

• EDINBURGH •

LICENSING BOARD

24TH May 2024

CONSULTATION ON OVERPROVISION

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Overprovision Consultation Report

Overprovision of Licensed Premises

This report was created on Thursday 16 May 2024 at 11:44

The activity ran from 21/03/2024 to 13/05/2024

Responses to this survey: **63**

1: Your details

First name

There were 63 responses to this part of the question.

Surname

There were 63 responses to this part of the question.

Email address

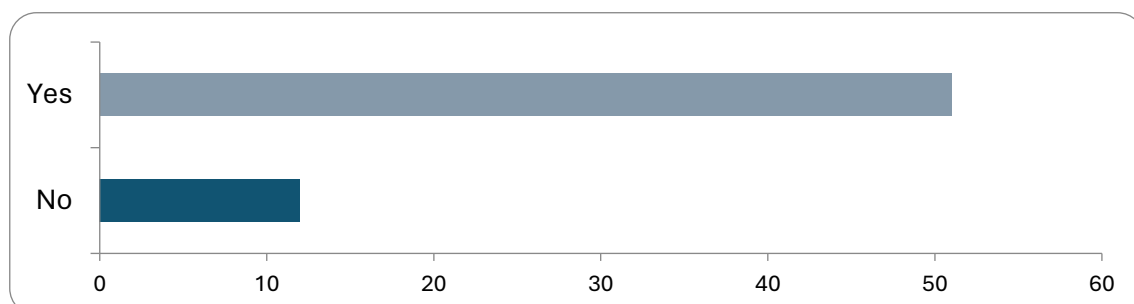
There were 63 responses to this part of the question.

Postcode

There were 63 responses to this part of the question.

Yes, I consent to being contacted about this consultation

There were 51 responses to this part of the question.

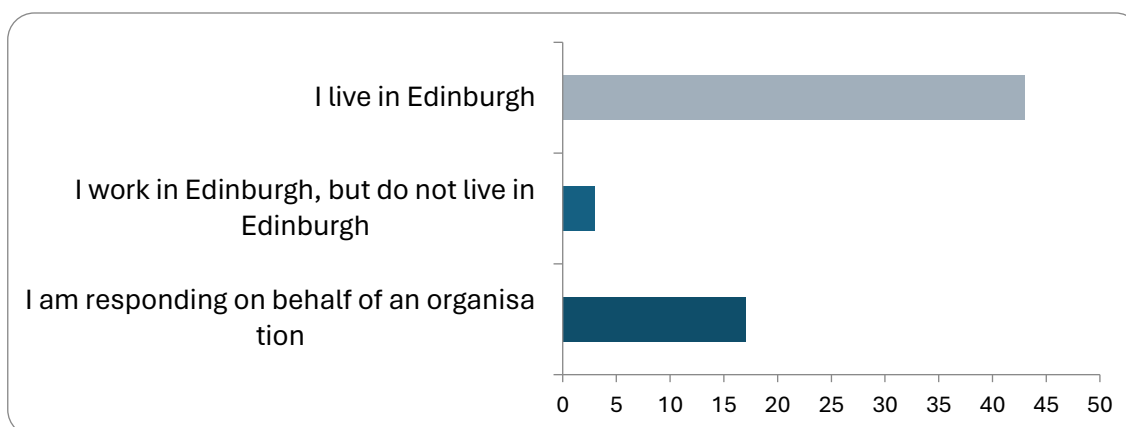


Option	Total	Percent
Yes	51	80.95%
No	12	19.05%

2: Who are you responding as?

Response type

There were 63 responses to this part of the question.



Option	Total	Percent
I live in Edinburgh	43	68.25%
I work in Edinburgh, but do not live in Edinburgh	3	4.76%
I am responding on behalf of an organisation	17	26.98%
Not Answered	0	0.00%

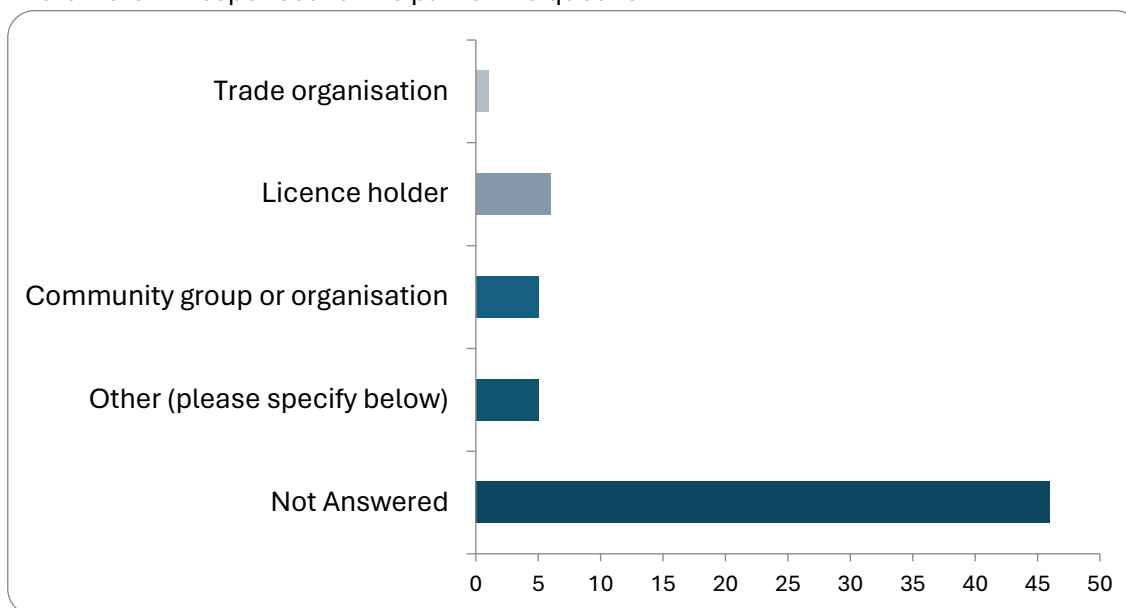
3: Please provide the following information about your organisation.

Organisation name:

There were 17 responses to this part of the question.

Type of organisation

There were 17 responses to this part of the question.



Option	Total	Percent
Trade organisation	1	1.59%
Licence holder	6	9.52%
Community group or organisation	5	7.94%
Other (please specify below)	5	7.94%
Not Answered	46	73.02%

Other (please specify)

There were 5 responses to this part of the question.

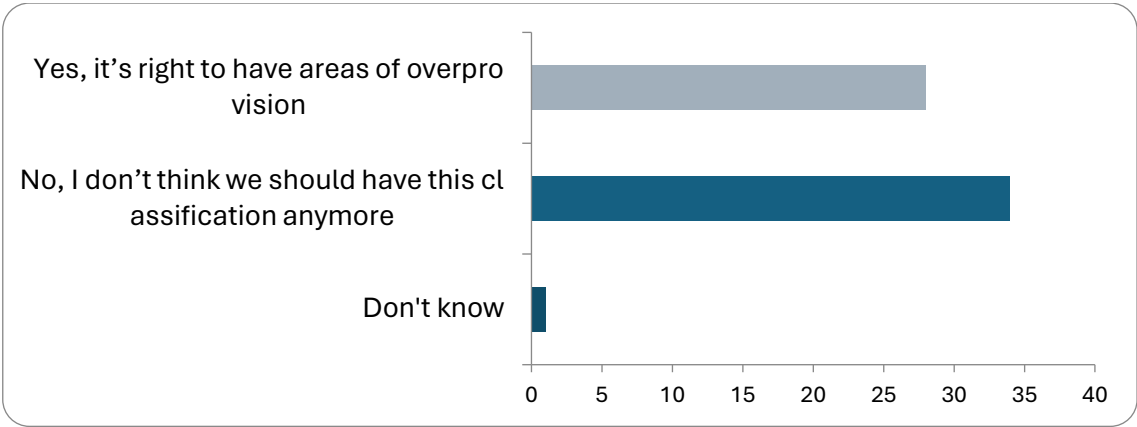
Your job title:

There were 15 responses to this part of the question.

4: Do you think the council should continue to have areas of overprovision or should they be removed entirely?

Do you think the council should continue to have areas of overprovision

There were 63 responses to this part of the question.

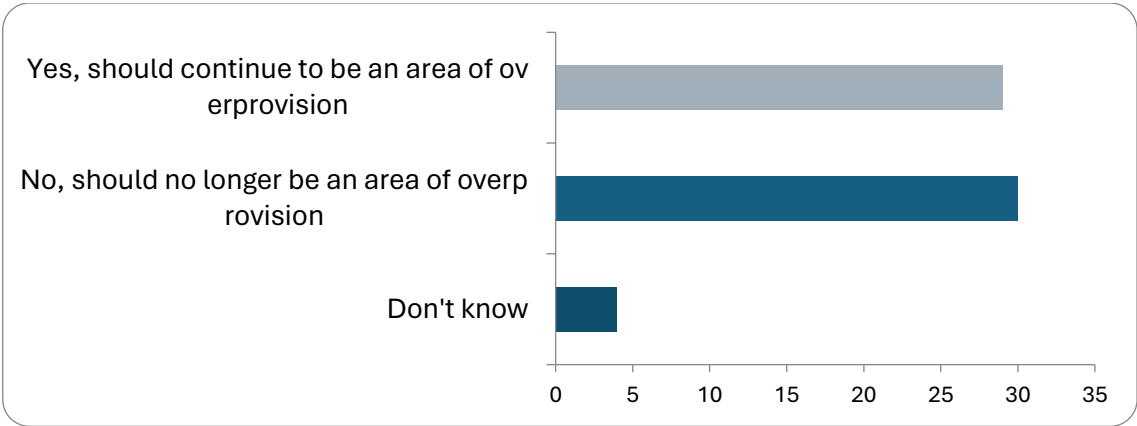


Option	Total	Percent
Yes, it's right to have areas of overprovision	28	44.44%
No, I don't think we should have this classification anymore	34	53.97%
Don't know	1	1.59%
Not Answered	0	0.00%

5: Do you think there should continue to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment?

Do you think there continues to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment? - Old Town, Princes Street and Leith Street

There were 63 responses to this part of the question.

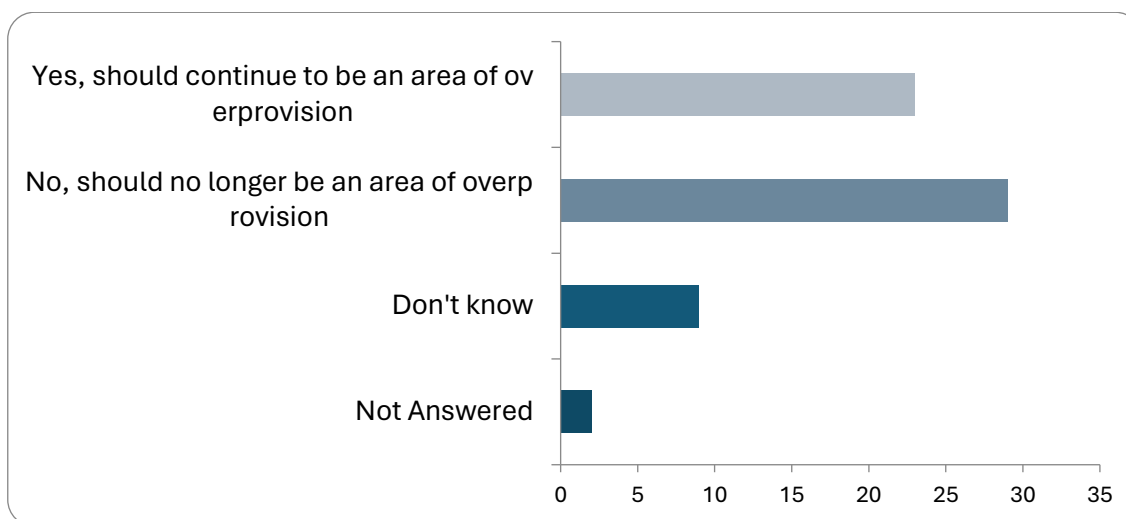


Option	Total	Percent
Yes, should continue to be an area of overprovision	28	44.44%
No, should no longer be an area of overprovision	30	47.62%
Don't know	4	6.33%

