation include 'guest DJs', all bank holiday weekends and afternoon rugby matches where premises are looking for extended hours into the early hours of the following morning. Police Scotland are of the view that many of the reasons provided for extended hours do not meet the legislative criteria.

Section 20.5 of current Board policy states that "the Board recognises the value and necessity of a level playing field when determining hours of trading. In its experience the granting of extended hours in recognition of a particular style of trading merely leads to trade competitors adopting the same arguments in seeking similar hours and a process ensues which leads to extended hours becoming the norm".

The above statement is evident in the increase of extended hours applications with a significant number of venues seeking to maximise opportunity to trade over a number of days rather than for a specific day, event or occasion. Examples of this are premises who apply for extended hours for several days in respect of events such as St Patricks Day and Halloween.

Police find that if one venue applies for a specific date/times, several other venues will follow suit to ensure they remain competitive. If pubs/bars request extended hours until 0300hrs, many clubs believe they will lose trade to these premises therefore feel it necessary to apply for extended hours until 0500hrs. This domino effect has a subsequent impact on crime, disorder, policing demands and resources as well as the licensing objectives.

In order to impact positively on the aforementioned issues, the Board may wish to consider the following points:-

- Adopting an approved list of specific events or occasions which it considers to fall within the criteria specified within Section 68(1)(b) in terms of what should be regarded as an event of local or national significance. This has been an approach adopted by other licensing boards across the country and will hopefully make this process far more transparent for licensees, Police and LSOs. Premises would still be able to apply for other exceptional events out with the approved list that met the legislative criteria.
- Requirement for applicants to provide sufficient detail regarding the special nature of the event and why it justifies extended hours along with the impact on the licensing objectives.
- Adopt a robust approach towards extended hours applications and send out a message via Board policy that extended hours should be exceptional given that premises already enjoy between 16-18 hours trading throughout the year. They should be for genuine significant local and national events and not commercial purposes. This is an opportunity to positively impact on alcohol related harm during the NTE.
- Aim for consistency in terms of decisions on extended hours applications. There are some applications for events that are delegated to different Board members for decisions. As such, some are granted and others are refused where the circumstances surrounding the applications appear very similar. It may be useful if all applications relating to a significant event are delegated to one Board member to ensure a consistent approach.

4.3 Licensed Hours

Scottish Government guidance advised that boards should consider applications to trade for up to 14 hours. The Edinburgh Board however has allowed hours of trading for up to 16 hours whereby pubs/bars can open to 0100hrs, clubs/entertainment venues until 0300hrs and casinos until 0600hrs. This extends to 18 hours during seasonal variations. The staggered dispersal for pubs and clubs has worked well in recent years therefore Police Scotland support the continued differentiation between different types of premises.

Existing licensed hours are suitable for the City Centre, however Police request the Board to consider whether 0300hrs is a suitable terminal hour for a restaurant premises out with the City Centre where a significant proportion of adjoining properties are residential. The Board may wish to consider if trading hours in residential areas should differ from the City Centre and its vicinity.

4.4 Outdoor Drinking Areas

It is the view of Police Scotland that the current 2200 hours terminal hour for the operation of outdoor drinking areas remains an appropriate time for this facility in Edinburgh. This has operated effectively for a number of years minimising the risk to the 'Preventing Public Nuisance', 'Preventing Crime and Disorder' and 'Securing Public Safety' licensing objectives. Police Scotland support 2200hrs for the following reasons:-

- 2200hrs mirrors the terminal hour for table and chair permits in the City and balances the trend and desire for outdoor seating areas with quality of life for residents.
- A number of premises rely on their off-sale facility to allow patrons to remove alcohol from the premises and consume this within their outside drinking area. Off sale hours terminate at 2200hrs therefore again it makes sense to align outside drinking with this time.
- Other licensed premises have included their outside areas within their licensed footprint to allow the service of alcohol within these areas, however, Police Scotland have always asked the Board to restrict outdoor drinking to 2200 hours in line with the current table and chairs policy. This prevents the use of these areas for the entirety of core hours and relevant seasonal variations and the detrimental impact that this would have on the licensing objectives.
- Police are of the view that extending the terminal hour for the use of outdoor drinking will negatively impact on the licensing objectives, in particular 'Preventing Public Nuisance', 'Preventing Crime and Disorder' and 'Securing Public Safety'.

