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LICENSING BOARD

**NOTICE OF MEETING**

**MONDAY 22 January 2024**

**Start time: 9.30am**

**DEAN OF GUILD COURTROOM**

**AGENDA**

**NOTE:** Items 1-3 below will be webcast and considered by the Board from 9.30am. The remainder of the meeting will not be webcast.

1. Convenor's Update
2. Licensing Policy Statement – Assessment of Overprovision
3. Minutes of meeting of 27 November 2023, decisions and matters arising
4. Applications – major variations, new provisionals/premises licences, etc – details as set out in separate list
5. Occasional Licence Referrals
6. Provisional Premises licence extension requests
7. Premises Licence Review Hearing – 48 Ferry Road Drive

**Nick Smith**

Clerk of the Licensing Board

Service Director, Legal and Assurance

Licensing Board membership:

Councillor Chas Booth	Councillor Margaret Graham
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Pauline Flannery	Councillor Jason Rust (Vice-Convenor)
Councillor Catherine Fullerton	Councillor Norman Work
	Councillor Louise Young (Convenor)

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

<https://www.edinburgh.gov.uk/licences-permits/edinburghs-licensing-board/1>

**Additional Information for Edinburgh License Board Consultation  
From NHS Lothian Public Health & Edinburgh Alcohol and Drug Partnership  
Contacts for further information:**

[flora.ogilvie@nhslothian.scot.nhs.uk](mailto:flora.ogilvie@nhslothian.scot.nhs.uk) and [david.williams@edinburgh.gov.uk](mailto:david.williams@edinburgh.gov.uk)

As referred to in our previous submissions, we have now received data from The Centre for Research on Environment Society and Health (CRESH) which allows us to provide recommendations to the License Board on areas of alcohol license overprovision within Edinburgh, for both on and off sales.

The purpose of the licensing system in Scotland is to regulate the retail provision of alcohol in such a way as to mitigate the risks of harm to individuals and society from its use. The job of a licensing board is to decide whether any proposed further expansion in the supply of alcohol, through additional licensed premises, capacity or hours is compatible and consistent with the licensing objectives and the wider public interest.<sup>1</sup>

Overprovision is where there are problems linked to the number and type of premises in an area. Boards have the flexibility to decide the approach they take to addressing overprovision in their area and can focus on only those factors that cause them concern in the light of the evidence. A licensing board must refuse applications for new premises licences or extensions in capacity in areas where it judges that the granting of an additional licence or extended capacity could result in overprovision of licensed premises.

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health.<sup>2</sup> Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence.<sup>3</sup> Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets.<sup>4</sup> This relationship was particularly striking for off sales outlet density.

The Centre for Research on Environment Society and Health (CRESH) is a virtual centre joining scientists from the Universities of Edinburgh and Glasgow. Their research is focused on exploring how physical and social environments can influence population health, for better and for worse. This newly available CRESH data provides further evidence of the links between alcohol availability and harm in Scotland. Information was gathered on alcohol outlets, health harms and crime rates within neighbourhoods across the whole of Scotland. This data will soon be available online in the Alcohol Outlet Availability and Harm Profiles, and the CRESH WebMap. In the interim, we have provided a summary of the data below, and a description of how we have used it to identify areas of over provision in Edinburgh. We are hopeful this data will support the license board to improve its understanding of alcohol and its impacts and inform your Edinburgh Strategy for the next three years.

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<sup>1</sup> <https://www.alcohol-focus-scotland.org.uk/media/263089/AFS-Resource-Section-4.pdf>

<sup>2</sup> Campbell C, Hahn R, Elder R et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. American Journal of Preventive Medicine 2009; 37(6):556–569.

<sup>3</sup> <https://pubmed.ncbi.nlm.nih.gov/28886441/>

<sup>4</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality>

We analysed the following data provided by CRESH:

- Data zones<sup>5</sup> and intermediate zones<sup>6</sup> in the City of Edinburgh Council area
- Standardized ratio<sup>7</sup> for hospital stays related to alcohol<sup>8</sup>
- Crime rate (recorded crimes of violence, sexual offences, domestic housebreaking, vandalism, drugs offences, and common assault per 10,000 people)<sup>9</sup>
- Number of total alcohol outlets (both on- and off-premise) per 1000 persons (2020)
- Number of on-premise alcohol outlets (buy and consumption on-premise) per 1000 persons (2020)
- Number of off-premise alcohol outlets (buy and consumption off-premise) per 1000 persons (2020)

There is no formal definition of ‘overprovision’ in terms of a simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interest of the community.<sup>10</sup>

As of 31 March 2022, Edinburgh has 1,952 alcohol outlets<sup>11</sup> (on and off trade), which means there is approximately one outlet for every 225 residents aged 18 and over (and one outlet for every 56 ‘harmful’ drinkers in the city (consuming over 14 units a week)).<sup>12</sup> It is therefore not useful to compare Edinburgh to national averages, as Edinburgh already has the highest number of alcohol outlets. It may be more meaningful to look at areas within Edinburgh which are overprovided, compared to the rest of Edinburgh.

Similarly to our last submissions, we have therefore based our current analysis and recommendations on intermediate zones which:

- contains at least one datazone experiencing a very high aggregate alcohol related harm (i.e. those with rates of both alcohol related health harm and criminal justice harm in the top 10% of Edinburgh data zones); and
- contains at least one data zone with a very high rate of provision of off sales or on sales premises (i.e. with rates of these respective premise type in the top 10% of Edinburgh data zones)

The following intermediate zones have extremely high levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons). We therefore recommend that these intermediate zones are assigned as over provision areas for **all sales**.

- Tollcross (top 1% for all sales)
- Old Town, Princes Street and Leith Street (all intermediate zones within top 2% for all sales)

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<sup>5</sup> Data zones are designed to have roughly standard populations of 500 to 1,000 household residents, nest within council areas, have compact shapes that respect physical boundaries where possible, and to contain households with similar social characteristics.

<sup>6</sup> Intermediate Zones were designed to meet constraints on population thresholds (2,500 - 6,000 household residents), to nest within local authorities, and to be built up from aggregates of data zones.

<sup>7</sup> Standardised ratios (e.g. alcohol-related hospital admissions) are adjustment for age and sex so that comparisons can be made between areas that may have populations with different age or gender structures. A value of 100 is the Scotland average for a population with the same age and sex profile.

<sup>8</sup> Data from Scottish Index of Multiple Deprivation 2020

<sup>9</sup> Data from Scottish Index of Multiple Deprivation 2020

<sup>10</sup> <https://www.alcohol-focus-scotland.org.uk/media/263089/AFS-Resource-Section-4.pdf>

<sup>11</sup> <https://www.gov.scot/publications/scottish-liquor-licensing-statistics/>

<sup>12</sup> <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2021>

The following intermediate zones have extremely high levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons) for off sales. We therefore recommend that these intermediate zones are assigned as over provision areas for **off sales**.

