

REPORT - LICENSING (SCOTLAND) ACT 2005 – CONSULTATION ON ASSESSMENT OF OVERPROVISION – RESPONSES RECEIVED TO FORMAL CONSULTATION

1. Purpose

To advise the Board of the outcome of the second consultation carried out on Board's Assessment of Overprovision: -

- 1.1 To advise the Board of the details of the consultation responses received in relation to the Board's Assessment of Overprovision as to whether there may be overprovision in the identified localities highlighted in the consultation for all licensed premises or premises of a particular description.
- 1.2 Thereafter to continue consideration of the Assessment of Overprovision to a further meeting of the Board on a date to be agreed to determine the terms of the overprovision assessment to be adopted within the Statement of Licensing Policy, and in particular to decide whether any of the defined localities are subject to overprovision of licensed premises, or of licensed premises of a particular type.

2. Overprovision – Legislative background

- 2.1 The Licensing Board has a legal duty to carry out an assessment of whether there is overprovision of licensed premises within its area in terms of Section 7 of the Licensing (Scotland) Act 2005. The Board when it approved its Statement of Licensing Policy on 27 November 2023, decided to undertake a separate consultation on its current overprovision assessment.
- 2.2 In considering whether there is overprovision in a locality, the Board:-
 - must have regard to the number and capacity of licensed premises in the locality.
 - may have regard to such other matters as it thinks fit, including the licensed hours of premises in the locality.
- 2.3 Before the Board designates any particular locality as being an overprovision locality, it will first have to obtain the specific information as set out above at Paragraph 2.2 and also consult with:-
 - the Chief Constable
 - the Health Board
 - such persons as considered to be representative of:-
 - premises licence holders in the locality

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- residents in the locality
- such other persons as the Board thinks fit

3. Overprovision – Statutory Guidance

- 3.1 Under section 142 of the Licensing (Scotland) Act 2005, Scottish Ministers may issue guidance to Licensing Boards. The current guidance was issued on 13 January 2023 [1. Introduction - Licensing \(Scotland\) Act 2005 section 142: guidance for Licensing Boards - gov.scot](https://www.gov.scot/publications/licensing-guidance-2023/pages/introduction.aspx)
- 3.2 The Guidance states that an overprovision assessment must be evidence based. It is a matter for each Licensing Board to determine what their overprovision policy will be and how the evidence it has ingathered 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. The Licensing Board should ensure the approach to ingathering, 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.
- 3.3 It is also important that the Licensing Board consult widely on a draft overprovision assessment and carefully consider the views expressed by consultees prior to finalising an overprovision assessment for the Licensing Board area.
- 3.4 The Guidance states that when assessing overprovision there are a number of underlying principles that the Licensing Board should take into account as they approach the development of their statement of overprovision:
 - 3.4.1 Licensing Boards should use alcohol-harm information (or potential alcohol-harm information) to identify localities and then proceed to consider the number, type and capacity of premises in those areas.
 - 3.4.2 It is the potential for undesirable consequences which is intended to be addressed through overprovision assessments as a requirement within the 2005 Act. This can be thought of as the cumulative effect of more and more licences being granted in a locality and what this means in respect of the effect on life in that area. It is the cumulative effect rather than the actions of any single operator that is key.
 - 3.4.3 If a Licensing Board considers there is at least potential for, or a reasonable basis for, concluding that there will be a risk of adverse

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impact on the objectives (should more premises licences be granted), it is entitled to come to the view that there is a state of overprovision.

- 3.4.4 Consideration should be given as to whether aggregate information and evidence from a number of sources demonstrates a link between the availability of alcohol in an area and alcohol-related harm.
- 3.4.5 To demonstrate a "dependable causal link", the proof of the link must be on a balance of probabilities. What this means in practice is that based on the evidence of harm in a locality, it is more likely than not that alcohol availability is a cause, or that increasing the availability of alcohol in that area will increase that harm.
- 3.4.6 There is no simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interests of the community.

4. Overprovision – the Board's current policy

- 4.1 The Board's current policy at paragraph 14.4 currently identifies the following localities to be areas of overprovision in respect of premises of a particular type of description, namely: -

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

5. The localities determined by the Board for the second consultation

- 5.1 At its meeting on 27th January 2025, the Board in relation to its Assessment of Overprovision considered: -

- responses received from the first consultation
- meeting with statutory consultees
- meeting with representatives of the licensed trade and agents
- meeting with planning and regeneration colleagues
- meeting with Licensing Forum
- information regarding the current number of licensed premises within Edinburgh

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- if existing localities should still be considered overprovision areas and additional localities identified as areas of overprovision by consultees
- 5.2 The current policy statement has designated the localities listed at 4.1 as areas of overprovision for all sales of alcohol. The Board decided at their meeting on 27 January 2025 to consult on the following IDZ localities which had been identified as having “extremely high levels of alcohol related harm (health and criminal) and the highest alcohol outlet rates”-
- Old Town, Princes Street and Leith Street – all sales
 - Tollcross – all sales
 - Great Junction Street – all sales
 - South Leith – all sales
 - Murrayburn and Wester Hailes North – off sales only
 - Restalrig and Lochend – off sales only
 - Muirhouse - off sales only

6. Main Report – Responses to the Board’s Consultation

- 6.1 At its first consultation between 21 March 2024 and 13 May 2024 the Board sought views and information on overprovision of licensed premises including types of premises, size and capacity of premises, and hours of operation within Edinburgh and its localities and the current policy. A range of written responses were received and the Board held evidence sessions to consider these further. A copy of the consultation responses is appended to this report.
- 6.2 Having considered all the responses from the first consultation, the Board then undertook a second consultation between 24 March 2025 and 4 May 2025 to seek further views in relation to the general question of whether a locality-based overprovision policy was an effective tool to address alcohol related harm before making a final decision on its overprovision assessment. The consultation went on to seek views whether the defined localities were subject to overprovision with regard to types of premises. The consultation sought to identify whether respondents were resident in or represented residents or licenceholders in the defined localities.
- 6.3 The second consultation details were published on the Council’s online Consultation Hub. In addition, all respondents to the first consultation were sent notice of the second consultation. This included all statutory consultees.

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6.4 There were 37 responses to the consultation, and the details are appended to this report.

6.5 Responses ingathered during the Board's consultations can generally be divided into the following categories:-

- Police Scotland, NHS Lothian, Edinburgh Alcohol and Drug Partnership (EADP), and other organisations including Alcohol Focus.
- Licensing Forum
- Licence holders and trade representatives including licensing agents
- Community representatives and individual citizens

Copies of responses received are appended to this report.

6.6 Police Scotland

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

6.7 NHS and ADP

The position of the NHS is that there is good evidence that increased alcohol outlet density is associated with harms to health and that 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. Their position is that overprovision also makes it more difficult for people to recover from alcohol dependence. They state that research has found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets and particularly in localities with off sales outlet density. The NHS were in support of the 10 localities proposed by the Board being adopted as localities of overprovision and suggested one further area that should be included in the assessment.

6.8 Licensing Forum

The Forum was not in agreement as regards overprovision and therefore could not offer the Board a Forum view on overprovision. The Forum advised members would submit their own views independently.

6.9 Community Councils

In general Community Councils support inclusion of their areas where they have been included within localities identified by the Board as possible localities to be included in the assessment of overprovision.

6.10 Trade/Trade representative responses

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Responses from the trade and representatives generally urge the Board to carefully consider the identification of any further localities as overprovided for with particular reference to the causal link between overprovision and harms. Reference was also made that the number and capacity of licensed premises immediately prior to the 2005 Act c.2007 versus now in 2025 have barely changed, whereas there has been a significant population increase. In general trade and trade representatives do not support a finding of overprovision in any localities in the City of Edinburgh.

Reference was made in relation to the ADP and NHS response to the initial consultation which purports to be the evidential base for a proposed overprovision policy as not being robust and therefore does not withstand scrutiny. They stated that the ADP and NHS data raised concerns about reference to matters with reliance on data from a single source and therefore the overall evidential landscape which would support the causal link between existing licensed premises and health harms, is difficult to establish. The general view is that overprovision is a blunt instrument and does little to reduce alcohol related harm with inequality remaining the biggest factor in alcohol abuse. It is their position that there is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is increasingly difficult to make a link between individual premises and problems in a specific locality.

The concerns expressed in the initial informal consultation by the trade and their representatives are also reiterated as regards the potential and unnecessary detriment in terms of the investment, particularly in the City Centre, but also all other areas and which can impact on areas undergoing redevelopment or improvements to be undertaken in existing premises. The view being put forward is that an overprovision policy may mean retailers opt against opening a store in an overprovision zone, which has implication for its local economy.

Reference is also made to the cultural, social and economic benefits which are contributed by licensed premises within Edinburgh. Examples given of benefits to communities by licensed premises include contributing to the community life of local areas as social hubs or providing access to healthy food items at competitive prices. Reference is also made to the increased employment opportunities from licensed premises which in turn contributes positively to local communities.

In one submission it was stated that there is still place for “wet led” premises within Edinburgh and as such each case must be decided on its own merits.

Generally, some responses suggest that if the Board choose to extend or retain overprovision then the Board should set out what factors it will take into account favourably when asked to set aside the presumption against grant.

6.11 Individuals

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The consultation received 22 responses from individuals and below is a summary of their responses to the questions,

Should the Board retain an overprovision policy in any localities in the City?

Strongly Agree/Agree - 12
Strongly Disagree/Disagree - 7
Don't know - 1
Neither agree or disagree – 1
No response – 0

Old Town, Princes Street and Leith Street – all sales

Strongly Agree/Agree - 13
Strongly Disagree/Disagree - 7
Don't know - 1
Neither agree or disagree – 1
No response – 0

Tollcross – all sales

Strongly Agree/Agree - 7
Strongly Disagree/Disagree - 7
Don't know - 3
Neither agree or disagree – 1
No response – 4

Great Junction Street – all sales

Strongly Agree/Agree - 10
Strongly Disagree/Disagree - 8
Don't know - 1
Neither agree or disagree – 0
No response – 3

South Leith – all sales

Strongly Agree/Agree - 8
Strongly Disagree/Disagree - 8
Don't know - 1
Neither agree or disagree – 1
No response – 3

Murrayburn and Wester Hailes North – off sales only

Strongly Agree/Agree - 6
Strongly Disagree/Disagree - 8
Don't know - 6
Neither agree or disagree – 0

No response – 2

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Restalrig and Lochend – off sales only

Strongly Agree/Agree - 8

Strongly Disagree/Disagree - 8

Don't know - 4

Neither agree or disagree – 0

No response – 2

Muirhouse - off sales only

Strongly Agree/Agree - 7

Strongly Disagree/Disagree - 6

Don't know - 6

Neither agree or disagree – 0

No response – 3

Of the 22 individuals who responded to the consultation, 11 respondents reside in the proposed localities of overprovision and 11 reside out with.

6.11 Respondents were given an opportunity to explain their answers and those comments are appended to this report.

7. Next Steps

- 7.1 The Board now require to decide if the localities identified by the Board for consultation on its Assessment of Overprovision are overprovided for either in relation to all premises or premises of a particular type. This consideration must be carried out having regard to statutory requirements and guidance previously referred to and taking into consideration all the evidence available including the responses to the Board's consultation. In making its assessment the Board must explain how it has weighed the evidence before it and the reasons why it prefers certain submissions over others.
- 7.2 As the Board requires to have regard to the number and capacities of licensed premises in any localities when assessing overprovision, the information previously provided to the Board regarding the number and capacities of licensed premises in the proposed localities identified for consultation is appended to this report.
- 7.3 The Board is entitled to have regard to such other matters as it thinks fit. Any factor considered to be relevant in its determination should be clearly identified. It is also open to the Board to include information about the circumstances in which an exception may be allowed to the policy, and the updated policy can be revised to take account of such factors if the Board considers this would be appropriate to include in the updated policy.
- 7.4 The Statement of Licensing Policy has not been updated in relation to overprovision. This section will be updated to reflect the Board's decision and the revised text submitted for approval by the Board prior to publication.