The extended use of external areas for the consumption of alcohol will significantly impact on residential properties in the vicinity in terms of noise nuisance. As ambient noise from traffic and daytime activity reduces, the effect of voices and other noise caused by the use of these areas becomes more prominent. Indeed as patrons drink more and their inhibitions reduce, there is an increased likelihood of noise from outdoor areas causing significant nuisance to residents. Whilst this currently has limited impact by virtue of patrons being confined indoors after 2200 hours for drinking, allowing the use of these outdoor areas beyond this time will only increase the complaints in respect of noise nuisance and negatively impact upon the quality of life for residents and others.

In relation to the crime and disorder and public safety licensing objectives, there is a long established link between excessive consumption of alcohol and violence/antisocial behaviour. Crimes of violence and antisocial behaviour are more prevalent as the night time progresses therefore there is more risk of public space violence should outdoor drinking be granted beyond 2200hrs. This may be in the form of altercations between parties within outdoor drinking areas or altercations between individuals/groups passing by and those seated in defined areas. Another issue is the ability of licensed premises to effectively manage any disturbances or disorder in outdoor areas. The ability to contain these in an open environment, retain control of parties involved and ensure that the disorder does not impact on passers-by will be difficult.

The Board may be minded to specify within policy that licence holders should ensure that they minimise the risk of outdoor areas causing disturbance or nuisance to neighbouring occupants and any CCTV system covers outdoor areas. Consideration should also be given to whether the outside area requires dedicated staff or stewards, plastic/polycarbonate containers and a

restriction on public footways whereby it may only be used for the consumption of alcohol by customers seated at tables to prevent groups standing drinking in the street.

Another area for the Board to consider is outdoor drinking areas in respect of occasional licences and pop up bars. Many apply for outdoor drinking well beyond 2200hrs during the festival/festive seasons and there appears to be no consistency in relation to outdoor drinking for occasionals during these periods with terminal hours ranging from 2200-0500hrs.

In conclusion, Police Scotland is strongly opposed to outdoor drinking areas being used for the consumption of alcohol beyond 2200 hours. Police believe that 2200hrs is more than adequate and is supported and seen as reasonable by many community councils and groups. Any extension to this will risk detriment to the licensing objectives. Police also request the Board to consider a suitable outdoor drinking terminal hour for the festival/festive seasons.

4.5 Children & Young Persons' Access to Licensed Premises

The licensing objective of 'Protecting Children from Harm' was amended in 2017 to include 'young persons' which is seen by police as a positive change. Police Scotland has also welcomed the approach taken by the Board in recent years in carrying out site visits to premises applying for access by children and young persons (C&YP), however feel that the level of access granted has been excessive in recent years whereby access has sometimes been granted to 1am for children and 3am for young persons.

Current Board Policy details a number of risk factors in terms of the 'Protecting Children from Harm' objective, however it is important to recognise that just being within licensed premises is a risk factor in that it will impact a child or young person's attitudes towards alcohol and future consumption of alcohol. Police ask the Board to consider the following in respect of this section:-

- Specify in Board Policy that there will be no access granted for C&YP to traditional pub premises where alcohol consumption is the primary purpose.
- The Board should consider specifying that C&YP access should be restricted to parts of premises set aside for food provision and away from bar areas and gambling machines.
- Many police representations are in relation to access by C&YPs. These would be reduced significantly if the Board indicated a suitable terminal hour for C&YP to be in licensed premises. This may differ according to the type of premises. This would be far more transparent for applicants who would be able to incorporate this time into operating plans therefore reducing the number of representations by police and LSOs on this matter.