Yes, should continue to be an area of overprovision	29	46.03%
No, should no longer be an area of overprovision	30	47.62%
Don't know	4	6.35%
Not Answered	0	0.00%

Do you think there continues to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment? - Tollcross

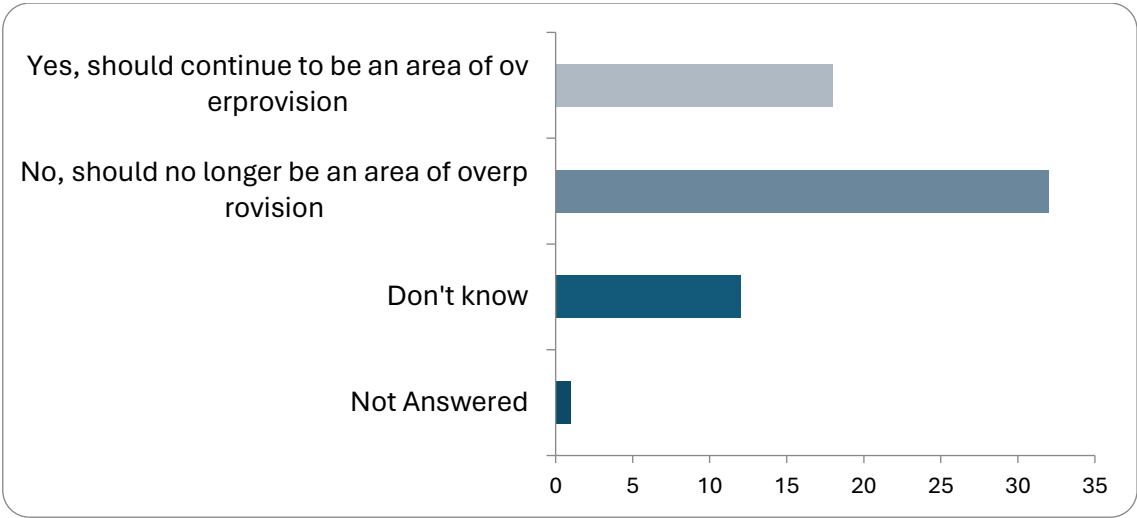
There were 61 responses to this part of the question.



Option	Total	Percent
Yes, should continue to be an area of overprovision	23	36.51%
No, should no longer be an area of overprovision	29	46.03%
Don't know	9	14.29%
Not Answered	2	3.17%

Do you think there continues to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment? - Deans Village (covering the Dean Village area)

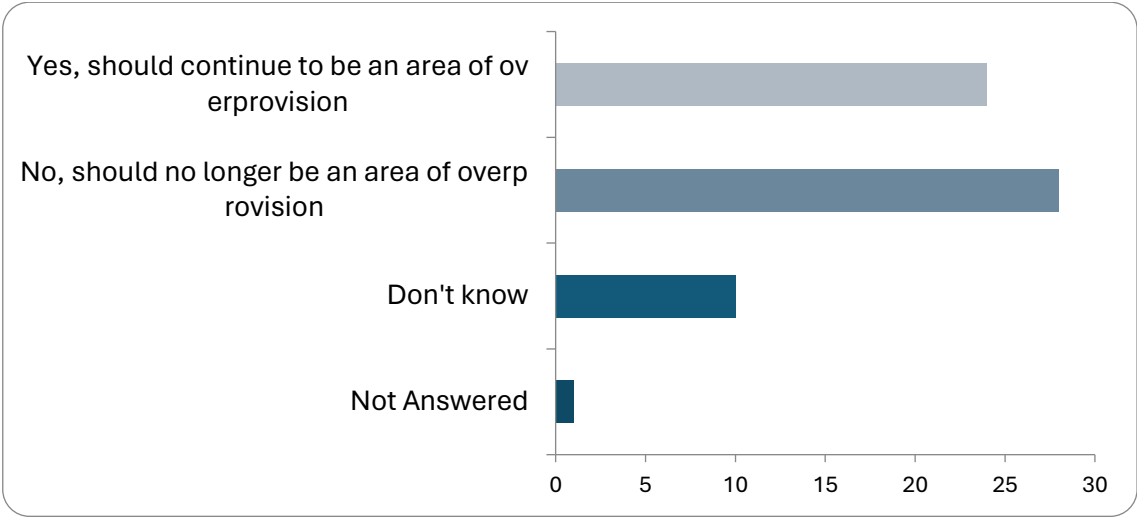
There were 62 responses to this part of the question.



Option	Total	Percent
Yes, should continue to be an area of overprovision	18	28.57%
No, should no longer be an area of overprovision	32	50.79%
Don't know	12	19.05%
Not Answered	1	1.59%

Do you think there continues to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment? - Southside, Canongate and Dumbiedykes

There were 62 responses to this part of the question.



Option	Total	Percent
Yes, should continue to be an area of overprovision	24	38.71%
No, should no longer be an area of overprovision	28	45.16%
Don't know	10	16.13%
Not Answered	1	1.59%

Yes, should continue to be an area of overprovision	24	38.10%
No, should no longer be an area of overprovision	28	44.44%
Don't know	10	15.87%
Not Answered	1	1.59%

If you answered yes to any - does your answer relate to all licensed premises or licenced premises of a particular type, e.g. pubs, restaurants, hotels/convenience stores/supermarkets/entertainment venues/etc

There were 34 responses to this part of the question.

6: Thinking about the licensing objectives above, please explain your answer to Q5.

Thinking about the licencing objectives above, please explain your answer to Q18 (and Q19)

There were 55 responses to this part of the question.

7: Are there areas/localities that you would like to see added to our areas of overprovision? If yes, please either describe the area or provide a postcode.

Are there areas/localities that you would like to see added to our areas of overprovision?

There were 46 responses to this part of the question.

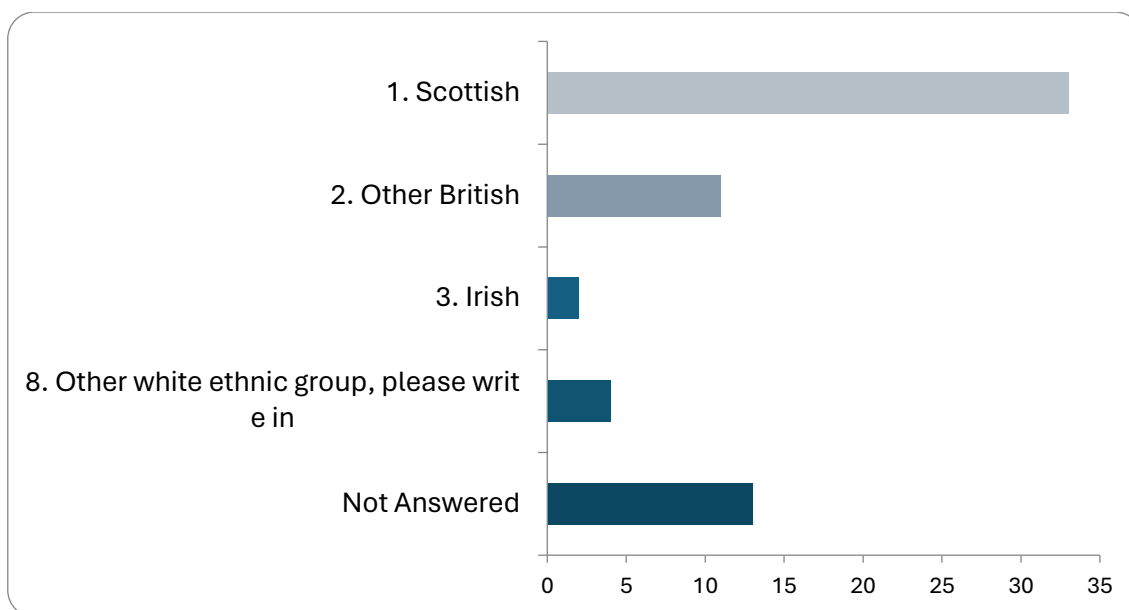
Please explain your answer to Q7.

There were 43 responses to this part of the question.

8: What is your ethnic group?

A) White

There were 50 responses to this part of the question.



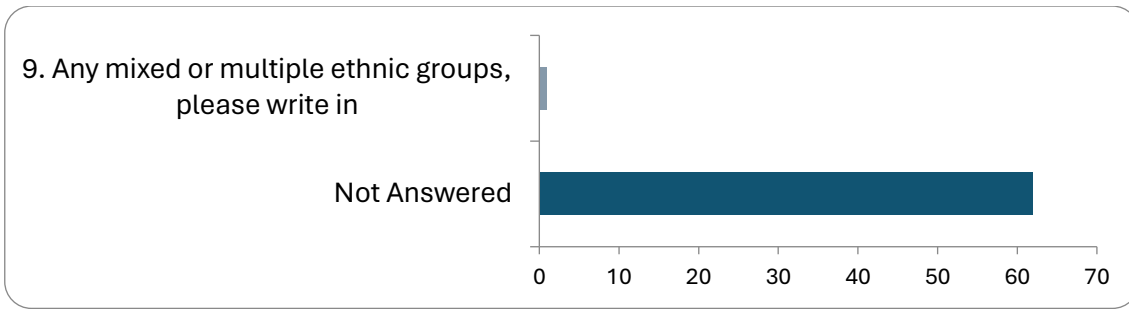
Option	Total	Percent
1. Scottish	33	52.38%
2. Other British	11	17.46%
3. Irish	2	3.17%
4. Polish	0	0.00%
5. Gypsy / Traveller	0	0.00%
6. Roma	0	0.00%
7. Showman / Showwoman	0	0.00%
8. Other white ethnic group, please write in	4	6.35%
Not Answered	13	20.63%

Other white ethnic group, please write in

There were 5 responses to this part of the question.

B. Mixed or multiple ethnic groups

There was 1 response to this part of the question.



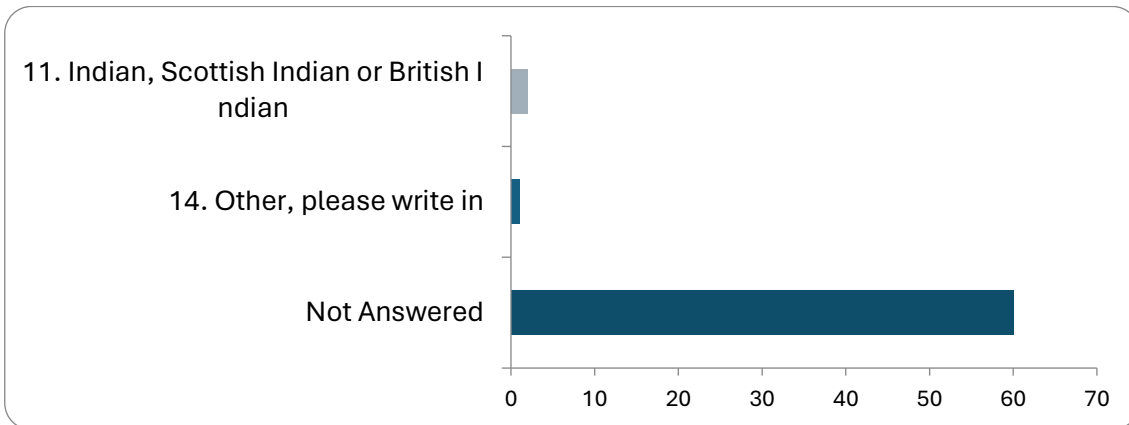
Option	Total	Percent
9. Any mixed or multiple ethnic groups, please write in	1	1.59%
Not Answered	62	98.41%

Any mixed or multiple ethnic groups, please write in

There was 1 response to this part of the question.

C. Asian, Scottish Asian or British Asian

There were 3 responses to this part of the question.