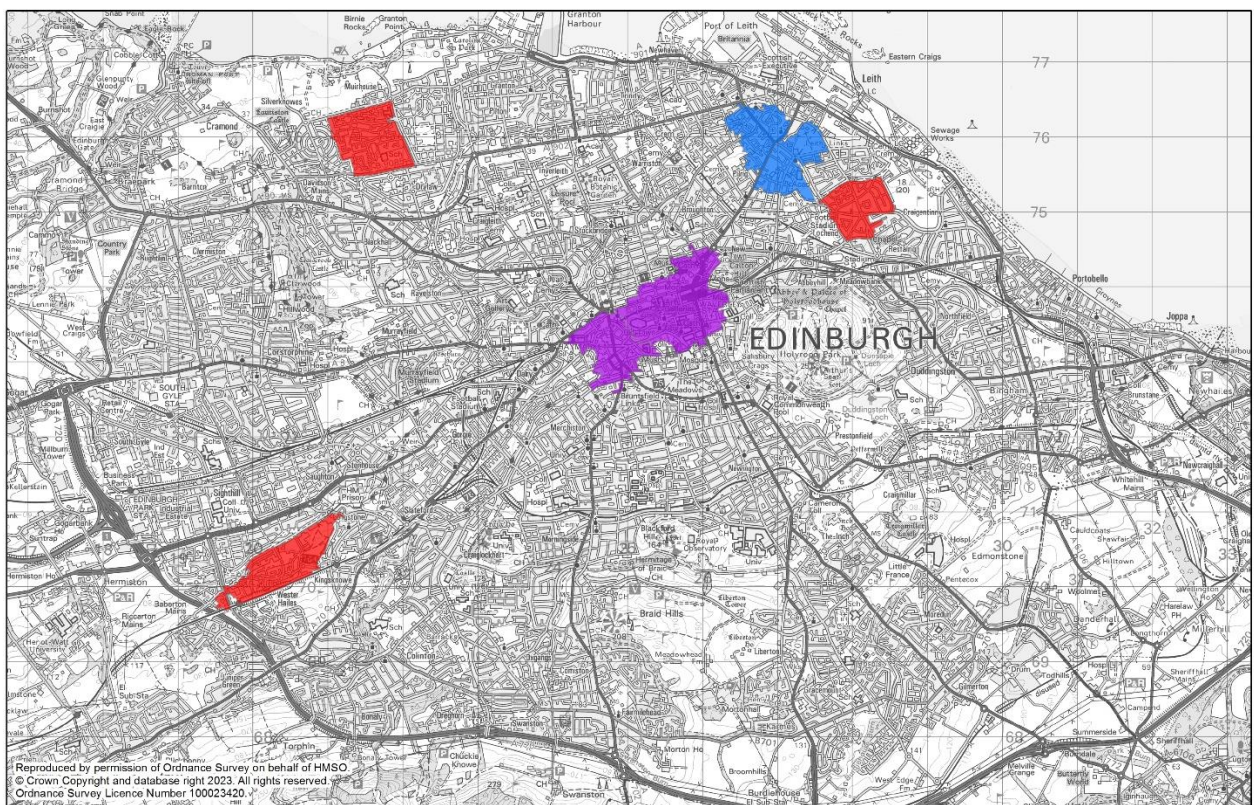
- Murrayburn and Wester Hailes North (top 1% for off sales)
- Restalrig and Lochend (top 2% for off sales)
- Muirhouse (top 4% for off sales)

The following intermediate zones have extremely high levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons) for on sales. We therefore recommend that these intermediate zones are assigned as over provision areas for **on sales**.

- Great Junction Street (top 5% for on sales)
- South Leith (top 3% for on sales)

The below map indicates the proposed over provision areas:

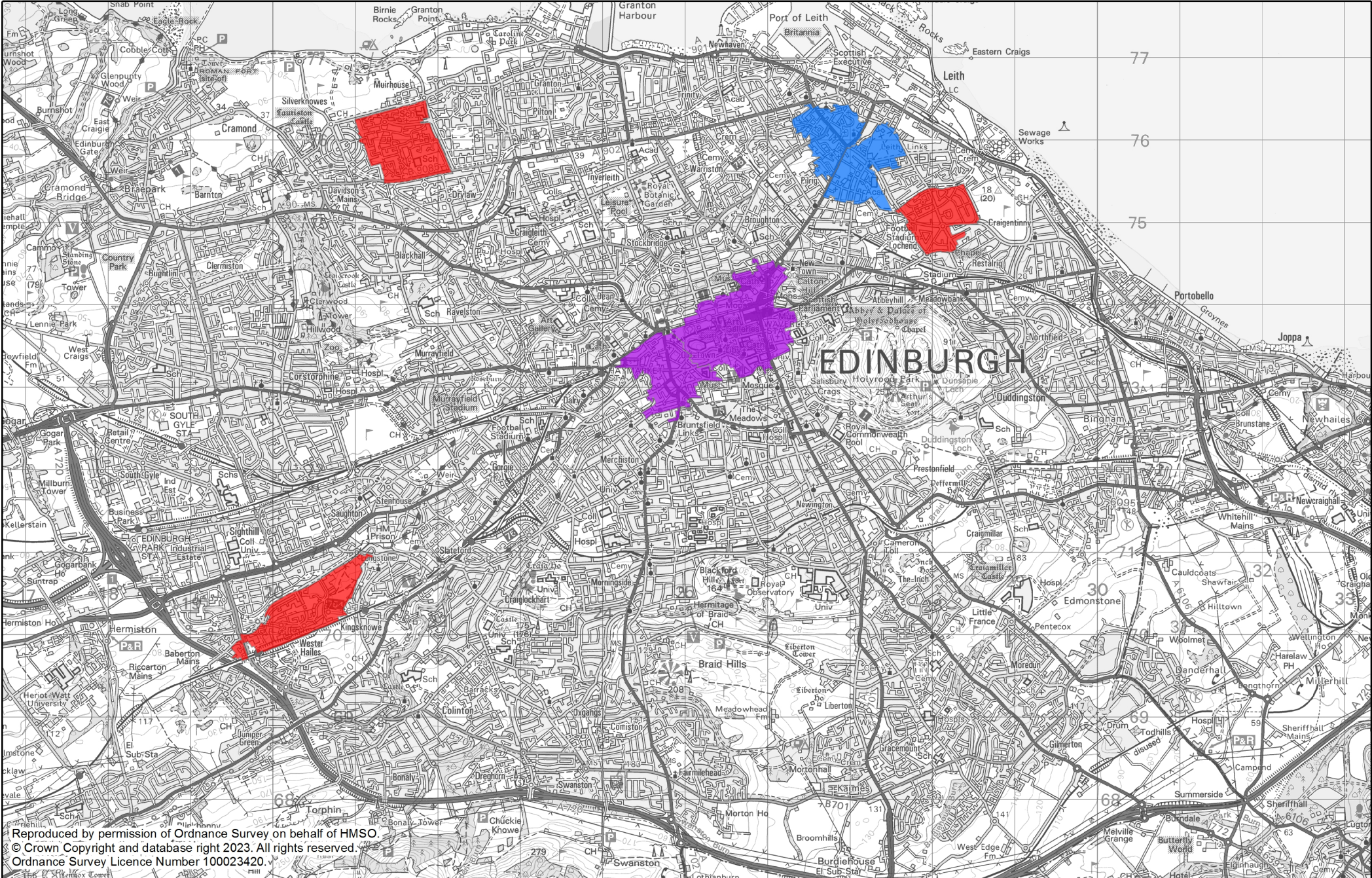
- The purple area indicates over provision for all sales
- The red area indicates over provision for off sales
- The blue area indicates over provision for on sales.



The understand that the License Board has discretion on the size of areas to declare as overprovision zones. We recommend that the board consider overprovision by intermediate zone, rather than data zones. Data zones are small (in some cases taking minutes to cross) and therefore it is difficult to be confident that the impact of very dense areas of outlets will be effectively described by the boundaries of the datazone itself. If we examine only data zones with the greatest harm and outlet density and declare only those small areas overprovided, the existing nearby provision will be

ignored and new outlets will simply be displaced to the periphery of datazone boundaries, spreading the overprovision rather than addressing it.