4.6 Toughened Glass

The majority of violent crime involving glasses and/or bottles occurs during the NTE period (2000-0600hrs). Incidents of this nature that occur within or outside licensed premises tend to be spontaneous in nature and involve over consumption of alcohol.

Year	Total Violent Crime (bottles & glasses)	Av per Month	Total During NTE	Av per Month (NTE)	% During NTE	Total within Licensed Premises	Av per Month (LP)	% LP	No. City Centre
2015/16	259	22	165	14	64%	60	5	23%	72
2016/17	255	21	183	15	72%	60	5	24%	91
2017 (to end of Nov)	139	17	90	11	65%	32	4	23%	40

The above table provides a comparison of violent crime (serious and minor assaults) in Edinburgh over the past few years involving a bottle or glass as a weapon. Whilst the average per month overall and during the NTE has fallen, the average per month within licensed premises remains fairly consistent, only dropping from 5 to 4 per month this performance year.

During 2016, one late opening premises in Edinburgh emerged as a risk due to a number of assaults within the premises using glasses or bottles within a short timeframe. Intervention work was carried out with the premises and police licensing recommended that the premises consider a change to toughened glass. The premises agreed and following toughened glass being implemented in the premises, there have been no recorded assaults using glass or bottles. One of the main factors in this is the lower risk of toughened glass or other safety products causing injury when used as a weapon or if smashed accidentally compared to conventional glassware.

Police ask the Board to consider the above statistics with a view to deciding whether this merits a change in Board policy in terms of requiring late opening premises to move to toughened glass or other safety products or whether the evidence merits a recommendation that premises to review their glassware and consider a change to toughened glass or other safety products in pursuance of the licensing objectives of 'Preventing Crime and Disorder' and 'Securing Public Safety'.

In terms of future premises that emerge as a risk for this type of incident and refuse to consider or implement improvement measures, police may flag these to the Board via a premises licence review and ask the Board to consider applying a condition to their licence to implement toughened glass.

4.7 Overprovision - *Is Alcohol Availability linked to Harm?*

There is national and international evidence linking alcohol availability to harm. Alcohol Focus Scotland state that "an association between the number of alcohol outlets and a wide range of alcohol-related harm has been found in over 50 separate studies published since 2000" and "by carefully controlling the overall availability of alcohol, an effective overprovision policy can help to prevent and reduce alcohol problems, enhancing community life, improving health and wellbeing, and boosting local productivity and economic performance".

Areas with a high outlet density, particularly on sales during the NTE experience greater levels of violence, disorder and antisocial behaviour. This is evident in the City Centre and other areas of the city with a large number of licensed premises.

A Public Health England report (The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies 2016) states that higher levels of outlet density are associated with:

- more frequent alcohol consumption
- increased overall alcohol consumption
- greater average levels of drinking among students
- alcohol-related violence
- self-reported injuries
- alcohol-related road traffic crashes (RTC)
- sexually transmitted infections (STI)
- child abuse and neglect
- suicide

The CRESH report in 2014 examined alcohol related illness and death in Scottish Neighbourhoods and the relationship with the number of alcohol outlets. This report concluded:-

"Across the whole of Scotland, neighbourhoods with higher numbers of alcohol outlets had significantly higher alcohol death rates. Alcohol related death rates in neighbourhoods with the most alcohol outlets were more than double the rates in those with the fewest outlets. There were 34 alcohol related deaths per 100,000 people in neighbourhoods with the most off sales outlets, compared with 13 per 100,000 in neighbourhoods with the fewest".

"Across the whole of Scotland, alcohol related hospitalisation rates were significantly higher in neighbourhoods with the most alcohol outlets".