Option	Total	Percent
10. Pakistani, Scottish Pakistani or British Pakistani	0	0.00%
11. Indian, Scottish Indian or British Indian	2	3.17%
12. Bangladeshi, Scottish Bangladeshi or British Bangladeshi	0	0.00%
13. Chinese, Scottish Chinese or British Chinese	0	0.00%
14. Other, please write in	1	1.59%

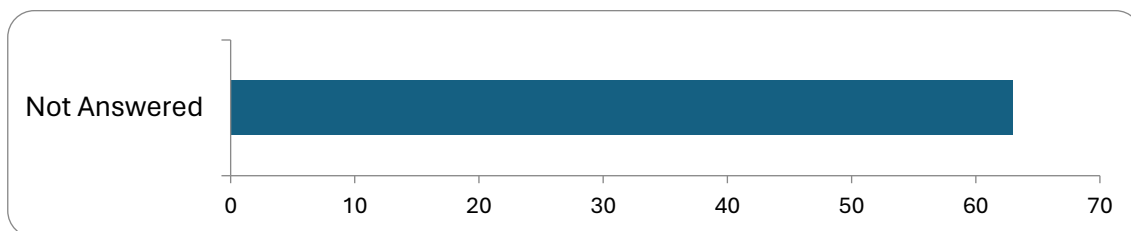
Not Answered	60	95.24%
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Other, please write in

There were 2 responses to this part of the question.

D. African, Scottish African or British African

There were 0 responses to this part of the question.



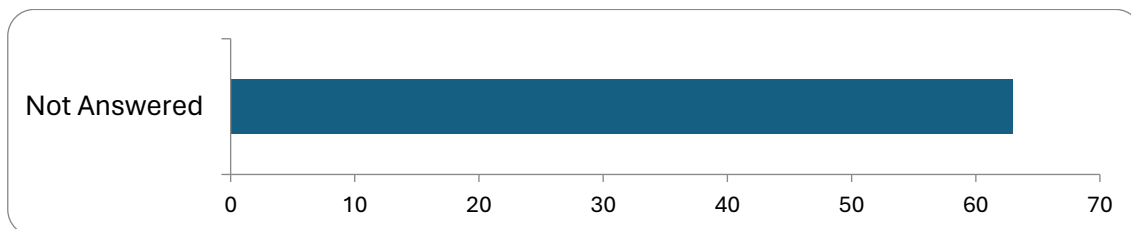
Option	Total	Percent
15. Please write in (for example, Nigerian, Somali)	0	0.00%
Not Answered	63	100.00%

Please write in (for example, Nigerian, Somali)

There were 0 responses to this part of the question.

E. Caribbean or Black

There were 0 responses to this part of the question.



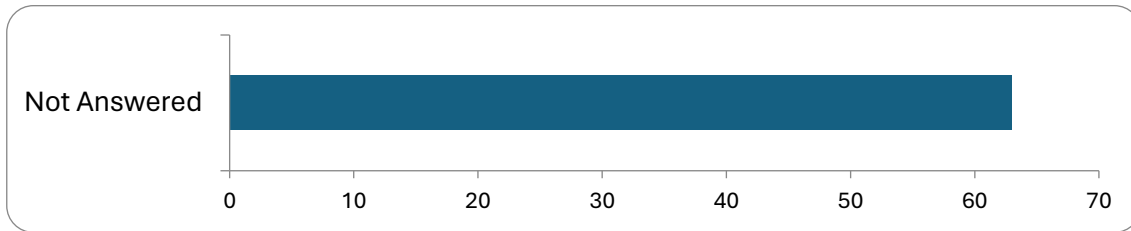
Option	Total	Percent
16. Please write in (for example, Scottish Caribbean, Black Scottish)	0	0.00%
Not Answered	63	100.00%

Please write in (for example, Scottish Caribbean, Black Scottish)

There were 0 responses to this part of the question.

F. Other ethnic group

There were 0 responses to this part of the question.



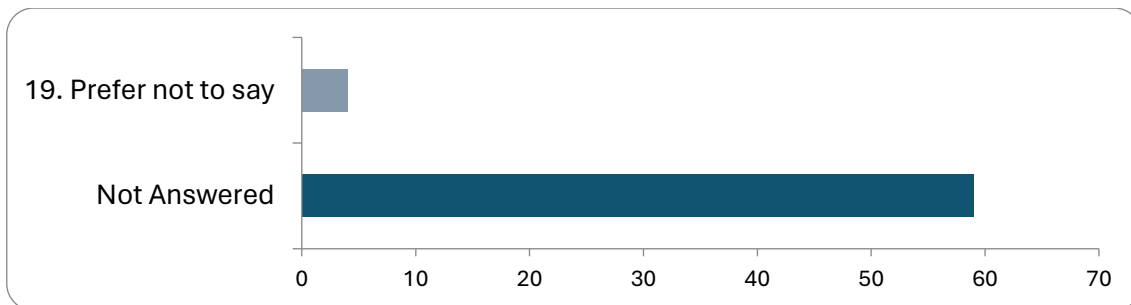
Option	Total	Percent
17. Arab, Scottish Arab or British Arab	0	0.00%
18. Other, please write in (for example, Sikh, Jewish)	0	0.00%
Not Answered	63	100.00%

Other, please write in (for example, Sikh, Jewish)

There were 0 responses to this part of the question.

Prefer not to say

There were 4 responses to this part of the question.

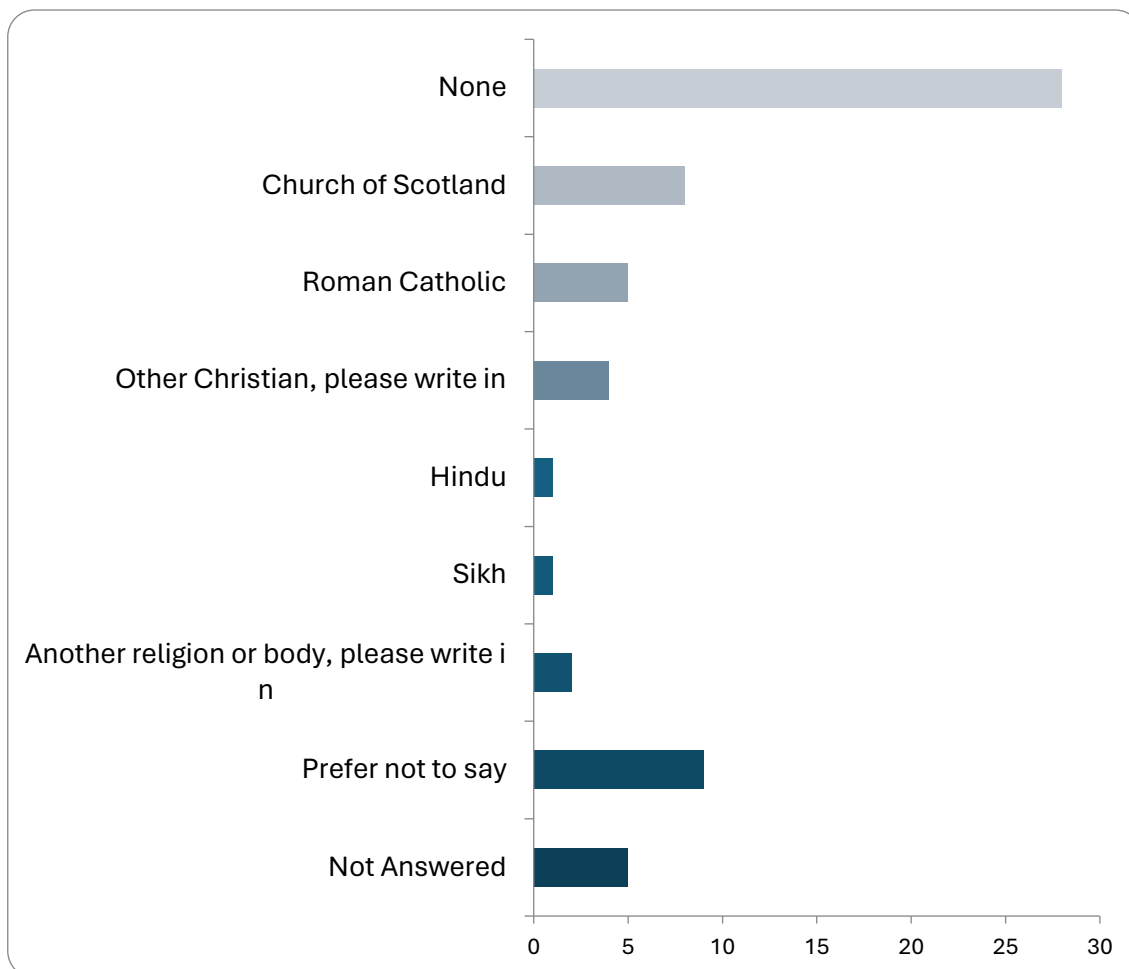


Option	Total	Percent
19. Prefer not to say	4	6.35%
Not Answered	59	93.65%

9: What religion, religious denomination or body do you belong to?

Religion / Belief

There were 58 responses to this part of the question.



Option	Total	Percent
None	28	44.44%
Church of Scotland	8	12.70%
Roman Catholic	5	7.94%
Other Christian, please write in	4	6.35%
Muslim, write in denomination or school	0	0.00%
Hindu	1	1.59%
Buddhist	0	0.00%
Sikh	1	1.59%
Jewish	0	0.00%

Pagan	0	0.00%
Another religion or body, please write in	2	3.17%
Prefer not to say	9	14.29%
Not Answered	5	7.94%

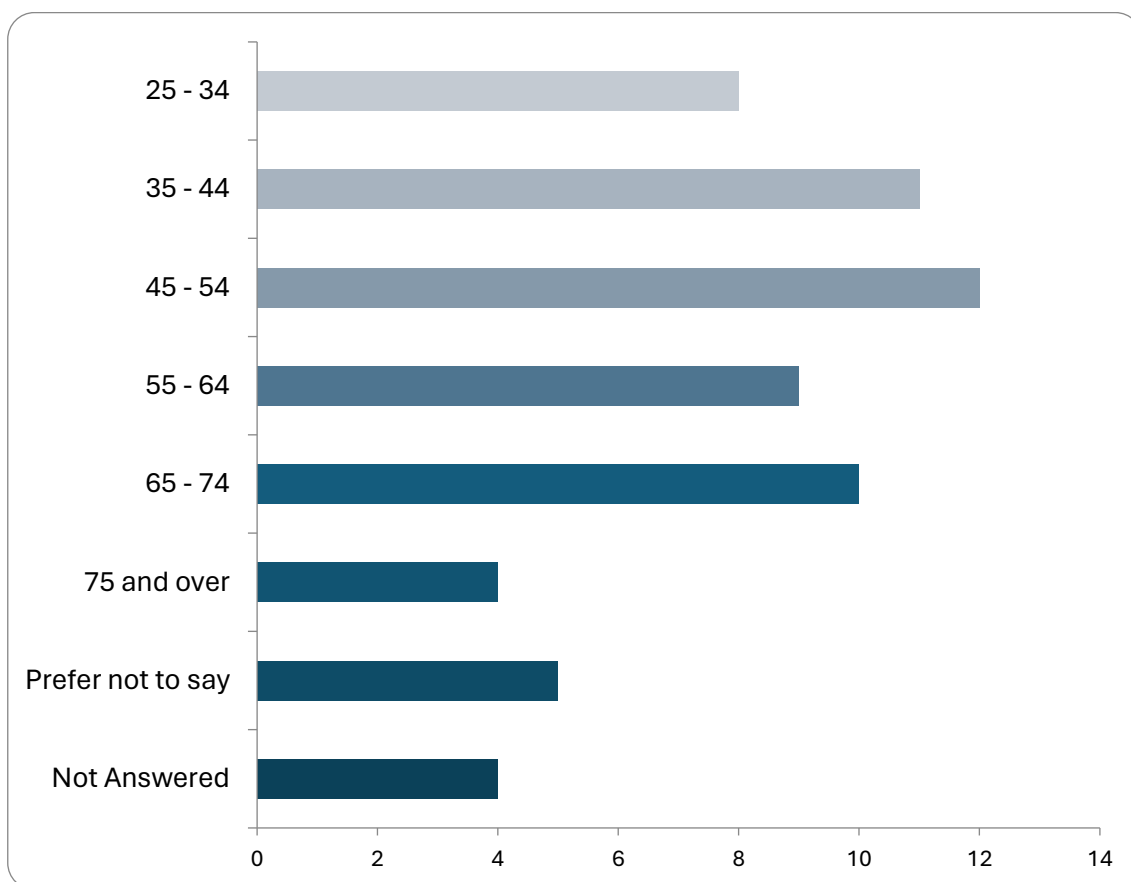
Please write in:

There were 6 responses to this part of the question.