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8. Integrated Impact Assessment (IIA)

- 8.1 The purpose of an IIA is to ensure that the Council not only complies with the law, but also takes account of equality, human rights and socioeconomic disadvantage implications when making decisions. It ensures that decision makers are fully informed of the potential impacts of their decisions. It allows decision makers to critically assess whether a decision could have wider impacts beyond its intended outcomes. It is also a useful way of helping to inform the Board on Public Sector Equality Duties (PSED) issues which is ultimately a matter for the Board. A full IIA has been completed as part of the consultation process and is appended to this report, Board members should therefore carefully consider the IIA.

9. Recommendations

- 9.1 The Board is asked to consider carefully all consultation responses and relevant information contained in the Appendices, when concluding its overprovision assessment.

10. List of Appendices

2024 Consultation

1. Consultation responses
2. PS response May 2024
3. NHS Response
4. Licensing Forum
5. Scotsman Group
6. Leith Bottle Shop
7. TLT Solicitors
8. Scottish Grocers Federation
9. Niall Hassard Solicitors
10. PS response April 2023
11. Niall Hassard additional
12. Consultation response breakdown

2025 Consultation

11. Consultation responses
12. Licensing Forum response
13. SBPA response

Other

14. Capacity by Intermediate Data Zones
15. Licences in Force
16. Integrated Impact Assessment

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LICENSING BOARD

21st June 2024

CONSULTATION ON OVERPROVISION

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Responses from Overprovision Consultation

Q1) Do you think the council should continue to have areas of overprovision or should they be removed entirely?

Q2) Do you think the council should continue to have areas of overprovision?

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

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

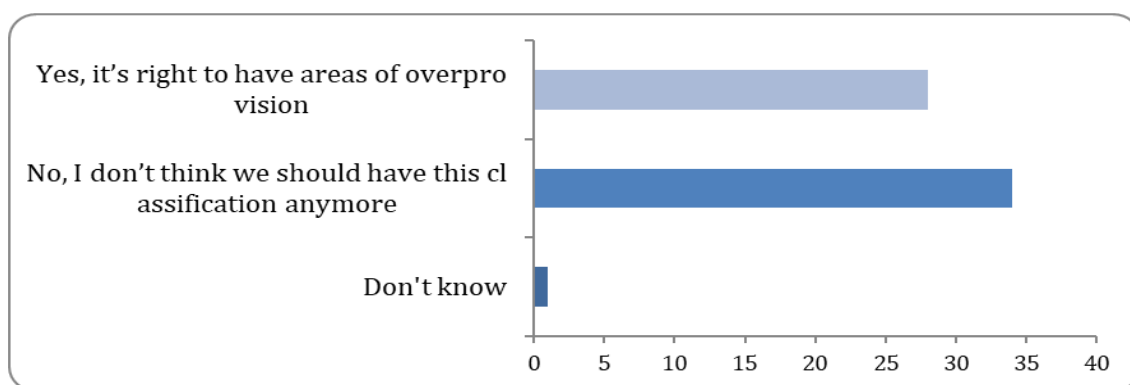
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	No, I don't think we should have this classification anymore
	No, I don't think we should have this classification anymore
	Yes, it's right to have areas of overprovision
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	Yes, it's right to have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

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

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%

Q3) 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?

Q4) 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

	"Overprovision is a blunt tool that, in a capital city such as Edinburgh should not be applied to areas of the City Centre. Overprovision will deter inward investment and undermine existing City of Edinburgh Council strategies such as the present planning policy and importantly the City Centre Transformation Strategy. The Transformation Strategy has at it's heart the vision that the City Centre should be a place for people to ""play, visit, live and work"".
	The ""Case for Change"" document that underpinned the Strategy acknowledged Princes Street and George Street must become attractive places for people to spend time if they are to survive and
	thrive as retail and leisure destinations.
	Princes Street and the West in in particular are struggling to attract and retain retailers they need experiential businesses (restaurants, cafes, entertainment venues) to drive footfall. The modern city see these venues drive and sustain footfall with retailers receiving the ancillary visits - not the otherway round."
	My comments relate to all premises. Since over provision areas were introduced the Grassmarket area has become much quieter with less late night drinking, Regulations about outside tables should be more tightly regulated and enforced as the area is now a mass of tables and chairs. Buskers playing amplified music should not be encouraged by pub landlords. Tenemented properties should not have to endure pub noise.
	Yes, all licensed premises as currently described.
	"I think that the overprovision is most serious in pubs & entertainment venues that sell cheap drinks and , and especially off sales (including articially cheap price offers) from supermarkets & convenience stores.
	Restaurants and hotels are not such a problem as drinkers there are indoors for a period of time and likely to be consuming food as well as drinking."
	All licensed premises.
	All
	The term overprovision is a toothless term in the licensing objectives...it has no meaning unless you back it up in courts of law and you don't because every time you will get defeated by the competition laws in favour of the applicant...how

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	many times have the council sighted overprovision in turning down an applicant??...NEVER
	All licensed premises
	I think there should be options for alcohol and alcohol free drinks available in all licensed premises, and if there are more issues with crime and being drunk and disorderly in an specific area, that should be addressed as an individual section. To put the same blanket approach, may hurt small successful businesses, that do not have unsociable behaviour issues or it may even prevent social hubs being created.
	All
	Bars & restaurants
	All licensed premises
	I believe there are enough bars within the old town but knowing Edinburgh licensing board they will continue to offer alcohol licenses to shops wishing to sell alcohol in these areas so this just screams like a waste of money in order to do what they want to do anyway.
	pubs, restaurants and entertainment venues.
	All.
	Retail and hospitality in particular is struggling so only the strongest survive. Let the market determine the need. Rather a pub or convenience store than another empty shop.

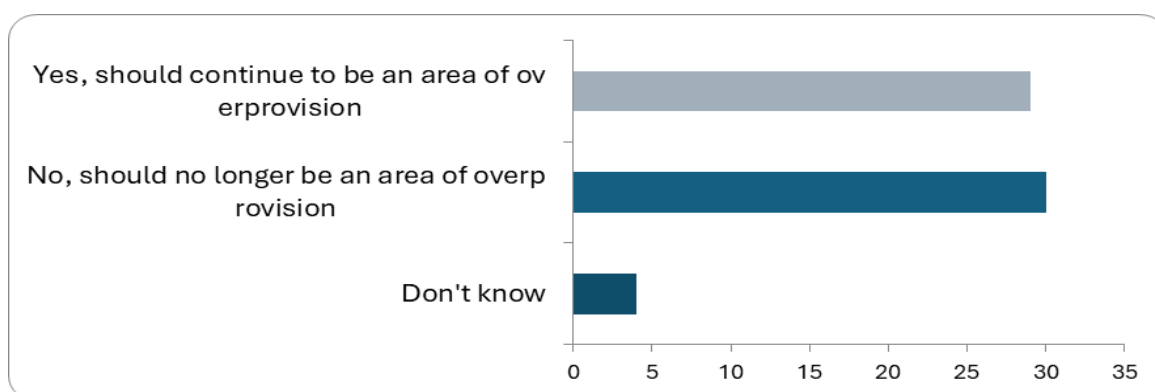
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	As long as a venue who applies for a license abides by the rules and regulations then i do not foresee an issue. Licenses are always up for questions and can be taken away with any problems that arise. In addition, due to the amount of public bars being shut down, i generally feel there is less bars than there used to be and those that are around are used more as eaterie than watering holes.
	Personally I think over provision will not increase drinkers. Just like many hairdressers on one street doesn't increase me to get my hair cut. Drinking alcohol is in decline. I think most licensed places are community hubs and are well run. It's people getting drunk from alcohol bought in supermarkets at lower costs etc that are the issue. Over provision of licenses would reduce public nuisance imo due to there being more policing of consumption within these premises.
	These venues are the lifeblood of the city, unlike student accommodation, and should be supported by the city
	"All.
	Market forces will drive supply, and kill it off if there is no demand . Stop trying to micromanage society!!"
	To many licensed convenience stores .
	Convenience stores
	Pubs and restaurants and theatres and music venues. Not offsites.. too many
	All licenced Premises
	All licensed premises
	Nope,
	Pubs, hotels, entertainment venues
	Pubs n restaurants

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	This should apply to public houses and supermarkets as the main purveyors of alcohol.
	To all licensed premises
	All licensed premises

There were 63 responses to this part of the question.



Option	Total	Percent
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%

Q5) Thinking about the licensing objectives, please explain your answer as to whether there should be a continuance of Overprovision in the localities from the 2018 assessment

	For any premises to be granted a licence and to retain the privilege of holding a licence they must comply with the 5 licensing objectives. We'll run licensed premises offer spaces for different demographics to meet and socialise. New

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	premises drive innovation and improve standards. Edinburgh is a city in the race to the top not a race to the bottom.
	The objectives seem fine
	The area I know best and in which I used to live is the Grassmarket. The noise, the behaviour of many of the pubs' customers, the mess of litter and vomit, the petty vandalism and graffiti - all these things are exacerbated by the number of licensed outlets. The Grassmarket and surrounding area could be transformed into the kind of civilised and attractive venues that you get in Europe. In Edinburgh we seem to sink to the lowest common denominator.
	I think that all 5 are most threatened by pubs and stores that sell cheap drink until late at night. Off sales are particularly dangerous to young people who always seem to be easily able to obtain alcohol illegally
	I do not think that the number of licensed premises is the root of the social issues listed. It is more to do with the way the premises are run and behaviours of those who use the premises.
	Overprovision should be abolished as its never used and the same old arguments get churned out time and time again
	There is already sufficient control on licensed premises via their very licensing. The drinks industry provides vibrancy, community cohesion and jobs
	"I do not believe that an area of overprovision benefits the licensing objectives in any way.
	Cases should be studied one by one and high volume discount bar chains (e.g.weatherspoon) should be limited as they tend to be the first link to nuisance."
	I feel that a personal license holder, can work alongside their team, train their team to show all customers a pleasant experience, all the while maintaining the objectives. All the team are consistent to work together in communication of the on goings on the premises, and our customers know the standards we uphold. If it was a challenge to uphold these objectives, then I feel that is where an individual location review would be required.
	Numbers of current sale points for alcohol in these areas still causes significant disturbances in border areas not listed as overprovisioned and are therefore contrary to the licensing objectives of reducing crime, preventing harm and/or public nuisance.

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	When looking at Princes Street area retail units are leaving at an alarming rate making the town look empty and outdated especially in comparison with other UK and EU major cities. With new hotels being built/planning permissions being submitted it makes sense to increase the amount of licensed premises, namely restaurants for more variety.
	Too many in a condensed area leads to too many flash points and opportunities for trouble makers
	Lots of public houses closing at moment.
	While I appreciate the concern regarding overprovision in areas. The hospitality industry continues to suffer post pandemic and is, in my opinion a key industry not only for jobs but also to support Edinburgh's tourism market. While I support the idea of public health support and recognise the importance of this, it feels like, as an owner, independent businesses in the hospitality sector are seen as fair game with regards to how they are treated. Over provision, in my opinion forces independent operators out the market and only allows for large corporate chains to operate in the city.
	the type of licence and operating of the premises are more important
	"Surely its the terms of Licenses and the adherence to those terms by Licensees that matter in terms of meeting the License objectives. A hotel that allows customers to snort cocaine in its toilets is causing more harm than a bar that diligently refuses to serve underage customers or customers who are drunk.
	Most public nuisance is from fast food rubbish discarded in the streets and young(ish) adults ""pre-loading"" at home before going out.
	Enforcing License conditions and shutting down a few places that break their terms would improve the behaviour of the many."
	"Preventing public nuisance
	Protecting and improving public health
	There are already too many in those areas. Over provision will show the council encouragement to alcohol consumption to public.
	Edinburgh have great culture to offer to tourists. Not just alcoholism."