In terms of the 2013 policy consultation, Police, NHS, Edinburgh Alcohol and Drug Partnership (EADP) and the Licensing Forum put forward 7 localities to the board for consideration as areas of overprovision. After consideration, the Board at that time decided not to declare these areas as overprovided for but to categorise them as 'areas of special concern' with regard to the number of licensed premises. This categorisation is not recognised in licensing legislation and is not a reason for refusing the grant of a licence in these areas. Police have not found this additional category to be helpful and all applications in these 'areas of special concern' were granted by the Board. It is the view of police that this term 'areas of special concern' should be removed from the new Board policy and areas should be categorised as either overprovided for or otherwise based on the evidence available.

4.8 Alcohol Related Harm at Intermediate Zone Level

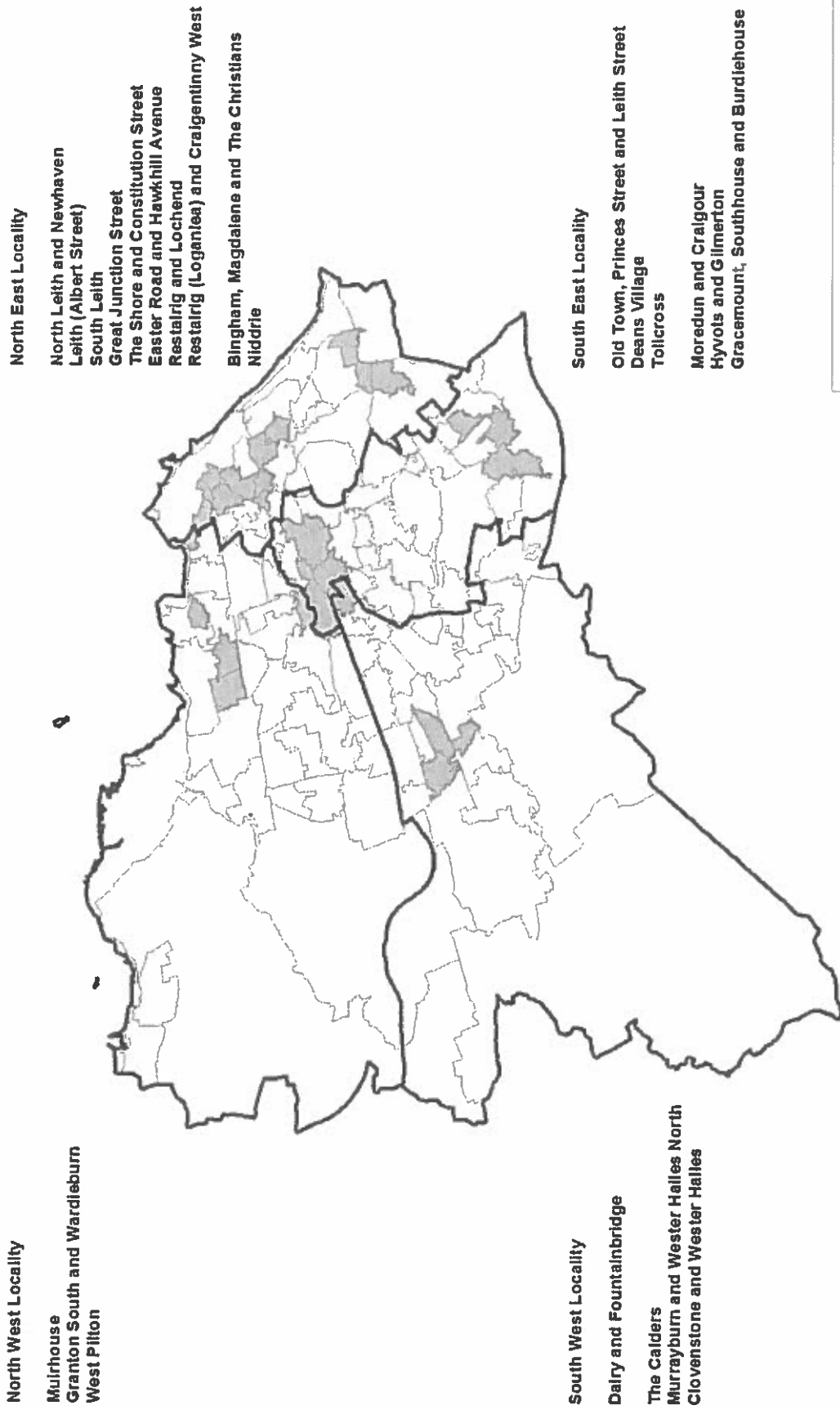
Police have worked as part of a group led by the EADP to gather and analyse data regarding alcohol related harm (health and criminal justice) in Edinburgh at an Intermediate Zone level. The data was obtained from the following sources:-