10: What is your age?

Age

There were 59 responses to this part of the question.



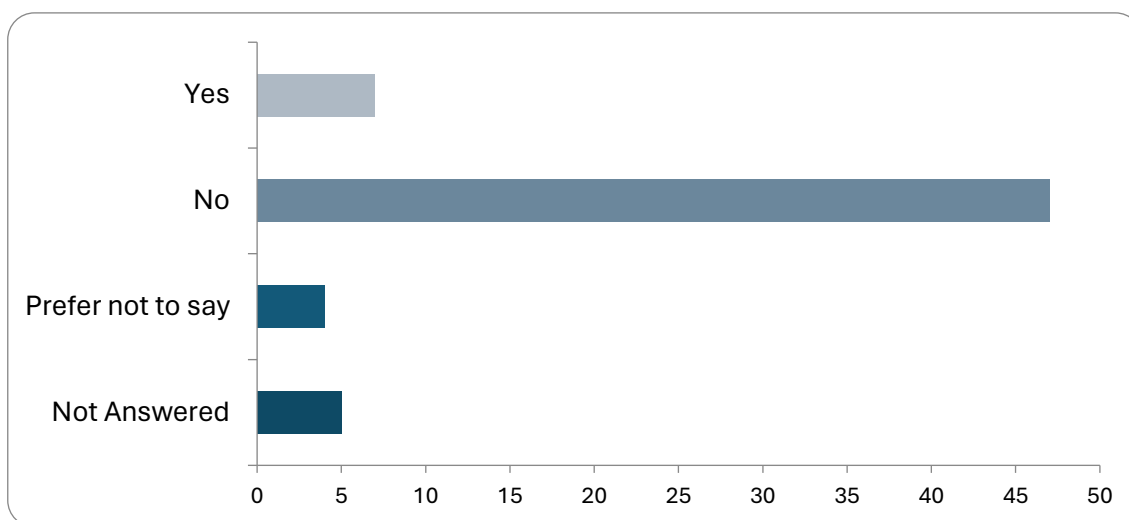
Option	Total	Percent
Under 16	0	0.00%

16 - 24	0	0.00%
25 - 34	8	12.70%
35 - 44	11	17.46%
45 - 54	12	19.05%
55 - 64	9	14.29%
65 - 74	10	15.87%
75 and over	4	6.35%
Prefer not to say	5	7.94%
Not Answered	4	6.35%

11: Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

Disability

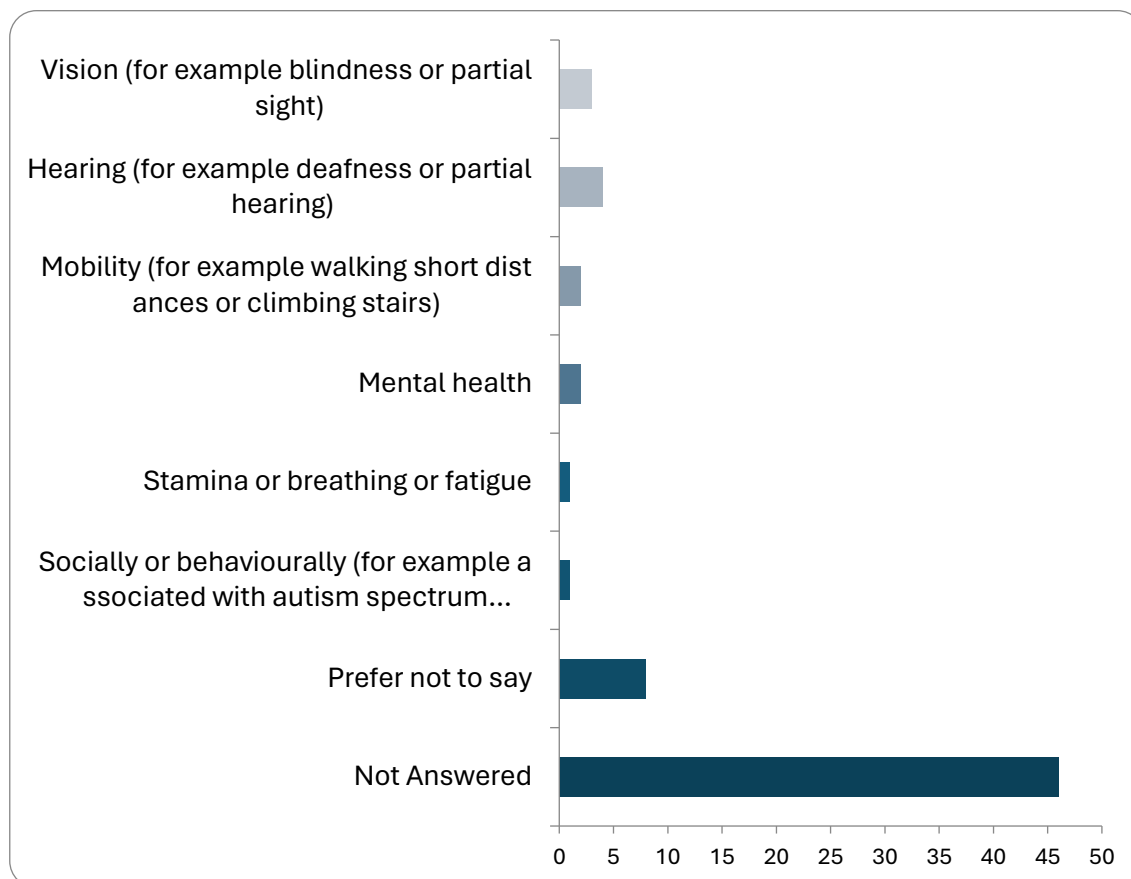
There were 58 responses to this part of the question.



Option	Total	Percent
Yes	7	11.11%
No	47	74.60%
Prefer not to say	4	6.35%
Not Answered	5	7.94%

Condition/illness

There were 17 responses to this part of the question.



Option	Total	Percent
Vision (for example blindness or partial sight)	3	4.76%
Hearing (for example deafness or partial hearing)	4	6.35%
Mobility (for example walking short distances or climbing stairs)	2	3.17%
Dexterity (for example lifting or carrying objects, using a keyboard)	0	0.00%
Learning or understanding or concentrating	0	0.00%
Memory	0	0.00%
Mental health	2	3.17%
Stamina or breathing or fatigue	1	1.59%

Socially or behaviourally (for example associated with autism spectrum disorder (ASD) which includes Asperger's, or attention deficit hyperactivity disorder (ADHD))	1	1.59%
Other (please specify)	0	0.00%
Prefer not to say	8	12.70%
Not Answered	46	73.02%

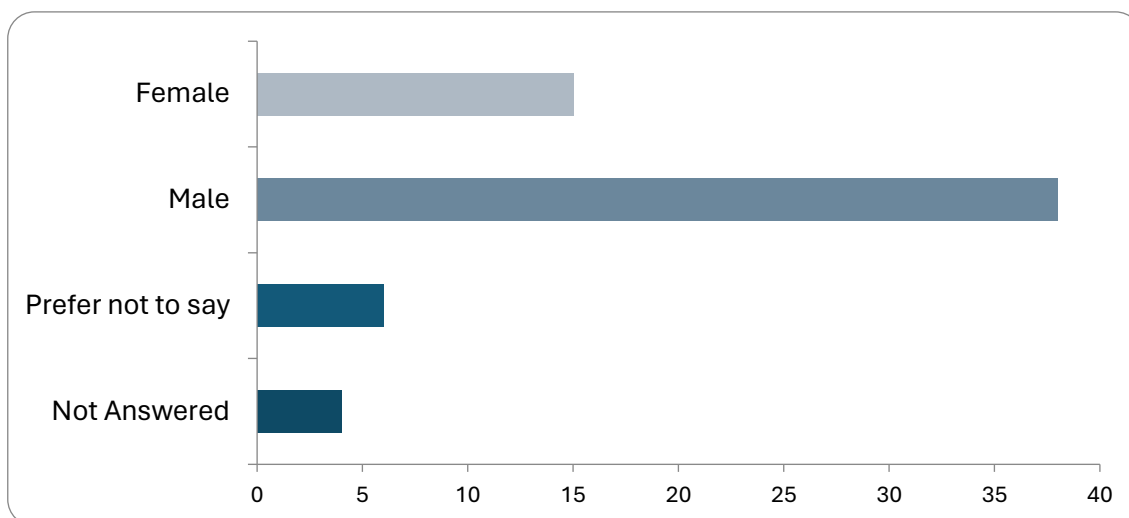
Other (please specify)

There were 0 responses to this part of the question.

12: What is your sex?

Sex

There were 59 responses to this part of the question.

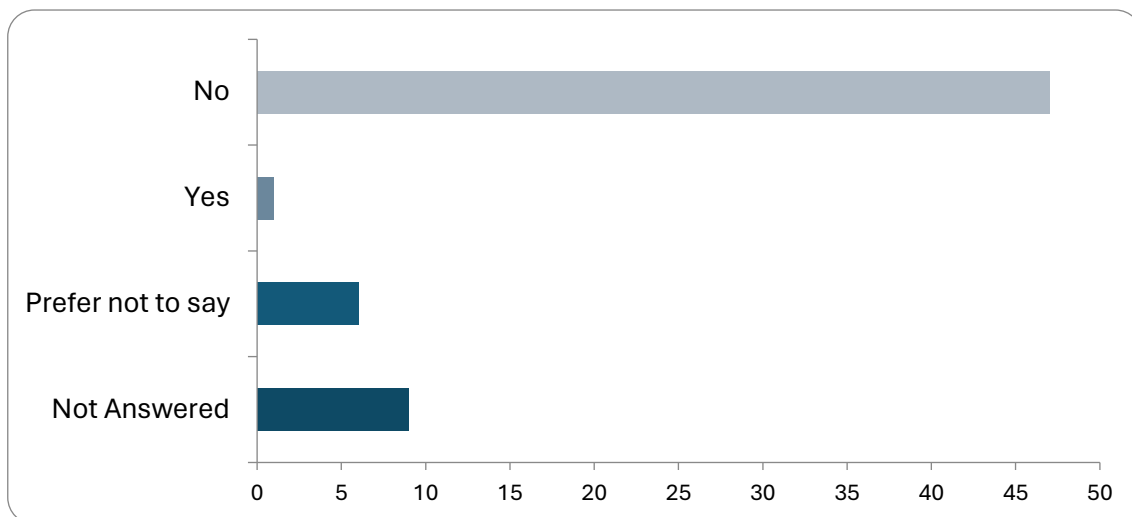


Option	Total	Percent
Female	15	23.81%
Male	38	60.32%
Prefer not to say	6	9.52%
Not Answered	4	6.35%

13: Do you consider yourself to be trans, or have a trans history?

Trans

There were 54 responses to this part of the question.