We are keen to discuss this information further with the license board in the forthcoming evidence session. If the board have any questions they wish us to consider in advance, please make the named contacts aware.



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## MINUTES OF MEETING

MONDAY 27 NOVEMBER 2023

**Board members present: Councillors Louise Young (Convenor); Jason Rust (Vice-convenor); Chas Booth; Lezley Marion Cameron; Pauline Flannery; Catherine Fullerton; Margaret Graham; David Key; Norman Work**

**Police: Sergeant Barry Mercer**

**Council Officers: Veronica McMillan (Regulatory Team Leader); Andrew Mitchell (Head of Regulatory Services) – Item 2; Catherine Scanlin (Licensing Service Manager) – Item 2; Henry Sullivan (Information Asset Manager); Colin McCulloch (Senior Building Standards Surveyor); Nick Fraser (Depute Clerk)**

In its consideration of items 1 to 5 below the Board deliberations were broadcast using the Council's webcast system. A copy of the webcast can be viewed [here](#)

### 1. Convenor's Update

The Convenor began by referring to the work carried out by the Board to prepare its new statement of licensing policy, with final consideration of its terms to be discussed and agreed further on in the agenda.

The Convenor advised the Board of her attendance at the recent Best Bar None awards ceremony, at which licence holders were recognised for their efforts in the various BBN categories.

### 2. Annual Financial Report 2022/23 – update

Andrew Mitchell and Catherine Scanlin were in attendance for this item, which had been continued from the Board's October meeting in order for further information to be provided on the income and expenditure of the Board over the previous financial year. The Board noted the additional detail provided and agreed the report should now be published.

### 3. Records Management Plan

The Board noted that the Records Management Plan for the Council and Board was ready for consideration and agreement, with a view to the agreed version being published. The Board agreed the terms of the RMP as presented by Henry Sullivan.

### 4. Policy Statement – Conclusion of Consultation

The Board considered the terms of a report provided by the Depute Clerk, and the annotated version of the draft policy statement which took account of the responses to the Board's consultations and the outcome of discussions conducted with consultee groups over the previous year.

At the conclusion of detailed discussions, all as included within the webcast of the proceedings, the Board agreed the terms of its new statement of licensing policy. The



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## LICENSING BOARD

Board noted that its assessment of overprovision would form the basis of a separate workstream, to commence in January.

### 5. Minutes of meeting of 30 October 2023, decisions and matters arising

The Board agreed the minutes and decision list for the meeting of 30 October 2023.

### 6. Applications – major variations, new provisionals/premises licences, etc – details as set out in separate list

During the morning session of the Board meeting, proceedings were interrupted by a fire alarm which necessitated the evacuation of the building. The Board was able to continue with some of the business on its agenda, but agreed the applications business should be continued to a later date.

### 7. Personal Licence Review – Joao Viera

As stated above, the interruption of proceedings prevented consideration of this item. It was subsequently confirmed however that Mr Viera had surrendered his personal licence.

### 8. Provisional Premises licence extension requests

The Board considered the following requests for extension of provisional premises licences and agreed to extend in each case until the end of February 2024:-

- 8 Salamander Place
- 165 Lothian Road
- 47-49 Duke Street
- Mortonhall Farm Shop

# Applications called for 10.30

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Continued Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	495372	Buzzworks Hospitality Limited	Black Hay Solicitors 45/47 Main Street, Prestwick, Ayrshire, KA9 1AF	1/7, Port Edgar, Shore Road, South Queensferry, EH30 9SQ	No	No	Yes	To add to section 5 of the operating plan - hot beverages, food and non alcoholic drinks can be purchased at the facility known as "Outboard" before core times. During core times alcohol may be purchased within the "Outboard" area. Operation of the Outboard area will be under the supervision of management and staff on duty. To add Plan B showing the location and extent of the "Outboard" area. Plan A is the existing premises licence approved plan  CC LSO BSR	

# Applications called for 10.30

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	504420	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	140-144 Saughtonhall Drive, Edinburgh, EH12 5TT	No	Yes	No	Amendment to Question 5(f) to vary the hours of opening from 08:00 and 22:00 daily to 07:00 and 22:00 daily i.e. to read as follows: "The store will open for the sale of general convenience goods between the hours of 07:00 and 22:00 daily. These are the maximum hours during which the premises will be open to members of the public and are subject to customer demand."  CC	

# Applications called for 10.30

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	503163	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	55 The Loan, South Queensferry, EH30 9SD	No	Yes	No	To add at the bottom of Section 5(f) of the Operating Plan: "Home delivery of groceries, including alcohol will be available subject to demand."  CC	
3.	504774	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	55 The Loan, South Queensferry, EH30 9SD	No	Yes	No	Add at Section 5(c) – Recorded music YES, YES, YES. 2. Add at "Where you have answered YES in respect of any entry in column 4 above, please provide further details below." – "recorded music may be played outwith core licensing hours." 3. To amend Section 5(f) – to amend the hours to "between the hours of 0700 and 2200 hours daily. "  CC	

# Applications called for 10.30

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	504777	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	9 Scotstoun Grove, South Queensferry, EH30 9PH	No	Yes	No	To amend Q5(f) – to "between the hours of 0630 - 2200 hours Monday to Friday (inc). At 0730 to 2200 hours on Saturday and Sunday". To add additional text to recorded music activity, "recorded music may be played outwith core licensing hours".  CC	

# Applications called for 10.30

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	504204	The Porty Pub Co. LTD	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	187 Portobello High Street, Edinburgh, EH15 1EU	No	No	Yes	To amend the operating plan: Question 4 to YES for seasonal variations and inc "We shall apply for, or take grant of extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with the Edinburgh Licensing Board's policies/guidelines. We may also apply for extensions for special events i.e. sporting events, functions, charity evenings etc" Question 5a to YES in columns 2 and 3 for Live Performances Question 5a to YES in columns 2 and 3 for Dance Facilities Question 5f to add Karaoke and Discos to the list of activities.  CC LSO	

# Applications called for 11.00

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	504621	HIN JB Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	1-3 Baxter's Place, Edinburgh, EH1 3AF	No	No	Yes	Major variation to layout plan to account for the inclusion of the terraced area on Level 05 in the licensed footprint, per proposed layout plan 140318 L31-105. There is no change to the capacity figure.  CC LSO BSR	

**Applications called for 11.00**

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	502422	Scots Guards Association Club Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	2 Clifton Terrace, Edinburgh, EH12 5DR	No	No	Yes	To delete additional conditions 3&4 To delete the current condition on amplified music and vocals, and to replace it with the new condition.To commence on sale hours at 9am each day, except Sunday 11am. To add off sales. To delete the current wording in Seasonal Variations and provide that the premises would like to take advantage of general extensions granted by the Licensing Board. To add Restaurant Facilities, and Indoor/ Outdoor Sports as Activities. To provide that certain Activities may take place outwith core hours. To add Tastings as an Activity. To amend access by children and young persons. To substitute new Layout Plans, showing the additional outside area, and various changes to the layout of the premises, particularly on the top floor. To add premises manager  CC LSO BSR	



# Applications called for 11.00

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Transfer and Variation PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	505611	Mr Jun-Hay Au	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	27 Sciennes Road, Edinburgh, EH9 1NX	No	No	Yes	Transfer application. To introduce on sale licensed hours on Sunday from 11am to 9.45pm and off sales to 10pm. To increase the on sale licensed hours on Monday to Thursday to 9.45pm and on Sunday to 10pm. To substitute a new layout plan showing a slightly larger outside area. To change the name of the premises to Pomello. To change the premises manager.  CCx2	