Alcohol related hospital stays 16/17 - Scottish Public Health Observatory
Alcohol related crimes during the night time economy 16/17 – Police Scotland

A breakdown of the Intermediate Zone datasets considered in the analysis can be found in Appendix 1. A number of Intermediate Zones recorded both high levels of hospital related stays and also high levels of Night Time Economy crime. The map overleaf highlights the Intermediate Zones where both of these factors were above the Edinburgh average by 50% or more.

It is clear that many Intermediate Zones in Edinburgh suffer alcohol related harm well above the Edinburgh average. Police are of the view that this may be driven by over provision in some of these areas. As such, police recommend that the Board consider a more detailed consultation and analysis in respect of the identified Intermediate Zones to gain the views of all stakeholders and profile the areas concerned to understand if outlet density and provision is driving harm. If some of these areas are subsequently found to be over provided for in terms of outlets, police request that the Board consider including these areas within the overprovision statement of the new policy.

Areas with High Alcohol Related Hospital Stays and High Night Time Economy Crime/ASB*



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*Where High Alcohol Harm and Night Time Economy Crime or ASB are at least 50% above the Citywide Average. Areas have been defined at an Intermediate Zone level.

5. Summary of Recommendations

5.1 Occasional Licences

Recommendation 1

Police Scotland requests that The Board examine the issue of premises applying for a significant number of occasional licences with no obvious progress towards a premises licence and adopt a robust approach towards this.

Recommendation 2

Police Scotland requests that the Board consider the volume of applications for 'pop-up bars' and give due consideration to finding a balance between demand and the impact on the Licensing Objectives bearing in mind the association between availability and alcohol related harm.

Recommendation 3

The Board gives consideration to the practice of 'pop-up bars' remaining in operation after the conclusion of a festival or event and becoming almost a permanent fixture.

Recommendation 4

The Board highlights an expectation in policy that applicants provide sufficient detail regarding the nature of the event they are applying for and demonstrate that they have shown due regard to the Licensing Objectives. Applications that do not meet an appropriate standard should not be accepted.

Recommendation 5

Current Board Policy (12.6) specifies that an occasional licence will be subject to Mandatory Conditions. Police Scotland request the Board consider detailing these conditions for the benefit of applicants within Board Policy.

Recommendation 6

The Board consider specifying a number of 'local conditions' appropriate to occasional licences within their Policy. This would make the process more transparent and beneficial for all involved. It would also significantly reduce the volume of representations submitted by police and licensing standards officers and subsequently the work of council licensing staff.

Recommendation 7

The Board consider and highlight their view on the demand for occasional licences to provide alcohol at many events related to schools and youth organisations where children and young people are present.

Recommendation 8

Police Scotland would welcome a firm approach in relation to late Occasional Licence applications and ask applicants to adhere to the minimum notice of 28 days. This ensures that the police and partners are afforded sufficient time to assess and compile an appropriate response. Section 57(5) allows the notification period to be shortened to not less than 24 hours where the Licensing Board is satisfied that the application requires to be dealt with quickly. Police Scotland would ask the Board to only consider using this discretion in exceptional circumstances which the applicant could not have reasonably predicted.

