



NOTICE OF MEETING

FRIDAY 29th SEPTEMBER 2023

Start time: 9.30am

**MEETING TO BE CONDUCTED ONLINE
AND TO BE WEBCAST**

AGENDA

1. Convener's Introduction
2. Licensing Board Policy – Consultation – Phase 2

Nick Smith
Clerk of the Licensing Board

• EDINBURGH •

LICENSING BOARD

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>

CONSULTATION – STATEMENT OF LICENSING POLICY – PHASE 2

1. Purpose

- 1.1 To provide an update to the Board on the ongoing preparation of its statement of licensing policy and the next steps to be taken;
- 1.2 To confirm the Board's agreement to the terms of a marked up draft policy statement;
- 1.3 To ask the Board to agree to a further period of consultation on the basis of the marked up version of the policy;
- 1.4 To advise of the timeline for publication of the final, approved policy statement;
- 1.5 To confirm the Board's agreement that an overprovision assessment will form a separate, supplementary policy statement.

2. Preparation of Statement of Licensing Policy

- 2.1. The Board is required by [section 6](#) of the Licensing (Scotland) Act 2005 ("the Act") to publish a Statement of Licensing Policy ("the policy") setting out how it will exercise its functions. The Board must ensure that its policy promotes the licensing objectives.
- 2.2. The [existing policy](#) was agreed on 26th November 2018. The Board previously agreed to ensure it would have a new policy statement in place by the end of November 2023.
- 2.3. Noting the terms of consultation responses and the additional evidence required for an overprovision assessment, the Board previously agreed to detach this work from the policy preparation. An overprovision assessment will form the basis of a separate supplementary policy statement.

Consultation – Policy

- 2.4. The Board's [initial consultation](#) on the terms of its current policy ran from 30 September – 20 December 2022. The Board highlighted the following as topics it had a particular interest in, but encouraged consultees not to be restricted by those topics in providing their responses:-
 - Current licensing hours
 - Extension of licensed hours
 - Children and young persons' access to licensed premises
 - Temporary licensing – use of occasional licences
 - Overprovision
- 2.5. The Board held a meeting on [10 February 2023](#) via Teams, which was [webcast](#). At the same time, the Board published the details of the consultation responses, grouped by topic heading. At the 10 February

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meeting, the Board discussed the responses in detail and agreed it would be beneficial (1) to hear in more detail from a number of consultees on their responses as submitted and (2) to encourage responses from those the Board had not yet heard from, but wanted to consult for their views.

- 2.6. The Board agreed hearings should be scheduled at dates and times to best suit the attendance of Board members, Council officers and consultees alike. Meetings were held as follows:-

Trade representatives and agents – 31 March 2023 - [Link](#)

Community representatives – 20 April 2023 – [Link](#)

Statutory consultees – 5 May 2023 - [Link](#)

Joint meeting with Forum – 2 June 2023 - not webcast, notes taken

Young Persons' representatives – 18 July 2023 - not webcast, recording kept

The meetings were conducted either in person or via Teams, with recordings kept where possible to do so.

- 2.7. At the conclusion of the hearings the Board held informal meetings to discuss the terms of the current policy and potential changes to be made. As a result of these meetings a draft, marked up version of the policy was prepared for approval by the Board as the basis of a document for further consultation.

3. Assessment of overprovision

- 3.1. The Statement of Licensing Policy must include a statement by the Board as to the extent to which there is considered to be overprovision of (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Board's area. The current assessment is set out in Chapter 9 of the policy.
- 3.2. While a number of consultee responses referred to overprovision, the evidence provided to the Board during the consultation process was insufficient to enable identification of specific localities. Accordingly the Board agreed it would be appropriate to continue preparation of the new statement of licensing policy, with overprovision assessment to form a separate, detailed piece of work for a supplementary statement.
- 3.3. The Board will still have to agree a timescale for preparation of the supplementary statement. Further evidence has since been obtained to enable this piece of work to commence separately, and a separate report will be provided on this. The Board previously indicated the intention to carry out this work before the end of the year.

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4. Next Steps and Timeline

- 4.1 The Board is asked to agree to use the marked up draft policy statement as a basis for commencement of the second phase of its consultation.
- 4.2 The Board is asked to agree to instruct the Depute Clerk, consulting with the Convenor and Vice-Convenor, to make arrangements to commence the second phase of the Board's policy consultation. Once agreement on the new draft policy statement is confirmed, arrangements will be made for its publication via the Council's online consultation hub, with details circulated to consultees and other interested parties. The further views of the Licensing Forum will be sought, noting it is due to meet on 6th October 2023.
- 4.3 It is intended details of the consultation will be published and circulated for a six week period, commencing 26th September 2023, with a report on the outcome of the consultation being brought before the Board in November.
- 4.4 The Board is asked to agree to note a separate report on the preparation of its overprovision assessment is to be provided to a future meeting. The Board has previously indicated a desire to make progress with this before the end of 2023.

5. Recommendations

- 5.1 The Board is asked:-
 - (a) To agree to carry out a further consultation on the basis of the marked up draft policy statement;
 - (b) To delegate arrangements for publishing the consultation to the Depute Clerk in consultation with the Convenor and Vice-Convenor;
 - (c) To agree that a report on the preparation of an overprovision assessment will be provided to a later meeting and to consider a timeline for that separate piece of work.

Depute Clerk of the Licensing Board

Background documents:

- (1) Policy consultation details and responses – reported to Board on 10th February 2023 - [link](#)
- (2) Scottish Government statutory guidance for Boards on their exercise of functions - [preparing policy statements](#) and [assessing overprovision](#).