Option	Total	Percent
No	47	74.60%
Yes	1	1.59%
Prefer not to say	6	9.52%
Not Answered	9	14.29%

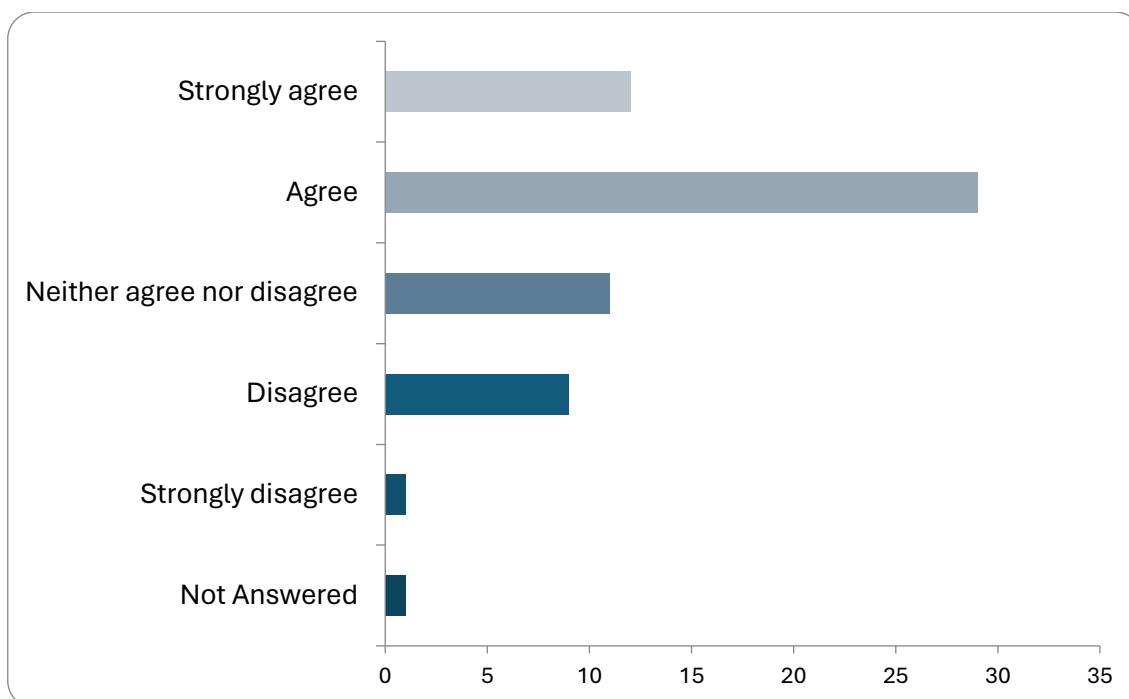
If you would like to, please describe your trans status (for example non-binary, trans man, trans woman):

There were 0 responses to this part of the question.

14: To what extent do you agree or disagree with the following statements about this consultation activity?

Feedback about consultation process - I was given all the information that I needed to have my say.

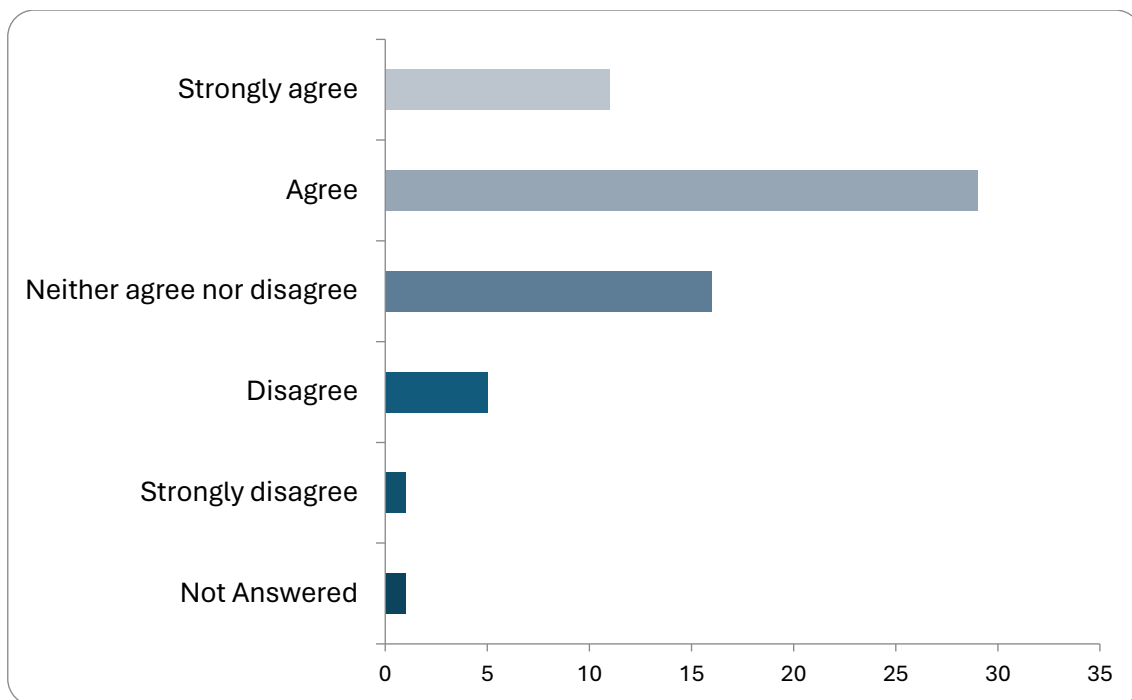
There were 62 responses to this part of the question.



Option	Total	Percent
Strongly agree	12	19.05%
Agree	29	46.03%
Neither agree nor disagree	11	17.46%
Disagree	9	14.29%
Strongly disagree	1	1.59%
Don't know	0	0.00%
Not Answered	1	1.59%

Feedback about consultation process - This consultation activity was clear and easy to understand.

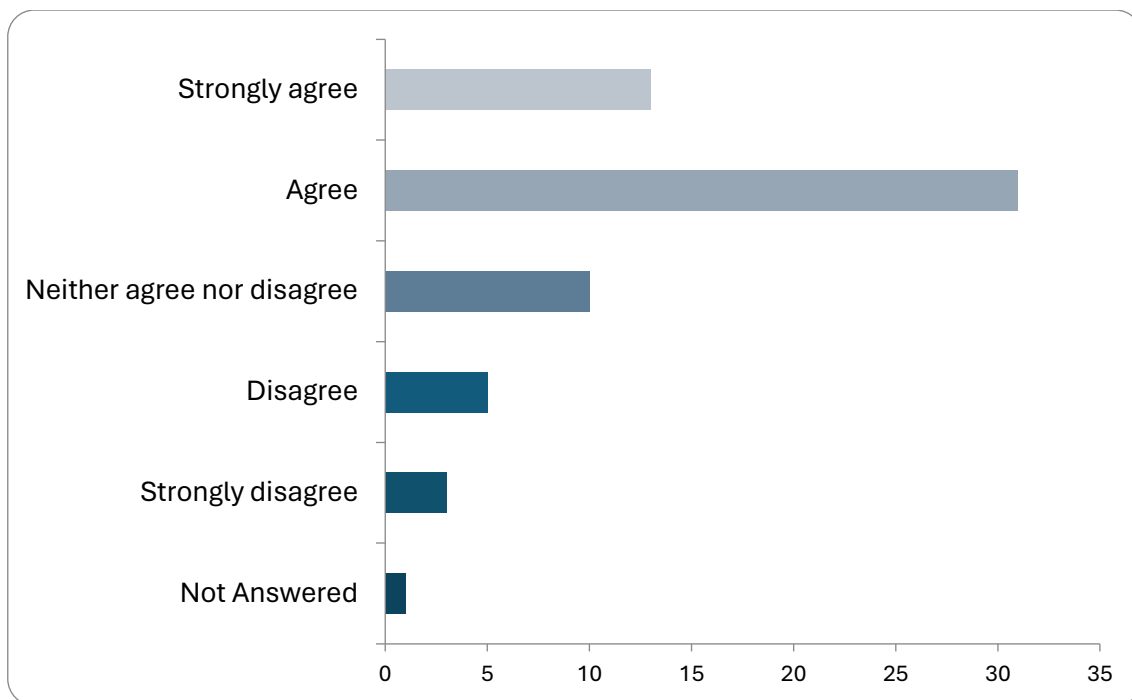
There were 62 responses to this part of the question.



Option	Total	Percent
Strongly agree	11	17.46%
Agree	29	46.03%
Neither agree nor disagree	16	25.40%
Disagree	5	7.94%
Strongly disagree	1	1.59%
Don't know	0	0.00%
Not Answered	1	1.59%

Feedback about consultation process - I was given the opportunity to have my say.

There were 62 responses to this part of the question.



Option	Total	Percent
Strongly agree	13	20.63%
Agree	31	49.21%
Neither agree nor disagree	10	15.87%
Disagree	5	7.94%
Strongly disagree	3	4.76%
Don't know	0	0.00%
Not Answered	1	1.59%

Please provide any other comments or suggestions you may have about this consultation process.

There were 16 responses to this part of the question.

POLICE SCOTLAND CONSULTATION UPDATE – MAY 2024



**POLICE
SCOTLAND**
Keeping people safe

POLICE SCOTLAND CONSULTATION UPDATE – MAY 2024
STATEMENT OF LICENSING POLICY FOR EDINBURGH – OVERPROVISION

STATEMENT OF LICENSING POLICY FOR EDINBURGH – OVERPROVISION

Introduction

Police Scotland submitted an initial response to the Edinburgh Licensing Board in April 2023 in relation to the overprovision policy. This further submission is intended to be read in conjunction with that report.

Current Policy

The Edinburgh Statement of Licensing Policy currently has four areas of over provision within its policy –

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

These broadly encompass the Ward 11 area of Edinburgh. Due to different measurement parameters between partner agencies, we have reported our findings in Ward areas.

Having an effective, proportionate, and robustly administered overprovision policy contributes to upholding the licensing objectives, reduces the negative effects of alcohol harm whilst enhancing community life.

The Board's current policy states that there is a *“rebuttable presumption against the grant of new premises licences, provisional premises licences and major variations to increase capacity of premises in these localities.”* However, 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”*.

Police Scotland would support the continuation of the rebuttal of new premises licences, provisional premises licences and major variations to increase capacity within the new overprovision policy.

We would also encourage the Board to set out a comprehensive set of *“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.”* This would provide clarity to applicants, board members and statutory agencies when considering applications in areas of overprovision.

We fully appreciate that this would not be a definitive set of factors and every application will be judged on its merits, but having a clear set of parameters would provide additional clarity for the applicant allowing the Board to have a consistent and defensible approach to its policy.

Edinburgh Police Division

Edinburgh recently updated its local policing plan to cover the 2023 – 2026 period. Four of the current priorities are regularly influenced by alcohol consumption.

Crime, Community Wellbeing, Events and Road Safety can all be associated with alcohol and regularly place additional strain and demand on the Police and other emergency services. We believe a comprehensive and robust overprovision policy can assist in improving Edinburgh as a whole, whilst positively contributing towards our priorities.

Local priorities – Our plan on a page



Ward 11 City Centre

Ward 11 in the City Centre encompasses the majority of Edinburgh's Night Time Economy (NTE). The area is densely populated with licenced premises, both on and off sales and regularly attracts a large number of patrons to the city centre. This includes Edinburgh residents as well as tourists. A significant amount of police and other emergency services resources are dedicated to this area regularly dealing with incidents involving alcohol.

Alcohol fueled crime is most visible at weekends and prevalent within the City Centre area. To address this, Edinburgh Police have an ongoing dedicated policing operation, Op Nightguard, every Friday and Saturday night purely to police the NTE. As well as a dedicated police operation there is support from other emergency services, CEC

departments, third sector and voluntary agencies to ensure the city centre is as safe and welcoming as possible.

This is often an incredibly challenging environment due to the high volume of incidents, crime and antisocial behaviour that occur particularly around dispersal times of 0100 and 0300 hours.

Excessive consumption of alcohol is a significant factor in levels of crime and disorder, particularly during the NTE. This manifests itself in public space violence and disorder in areas densely populated with licensed premises.

Our initial submission highlighted the volume of incidents where alcohol has been present when a crime has been recorded and shows the distribution of these crimes across the city. The city average at that time demonstrated that alcohol was present in 9.32% of crimes. In the City Centre Ward 11 area this jumped to 35.7%.

In the financial year 2023-2024 Police Scotland recorded a total of 772 incidents in licensed premises across Edinburgh. Just over 50% of these incidents occurred in the Ward 11 City Centre area. The next busiest area is the Leith Walk ward with 96 incidents.

Area	Total incidents in licenced premises
Edinburgh City	772 incidents
Ward 11 City Centre	392 incidents
Ward 12 Leith Walk	96 incidents
Ward 13 Leith	51 incidents

Not all of these incidents have resulted in crimes but have required police attention and resources. Given this information we recommend that the area within City Centre Ward 11 is marked as an area of overprovision for both on and off sales. This ward covers most of the areas of the Old Town, Princes Street, Leith Street and Toll Cross highlighted in the current overprovision policy.