5.2 Extended Hours

Recommendation 9

The Board consider adopting an approved list of specific events or occasions which it considers to fall within the criteria specified within Section 68(1)(b) in terms of what should be regarded as an event of local or national significance.

Recommendation 10

The Board requires within policy that applicants should provide sufficient detail regarding the special nature of the event and why it justifies extended hours and the impact on the licensing objectives.

Recommendation 11

Police ask the Board to adopt a robust approach towards extended hours applications and send out a message via Board policy that extended hours should be exceptional given that Edinburgh premises already enjoy between 16-18 hours trading throughout the year. Extended hours should be for genuine significant local and national events, not commercial purposes.

Recommendation 12

Aim for consistency around extended hours applications. Consider delegating all applications for the same event to one Board member for consistency. There have been occasions when one board member has refused applications and another has granted applications for the same event in similar circumstances.

5.3 Licensed Hours

Recommendation 13

Review licensed hours and consider whether 0300 hours is a suitable terminal hour for restaurant premises out with the City Centre where a significant proportion of adjoining properties are residential. Consider whether trading hours in residential areas should differ from the City Centre and its vicinity.

5.4 Outdoor Drinking Areas

Recommendation 14

It is the view of Police Scotland that the current 2200 hours terminal hour for the operation of outdoor drinking areas remains an appropriate time for this facility in Edinburgh and police ask the Board to retain this in the new policy.

Recommendation 15

The Board may be minded to specify within policy that licence holders should ensure that they minimise the risk of outdoor areas causing disturbance or nuisance to neighbouring occupants and any CCTV system covers outdoor areas. Consideration should also be given to whether the outside area requires dedicated staff or stewards, plastic/polycarbonate containers and a restriction on public footways whereby it may only be used for the consumption of alcohol by customers seated at tables to prevent groups standing drinking in the street.

Recommendation 16

Consider a suitable terminal hour for outdoor drinking areas in respect of occasional licences and pop up bars, particularly during the festival and festive seasons. The terminal hour for outdoor drinking areas at these times can vary significantly.

5.5 Children & Young Persons' Access to Licensed Premises

Recommendation 17

Consider specifying in Board Policy that there will be no access granted for children and young persons to traditional pub premises where alcohol consumption is the primary purpose.

Recommendation 18

Consider specifying that access for children and young persons should be restricted to parts of premises set aside for food provision and away from bar areas and gambling machines.

Recommendation 19

The Board should consider a suitable terminal hour for children and young persons in licensed premises. This may differ according to the type of premises. This would be far more transparent for applicants who would be able to incorporate this time into operating plans therefore reducing the number of representations by police and LSOs on this matter.

5.6 Toughened Glass

Recommendation 20

Consider the crime statistics relating to violent crime using bottles/glasses as weapons and whether this would merit a change in Board policy in terms of requiring late opening premises to move to toughened glass or other safety products or merely a recommendation that premises review their glassware and consider a change to toughened glass or other safety products.

5.7 Overprovision

Recommendation 21

Remove reference to 'areas of special concern' from board policy as this is not recognised in licensing legislation and has had no meaningful impact with all new premises applications in these areas granted by the board.

Recommendation 22

Consider the analysis led by the EADP of alcohol related harm at Intermediate Zone level and progress a detailed consultation and analysis in respect of the Intermediate Zones identified as having alcohol related harm 50% above the Edinburgh average to establish if this is driven by over provision.



