

19 June 2014

To the Convenor and Members of the Edinburgh Licensing Forum

Licensing Board Policy and its Implementation

Following the publication last year of the Edinburgh Licensing Board's revised Policy Statement, we at Tollcross Community Council were left in some doubt as to what precisely was meant by the designation of seven areas (including Tollcross) as areas of special, serious concern.

The fact that the designation of these additional areas is in the Overprovision section of the Policy Statement looked good at first, but the delineation of the locality in which the Board considers there to be overprovision of traditional pubs and of off-licences remains unchanged, giving few grounds for hope of any real change in the Board's reaction to licence applications.

The inclusion of a new paragraph (subsection 9.6) expressing the Board's concern at the high number of existing off-sales premises and its intention "to examine any applications for more such licences to assure itself that the application will not undermine the licensing objectives" was superficially encouraging. However, the absence of any change to the section relating to the Public Health Objective indicated no recognition of the cumulative damaging impact on public health of the increasing number of off-licenses.

The Board's recent decision to approve two new applications by supermarket chains for off-licences in Earl Grey Street, despite the existence of no fewer than eight off-licences within a 250 metre radius of each of them and objections from the Police, the NHS, ourselves at Tollcross Community Council and two individual objectors, has confirmed our fear that in practice the Board's policy on overprovision has not changed at all.

It is also worthy of note that, although there is a statement in the Overprovision section of the new Policy that in respect of the areas of special serious concern "the Board will call for reports showing the extent to which there are licensed premises within a location constituted by a 250 metre radius around the proposed premises, together with schedules describing the details of premises in that location", no such report or schedule was produced during the discussion of either of the new premises applications for off-licences in Earl Grey Street.

There can be little doubt now that the change to the wording of the Overprovision section of the Policy Statement was merely a clumsy sop to you at the Forum in response to your recommendations.

At the May 2014 meeting of the Tollcross Community Council (TXCC) a resolution was passed that I should draft a letter to you (and at the June 2014 TXCC meeting the text of this letter was approved) expressing our great concern about the Board's failure to deal with the overprovision of off-licences and ask you to use whatever influence you have on the Licensing Board or its members to get them to change their position. This letter is the implementation of that resolution.

The recent coverage in the Evening News may have given some Board members cause to rethink their position (although, of course, it may simply have strengthened their resolve.)

I don't know whether Licensing Board members are required or encouraged to undergo any continuing education on how the over-consumption and abuse of alcohol harms society or whether it would be possible to set up some sort of seminar or debate including them and, for example, people from the Edinburgh Alcohol and Drug Partnership. Perhaps a joint letter from your Forum, the EADP, the Police and the NHS might achieve something.

There are already at least two or three members of the Licensing Board who are sympathetic with or receptive to concerns about the effect of the overprovision of alcohol licences – particularly off-licences – on public health; so maybe it isn't unrealistic to think in terms of working towards a situation in which the majority of the Board will recognise that far fewer, if any, new premises licences should be approved in areas of overprovision (or serious, special concern) in future.

Perhaps as far as off-licences are concerned, the whole of Edinburgh should be designated as an area of overprovision.

No doubt if applications from big supermarket chains are rejected on such grounds they will appeal the decision but that expectation shouldn't influence the Licensing Board's decision. If big players with deep pockets were found to be consistently getting Licensing Board decisions overturned on appeal the appropriate response would be to lobby the parliament to amend the Licensing Act in such a way as to minimise the legal grounds for such appeals.

Yours faithfully,

Roger Colkett  
Tollcross Community Council Member responsible for Licensing issues