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	Discriminating certain types of businesses ie, smaller convenience stores etc, would not help achieve the objectives.
	"I've been in meetings where alcohol licences have been granted to people wishing to sell alcohol in areas designated as "over provision areas"
	The licensing objectives are used by this council and board as and when they are suited to their end outcome.
	If a license request is made in an area described as having an over provision it should be rejected out of hand, but it rarely is. I've requested FOI information on this.
	So in short the licensing objective are selectively used by the council to suit its needs, not Edinburgh residents."
	"The Council should leave market conditions to naturally sort out over provision.
	Council interference only gets in the way of natural business circumstances, such as a business no longer being viable and shutting down."
	"As long as license holders are trained in the objectives then premises do not contribute to any societal problems as sellers are aware of the issues which can arise.
	The whole idea of an area of over provision is outdated as if people would like to drink, then walking further is not going to dissuade them.
	Supermarkets are much cheaper than small licensed premises such as ourselves, thus if Scottish laws around minimum pricing are to be seen as the way to address over consumption, then it holds true that business such as ourselves are not the problem in Scotland. It is large chains who have the economies of scale to sell alcohol at a very low cost per unit.
	We know the vast majority of our customers very well from having built up a relationship over time. This adds an extra element of responsibility on our part to ensure public health as we feel we have a greater duty of care.
	Alcohol consumption levels in Scotland are decreasing on their own accord if one looks at younger age groups."
	Overprovision is entirely subjective. Reducing provision will not impact the licensing objectives. Proper licensing should do that.

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	It is how licenced premises are managed and customer's behaviour is monitored and controlled that determine meeting the objectives, not the number of establishments. Fewer does not mean that the objectives are achieved any more easily, in fact the converse may be true if there is under provision in a destination city such as Edinburgh.
	If the premises adhere to the license then there will be plenty provision of in these areas to ensure that the public are safe.
	All the objectives are enforced within a premises that has a license. The only potential issue is improving public health. But in relation to this, rising costs and wages are directly forcing licensed establishments to raise there prices which is causing more damage to public health as i reckon the public drink more at home now where the objectives are not a priority or even enforced.
	As mentioned above. People that have a license and are policed are literally the ones upholding the objectives. The more there are, the more policing would be done. Also to add, when people leave a bar, I have seen this is the time where issues can arise due to fresh people being put out onto the streets at the same times due to licensing hours. Carry out and home drinking culture is wavy more problematic these days imo. Just look at the amount of bars/clubs closing. They aren't the issue.
	It's not the job of the council to overreach in areas of public health and personal choice
	There are lots of issues like underfunded social care, broken communities, gentrification, lack of social spaces for teens etc that are definitely going to be bigger causes of each of your objective issues. It looks like this proposal is just a much cheaper way of looking like you are doing something about them, but in truth it will only potentially limit the symptom without doing anything to resolve the cause.
	"There is no evidence that overprovision as a policy has done anything to reduce alcohol related harm or further any of the five statutory licensing objectives. It is a blunt instrument which doesn't differentiate between the type of premise, the cost of the alcohol at said premise, and still requires individual hearings for applications regardless.
	What it has done is limited potential investment into the areas deemed areas of overprovision, with the city losing out on much needed investment into the sector with other cities and areas attracting money which would have otherwise been invested in Edinburgh.

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	Investment into the sector has never been more important. With the sector being hit hard by Brexit, the pandemic, energy price increases and the current cost-of-living, cost-of-doing-business crisis.
	The sector also needs investment to maintain high standards and stop deterioration in premises. There is a real risk that too onerous policies creates a downward spiral which actually increases crime and disorder, reduces public safety, creates public nuisance, increases health harms for adults and children."
	Stop trying to micromanage society! Market forces will determine provision.
	I think limiting of sales would help all your objectives.
	"Limiting the number of premises does not achieve any of the objectives, if anything by limiting the number of premises it adversely impacts public safety and may negatively impact health. If operators believe here is a commercial-case for an outlet then they should be allowed to do so an enhance competition.

There were 55 Responses to this part of the question.

Q6) 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.

	Rose Street/ Frederick Street & George Street
	"No. The statistics show that prior to the implementation of the 2005 Act that in 2007 there were 1929 licences in force in Edinburgh. In 2022 the number is 1952 which is less than a 2% increase- https://www.gov.scot/publications/scottish-liquor-licensing-statistics/
	In the same time period the population of Edinburgh has increased dramatically (471,000 in 2007 to 548,000 in 2022).
	*Chart forwarded to the Clerk to the Board by email covering numbers of licences in force year on year."
	It should be city wide unless residents wish otherwise
	The whole of the old town could do with a rethink.
	Leith Walk and North Leith
	No; though there are areas of the city which are underprovided.

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	No
	No
	No
	NO
	Most areas located in between the current overprovisioned areas in order for the over provision orders to have a meaningful impact eg West End, Dalry/Haymarket
	George Street
	No
	no
	No
	None
	N/A
	No
	no
	No
	No
	No.

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	No
	No, I Think The More The Merrier As Long As The Objectives Are Enforced By The Licensees
	No, based on everything I've already said.
	No.
	No
	No
	None, remove the over provision criteria and let business and competition flourish. The Council should focus on the quality of operations and not the quantity.
	In my opinion, the only one that might be worth considering is in the Cowgate area, where many of the issues seem to arise, specifically in relation to the licensing objectives.
	No.
	George Street and Lothian Road
	No
	No
	Eh3
	"None.
	There is no proposal in the consultation directly affecting Balerno.

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	The Council does not believe that the community of Balerno would support designation of Balerno as an area of over provision, we're that to be the case, which it is not."
	No.
	Leith
	"The whole of Edinburgh should be designated an area of overprovision of off-licensed premises. Particularly those premises (general stores), whether large supermarkets or smaller local convenience stores, where alcohol is sold alongside normal food, drink and other consumer products, tending to normalise alcohol and facilitating (if not promoting) impulse buying.
	To actually do something to improve public health the Board needs to cut permitted off-sales hours
	(currently 10am -10pm Monday to Saturday 11am to 10pm Sunday)
	(e.g. to 11am - 9pm for normal off-licences and 12Noon to 8pm for general stores),
	reducing availability - one of the few things that affects levels of consumption."
There were 46 responses to this part of the question.	

Q7) Please explain your answer - 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.

	The noise and rouble from drunk revellers late at night is unacceptable to New Town residents
	The Board must have regard to the Statutory Guidance published January 2023 when formulating it's Policy. Para 5.6 states "An overprovision assessment must be evidenced based." Para 5.31 confirms the need for the Board to demonstrate a "dependable causal link" been the number/ capacity of licensed premises and the prejudice to one or more of the licensing objectives.
	As above
	It seems blindingly obvious if you happen to be lucky enough to live in the old town. In other countries such an area would be attractive, cleaned regularly and a place where residents would be proud to live in and foreigners would flock to and appreciate. I am not an advocate of tweeness and hanging baskets - just a clean and pleasant area which is so historic. Having said "historic" I have to admit the old town would have been a bit of a midden centuries ago!
	Too many pubs and supermarkets selling alcohol until late. A local culture of hard drinking, often combines with drug taking, public drunkenness, public disorder etc. There are streets that contain more or less nothing but pubs eg. Constitution Street, the Shore. There are 'no go' areas such as the Kirkgate, where many local people are scared to go at any time of the day or night.

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	Public houses and restaurants are essential integrating elements within a community. Many of the new build areas do not provide for these. In addition, post-COVID, several premises in suburban areas have closed, some being replaced by student accommodation. This limits opportunities for integration.
	All licensed premises should be judged on individual merits
	As said above, I do not believe that it's a case of how many but more a case of which
	Leaving gaps sandwiched between overprovision areas only displaces the issues overprovision orders are trying to resolve or prevent.
	Too many bars and restaurants in that area
	See earlier answer
	I believe that to drive growth in the hospitality market that desperately needs it, there's needs to be as many opportunities as possible for small business to grow and develop, as this is a key and unique part of the Edinburgh tourism industry
	no need
	N/A
	As far as to my knowledge, the areas mentioned above have more than enough licenced premises.
	The areas that already lie within the over provision sector are adequate but poorly enforced.
	Same as response to Q6.
	See answer to 6. The idea of overprovision is outdated.
	Without under provision, judgement of over provision is impossible.

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	The current areas of overprovision adequately keep people in the city centre etc.
	I also think 24 hour licensing should be considered in any big city. The ones i have visited seem to have less issues and those that do arise are spread over an evening/day more due to kicking out times being a thing of the past
	As before
	See above
	I fundamentally disagree with the principal of big government. Only where there are clear nuisance issues should the council get involved.
	To many already
	"We are a cultural and tourist city with increasing numbers of visitors who need places to eat and drink. At times trying to get in somewhere is difficult therefore removing over provision would assist visitors and enhance the city experience.
	The Council should also campaign to allow amendments to licences to allow families to have a drink without requiring food (as is the case almost everywhere other than Scotland).
	Lets stop trying to restrict choice and get the economy going."
	Within the licensed trade it is well known that many of the issues we are seeing can be attributed to certain licensed premises in the Cowgate area.
	I firmly believe that this policy is wrong.
	These are areas of lots of licenced premises
	The problem areas are well known so do not need revision.
	Even where there are clusters of pubs - Royal Mile, Rose Street, Leith - there is in my view very little serious bad behaviour which might threaten any of the protection objectives.

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	The amount of pubs stretching to west end is unnecessary, and make the area unpleasant to live in, particularly the Morrison street and the pubs aloud to open early morning to get people drunk before going to rugby games.
	BCC has statutory responsibility only in relation to Balerno.
	Given the concerns for public protection associated with alcohol overprovision, we believe that overprovision should be limited as much as possible. We believe that this is the only way in which the 5 licensing objectives can be achieved.
	Provision seems high
	"85% of alcohol sales are through off-licences. Off sales result in consumption in uncontrolled places.
	In 2021, 9.4 litres (L) of pure alcohol were sold per adult in Scotland, equivalent to 18.1 units per adult per week (pw).
	Excluding the proportion of the population that does not drink alcohol gives a total consumption figure of 11.3L per adult drinker (21.7 units per adult pw).
	In Edinburgh, 32% of people drink above the Chief Medical Officers' low-risk guidelines (14 units pw).
	This compares to 23% of people in Scotland who drink above the guidelines.
	In Edinburgh, 93 people died because of alcohol in 2022, from conditions solely caused by alcohol.
	The true number of alcohol deaths is over 3 times as high when including conditions such as cancer and cardiovascular diseases."
	Please see my email response to Gerry Mays.
	Past statistics have shown that there is a higher admission rate to hospital for alcohol related problems from this area.
There were 43 responses to this part of the question.	

Police Scotland Consultation Update – May 2024



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 Boards 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.			
<p>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).</p>			

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).