Data Analysis - The City of Edinburgh Council Intermediate Zones

Intermediate Zone Code (1)	Intermediate Zone Name	Summary Figures			Population data (5)	Detailed Figures - Alcohol related health				Detailed Figures - Alcohol relate crime statistics (4)				Detailed Figures - Crime Statistics - NightTime				Deprivation Indicator (6)			
		Alcohol related hospital stays per 1000 (1)	Alcohol related deaths per 1000 (2)	Alcohol related hospital stays per 1000 (3)		Alcohol related hospital stays per 1000 (4)	Crime Court (5)	Crime per 100 pop 2016/17 (6)	Avr Social Behaviour Court (7)	ASB per 100 pop 2016/17 (8)	Offence Court (9)	Offenders per 100 pop 2016/17 (10)	Crime Court (11)	Crime per 100 pop 2016/17 (12)	Avr Social Behaviour Court (13)	ASB per 100 pop 2016/17 (14)					
SC0201180	Hynds and Cornton	10%	5%	13%	3,026	50	132	142	144	108	318	273	717	2,615	56	124	68	119	118	310	4%
SC0201181	George East	10%	5%	13%	3,798	52	137	172	251	108	387	893	2,615	2,087	102	400	152	400	513	1,251	4%
SC0201182	Bornington	10%	5%	13%	3,721	56	127	172	210	108	487	649	1,207	1,207	102	180	102	180	345	1,251	4%
SC0201183	Madras	10%	5%	13%	4,329	58	125	146	186	108	481	507	1,139	1,139	86	182	86	182	217	428	4%
SC0201184	Hamden and Cregar	10%	5%	13%	4,329	53	117	118	253	108	560	511	1,496	1,496	85	186	85	256	265	638	4%
SC0201185	The Cedars	10%	5%	13%	3,719	29	115	129	100	100	296	600	1,496	1,496	80	196	80	196	205	776	4%
SC0201186	Leith (Albert Street)	10%	5%	13%	4,403	54	102	117	223	108	443	551	1,231	1,231	33	182	33	182	303	876	4%
SC0201187	Leith (Leith Street)	10%	5%	13%	5,132	54	102	117	223	108	443	551	1,231	1,231	33	182	33	182	303	876	4%
SC0201188	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201189	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201190	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201191	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201192	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201193	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201194	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201195	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201196	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201197	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201198	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201199	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201200	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201201	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201202	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201203	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201204	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201205	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201206	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201207	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201208	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201209	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201210	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201211	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201212	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201213	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201214	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201215	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201216	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201217	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201218	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201219	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201220	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201221	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201222	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201223	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201224	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201225	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201226	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201227	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201228	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201229	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201230	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201231	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201232	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201233	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201234	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201235	Leith (Leith and Westburn)	10%	5%	13%	3,065	30	99	115	111	111	223	344	1,133	1,133	72	140	72	140	184	688	4%
SC0201236	Leith (Leith and Westburn)	10%	5%	13%	3,065	30															

Nicholas Fraser

From: Penny Richardson [REDACTED]
Sent: 22 December 2017 13:00
To: Licensing Consultation
Subject: informal consultation on Edinburgh Licensing Board Statement of Licensing Policy:
response from Stockbridge & Inverleith Community Council
Attachments: RESPONSE SICC 22 DEC 2017.docx

Stockbridge & Inverleith
community council

c/o Stockbridge Library, Hamilton Place
Edinburgh EH3 5BA

Dear Sir/Madam

Please find attached the response from Stockbridge & Inverleith Community Council to the Consultation on the Edinburgh Licensing Board Statement of Licensing Policy.

I would be grateful if you could acknowledge safe receipt of the response.

Yours sincerely

Penny Richardson
Licensing Convenor

**Response to the informal consultation on Edinburgh Licensing Board Statement of Licensing Policy
Stockbridge & Inverleith Community Council
22 December 2017**

"Edinburgh has the highest alcohol outlet availability in Scotland, approaching three times higher than the national average."

(Local cost of alcohol profile, Alcohol Focus Scotland, 2012)

1 General comments

Local residents will have first-hand experience of how alcohol harm affects their family, friends, businesses and the wider community and this knowledge must be taken into account by local authorities seeking to tackle alcohol harm.