Off sales and alcohol consumption in private dwellings

Police Scotland's concerns are not solely related to on sale licenced premises. A large number of alcohol related incidents the police attend are in private dwellings. Overconsumption of alcohol in private spaces is a concern to Police Scotland as this gives the opportunity for individuals to consume large quantities of cheaper alcohol from off sales.

A recent publication from Alcohol Focus Scotland, via the Scottish Health survey found that 32% of Edinburgh residents drink above the Chief Medical Officers' low-risk guidelines. This compares to 23% of people in Scotland who drink above the guidelines.

Having spoken to partners in the NHS, Police Scotland would support any overprovision policy update that highlights areas which are of concern and have a disproportionately high number of off sales.

Occasional Alcohol Licences

Edinburgh has unique position due to its vast tourism footprint, the Edinburgh Festival, Winter Festivities including the Hogmanay Street Party which result in a significant number of occasional licences being submitted to the Edinburgh Licensing Board.

Data from Police Scotland systems identified Edinburgh receives a disproportionately high volume of occasional licences when compared to other cities across Scotland.

Occasional applications by their name are designed for occasional use and to support those who are going through the provisional and full licence application process. The Summer and Winter festivals do account for a large number of occasional licences, however there is data showing the occasional licence process is being used for longer continuous periods which may not be consistent with the licensing objectives. For example, Police Scotland data shows that 4 different premises have submitted a total of 416 occasional licence applications in the past 5 years without any premises submitting a provisional licence application.

In the last financial year Edinburgh Police Division processed 5261 occasional licence applications. Figures from Police Scotland systems show that this was the highest in Scotland. The table below shows city Licensing Board areas that received the highest number of occasional licences across Scotland (figures taken from Police Scotland systems and may differ from official council figures)

Police Scotland Licensing Board area	Total number of Occasional Licences processed
Edinburgh	5261
Glasgow	1464
Dundee	866
Aberdeen	401

Occasional licences add to the availability of alcohol in a Board area. In 2016 – 2017 police records show we processed 2568 applications. This has more than doubled to

the present figure of 5261. As density and availability of alcohol increases, so too does alcohol related harm.

Police Scotland have concerns that the volume of occasional licences submitted to the Edinburgh Board may not be consistent with the licensing objectives. Occasional Licences may not be able to form part of the new overprovision policy but regardless of this Police Scotland feel that due to Edinburgh's unique position, the volume of occasional licences have a significant impact on the availability of alcohol across the city.

We would ask the board to ensure its new overprovision policy is a comprehensive and robustly enforced policy which compliments and works in conjunction with part 11.3 and 11.4 of the overall Board policy. This would ensure that all aspects of Edinburgh Licensing are consistent with the licensing objectives.

Recommendations

Recommendation 1

The City Centre Ward 11 area is demarcated as an area of overprovision for on and off sales. This would cover the majority of the current areas of overprovision namely Old Town, Princes Street, Leith Street and part of Toll Cross.

It is appreciated that not all partners work in ward areas however Police Scotland believe that there is sufficient concern and evidence to warrant this being included as an area of overprovision. We have no objections if this area is broken down into smaller areas however would encourage the board to ensure that all high premises density areas are included.

Recommendation 2

The Board continues the policy of rebuttal of new premises licences, provisional premises licences and major variations to increase capacity within the new overprovision policy area.

Recommendation 3

The Board to set out a comprehensive set of factors or what may be considered exceptional cases to override the presumption of rebuttal of a new licence within an area of overprovision.

Recommendation 4

Creation of a live trace-mapping system showing the volume, location and type of licenced premises within the city and this system to be available to the Board, partners and the public

NHS Lothian & EADP Response

April 2024

Response submitted by:

Avril Mackay Strategic Programme Manager avril.mackay@nhslothian.scot.nhs.uk EH1 3EG

I consent to being contacted about this consultation:

Yes

Responding as:

Organisation (Public Sector) – NHS Lothian Public Health & Health Policy Directorate
and Edinburgh Alcohol & Drug Partnership

Do you think the council should continue to have areas of overprovision or should they be removed entirely?

- Yes, it's right to have areas of overprovision
- No, I don't think we should have this classification anymore
- Don't know

Do you think there should continue to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment?

	Yes, should continue to be an area of overprovision	No, should no longer be an area of overprovision	Don't know
Old Town, Princes Street and Leith Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tollcross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deans Village (covering the Dean Village area)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southside, Canongate and Dumbiedykes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered yes to any - does your answer relate to all licensed premises or licensed premises of a particular type, e.g. pubs, restaurants, hotels, convenience stores, supermarkets, entertainment venues, or something other?

All premises.

Note: the localities of Deans Village and Southside, Canongate and Dumbiedykes. When reviewing the latest data, these two localities did not meet our criteria for proposing as areas of overprovision. Although alcohol density was extremely high (top 10%) for both areas (on and off sales), they did not contain a data zone experiencing very high aggregated alcohol harm (see definition below).

We have based our current analysis and recommendations on intermediate zones which:

- *contains at least one data zone 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)*

Thinking about the licensing objectives above, please explain your answer to Q5.

Please see general text provided below.

Are there areas/localities that you would like to see added to our areas of overprovision? If yes, please either describe the area or provide a postcode. Please explain your answer to Q7.

Yes. Please see general text provided below.

General Comments from NHS Lothian:

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 interest¹.

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 health². 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 dependence³. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighborhoods with a greater density of alcohol outlets⁴. This relationship was particularly striking for off-sales outlet density.

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

² 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.

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

⁴ [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114 \(%2015%25%20higher%20mortality\)](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114 (%2015%25%20higher%20mortality)).

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 is available online on the CRESH WebMap at <https://creshmap.com/>

Below is a summary of the data relating to alcohol density for all retailers, on sale retailers and off sale retailers.

	All Sales (2023)	On Sales (2023)	Off Sales (2023)
City of Edinburgh	4.4	3.3	1.0
East Lothian	3.3	2.4	0.9
Midlothian	2.6	1.4	0.8
West Lothian	2.5	1.5	1.0
Lothian	3.7	2.7	1.0
Number of outlets per 1,000 persons			
4 th highest quintile in Scotland			

We have provided a summary of the data below, and a description of how we have used it to identify areas of overprovision 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.

We analysed the following data provided by CRESH:

- Data zones⁶ and intermediate zones in the City of Edinburgh Council area
- Standardized ratio⁸ for hospital stays related to alcohol
- Crime rate (recorded crimes of violence, sexual offences, domestic housebreaking, vandalism, drugs offences, and common assault per 10,000 people)
- Number of total alcohol outlets (both on- and off-premise) per 1000 persons (2023)
- Number of on-premise alcohol outlets (buy and consumption on-premise) per 1000 persons (2023)
- Number of off-premise alcohol outlets (buy and consumption off-premise) per 1000 persons (2023)

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.⁵

As of 31 March 2022, Edinburgh has 1,952 alcohol outlets⁶ (on and off trade), which means there is approximately one outlet for every 225 residents aged 18 and over (and one outlet for

⁵ <https://www.alcohol-focus-scotland.org.uk/media/263089/AFS-Resource-Section-4.pdf>

⁶ <https://www.gov.scot/publications/scottish-liquor-licensing-statistics/>

every 56 'harmful' drinkers in the city (consuming over 14 units a week)⁷. 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.

We have therefore based our current analysis and recommendations on intermediate zones which:

- contains at least one data zone 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 overprovision 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)
- Great Junction Street (top 5% for all sales)
- South Leith (top 3% for all 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 off sales. We therefore recommend that these intermediate zones are assigned as overprovision areas for **off sales**.

- Murrayburn and Wester Hailes North (top 2% for off sales)
- Restalrig and Lochend (top 7% for off sales)
- Muirhouse (top 6% for off sales)

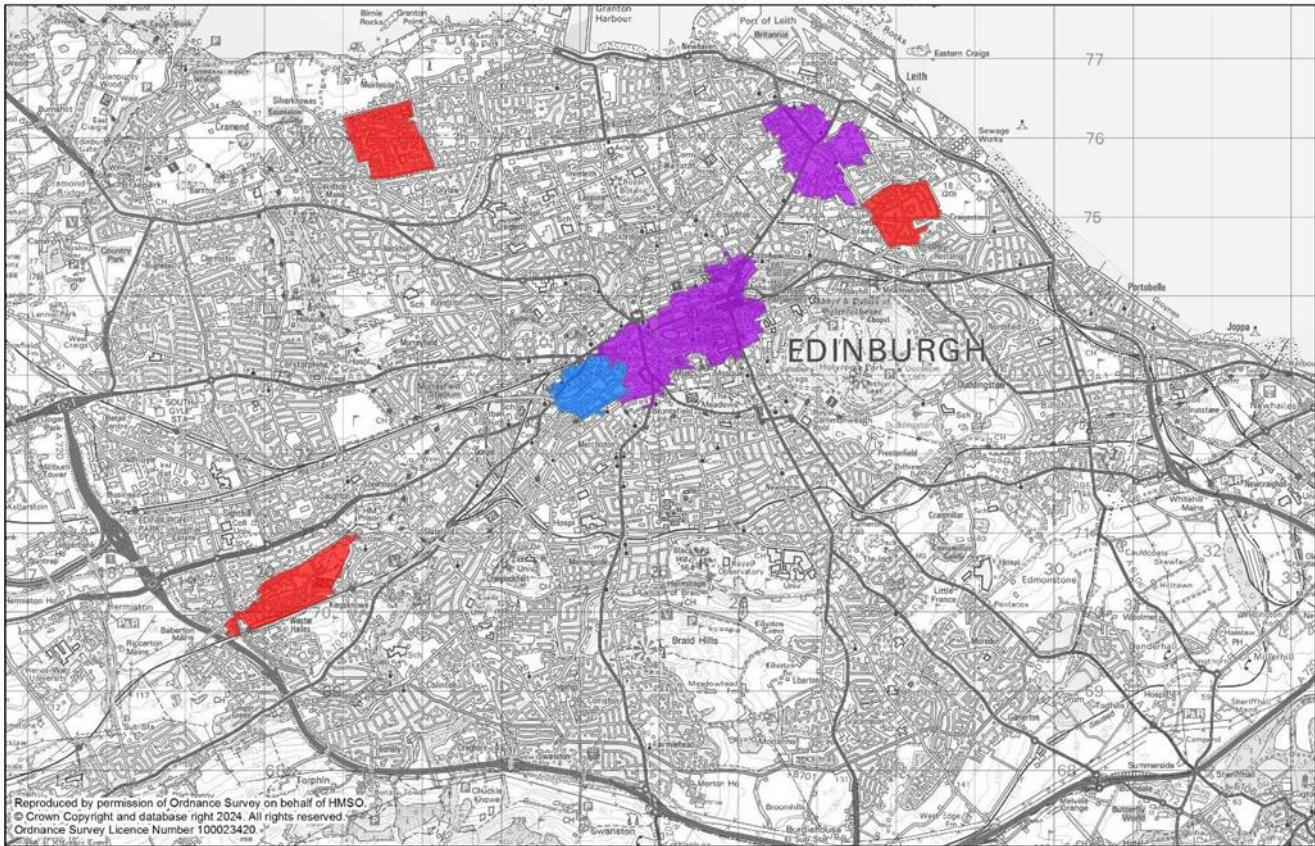
The following intermediate zones have extremely high levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons) for on sales. We therefore recommend that these intermediate zones are assigned as overprovision areas for **on sales**.

- Dalry and Fountainbridge (top 7% for on sales).

⁷ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2021>

The below map indicates the proposed overprovision areas:

- The purple area indicates overprovision for all sales
- The red area indicates overprovision for off sales
- The blue area indicates overprovision 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 data zone 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 data zone 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.

Contacts for further information:

avril.mackay@nhslothian.scot.nhs.uk and david.williams@edinburgh.gov.uk

Edinburgh Licensing Forum – Response to Overprovision Survey

Closing date: 13 May 2024

Overview

This response is a summary of views expressed by members of the Licensing Forum. The forum discussed the policy of overprovision across two separate meetings and via survey of its members. Individual members and organisations represented on the forum may have submitted their own response which goes into additional detail.

Views of the forum

The Forum was split on whether or not overprovision should be continued in Edinburgh.