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)

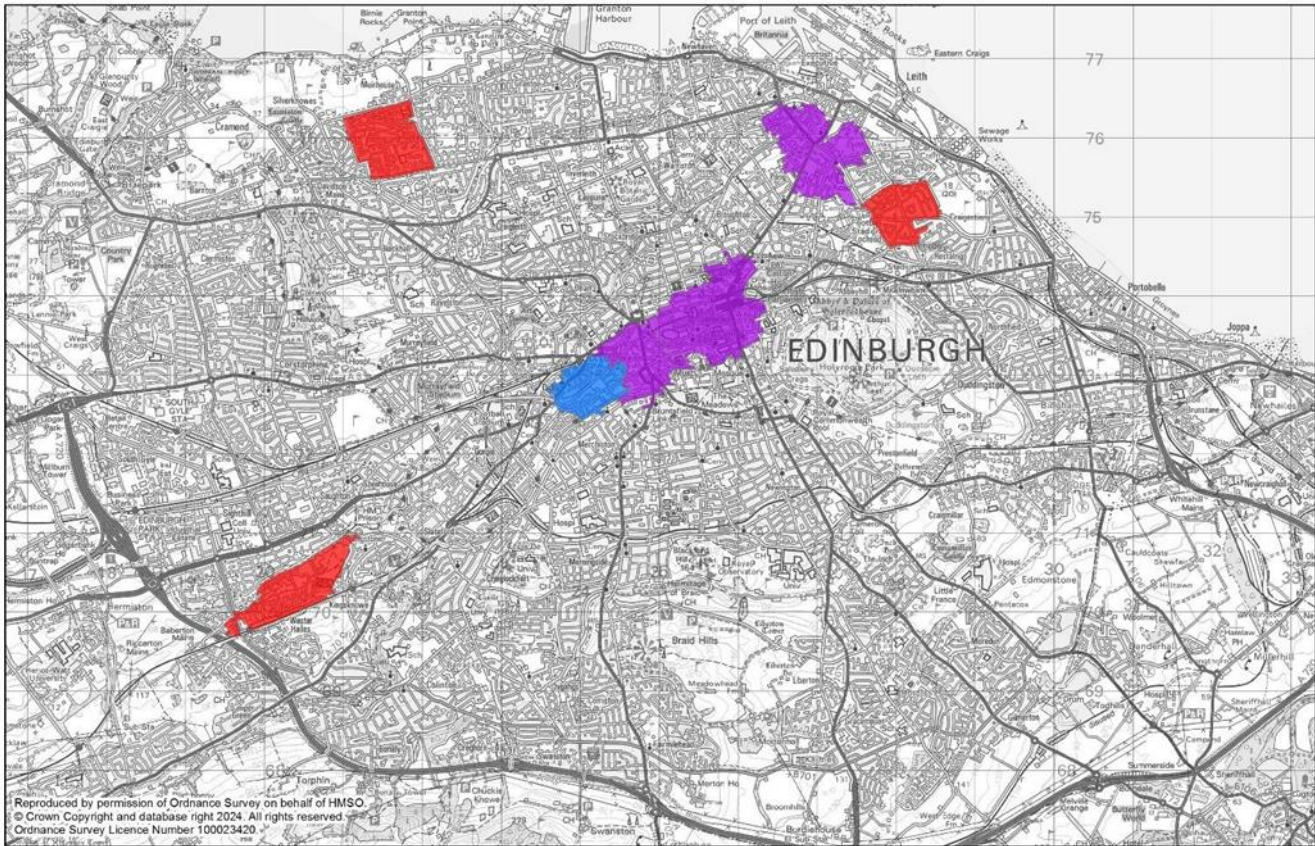
The following intermediate zones have extremely high levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons) for on sales. We therefore recommend that these intermediate zones are assigned as overprovision areas for **on sales**.

- 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

Aidans@sgfscot.co.uk

- 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

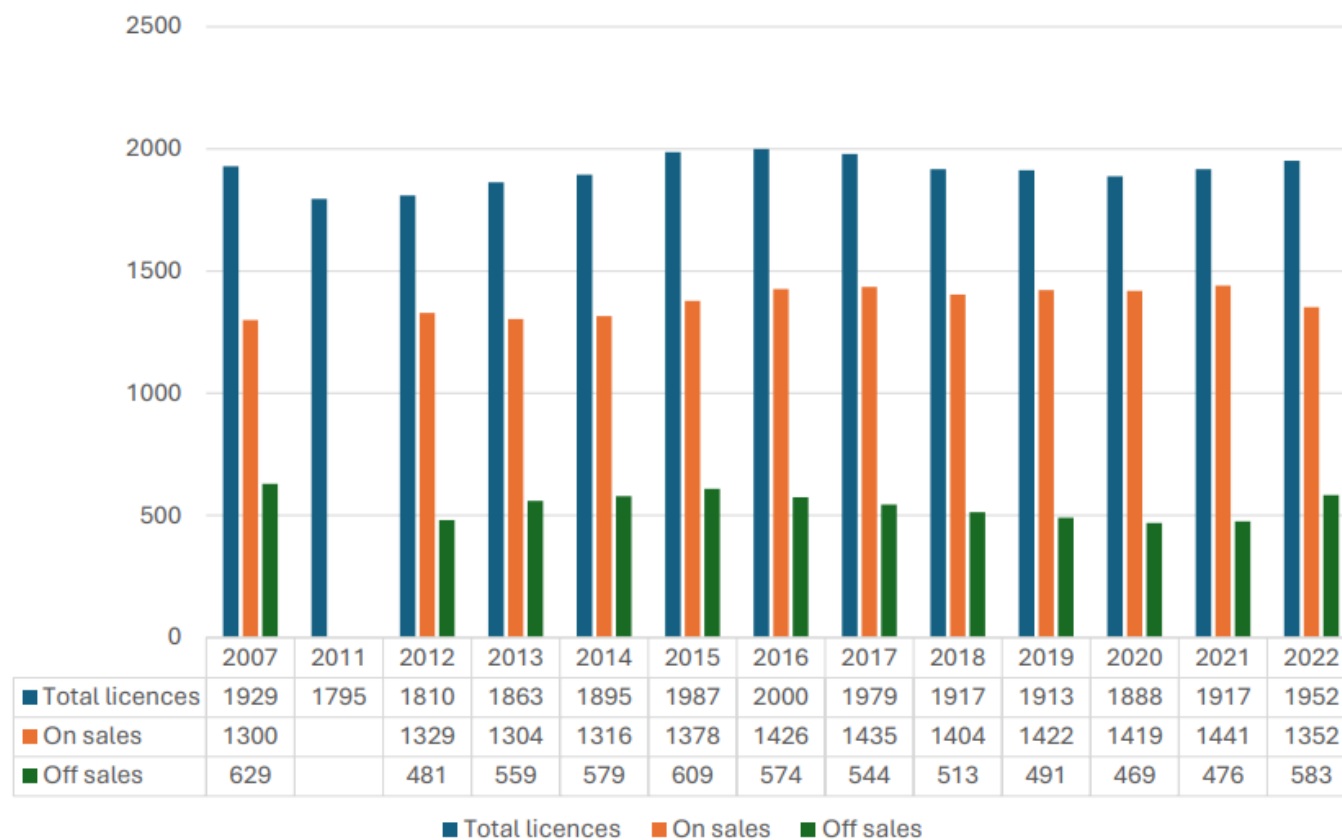
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<https://www.gov.scot/publications/scottish-liquor-licensing-statistics/>



POLICE
SCOTLAND
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POLICE SCOTLAND CONSULTATION RESPONSE – APRIL 2023

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 ingathered 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 ingathering, 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 31st 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 31st 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 (1st Jan-31st Dec).

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
City of Edinburgh	4515	4247	3548	3193	3509	3263

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:

Ward Area	Throughput	Q4. YES	%
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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20 September 2024

Dear John

Overprovision Evidence Session - 13 September 2024

My thanks to you for providing a copy of the NHS Report and to the Convenor for the opportunity to respond.

I shall make some general observations and then address the materials relied upon by the NHS which they purport provide an evidence base for their suggested overprovision areas.

General observations

Edinburgh is a thriving capital city which is a must visit for tourists from all over the world. Looking at outlet density on a per permanent resident basis ignores what, I hope, is obvious to every Board Member. It is not only the permanent residents who make use of the licensed hotels, bars, restaurants, cafes, nightclubs and shops etc but the huge numbers of tourist who flock to Edinburgh all year round.

The areas identified by the NHS as having a high density of outlets are around the City Center which again cannot be a surprise. The NHS seemingly ignore the fact that demand will, for the most part, drive the supply.

In my submission it shouldn't be a controversial proposition that there is high demand for premises in and around the City Centre where residents live and work and tourists visit. Obviously, this is because a disproportionately high percentage of people who wish to dine and enjoy a drink are visiting the area.

Reading the NHS submission it is apparent that there is no causal connection made between the density of outlets and any alleged harm, at best it is correlation (which is not the statutory test). An examination of the base material (when it is available) shows the studies acknowledge that supply and demand

dynamics cannot be evaluated for the purposes of the studies. Reliance on this submission to create an overprovision policy would, in my submission, be flawed and liable to legal challenge.

Turning to the alleged harm statistics (which I note are not produced) the footfall within the City Centre, plus the variety of people frequenting the area and the extended period of use, must be taken into account. What is being offered to the Board is a reference to bald statistical information about crime rates or hospital admission data. The inference is that density is the cause but I would respectfully suggest that the inference does not stand any scrutiny.

Even without access to the statistics the NHS refer to, common sense tells me the City Centre and immediate curtilage are always going to return a combination of higher incidents. It will also have a higher density of outlets. Anyone who knows Edinburgh would understand that the undernoted locations, given the character of the areas, are vibrant year round and well used. The Board have that local knowledge which, in my view, that should be applied when considering the weight to attach to any correlation the NHS seeks to make in their highlighted City Centre areas -

- Tollcross
- Old Town, Princes Street and Leith Street
- Great Junction Street
- South Leith

Academic studies

It is regrettable that the academic materials relied upon are not provided as an appendix. Whilst there are links in the footnotes not all the materials are open source. Many journal articles require subscriptions to obtain access. Others are only available as a summary document. For reasons which will become apparent it is my submission that the full text material is required to assess the probative value of the studies. They should, as a matter of good practice and transparency, be provided by the NHS in future.

I will keep my specific comments on the studies as brief as possible.

Place and recovery from alcohol dependence: A journey through photovoice

(Niamk K Shortt, Sarah J Rhynas, Aisha Holloway)

Only the abstract is available via the link but it appears to be a limited study of individuals recovering from addiction and is based on their "lived experience". The sample size is unknown as is the methodology used.

In general terms overprovision is a whole population measure and it would be my respectful submission that those recovering from addiction deserve tailored support. Whilst a city-wide policy should have regard to those individuals and their challenges, it also needs to strike the balance between the needs of all communities, not just the recovery community.

The Effectiveness of Limiting Alcohol Outlet Density As a Means of Reducing Excessive Alcohol Consumption and Alcohol-Related Harms

(Campbell C, Hahn R, Elder R et al)

Again, via a search, only an extract is available and the full text is not open source. This is an American academic peer review of other reports. The peer review itself dates to 2009 so the reports on which it is based will be before that date. As a result many of the studies referenced will now be 20+ years old. It is unclear what relevance a 2009 peer review report of older US studies has to Edinburgh in 2024.

Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities?

(E.A. Richardson, S.E. Hill, R. Mitchell, J. Pearce, and N.K. Shortt)

This full text was available open source and importantly demonstrates the need for access to the full documents.