# Applications called for 11.00

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Continued Provisional PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	477275	Mr Adnan Majeed	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	16 Newkirkgate, Edinburgh, EH6 6AD	No	Yes	No	Retail unit located within the Newkirkgate Shopping Centre, at the foot of Leith Walk.  CCx2 LSO BSR	
2.	488669	Chorrito Sauce Co	Chorrito Sauce Co The Old School House, Ground Floor, Krowji, West Park, RedRuth, Cornwall, TR15 3AJ	126 Leith Walk, Albion, Edinburgh, EH6 5DT	Yes	No	No	Chorrito Sauce Cantina is a Hot Sauce production kitchen and Cantina is a small Mexican inspired 12 seater cafe (4x table seat and 8 bar stool) that's provides hot and cold food breakfast / lunch / dinner for consumption on and off the premises, with a small alcohol offering for consumption on premises with food only.  CCx2 LSO BSR	

**Applications called for 11.30**

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	503919	The Linton Collection Limited	TLT Solicitors 9th Floor, 41 West Campbell Street, Glasgow, G2 6SE	19-21 Blackfriars Street, Old Town, Edinburgh, EH1 1NB	No	No	Yes	Restaurant within converted church building with accomodation above  CCx2 LSO BSR Ox1	
2.	503288	T.J Morris (Scot) LTD	Gosschalks Solicitors Queens Gardens, Hull, HU1 3DZ	7 Moray Park, Meadowbank, Edinburgh, EH7 5TS	No	Yes	No	Retail Store  CCx2 LSO BSR	
3.	504048	Mr Ugur Yavuz	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	54-56 West Port, Edinburgh, EH1 2LD	No	No	Yes	Small coffee/shop cafe located on the ground floor of a building on West Port.  CCx2 LSO BSR Ox1	

**Applications called for 11.30**

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS**

**22 January 2024**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	504186	Mr Mohammed Din	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	42-44 South Bridge, Old Town, Edinburgh, EH1 1LL	No	No	Yes	Restaurant/Takeaway on ground floor and basement of premises on South Bridge, Edinburgh  CCx2 LSO BSR	
5.	504032	Pizza Dalry Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	148-150 Leith Walk, Edinburgh, EH6 5DT	No	No	Yes	Restaurant/takeaway unit located on the ground floor of a building on Leith Walk, with outside seating area  CCx2 LSO BSR	

## Applications called for 13.30

### THE CITY OF EDINBURGH LICENSING BOARD LICENSING (SCOTLAND) ACT 2005

#### OCCASIONAL LICENCE APPLICATIONS 22 January 2024

No	Reference	Premises	Dates and times	Comments	Decision
1.	517532	99 Leith Walk, Edinburgh	29/01/2024 - 11/02/2024  On sales: 1100 - 0100 Off Sales: 1100 - 2200	Represented by Alistair Macdonald  Conditions accepted	
2.	515604	65 Cowgate, Edinburgh	30/01/2024 – 12/02/2024  On sales: 1100 - 0100 (Mon-Sat) 1230 – 0100 (Sun)	Represented by Macgregor Thomson  Conditions accepted	
3.	517578	59-63 George IV Bridge, Edinburgh	29/01/2024 - 11/02/2024  On sales: 1000 - 2200 (Mon-Sat) 1100 – 2200 (Sun)	Represented by Alistair Macdonald  Conditions accepted	
4.	516920	215 St John's Road, Edinburgh	31/01/2024 – 13/02/2024  On sales: 1100 – 2300 (Sun-Thu) 1100 – 0000 (Fri-Sat) Off sales: 1100 – 2200	Represented by Alistair Macdonald  Conditions accepted	
5.	517786	110A Dalry Road, Edinburgh	26/01/2024 – 10/02/2024  Off sales: 1000 - 2200	Represented by Alistair Macdonald  Conditions accepted	
6.	517644	Cask Smugglers, Waverley Mall, 3 Princes Street, Edinburgh	29/01/2024 – 11/02/2024  On sales: 1100 - 0100 Off Sales: 1100 - 2200	Represented by TLT LLP  Conditions accepted	

**Applications called for 14.30** THE CITY OF EDINBURGH LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005  
PERSONAL LICENCE APPLICATIONS

22 January 2024

**New Applications**

No	Reference	Applicant	Agent Details	Comments	Decision
1.	505931	Mr Kieran Sime	Macdonald Licensing	CC  (Continued - September 2023 and October 2023 Licensing Board)	
2.	512627	Mr Jing Shen	Macdonald Licensing	CC	

## APPLICATIONS TO EXTEND PROVISIONAL PREMISES LICENCES

### 1. Purpose

- 1.1 To ask the Board to consider applications to extend the duration of provisional premises licences.

### 2. Main Report

- 2.1. A number of requests for extension of provisional premises licences have been received.
- 2.2. A provisional premises licence is granted for a period of four years from the date of issue of the licence. If not confirmed before the end of the provisional period, the licence is revoked. Confirmation is obtained upon receipt by the Licensing Board of clear [Section 50](#) certificates (Planning, Building Standards and, where necessary, Food Hygiene).
- 2.3. A provisional premises licence holder may apply to the Board before the end of the provisional period, requesting an extension by such further period as the Board considers appropriate.
- 2.4. In granting such an extension, the Board must be satisfied in terms of [Section 45\(8\)](#) of the 2005 Act that (a) completion of the construction or conversion of the premises to which the licence relates has been delayed and (b) the delay has been caused by factors outwith the premises licence holders' control.
- 2.5. Details of premises for which requests have been made will be attached to this report. Provisional licence expiry details will be confirmed at the Board meeting, if not set out as attached.
- 2.6. In some instances, the premises for which extensions have been requested have been operating by means of occasional licences issued by the Board, as permitted by the Act. The Board may wish to seek further information from licence holders and their agents, in the event of there being longer term use of occasionals, in line with the terms of the Board's newly adopted policy.

### 3. Recommendation

- 3.1 In the event the Board is satisfied with the reasons given, the Board is asked to reach a decision on the duration of any extension of the provisional premises licence for each of the requests.

### 4. Background Information

- 4.1 Fat Hippo, 95 George Street – extended by Board 28 August 2023
- 4.2 Cask Smugglers, Waverley Mall, 3 Princes Street – first time request
- 4.3 8 Salamander Place – extended by Board 27 November 2023
- 4.4 32 South Clerk Street – first time request
- 4.5 Mimi's, 1 Market Street – extended by Board 31 July 2024
- 4.6 120 Dundas Street – extended by Board 31 July 2024 (original expiry 27 May 2019)

## APPLICATIONS TO EXTEND PROVISIONAL PREMISES LICENCES

- 4.7 3 Elm Row – first time request
- 4.8 49 Forrest Road – extended by Board 30 October 2023 (original expiry 25 January 2021)
- 4.9 59/63 George IV Bridge – first time request
- 4.10 59 Great Junction Street – extended by Board 31 July 2023
- 4.11 57/59 South Clerk Street – extended by Board 31 July 2023
- 4.12 215 St John's Road – first time request
- 4.13 86 Walter Scott Avenue – first time request
- 4.14 37a/37b Warrander Park Road – extended by Board 31 July 2023
- 4.15 60b Ford's Road – extended by Board 31 July 2023
- 4.16 165 Lothian Road – extended by Board 27 November 2023
- 4.17 47-49 Duke Street – extended by Board 27 November 2023
- 4.18 Mortonhall Farm Shop – extended by Board 27 November 2023

**Depute Clerk of the Licensing Board**



LICENSING BOARD

PREMISES LICENCE REVIEW HEARING – 48 FERRY ROAD DRIVE,  
EDINBURGH

**1. Purpose**

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises 48 Ferry Road Drive, Edinburgh.
- 1.2 To set out the options available to the Board, if it considers it necessary for the purposes of the licensing objectives, to take any action with the premises licence at the conclusion of the hearing.