Resident members of the forum who expressed a view were generally in favour with the view that the presumption against new licenses has led to higher standard in premises, as well as support for the public health goals of the policy.

There was also a view expressed by a resident that in areas which do have an excessive amount of licensed premises, that encouraging other sorts of venues was a good idea (café, games hall etc).

There were some questions from a resident of its effectiveness given number of previously granted licenses in areas designated as overprovided for.

One resident agreed with maintaining the current zones of overprovision and extending this to Leith and Leith Walk. Other residents did not pass comment on which zones should be considered.

Trade representatives of the forum were strongly against the continuation of overprovision. Highlighting the following reasons:

- The belief that overprovision is a blunt instrument and does little to reduce alcohol related harm. Inequality remains the biggest factor in alcohol abuse.
- There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, noting it is increasingly difficult to make a link between individual premises and problems in a specific locality.
- Discourages investment into the city with Edinburgh losing out to other areas and cities.
- Discourages investment in current sites, with additions to hospitality spaces or refitting of convenience stores.
- Causes confusion for those who do not have a deeper understanding of the nuances of the policy.
- Negatively impacts on regeneration of areas, which is particularly important post-pandemic and changes to work-life patterns.
- Negatively impacts on employment opportunities and in turn, compounds inequality.
- In its current form, it doesn't differentiate by type of premises or crucially, the amount of alcohol sold/to be sold.

- As all individual applications need to be assessed on their own merit, overprovision is effectively redundant but creates an artificial barrier to improvement.

Trade representatives said that if the policy was to continue, they would strongly urge that this is based on a locality as opposed to whole area approach.

The NHS indicated their support for the continuation of the policy to support two licensing objectives (protecting children from harm and improving public health) in two areas (Old Town, Princes St and Leith St; and Tollcross), but highlighted they would be calling for additional areas in their own response.

The representative from Social Work (Public Protection) was supportive of the continuation of the current policy, highlighting the impacts that overprovision and overconsumption can have negative health harms, increase risk to vulnerable individuals, and the disproportionate impact on women and children.



SCOTSMAN GROUP

CONSULTATION ON OVERPROVISION OF LICENSED PREMISES

Scotsman Group,
Hamilton house,
70 Hamilton Drive
Glasgow

13 May 2024

Dear Mr Mays,

CONSULTATION ON OVERPROVISION OF LICENSED PREMISES

The Scotsman Group is a diverse Scottish business, which has traded for over 30 years and operates primarily in the leisure and hospitality, convenience retail and property development/investment sectors. We have an interest in the above consultation as the holder of various premises licences, for both hospitality premises (generally on-sales, with off-sales permitted) and convenience retail premises (solely off-sales). We also have a general interest in the growth and prosperity of Edinburgh City Centre, as the owner of various business in the city, including five hotels. This correspondence should be treated as Scotsman Group plc's response to the above consultation.

OVERVIEW

We agree that each licensing board should have the opportunity to designate areas as being areas of overprovision. However, post-Covid and in the current challenging financial climate, we would

encourage the City of Edinburgh Licensing Board to take note of the current decline in the number of hospitality venues across Edinburgh, and the country as a whole. This decline has a clear direct economic impact, in terms of jobs, rates and taxes sustained by licensed businesses, as well as wider indirect impacts on social opportunities and community spaces, which can often lead to negative effects in terms of mental health and community cohesion.

In a recent article in The Caterer (1 February 2024), journalist Clare Nicholls reported that nine licensed premises closed each day in the UK in the final quarter of 2023, with an ongoing decline in the UK pub sector, which has reduced by 43.6% over the last 20 years.

In the hospitality sector as a whole, there has been a significant trend of on-sales premises now being food-led. The number of premises catering solely or predominantly for customers only looking to consume alcoholic drinks has fallen markedly, reflecting a sharp decrease in demand for that type of experience. Furthermore, within our own diverse business, we are recording a significant and ongoing shift in alcohol consumption patterns, with increasing numbers of customers now opting not to consume alcohol - either opting for traditional soft drinks or for the growing range of low/no alcohol alternatives to drinks containing alcohol. We understand this shift is being experienced by most operators across the hospitality sector. This means the volume

of alcohol consumed per licensed premises will be significantly less than, say, five years ago. All indications are this trend will continue.

The increasing dominance of food-led licensed premises, together with trends in decreasing alcohol consumption on a “per customer” basis, are crucial points when it comes to looking at potential overprovision. Looking simply at the number of premises licensed to sell alcohol is a very blunt tool. This ignores the experiences of many of our customers and indeed customers across the wider licensed sector, who may for example be visiting in a group where only a few members of the group consume drinks containing alcohol. Customers value that balance and the ability to find a venue that caters for customers wishing to consume alcohol but with a range of alternatives for those who wish not to.

It should also be noted that licensed premises provide a significant number of venues for key Edinburgh events, including the Edinburgh International Festival and Fringe. They also provide hospitality experiences to those visiting the increasing numbers of large scale events at venues such as Murrayfield (which as a stadium has had its own licensed capacity increased). It has to be borne in mind that preventing new venues from opening, by deeming there to be overprovision, will limit the opportunities for new venues to enhance the existing festival and general visitor experience, effectively putting a halt to these opportunities to further develop and grow the city’s economy.

Turning to our experiences within the convenience retail sector, where sales are conducted solely on an off-sales basis, the days of traditional off-sales premises (with very little else on sale beyond alcoholic drinks) are effectively over, save for higher end retail of whisky, spirits and wines, where there is a sufficient market for more expensive products (with higher margins) to allow these businesses to function without a wider range of products for sale. In all other areas of food and drink retail, customers value having choice from a wide range of items and businesses like ours, operating in the convenience retail sector, are required to stock alcohol along with a wide range of other food and drink products in order to remain viable. Alcohol is undeniably part of the sales mix but we have seen no recent evidence to suggest that off-sales of alcohol in Edinburgh is at a level beyond what might be expected in a bustling and vibrant city with residents and visitors from the widest imaginable range of demographics.

COMMENT ON AREAS OF OVERPROVISION

Old Town and Tollcross

We submit that it is not appropriate that the current Old Town and Tollcross areas of overprovision remain designated as areas of overprovision. These together comprise the core retail and hospitality zone of the city centre. Edinburgh succeeds in attracting impressive numbers of incoming visitors, with the associated economic benefits they bring, in no small part due to the city’s retail and hospitality offering. As the city’s retail offering continues to evolve, its core hospitality offering must have the same opportunities. As an example, the recently expanded St James’ Centre, along with the continuing increase in online shopping, has clearly had a detrimental effect on some of the more traditional high street retail areas of the city centre. Hospitality is the obvious answer to plugging some of these new gaps, enabling the city centre to remain vibrant. One only has to look at Glasgow city centre to see the challenges faced by a city centre in decline. It is a given that quiet / empty / closed city centres lead to an increase in crime and antisocial behaviour, which can quickly spiral out of control, damaging the city’s reputation.

Deans Village

We submit that the central New Town area (east of Queensferry Street) should be removed from the Deans Village area of overprovision. This area is distinct from Deans Village, with each having its own character and visitor demographic. They cannot reasonably be considered as a single area. Other than that, we have no submission to make.

Southside

We have no specific submission to make.

New Areas

We submit there should be no further areas of overprovision.

IMPLEMENTATION

In implementing any overprovision policy going forward, it must be borne in mind that identification of an area as an area of overprovision is simply a starting point. It is not to say that no further licences can be granted in that area. As part of consideration of new applications within areas of overprovision, we submit that the following points should be considered:

1. strong consideration should be given to the proposed offering of any applicant for a premises licence, with exceptions granted for applications where the predominant use is not simply the sale of drinks containing alcohol on a standalone basis (e.g. food-led or entertainment-led venues should generally be permitted);
2. consideration should be given to the number of premises in the immediate vicinity, which is more pertinent than a wider city centre area (there being significant distances between the edges of current overprovision areas);
3. strong consideration should be given to any application which relates to premises which have been vacant for more than a short period of time, with grant of a licence supported where there is a clear opportunity to bring a vacant unit back into use;
4. following significant reduction in the available short term lets within the city, applications for premises licences for premises which also have bedroom accommodation should be given strong consideration, with grant of a licence generally supported in these circumstances.

We would welcome the opportunity to discuss these matters, and other general licensing matters, further in any appropriate forum with a view to assisting and contributing to a vibrant Edinburgh licensing regime.

Yours sincerely,



Lesley Welsh

Chief Operating Officer

Scotsman Group plc



Leith Bottle Shop – Overprovision response

I am writing with the regards to the 'Great Junction Street' IDZ area found in the list of Premises Licences on the overprovision consultation. I run Leith Bottle Shop – a newly established offlicence specialising in local craft beer – located at 30 Great Junction Street. We have a full Premises Licence for off-sales and we have recently submitted a Major Variation to add a very limited on-sales capability, in order to try to support the long term sustainability of the business, enabling us to continue to offer employment opportunities and enhance the local economy.

The beer and brewing scene in Edinburgh is the strongest of its kind in Scotland, and much of this activity is centred in Leith, due to its concentration of industrial space, along with its proximity to the city centre. The growing scene provides numerous benefits to the area and the city, bringing locals, tourists and residents across the city to Leith. They spend money in local hospitality businesses, who in turn purchase beer produced by local craft breweries, keeping money circulating in both Leith and Edinburgh's wider economy. The local industry also boosts Leith's reputation as a hub for food & drink.

Designing 'Great Junction Street' an Overprovisioned Area would be very likely to have a significant adverse effect on the local scene and across the city of Edinburgh, at a time when small craft breweries nationally are struggling from inflation and the cost of living crisis.

Moreover, some venues are not yet operating on full Premises Licences, instead operating on Occasional Licences. This includes local craft breweries who have not yet completed the full Premises Licence application process. Occasional Licences used these circumstances allow small businesses to set up quickly, and to test out potential new revenue streams without the burden of the full Licensing process. Of course, a designated Area of Overprovision would create a presumption against new Premises Licences when these businesses are ready and able to navigate the full licensing process.

Overprovision would also be a barrier to new small businesses opening, such as any new breweries that may otherwise be keen to occupy Leith's industrial space. Direct off- and onsales (i.e.. brewery shops and taprooms) are essential to small craft breweries, where they can achieve the best margins, helping ensure the sustainability of their businesses and continue to employ staff into the long-term. Similarly, almost all new restaurants would need an on-sales licence to survive. Also, cafés could benefit from staying open later: this may not be financially viable without serving alcohol, but it is good for the community to have additional spaces to meet in the evening besides pubs.

Our own application for very limited on-sales will allow us to sell more local products and create additional employment in the shop, as our business becomes more financially sustainable.

I also have some concerns about the process being used to assess areas as 'overprovisioned'. The assessment seems to be based on the number of individual Premises Licences, as opposed to their on- or off-sales capacity, or other individual factors relating to the licence itself. This essentially means that the process is geared against many small licence holders such as, say, a small restaurant) in favour of fewer, larger licence holders like a Tesco supermarket). This does not take into account the benefit that these small businesses bring to the area, and the adverse effects of overprovision (health, crime) may be more likely to come from particular larger

establishments like large pubs. Furthermore, large companies have the time, money and professional expertise to navigate the additional burden created by overprovision in the licensing process, whereas this would simply serve as a deterrent to smaller businesses.

Furthermore, the 'Great Junction Street' list in the list of Licensed Premises on the consultation appears to be incorrect, in that it doesn't match the official IDZ for this area: two of the premises (pilot Beer and Dionysus) are not in the 'Great Junction Street' IDZ and so have been incorrectly listed here. This could potentially affect other respondents' submissions to this consultation, as they see a greater number of licenced premises in that list than there are in reality.

I do hope you take these views into account alongside any other views submit in response to this consultation. I look forward to the conclusion of the process, which I hope supports the sustainability of the local industry that Leith and Edinburgh should be proud of.



Paper Apart.