At part 4 "Discussion" it notes the limitations of the study -

*"Our study had limitations. ... **we excluded areas on the periphery of each licensing board area – largely suburban areas with low outlet densities – which will have introduced some bias towards inner city locations.** we considered only the outlet densities within the neighbourhood of residence at the time of hospitalisation or death. In reality individuals move between areas with different alcohol outlet densities (over daily and longer time periods). ... **causal inference is not possible because of the cross-sectional study design.** Longitudinal **analysis is required to ascertain the mechanisms underlying the relationships we found, recognising that supply and demand dynamics interact to shape alcohol outlet availability** and alcohol consumption patterns ..."[my emphasis]*

I would reiterate my view to the Board that the NHS submission for City Centre overprovision which relies on these studies does not, insofar as I can see, make out an evidence based case. The Board should be aware of significant limitations on the purported evidence base.

The outlet density study, which on the face of seems most relevant, accepts there is no causation (the Board are obliged to base overprovision policy on a dependable causal link between any evidence and the harm). Indeed the authors acknowledge a bias in the findings towards inner city locations as suburban areas were excluded. The weight attached to it should reflect this.

Conclusion

The "general comments" from NHS Lothian (footnote 1 & 11) cites Alcohol Focus Scotland's (AFS) explanation of the purpose of licensing and the methodology and rationale for overprovision. With respect to AFS they are an alcohol harm charity and whilst their view on such matters may be of interest it should not be held out as definitive. The Board's Clerks should confirm the legal purpose and the lawful methodology the Board should follow when considering overprovision.

The Board have a legal obligation to have regard to the Scottish Government's Statutory Guidance not AFS's interpretation.

The said Guidance requires the Board to

To demonstrate a "dependable causal link", the proof of the link must be on a balance of probabilities. What this means in practice is that based on the evidence of harm in a locality, it is more likely than not that alcohol availability is a cause, or that increasing the availability of alcohol in that area will increase that harm. [S142 guidance para 5.31]

<https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards/pages/6/>

I trust that before the Board accepts the NHS submission as evidence on which to base its policy, a deeper analysis of the reports and statistics being offered up is undertaken. A cynical reading of the how the submission by the NHS is that the "evidence" is being made fit their position rather than being used to form it.

I would be grateful if this response was read along with my earlier response and the graph showing the numbers of licences in force in Edinburgh over a 15 year period from 2007.

Yours faithfully

A handwritten signature in grey ink, appearing to read 'Niall Hassard', with a stylized flourish at the end.

Niall Hassard
Director
Hassard Licensing Ltd

Overprovision of Licensed Premises

<https://consultationhub.edinburgh.gov.uk/ce/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

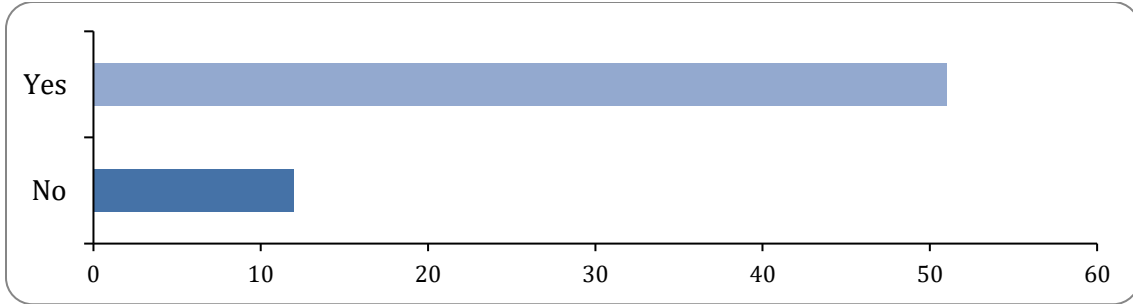
There were 63 responses to this part of the question.

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.

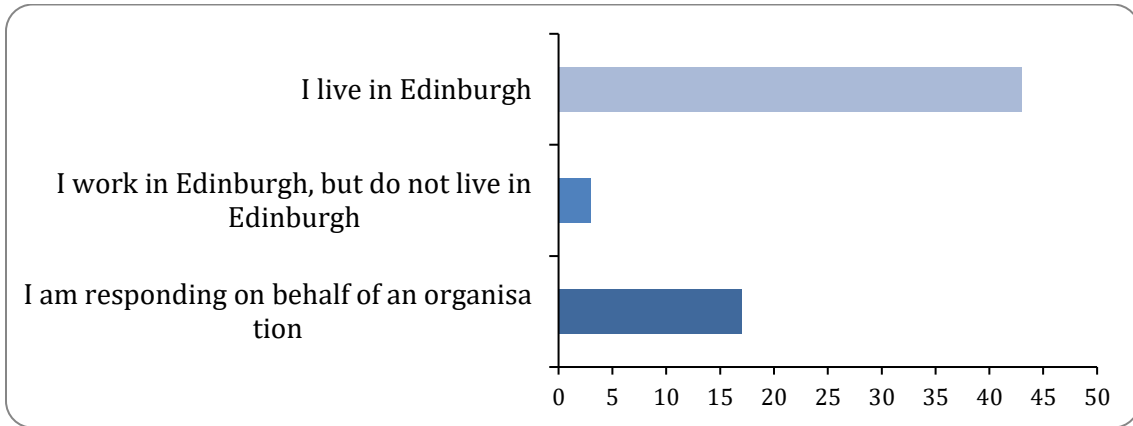


Option	Total	Percent
Yes	51	80.95%
No	12	19.05%

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%

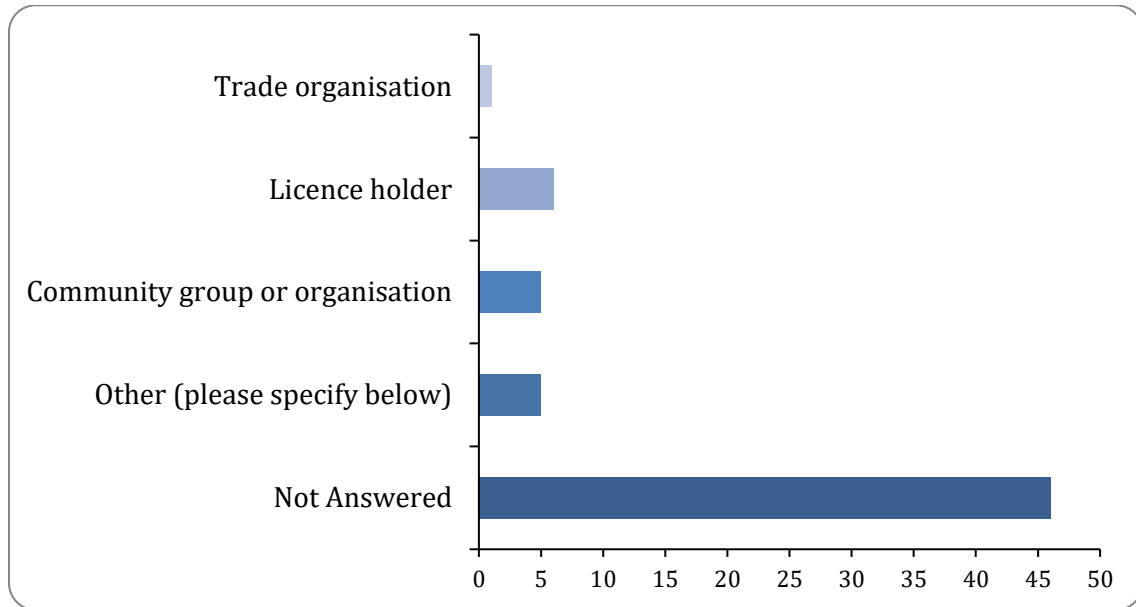
3: Please provide the following information about your organisation.

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.

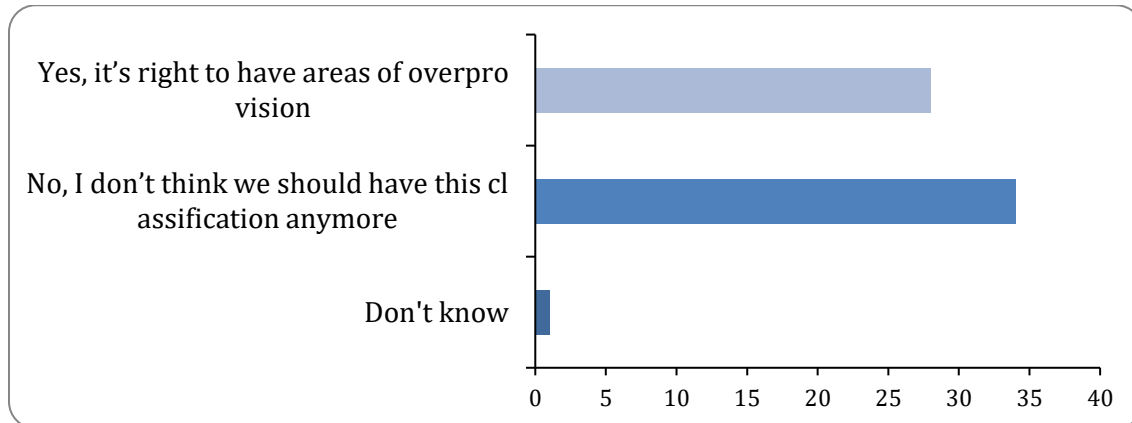
Your job title:

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.

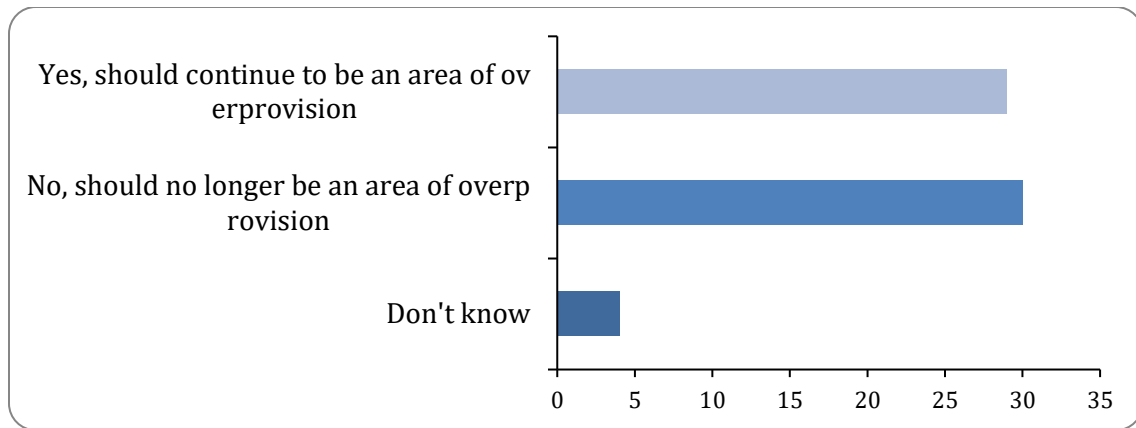


Option	Total	Percent
Yes, it's right to have areas of overprovision	28	44.44%
No, I don't think we should have this classification anymore	34	53.97%
Don't know	1	1.59%
Not Answered	0	0.00%

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

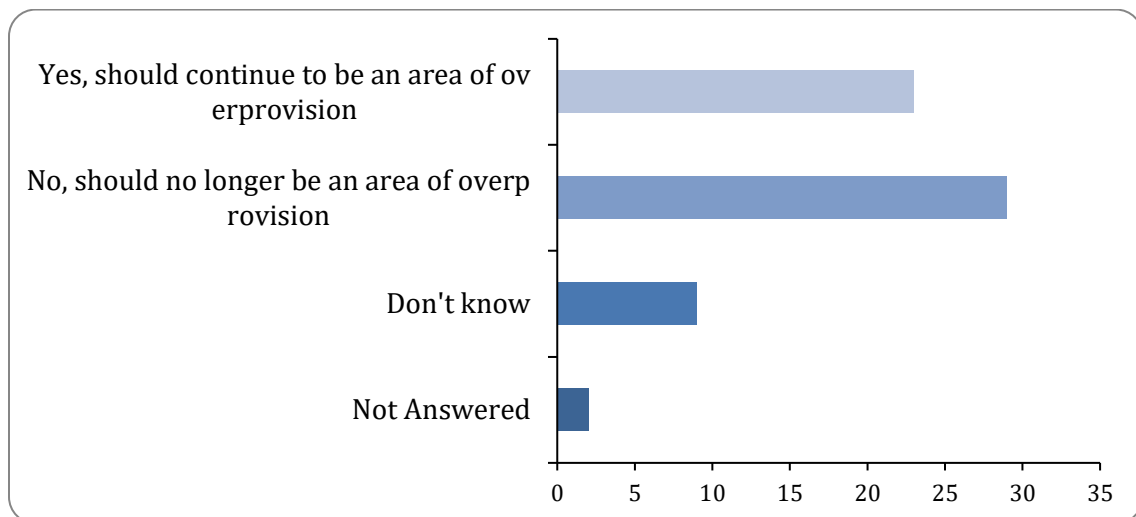
There were 63 responses to this part of the question.