**2. Main Report**

- 2.1. The grounds for review of a premises licence are:-
  - (a) that one or more of the licensing conditions has been breached;
  - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
  - (c) any other ground relevant to the licensing objectives:-
    - preventing crime and disorder,
    - securing public safety,
    - preventing public nuisance,
    - protecting and improving public health, and
    - protecting children and young persons from harm.
- 2.2. The Board may reject an application for review if it is considered that it is vexatious or frivolous, or that it fails to disclose matters relevant to the statutory grounds for review. The Board's Statement of Licensing Policy delegates this decision to the Convenor. The Convenor considered the application and agreed it should proceed to a review hearing.
- 2.3. The application was submitted by Police Scotland. The premises licence holder is Adnan Hussain Jaffery. The Council's LSOs were asked to prepare a report on the terms of the review application, to be forwarded to the licence holder and for the Board's consideration.
- 2.4. In carrying out the review hearing, the Board should first hear from the Police Scotland as the applicant for review, and then from the LSO representative. The Board would then hear from the licence holder or their agent in response. At the conclusion of the hearing if the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can take any of the following steps:-
  - (a) issue a written warning;
  - (b) make a variation of the licence;
  - (c) suspend the licence for such period as the Board may determine;
  - (d) revoke the licence.
- 2.5. In the course of the review hearing if the Board makes a finding that a personal licence holder has acted in a manner that is considered to be

PREMISES LICENCE REVIEW HEARING – 48 FERRY ROAD DRIVE,  
EDINBURGH

inconsistent with the licensing objectives, the Board may proceed to hold a separate hearing on the individual's personal licence.

**3. Recommendation**

3.1 The Board is required:-

- (a) to hold a premises licence review hearing;
- (b) to decide at the conclusion of the hearing what action requires to be taken, having regard to the licensing objectives;

**4. Background Papers**

4.1 Application for review of premises licence, dated 13 September 2023

**Depute Clerk of the Licensing Board**

# 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 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

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:

- 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

The ADP considers two other areas of information to be germane:

- Levels of alcohol-related harm in Edinburgh – these are described in the submission from NHS Lothian Public Health Department
- Neighbourhood specific information on levels of over provision and alcohol related harm; this is being provided by a research team from Edinburgh University and will be provided to the board by NHS Lothian Public Health along with a partnership recommendation for the board's overprovision policy.

## 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 and outside the home) surrounding its consumption (**acceptability**)<sup>10</sup>
- 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 income<sup>11</sup>. Alcohol is much more

## 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.

affordable to buy now than it was in the past, 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 harm<sup>2</sup>.

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. The Partnership strongly supports this policy.

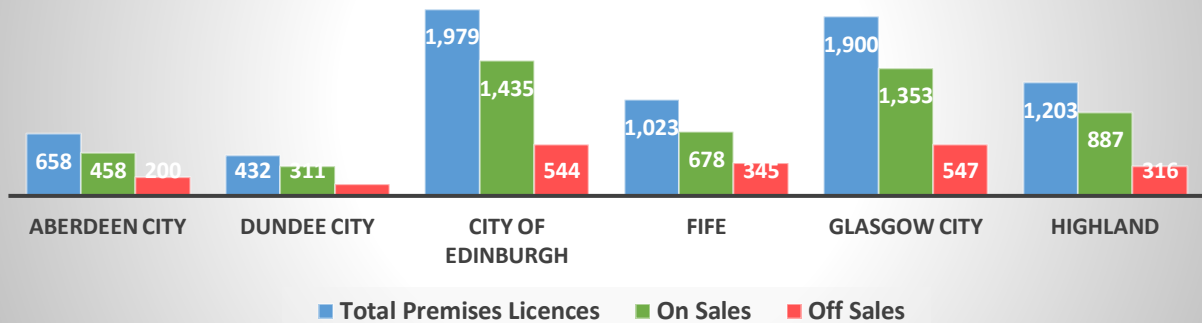
In 2017, 73% of alcohol in Scotland was sold through off-sales premises and it is the growth in these sales that has driven rising levels of consumption over time<sup>1</sup>. The on-sales environment offers several social controls that potentially reduce the likelihood of overconsumption. Licensing regulations prevent an intoxicated individual being served any additional alcohol, and the time-limited opening of the on-sales premises 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 as 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 off-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 average in 2017<sup>16</sup>. At that time, the average density for all datazones in Edinburgh was 22.0 outlets per km<sup>2</sup>, while the average density for Glasgow is 13.7 outlets per km<sup>2</sup>, and for all Scottish datazones is 8.0 outlets per km<sup>2</sup>. To an extent this reflects the Edinburgh tourism economy and its geography, but not entirely.

## Scottish Liquor Licensing Statistics 2016/17



**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<sup>e.g.17,18</sup>. It is complex and international, but a review of the evidence<sup>19</sup> 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.<sup>19</sup>

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 research<sup>20</sup> 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 disorder<sup>21</sup>. 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 relapse<sup>22</sup>. 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). Previous local research<sup>23</sup> 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).

## Public opinion: “Alcohol in our community” research



In 2017, “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.

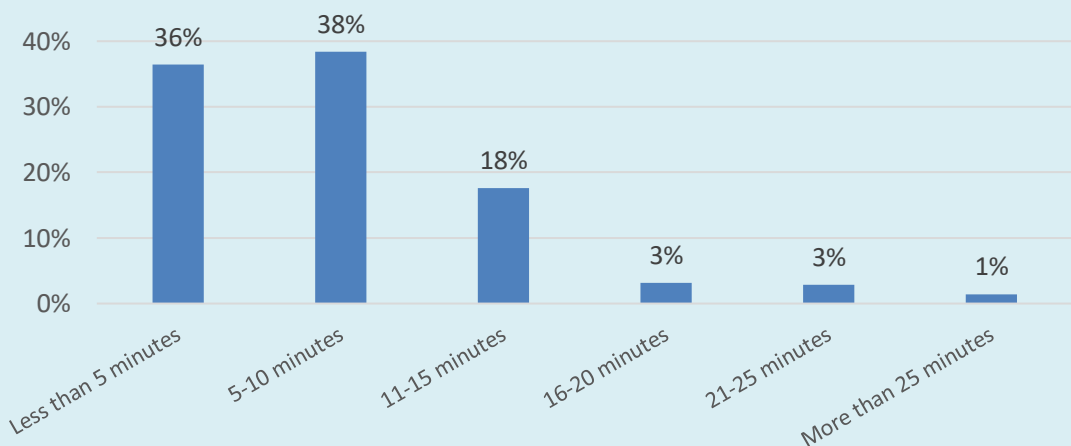
8% of respondents stated that their lives had been or were currently negatively impacted by people close to them with alcohol problems.

*“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

**How far do you normally travel to buy alcohol?**



it.



## 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 addiction<sup>23</sup>. 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-license 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<sup>24&25</sup> effectively.