1. Thank you for inviting responses to your overprovision consultation. We have responded online but there was not enough space provided to enable a full response to be given with a character limit of 1500. The consultation seems to be limited to a generic question on “overprovision” as a general concept rather than splitting this into premises of a same or similar type and we wonder whether the Licensing Board will no engage in a further deeper dive into this concept. It would be helpful for the evidential data that has been shared with the Licensing Board to be made available for review by third parties so that decision making on this very important point is evidence based, clear and transparent.
2. The Licensing Objectives are stand-alone legal grounds for refusal of an application for provisional or full premises licence (section 23) or indeed major variation application (section 30). While *Brightcrew Ltd v City of Glasgow* (12 May 2010) assisted with interpretation of the licensing objectives and the legal remit of same, the objectives themselves, even when limited to being linked to the sale and consumption of alcohol only, provide the Licensing Boards with a wide margin for interpretation as to what they would wish to see from Licence Holders in order for the objectives to be upheld. This, in our legal view is a much more pointed and powerful tool for the Board to use, rather than a blanket policy on overprovision.
3. When considering overprovision as a concept and keeping an eye on the Board's statutory duties enshrined within the Licensing (Scotland) Act 2005, the Board must be careful to consider whether they are being presented with true data evidence, or simply modelling beliefs. The two are very different. The sharing of data/evidence so that all parties can review and understand outcomes, would be helpful. 2
4. In considering their overprovision policy, has the Board been provided with true evidence that the current areas of overprovision have lead to a positive impact on any of the five licensing objectives? The Board must be sure that a causal link between the premises operating within the localities as defined as being "overprovided" for,; Deans Village, Old Town, Princes Street and Leith Street, Southside, Canongate and Dumbiedykes, Tollcross and the IDZ evidence provided by consultees exists. It may be very difficult to extrapolate data provided to the Board to fit to localities if this is provided for IDZ areas. It would be helpful to have updated, summarised evidence showing that the current areas of overprovision have indeed achieved their objective.
5. Any evidential data provided must also be considered in relation to the characteristics of the areas in question- including socio-economic factors. Looking at Old Town, Princess Street, Leith Street form part of the City Centre (Ward 11), it stands to reason that this part of Edinburgh will have higher than "average" positive and negative statistics and “higher than average” number of licences within its boundary. This is the commercial heart of the city in many ways. In which case, a blanket "rebuttable presumption" against the grant of a licence causes more harm than good to the city. The huge tourist element and transient nature of the population coming into and out of the city centre is incredibly important to the overall positive character of Scotland’s capital city. Those huge fluxes in visitor numbers need to be supported by an excellent offering from hospitality and tourism. People come into Edinburgh to spend money



and enjoy our hospitality. Without that, the city cannot thrive. To be able to provide for people to eat and drink, those premises require alcohol licences.

6. The Board has been hamstrung over the years by a policy perhaps not fit for purpose and essentially a blunt tool. The concern surrounding whether a licence will indeed be granted has put off inward investment into Edinburgh by the sheer inability to confirm to clients that there is a definite positive outcome where the application site is in an area of overprovision. In cases where thousands, if not millions are being spent, that is too much of a risk. Being able to provide the Board with the required "branch" on which to hang a grant is incredibly hard, ever more so when the evidential analysis sitting behind the current statement of policy is out of date.
7. Amount of Investment, type of provision, design of premises and operation are all commercial decisions for operators. However, the market that they operate within defines their success or failure. Those visiting premises in Edinburgh have a finite purse. They embark on their patronage knowing how much they can reasonably spend. Additional premises within an area give choice, they do not increase consumption per se. The consumer cannot go above the finite purse, but they do choose where they do spend carefully. In this regard, we do not agree with the statement that increasing availability of alcohol leads to increased consumption, there are many things that impact consumption levels and these need to be looked at individually. Consumer choice is key and market forces are strong, ever more so.
8. Limiting investment and investors bringing new ideas into Edinburgh stifles progress and without money being put into existing premises, the city will simply lose vibrancy. Lothian Road is an example of a street where changes in investment and attracting differing offerings has really paid off. Curtailing hospitality, limiting licences, capacity or hours has a huge impact on the economic progression of Edinburgh and in our submission does not have the positive outcomes, linked to the five licensing objectives that the Board desires.

End.

SGF response: Overprovision of Licensed Premises

Edinburgh Licensing Board

13th May 2024

To whom it may concern,

Introduction

The Scottish Grocers' Federation (SGF) is a trade association for the Scottish Convenience store sector. There are 5,171 convenience stores in Scotland, which includes all the major symbol groups, co-ops, and convenience multiples in Scotland. SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities.

Convenience stores are known to be economic multipliers and an important source of local employment, providing over 49,000 jobs in Scotland (Scottish Local Shop Report 2023)⁸. With the UK convenience sector expected to grow to £50.9bn by 2026, the sector is more relevant than ever to every type of customer and has key social benefits and is of key economic value to the economy.

Many convenience retail businesses are operating in an extremely challenging trading environment, and the Scottish Government has acknowledged that continuing to add to the legislative burden could put businesses at risk. In addition to meeting the requirements of new regulations, such as Minimum Unit Pricing; potential restrictions to the promotion of alcohol products and foods high in fat, sugar, or salt; and the Deposit Return Scheme, the sector is among the hardest hit by issues such as food inflation, cost-of-living and rising energy costs. The cumulative cost burden of legislation on top of the pressure of these other factors are significantly adding to the vulnerability of many businesses.

SGF welcomes the opportunity to contribute to the consultation exercise and we very much appreciate our continued engagement with both the Edinburgh Licensing Forum and the members of the Licensing Board. We trust that you will find our comments helpful.

⁸ [Scottish Local Shop Report 2023](#)

(Answers 1-3 are included at the bottom of the page)

4. Do you think the council should continue to have areas of overprovision or should they be removed entirely?

No, I don't think we should have this classification anymore.

As set out in section 14.1 of the statement of licencing policy 2023, we recognise the Board's duty to assess overprovision under Section 7 of the Licensing (Scotland) Act 2005 in respect of licensed premises or licensed premises of a particular description in any locality within the Board's area.

We also recognise that, in determining if there is overprovision, the Board must have regard to the number and capacity of licensed premises in the locality together with any other matter the Board sees fit.

We respectfully suggest, however, that overprovision is a blunt instrument and does little to reduce alcohol related harm. Our reasons for this are detailed in the answers below.

5. Do you think there should continue to be overprovision of licensed premises in any of the localities designated by the Board as being subject to overprovision in its 2018 assessment?

Old Town, Princes Street and Leith Street	See general answer below
Tollcross	See general answer below
Deans Village (covering the Dean Village area)	See general answer below
Southside, Canongate and Dumbiedykes	See general answer below

Section 14.4 makes the case that in these four areas, there was a dependable causal link that could be demonstrated between alcohol-related health harms and alcohol related crime and the number and capacity of licenced premises in these localities.

SGF believes there is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.

Rather than taking a 'blanket' approach to overprovision regarding off-sales and public house type premises, the Board should continue to take into account the specific activities and mode of operation of the applicant. It is important to note that arguably the number or capacity of premises in a locality is unlikely to be the key factor in deciding whether there is overprovision. Instead, the determining factor is the extent to which there are alcohol-related, health, and crime problems in the area. In addition, the case law has shown that a licensing board must base any decision around overprovision in a targeted, evidenced basis. Decisions from Aberdeen and Dundee have shown that selecting an arbitrary location which is not based on probative evidence would be unlawful. In addition, boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and offer access to fruit and vegetables to the local community. The SGF Healthy Living Programme (HLP) has been successful in enabling customers to make healthy eating purchases in-store. This programme supports Scottish independent retailers in offering healthy choices to the consumer, increase sales and assist in the goal of achieving a healthy nation. HLP now has over 2,300 stores participating. This programme continues to make a positive and impactful contribution to local communities.

With 5,171 convenience stores in Scotland and with 81% of independent retailers engaged in some form of community activity in the last year convenience stores have an increasingly important role in their local communities ([Scottish Local Shop Report 2023](#)).

In addition, the SGF Go Local Programme, backed by the Scottish Government, supports convenience stores provide dedicated, long-term display space for locally sourced Scottish products. On average, participating stores generated an annual local multiplier figure of £741k, based on retail scanning data provided for all Scottish products. These initiatives may be relevant to the licensing objective of Improving and Protecting Public Health and supporting local businesses, and therefore, may be taken into account when the Board is determining whether to introduce an overprovision policy.

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

Capacity is an important issue in determining overprovision. If the entire Board area was regarded as being overprovided for, it would prevent retailers from ever increasing the capacity of their alcohol sales area. However, in practice such increases would not dramatically increase the amount of alcohol being sold. It would be a paradox if a 20m² increase in the selling area of a convenience store was counted as just as big a threat to an overprovision assessment as a new out-of-town hypermarket. Retailers frequently remerchandise and refit stores to best meet consumer needs. Most of the time these will just involve 'micro-space': keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet consumer demand, to fit in with new brand ideas or to roll out improved formats 'macro-space' revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely. Extensions to the selling area might be necessary under macro-space refits. It should be noted that, of course, retailers are charged a fee for any major or minor variation to their licences.

6. Thinking about the licensing objectives above, please explain your answer to Q5.

SGF agrees with the licencing objectives set out under section 6 of the Licensing (Scotland) Act 2005 and in section 2 of the statement of licencing policy. However, we have also expressed our belief to Scottish Licensing officials that the economic benefits, employment and adjoining community services provided by a thriving local business sector should also be formally recognised as a licensing objective.

SGF promotes responsible community retailing and recognises the importance of tackling alcohol related harm, however, we believe that overprovision does not help to achieve the licencing objectives.

Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. They do this in the following ways:

- Full compliance with the Challenge 25 regulations (an initiative developed in partnership with SGF)
- Staff training
- Appropriate signage
- In-house test purchasing
- Refusal books
- Use of CCTV
- Full compliance with the store's operating plan
- Age restricted till prompts, upon customer checkout.

SGF also sits as the chair of the 'It'll Cost You' Scottish Alcohol Industry Partnership campaign. Raising awareness of issues relating to proxy purchasing and the consequences of underage selling of alcohol.

We believe that the actions taken above are necessary for achieving the licencing objectives. We suggest, however, that overprovision is a blunt instrument and does little to achieve these objectives and reduce alcohol related harm.

SGF believe that the entire concept of overprovision should be reviewed by the Licencing Authority to consider whether it remains fit for purpose. We live in an age where customers can order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be made from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for achieve? It would seem, arguable, that overprovision has not kept up with the development of modern technology and consumer shopping habits. For example, a resident may order an online grocery shop, and this could quite legitimately be dispatched from many miles away.

Being able to offer a diverse range is of paramount importance. Modern convenience stores now offer a wide range of products and services, from deli counters and coffee to collection lockers. A more restrictive range simply provides the potential customer with a reason to shop at a competitor. Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for 15.9% of total sales turnover. 76% of convenience stores have an alcohol licence.

Creating a general presumption that no increase in alcohol capacity would be approved in the entire Board area would almost certainly mean that existing retailers would not invest in modernising and refitting stores.

While we welcome this consultation exercise the SGF believe the licensing system should not be onerous on retailers. We hope that you find these comments helpful.

**7. Are there areas/localities that you would like to see added to our areas of overprovision?
If yes, please either describe the area or provide a postcode.**

No

8. What is your ethnic group?

Scottish

9. What religion, religious denomination or body do you belong to?

Prefer not to say.

10. What is your age?

25-34

11. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

No

Yours sincerely,

Aidan Smith

Policy and Public Affairs Assistant

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- SGF gives permission to the Edinburgh City Council to publish its consultation response and to share this response internally.
- SGF is also content to be contacted again in the future, in relation to this consultation exercise.

Niall Hassard Response

Dear Gerry,

I wanted to follow up on my consultation response with some further information (see graph below). I've referenced the info in my response but couldn't upload any files.

I would also like to record my view that the Consultation questions, in my opinion, seek to elicit more supporting information from those in support of overprovision than those against overprovision. That gave me cause for concern.

Finally, you'll perhaps be aware that the Board held sessions with stakeholders in respect of its Policy Consultation and I would hope they will do the same on overprovision given its importance in the coming years.

I'd be happy to speak to my response and the attached.

I would be obliged to receive an acknowledgement of safe receipt.

Kind regards,

Niall Hassard

Director

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