Option	Total	Percent
Yes, should continue to be an area of overprovision	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.

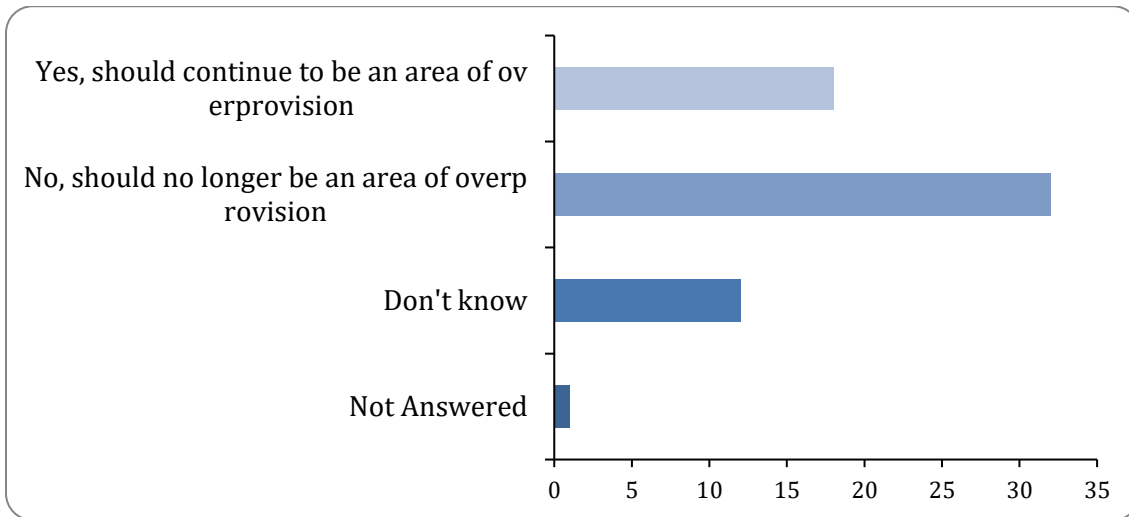


Option	Total	Percent
Yes, should continue to be an area of overprovision	23	36.51%
No, should no longer be an area of overprovision	29	46.03%

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)

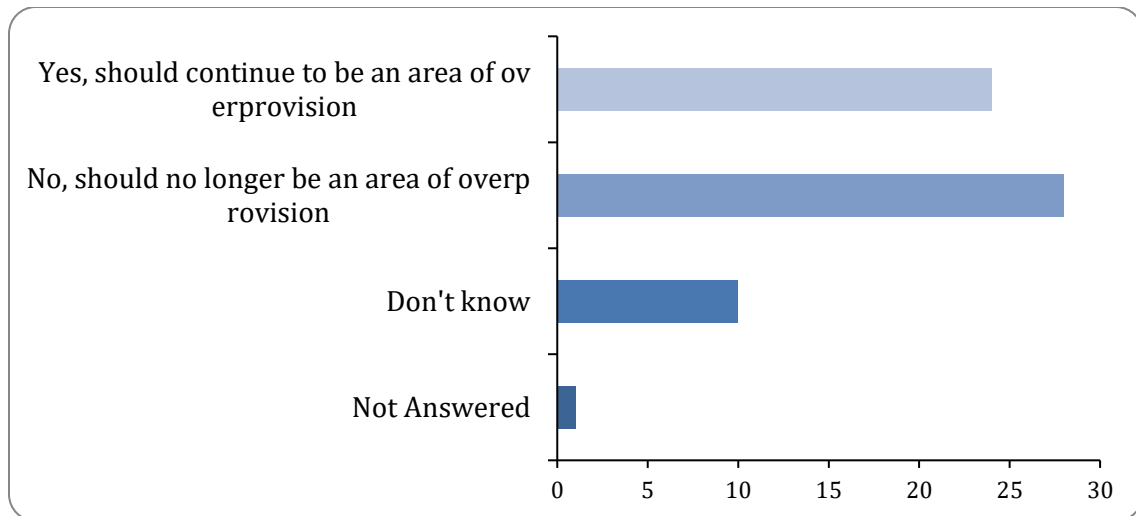
There were 62 responses to this part of the question.



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	38.10%
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.

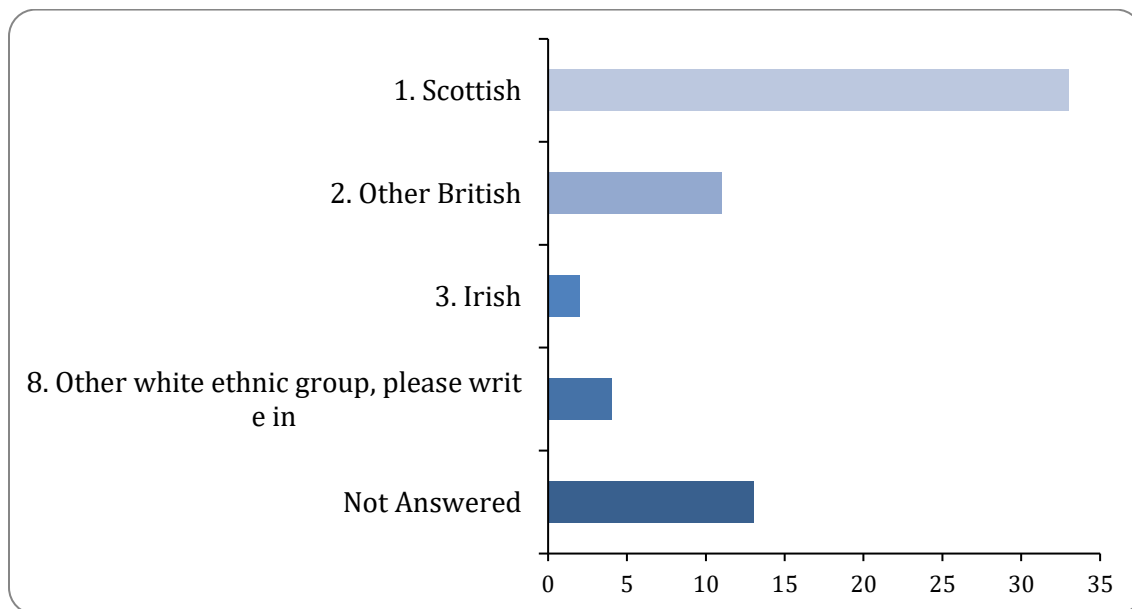
Please explain your answer to Q7.

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%

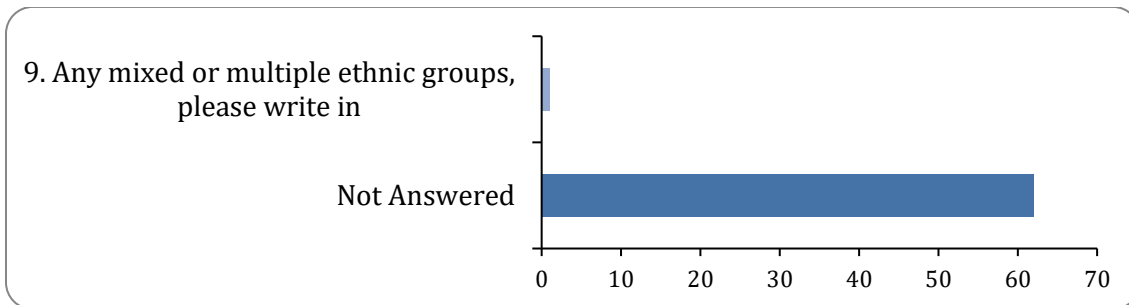
Not Answered	13	20.63%
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Other white ethnic group, please write in

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.



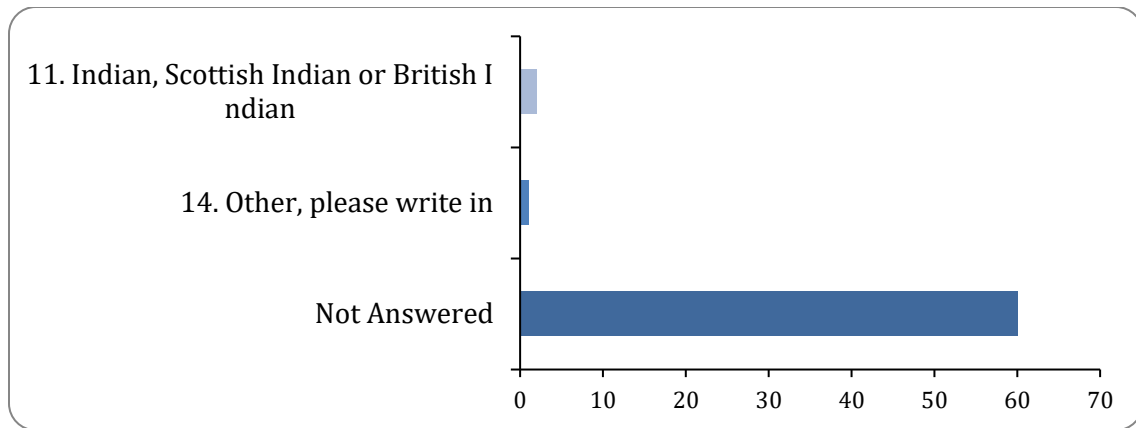
Option	Total	Percent
9. Any mixed or multiple ethnic groups, please write in	1	1.59%
Not Answered	62	98.41%

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.