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

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

## EADP Alcohol Strategy

### 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

(such as voluntary advertising restrictions) typically have minimal impact on harm: the UK “Public Health Responsibility Deal”, for instance, was found to have “no demonstrable impact” on alcohol harm<sup>19</sup>. 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 regulated<sup>19</sup>. 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.

## 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.<sup>1 2</sup></p> <ul style="list-style-type: none"> <li>• Bar density more strongly associated with rates of assault than restaurant density.<sup>3</sup></li> <li>• Late night trading hours associated with higher assault rates.<sup>4 5</sup></li> <li>• More violence linked to off-premises than on-premises in two studies.<sup>6 7</sup></li> <li>• Number of licensed premises linked to alcohol-related crime in Glasgow.<sup>8</sup></li> <li>• Closure of alcohol outlets linked to decrease in assault rates in a US city.<sup>9</sup></li> <li>• Cutting pub late night opening by two hours produced a large relative reduction in the rate of assaults in an Australian city.<sup>10</sup></li> <li>• Changes in walking outlet density associated with alcohol-related harms including violent crime in Wales.<sup>11</sup></li> </ul> <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.<sup>12</sup></p>
Hospital attendances	<p>Alcohol-related hospital admissions increased in London hospital after extension in licensed hours.<sup>13</sup></p> <p>More off-sales premises in England linked to alcohol-related hospitalisations of under-18s.<sup>14</sup></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.<sup>15</sup></p> <p>Changes in walking outlet density associated hospital admissions in Wales.<sup>11</sup></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.<sup>16</sup></p> <p>Across the whole of Scotland, alcohol-related hospitalisation rates significantly higher in neighbourhoods with the most alcohol outlets.<sup>17</sup></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.<sup>18</sup></p>
Underage drinking	<p>Outlet density found to be a significant factor in the prevalence of teenage high-risk drinking.<sup>14,16,19, 20,21</sup></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. <sup>22</sup>
Property crime/damage	People living closer to alcohol outlets in high density areas are more likely to report damage to property. <sup>1</sup> (3 studies)
Car crashes/injuries/fatalities	Traffic incidents linked to increased outlet density and hours of sale. <sup>1</sup> (6 studies) Alcohol-involved pedestrian collisions significantly and positively related to number of on-sales per kilometre of road in US city. <sup>23</sup>
Deprivation	Relationship between neighbourhood deprivation and off-sales alcohol outlets in Scotland, with the most deprived quintile of neighbourhoods having the highest outlet densities. <sup>24</sup>
Drink driving	Self-reported driving after drinking goes up with increased outlet density. <sup>1</sup> 10% increase in outlet density associated with 3% increase in drink driving incidents in US state. <sup>25</sup>
Child maltreatment and neglect	Areas with more bars found to have higher rates of child maltreatment. <sup>1</sup> (2 studies)
Domestic violence	Domestic violence increases as the number of premises selling alcohol goes up. <sup>26,27</sup> Total alcohol outlet density and off-premise alcohol outlet density associated with intimate partner violence. <sup>28,29</sup>
Murder	A significant positive relationship found between murder rates and alcohol outlet density. <sup>1</sup>
Mortality	Increase in alcohol outlets over five-year period associated with rising alcohol consumption and a 27% increase in the alcohol mortality rate. <sup>30,31</sup> 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). <sup>17</sup>
Suicide	Significant association found between suicide and outlet density. <sup>1</sup>
Sexually-transmitted disease	Decrease of one alcohol outlet per mile of roadway associated with 21 fewer cases of gonorrhoea per 100,000 people. <sup>32</sup>

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**POLICE  
SCOTLAND**  
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**POLICE SCOTLAND CONSULTATION RESPONSE – APRIL 2023**

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**STATEMENT OF LICENSING POLICY FOR EDINBURGH – OVERPROVISION**

## 1. Introduction

Section 7 of the Licensing (Scotland) Act 2005 requires a Licensing Board to include in its statement of licensing policy, a statement as to the extent to which the Board considers there to be an overprovision of (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Board's area, and in doing so, the Board may determine that the whole of the Board's area is a locality.

An overprovision assessment must be evidenced based. It is a matter for each Licensing Board to determine what their overprovision policy will be and how the evidence it has gathered will be interpreted and weighted. When undertaking this work Licensing Boards should be mindful of the five licensing objectives: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children and young persons from harm. Licensing Boards should ensure the approach to gathering, weighing and interpreting evidence, and consultation responses is robust, all of the relevant evidence before them is taken into account, and the rationale for regarding/disregarding that evidence in developing Licensing Policy Statements (LPS) is clearly set out.

Scottish Government [Guidance for Licensing Boards](#) outlines the requirement for Licensing Boards to produce an overprovision assessment, and note this in the statement of licensing policy. This is designed to:

- Enable Licensing Boards to take account of changes since the publication of their previous statement of licensing policy and any subsequent
- Supplement statement of licensing policies which may have been issued.
- Improve public and trade confidence in the licensing system by setting out clearly the grounds on which overprovision should be determined.
- Recognise that halting the growth of licensed premises in localities is not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities and mitigate the adverse health effects of increased alcohol consumption.
- Provide potential entrants to the market with a clear signal that they may incur abortive costs if they intend to apply for a licence in a locality which a Licensing Board has declared to have reached overprovision. (Scot Gov., 2023)

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 well-being, and boosting local productivity and economic performance.

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Currently there are four areas that the previous Edinburgh Licensing Board assessed as 'areas of overprovision', namely:

- Old Town, Princes Street and Leith Street
- Tollcross
- Deans Village
- Southside, Canongate and Dumbiedykes

The previous Board reached this decision having regard to the evidence presented by a number of agencies including Police Scotland.

Layout plans showing the extent of these localities can be found at Appendix 1 within the current [Statement of Licensing Policy](#).

Section 8.5 of current Board Policy states;

*"...the Board recognises that there may be exceptional cases where the Board determines applicants have been able to demonstrate that the grant of the application would not undermine the licensing objectives or that those objectives would not be undermined if the applicant's operating plan were to be modified or the grant of the licence made subject to appropriate conditions.*

*Relevant factors which may be considered by the Board include applications which fill a gap in existing service provision, or are considered to enhance the quality of life for residents and visitors alike."*

Edinburgh is recognised as having a unique events profile, as well as having a vibrant night-time economy (NTE) throughout the year.

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 alcohol purchased from off sales prior to going out.

As outlined within our [Local Police Plan 2020-23](#), Edinburgh City Division are committed to dealing with (alcohol related) disorder and antisocial behaviour through and comprehensive package of measures including police-led and partnership activity.

## **2. Number of Licensed Premises – City of Edinburgh**

Scottish licensing law requires Licensing Boards to assess the extent to which they consider there is overprovision of licensed premises, or licensed premises of a particular type, in their area.

Previous studies have identified that increasing the number of licensed premises makes alcohol easier and more convenient to access. "The more available an addictive product is, the more some people will take the opportunity to access it". (GoWell,2012)

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A link between the number of alcohol outlets and a wide range of alcohol problems has been found in over 50 separate studies published since 2000 in countries with mature alcohol markets, including Scotland. (AFS, 2013)

The following information was taken from the Scottish Government Liquor Licensing Statistics [website](#) with other major cities included for comparison purposes only. Figures from 2017 are provided as this was the year before the current Policy was implemented.