(Improvement Service and Alcohol Focus Scotland Briefing on alcohol harm in communities for elected members (October 2017))

Stockbridge & Inverleith Community Council (SICC) recommends that when formulating the new Statement of Licensing Policy, the Edinburgh Licensing Board (LB) should

- ensure that residents' and Community Council's views are taken fully into account
- base the policy firmly on reliable evidence gathered during entire consultation process
- frame the policy "in the context of local circumstances" (Nicholson Committee) and include evidence and data to back it up including licensing statistics, Licensing Standards data and reports, population size, tourist/visitor numbers and evidence relating to the licensing objectives
- take into account relevant local and national strategies and policies
- ensure that the new Policy is a much shorter and easier to read document than the 2013 version
- review the format and contents so that the Licensing Objectives are at the beginning of the document rather than featuring 36 pages into it and that information about administrative processes and procedures and guidance notes for applicants and objectors should either be available as separate documents on the LB website or included as Appendices to the LB Statement of Policy.

2 Format and contents

SICC suggests that a more user friendly Statement would read better in the following order:

- 1** Brief background information including an introduction to the City of Edinburgh and issues particular to the City.
- 2** The Edinburgh Licensing Board's role
- 3** Brief introduction and background to the Statement of Licensing Policy
- 4** How the Statement of Licensing Policy was developed, how evidence was gathered, and what consultation was involved in its development including specific mention of the involvement of the Edinburgh Licensing Forum
- 5** How the Statement of Policy links to and is informed by relevant local and national strategies
- 6** Licensing Objectives, including evidence on which the Board's policy statements are based especially in relation to overprovision, late night opening, Festival and Festive Season late opening including how and why these have been set

7 Guidance Notes and/or Appendices

3 Relevant national legislation, strategies and reports

SICC recommends that the Statement of Licensing Policy should include reference to the following national strategies in addition to those already listed in the 2013 version:

Scottish Government: Changing Scotland's Relationship with Alcohol: A Framework for Action March 2009

The Community Empowerment (Scotland) Act 2015

Improvement Service and Alcohol Focus Scotland Briefing on alcohol harm in communities for elected members. Jointly publication (October 2017)

Beating Cancer: Ambition and Action National Cancer Strategy: The Scottish Government March 2016: one of its key ambitions is a reduction in "alcohol-related harm by helping to prevent problems arising in the first place" given the strong evidence that "alcohol consumption (is) a risk factor for many health conditions, including cancer."

Scottish Ambulance Service: The Impact of Alcohol on the Scottish Ambulance Service: Summary of a survey of frontline staff in 2015

Police Scotland and Fire Scotland - relevant reports and policies re alcohol

Alcohol Focus Scotland

- **Review of statements of licensing policy 2013 to 2016**
- **Taking Stock: Views and experiences of alcohol licensing in Scotland in 2016/17**
- **The cost of alcohol in Edinburgh City 2010/11**
- **Alcohol harm in Edinburgh February 2017**

Alcohol Focus Scotland and Action on Smoking and Health Scotland Neighbourhood alcohol and tobacco environments in Scotland: interactive maps

4 Relevant local strategies, policies and reports

Edinburgh Alcohol and Drug Partnership: Strategy and Delivery Plan 2015 - 18 - relevant key challenges

Edinburgh Alcohol and Drug Partnership: Report on data to inform the City of Edinburgh Licensing Board's Duty to Assess Overprovision October 2013

Edinburgh Council: Strategy on tackling antisocial behaviour

Edinburgh Council: Domestic abuse strategy and improvement plan 2016

NHS Lothian Better cancer outcomes in Lothian - a strategy for cancer 2015 - 2020 November 2014 - key aim is to "work with Local Licensing Boards to map the provision of alcohol sales outlets in Lothian, and oppose any over provision"

Police Scotland, Edinburgh Division Alcohol related statistics and reports

Stockbridge & Inverleith Community Council

22 December 2017