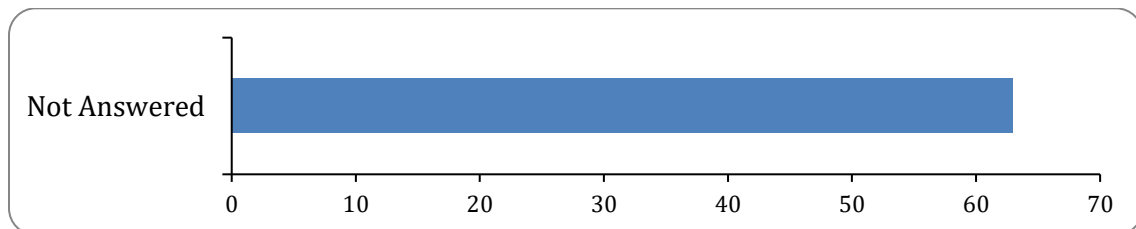
Option	Total	Percent
10. Pakistani, Scottish Pakistani or British Pakistani	0	0.00%
11. Indian, Scottish Indian or British Indian	2	3.17%
12. Bangladeshi, Scottish Bangladeshi or British Bangladeshi	0	0.00%
13. Chinese, Scottish Chinese or British Chinese	0	0.00%
14. Other, please write in	1	1.59%
Not Answered	60	95.24%

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.



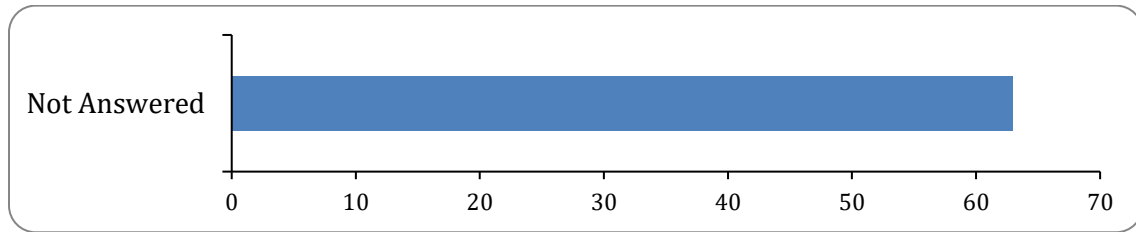
Option	Total	Percent
15. Please write in (for example, Nigerian, Somali)	0	0.00%
Not Answered	63	100.00%

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.



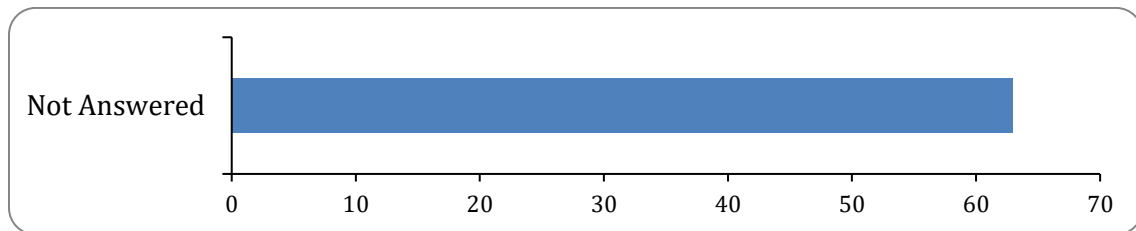
Option	Total	Percent
16. Please write in (for example, Scottish Caribbean, Black Scottish)	0	0.00%
Not Answered	63	100.00%

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.



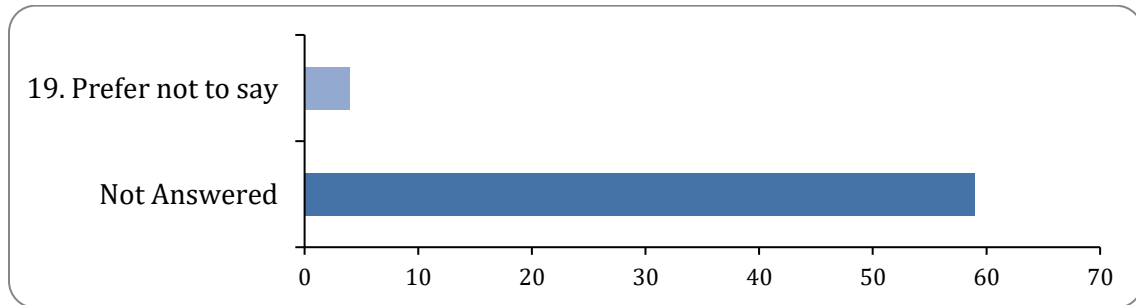
Option	Total	Percent
17. Arab, Scottish Arab or British Arab	0	0.00%
18. Other, please write in (for example, Sikh, Jewish)	0	0.00%
Not Answered	63	100.00%

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.

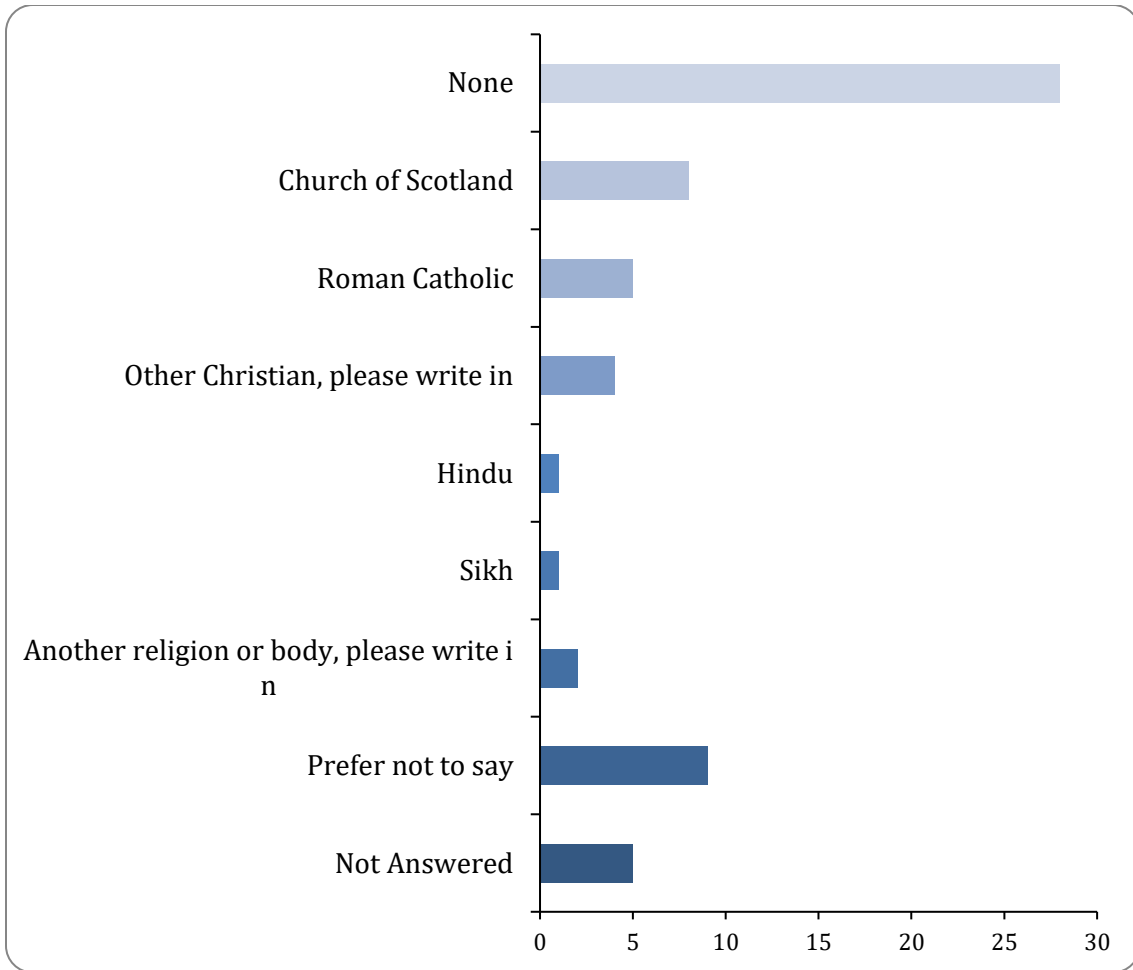


Option	Total	Percent
19. Prefer not to say	4	6.35%
Not Answered	59	93.65%

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%

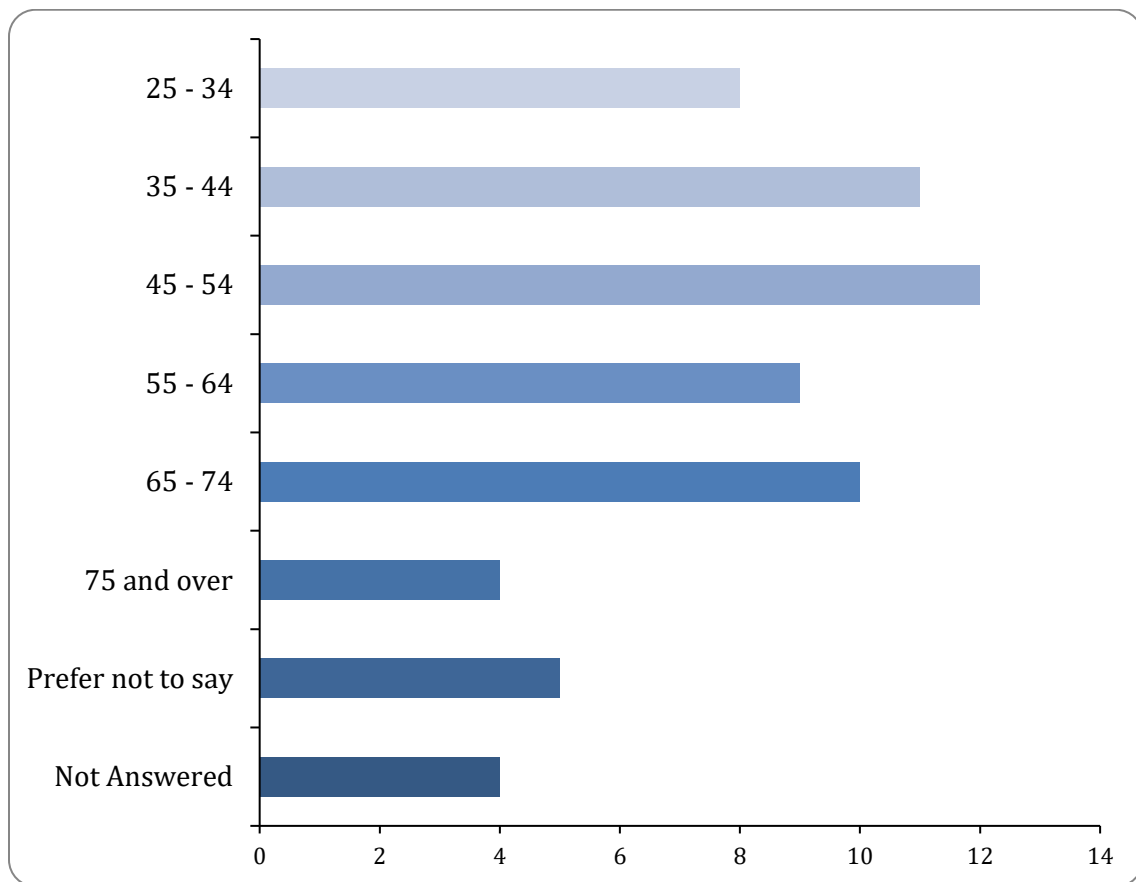
Please write in:

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.