### Premises Licences in force on 31<sup>st</sup> March 2017

- City of Edinburgh – 1979 (1435 on sales, 544 off sales)
- Glasgow – 1900 (1353 on sales, 547 off sales)
- Aberdeen – 658 (458 on sales, 200 off sales)
- Dundee – 432 (311 on sales, 121 off sales)

### Premises Licences in force on 31<sup>st</sup> March 2022

- City of Edinburgh – 1952 (1467 on sales, 485 off sales)
- Glasgow – 1935 (1352 on sales, 583 off sales)
- Aberdeen – 627 (432 on sales, 195 off sales)
- Dundee – 437 (307 on sales, 130 off sales)

Police records indicate that there are currently 44 late night venues operating in the city (night club premises operating until 0300 hours), with 43 situated within the city-centre (Ward 11).

### **3. Crime and Disorder**

Violence linked to alcohol related crime continues to be a significant challenge. Significant crime types include assault, sexual offences, domestic abuse, hate crime, disorder and vandalism. This is evident with incidents that occur during the NTE, and also within private dwellings. The availability and over consumption of alcohol continue to be an aggravator for these types of behaviour.

Excessive consumption of alcohol is a significant factor in levels of crime and disorder, particularly during the Night-Time Economy (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.

All crime data provided below has been extracted from the police crime recording system UNIFI.

Table 1 details total number of crimes recorded by Edinburgh Division on each of the calendar years between 2017 and 2022 (1<sup>st</sup> Jan-31<sup>st</sup> Dec).

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**Table 1**

Total Crimes Created (UNIFI)	2017	2018	2019	2020	2021	2022
City of Edinburgh	43064	42569	41679	36784	37009	35006

Table 2 (below) details the number of crimes where an ‘alcohol modifier’ has been applied. A modifier is additional information that provides further context or severity to the incident as opposed to the actual charge. It must be noted that this is by no means a true reflection of alcohol involvement and is likely to be underestimated. Alcohol involvement has to be stipulated by the reporting officer as an aggravator which can be subjective.

**Table 2**

Ward Area	2017	2018	2019	2020	2021	2022
Almond	156	135	156	129	124	166
City Centre	1577	1431	1159	720	1132	1165
Colinton/Fairmilehead	86	56	80	78	51	68
Corstorphine/Murrayfield	95	81	78	46	44	47
Craightinny/Duddingston	164	148	107	92	105	99
Drum Brae/Gyle	113	96	90	115	78	50
Forth	206	219	150	214	180	137
Fountainbridge/Craiglockhart	427	408	316	302	272	294
Inverleith	84	117	84	72	79	82
Leith	320	258	265	221	222	179
Leith Walk	259	221	173	203	212	153
Liberton/Gilmerton	283	284	233	269	247	228
Morningside	104	98	81	107	135	63
Pentland Hills	81	97	76	95	47	64
Portobello/Craigmillar	141	117	130	150	162	113
Sighthill/Gorgie	123	125	125	135	126	95
Southside/Newington	296	356	245	245	293	260
<b>City of Edinburgh</b>	<b>4515</b>	<b>4247</b>	<b>3548</b>	<b>3193</b>	<b>3509</b>	<b>3263</b>

Whilst these figures show the presence of alcohol, and indeed alcohol being a possible aggravator, it is unclear nor does it clearly evidence - on alcohol presence alone - whether the amount(s) of alcohol consumed has been the direct causal effect of the crimes or incidents reported unless each crime or incident were to be scrutinised individually. The figures provided merely provide the Board with an indication that alcohol was present and may have been an aggravating factor during their commission.

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In 2022, the city average of alcohol related crime against total crimes recorded was 9.32%.

Table 3 below compares alcohol related crimes in each Ward against the Edinburgh average. It also provides the breakdown of premises in each ward and compares the percentage of alcohol related crime against the number of premises. Any area where alcohol related crime percentage is higher than the share of premises is highlighted in red.

It comes as no surprise that Ward 11 (City Centre) continues to experience the most alcohol related crime, with this area consistently well above the city average by a significant margin, however compared to the number of licensed premises in the area, alcohol related crime is lower here per premises.

Areas where alcohol related crime is high compared to the number of premises are highlighted in red, with the largest margin in Fountainbridge/Craiglockhart, showing a significant 5.4% difference, and Liberton/Gilmerton showing 4.7% difference.

Other than Fountainbridge/Craiglockhart and Liberton/Gilmerton, there appears to be a clear link between the number of premises in each ward against the amount of alcohol related crime. Therefore it is fair to suggest that the greater the number of premises in an area, the likelihood of increased alcohol related crime is higher.

**Table 3**

Ward Area	Alcohol Related Crimes		Premises	
	No.	%	No.	%
Almond	166	3.5%	75	3.9%
City Centre	1165	35.7%	716	36.8%
Colinton/Fairmilehead	68	2.1%	26	1.3%
Corstorphine/Murrayfield	47	1.4%	62	3.1%
Craightinny/Duddingston	99	3.0%	42	2.2%
Drum Brae/Gyle	50	1.5%	31	1.6%
Forth	137	4.2%	46	2.3%
Fountainbridge/Craiglockhart	294	9.0%	70	3.6%
Inverleith	82	2.5%	107	5.5%
Leith	179	5.5%	107	5.5%
Leith Walk	153	4.7%	143	7.4%
Liberton/Gilmerton	228	7.0%	45	2.3%
Meadows/Morningside	63	1.9%	111	5.7%
Pentland Hills	64	2.0%	46	2.4%
Portobello/Craigmillar	113	3.5%	83	4.3%
Sighthill/Gorgie	95	2.9%	95	4.9%
Southside/Newington	260	8.0%	138	7.1%

\* Premises numbers taken from Police systems differ slightly from official council figures



#### **4. Edinburgh Custody Information**

Police regularly come into contact with people with alcohol problems, and who have been involved in crimes or incidents where alcohol has been present.

When taken into police custody, arrested persons are asked a series of questions to assess their needs, and to support, manage, and supervise their time in custody.

Persons presenting at a custody centre are asked whether they have consumed alcohol in the last 24 hour period.

The table below provides figures of those arrested between 2017 and 2023 who stated they had consumed alcohol within the previous 24 hours:

<b>Ward Area</b>	<b>Throughput</b>	<b>Q4. YES</b>	<b>%</b>
2017/18	11011	4054	36.82%
2018/19	10555	4004	37.93%
2019/20	9773	3760	38.47%
2020/21	10439	3713	35.57%
2021/22	9314	3484	37.41%
2022/23	8666	3140	36.23%

As evidenced above, figures have remained fairly consistent throughout this period with no significant increase or decrease recorded.

#### **5. Conclusion**

Areas with a high outlet density, particularly on sales during the NTE, experience greater levels of violence, disorder and antisocial behaviour. This continues to be particularly evident in the City Centre (Ward 11) and as such, this area should continue to be assessed as an area of overprovision.

The Board has within its decision making powers the ability to tackle this, in part, by careful and robust consideration of Premises Licence and Personal Licence Reviews when brought before them, as well as giving careful consideration to new Premises Licence applications (and variations of existing licences), in particular operating hours, the capacity of premises, and their geographical location.

Whilst we recognise the value, investment, and employment opportunities that hospitality venues and licensed premises bring to Edinburgh, the impact of over consumption of alcohol remains huge, not only on the Police and our other emergency services, but on our local communities and third sector organisations.

The Board are ideally placed to decide whether an area has sufficient numbers of licensed premises to cater for that particular area and evidence on what grounds additional provision is merited.

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We would also recommend the Board considers the creation of a 'trace-mapping' system (as a 'live' evolving document) which would illustrate to the Board where licensed premises are situated across the city, by Ward area, and by type of premises (e.g. off sales only, public house, restaurant, hotel, etc.). This would allow the Board, prior to the monthly Board meeting(s), to decide whether there is already sufficient provision of a particular type of premises, balanced against the value a new premises would bring to the area.

We also feel it is equally important that all key stakeholders continue to drive and promote a responsible sale of alcohol message, in combination with promoting safe and responsible consumption of alcohol, as this will undoubtedly lead to less alcohol related crimes and incidents, preventing crime, disorder, antisocial behaviour and public nuisance, whilst also providing more positive public health outcomes.

Police Scotland will continue working together with the Board, local communities, and key partners to identify, prevent and tackle alcohol misuse at its core in order to achieve these better outcomes.

To conclude, in relation to overprovision and the new Statement of Licensing Policy we would make the following recommendations:

### **Recommendation 1**

City Centre (Ward 11) to continue to be demarcated as an area of overprovision

### **Recommendation 2**

Clearly stipulate within Board decisions what constitutes an 'exceptional circumstance' when granting applications in areas assessed as being areas of overprovision

### **Recommendation 3**

Creation of a live trace-mapping document of licensed premises within the City of Edinburgh and have this made available to the Board prior to Board meetings.

### **Recommendation 4**

Hold a yearly engagement session with key stakeholders such as the Licensing Forum, Police Scotland, NHS Lothian, EDAP, LSOs, Street Assist, and the Security Industry Authority to debate areas of concern in relation to overprovision.

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## LICENSING POLICY – ASSESSMENT OF OVERPROVISION

### 1. Purpose

The Board has published its new Statement of Licensing Policy (“the policy”). In doing so, the Board agreed it would deal with its assessment of overprovision separately, to form the basis of a supplementary policy statement. This report sets that process in motion.

### 2. Background

- 2.1. Following detailed consultation and engagement, the Board agreed the terms of its new policy at its meeting on 27 November 2023. The Board’s meeting was conducted over two sessions on that date, due to an evacuation of the City Chambers. The webcast of the meeting is available online.
- 2.2. During the course of the consultation and engagement leading up to the eventual adoption of its new policy, the Board received a small number of responses from consultees on overprovision. The timing of the various meetings with consultee groups did not allow for sufficient time to explore overprovision in the necessary detail. The Board recognised it would require detailed evidence to support any assessment.
- 2.3. The Board agreed that work on the overprovision assessment for the policy would be carried out as a separate exercise, and the existing assessment would continue to be included within its policy for the time being.
- 2.4. The Board noted it would require details of the extent of licensed premises across its area. The Council’s Place Licensing Service has therefore provided an up to date “snapshot” of the extent of licensed premises for the Board’s consideration, using Intermediate Data Zone boundaries.

### 3. Overprovision Assessment

- 3.1 The 2005 Act (and associated [guidance](#)) sets out the requirements of an overprovision assessment at [section 7](#). The assessment will require to set out the extent to which the Board considers there to be an overprovision of licensed premises or licensed premises of a particular description in any locality within the Board’s area.
- 3.2 In considering whether there is overprovision in a locality, the Board:-
  - (a) must have regard to the number and capacity of licensed premises in the locality;
  - (b) may have regard to such other matters as it thinks fit, including the licensed hours of premises in the locality.

A locality can consist of any area designated as such by the Board, and may include the Board’s whole area. The information about the extent of licensed premises provided by Place Licensing has been prepared on the basis of Intermediate Data Zone localities.

- 3.3 It is for the Board to decide whether to designate overprovision localities and if so, how they should be designated, including whether to use IDZ boundaries or other means. The Board will note the use of IDZs in the terms of its existing overprovision assessment. A potential benefit of using IDZs is that they enable the gathering of statistical information that may be of particular relevance to the Board, such as the extent of alcohol-related harms in particular localities.

- 3.4 In conducting its assessment the Board must ensure that it remains mindful of the licensing objectives. The Board is required by the Act to consult before arriving at a final overprovision assessment on a locality, or localities. It must consult with:-
- the Chief Constable
  - the Health Board
  - such persons as considered to be representative of:-
    - premises licence holders in the locality
    - residents in the locality
  - such other persons as the Board thinks fit
- 3.5 During consultations leading up to the preparation of the new policy, the Board was provided with representations from NHS Lothian, Police Scotland and also from the EADP (Edinburgh Alcohol & Drugs Partnership, of which NHS and Police are both partners) on the overall subject of overprovision. NHS Lothian and Police both made reference to the Board's existing policy and provided some representations on localities they considered to exhibit overprovision characteristics. The representations are appended to this report at section 5 below.
- 3.6 It is important to note that these responses represent only part of the picture, when considering overprovision. The Board has not heard from representatives of premises licence holders, nor of residents, in particular localities. The Board did not make any decisions on whether to select localities, beyond carrying out its policy consultation on the basis of the terms of the existing assessment contained within the policy. This assessment had previously designated the IDZ localities:-
- Old Town, Princes Street and Leith Street;
  - Tollcross;
  - Deans Village (covering the Dean Village area); and
  - Southside, Canongate and Dumbiedykes
- as overprovision localities having considered there to be a causal link between alcohol-related crime and health statistics and the number and capacities of licensed premises in each of the IDZs.
- 3.7 In the absence of an agreed locality or localities beyond what is set out in the current policy, the Board is asked to consult on the basis of the details provided by the Place Licensing Service, inviting further comment from consultees as above and any other interested parties. This would enable the Board to then decide whether to identify any locality or localities that it considers exhibit overprovision characteristics, having regard to the evidence provided. The Board would then be in a position to carry out a further consultation specifically on any such locality or localities. This would be necessary to ensure in particular that in addition to police and health representatives, the other statutory consultees referred to above were provided with the opportunity to respond to the consultation.
- 3.8 It is open to the Board to narrow down the range of localities it wishes to conduct the initial consultation upon, if the Board is of the view it is not necessary to consult on all of the IDZ localities set out in the Place Licensing. In any event at this stage it is suggested that an initial consultation is carried out over a period of 8-10 weeks, with the outcome of that consultation reported to the Board. The Board would then be in a position to decide whether to designate particular localities as showing overprovision characteristics and consult specifically with representatives of licence holder and residents and any others considered necessary, within those localities.

3.9 Details of the consultation can be published on the Council's online consultation hub, and consideration can also be given to other means of publicising the consultation, similar to what was done with the Board's work on preparing its policy.

#### **4. Recommendations**

4.1 The Board is asked to:-

- (a) Consider the details of licensed premises in the Board's area as provided by the Place Licensing Service;
- (b) Consider the details of representations received on overprovision during earlier policy consultations, from police and health representatives;
- (c) Having previously agreed to do so, carry out a consultation for an agreed period, inviting comment from statutory consultees and all other interested parties on the extent of licensed premises and capacities of premises provided by Place Licensing;
- (d) Note that a follow up report will be required on the outcome of that consultation.

#### **5. Appendices**

- 5.1 Representation from NHS Lothian
- 5.2 Representation from Police Scotland
- 5.3 Representation from EADP

#### **6. Background**

- 6.1 Licensing Board webcast – [10 February 2023](#) and [27 November 2023](#)
- 6.2 [Statement of Licensing Policy](#) – agreed 27 November 2023
- 6.3 Licensing (Scotland) Act 2005 [Section 7](#)
- 6.4 Scottish Government Guidance - [overprovision](#)

**Depute Clerk of the Licensing Board**

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