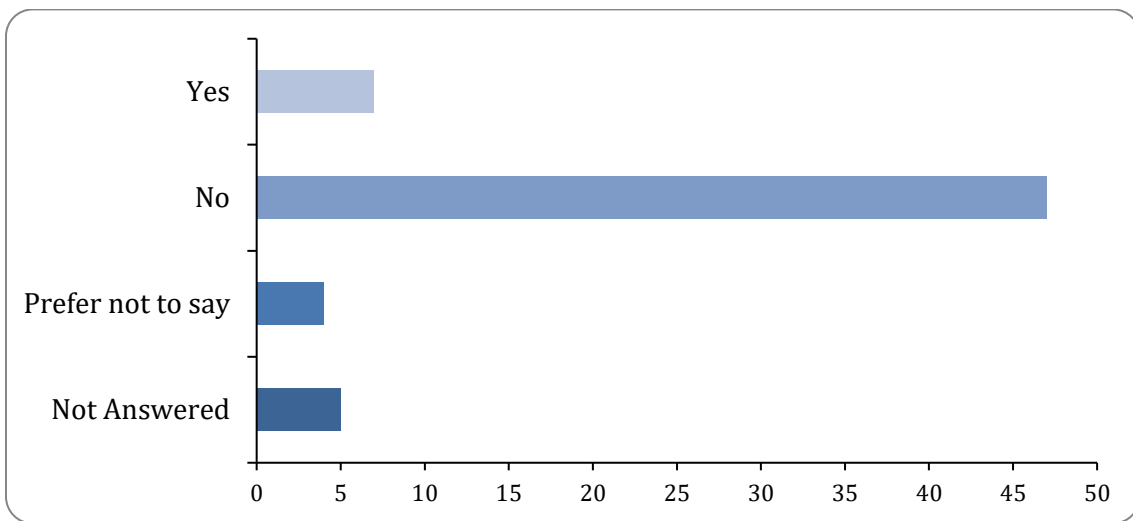
Option	Total	Percent
Under 16	0	0.00%
16 - 24	0	0.00%
25 - 34	8	12.70%
35 - 44	11	17.46%
45 - 54	12	19.05%
55 - 64	9	14.29%
65 - 74	10	15.87%
75 and over	4	6.35%

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

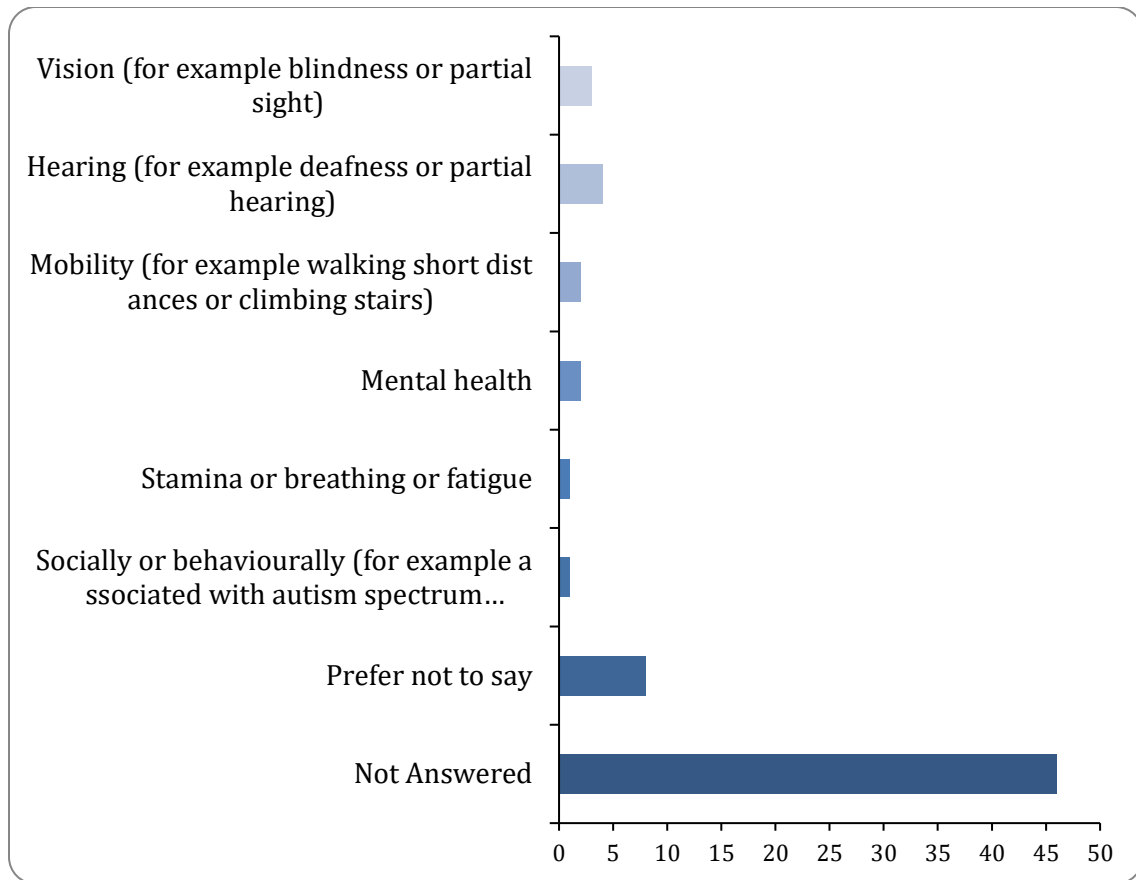
There were 58 responses to this part of the question.



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%

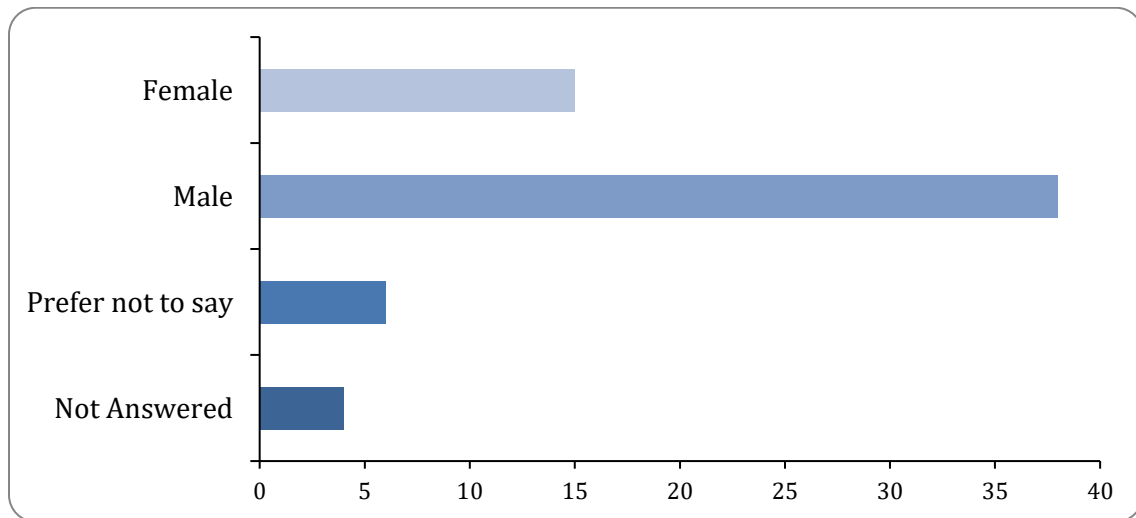
Other (please specify)

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.

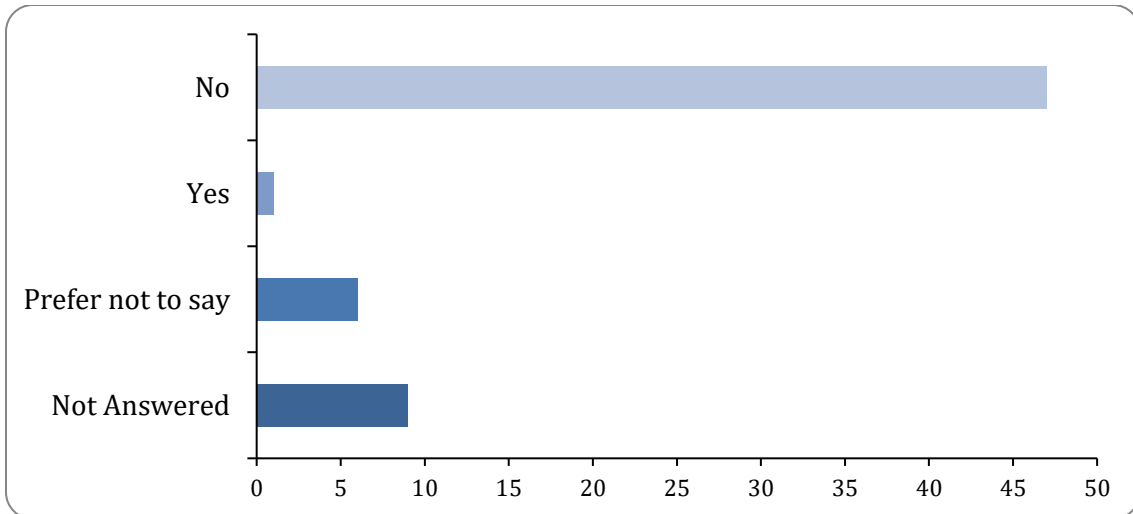


Option	Total	Percent
Female	15	23.81%
Male	38	60.32%
Prefer not to say	6	9.52%
Not Answered	4	6.35%

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%

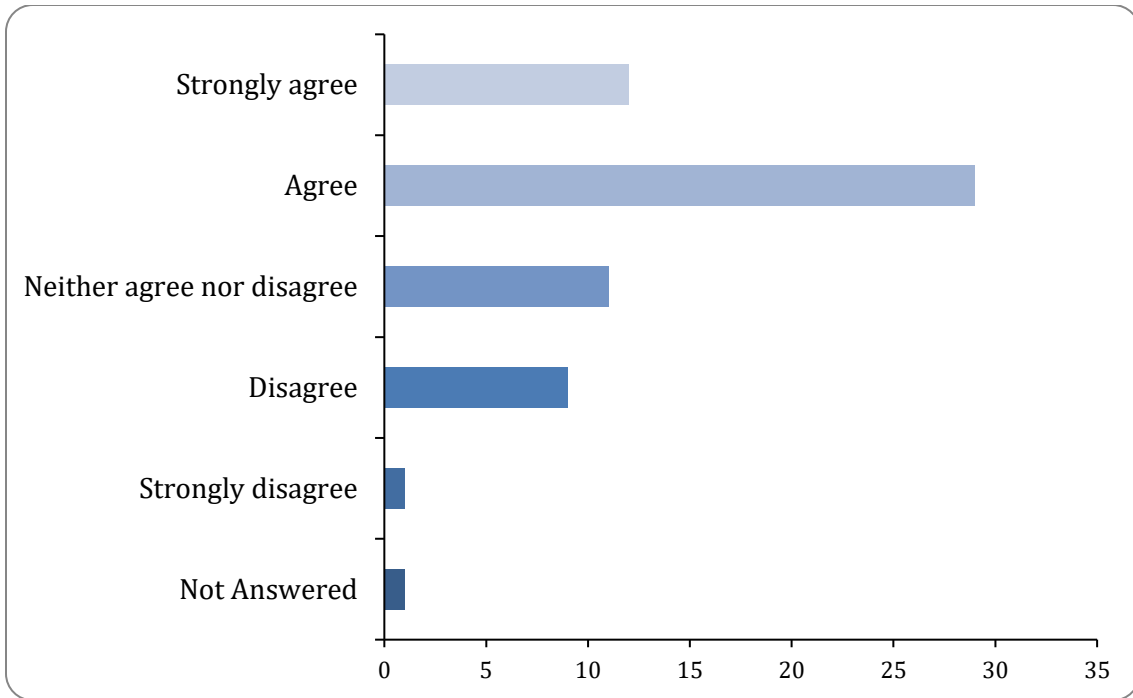
If you would like to, please describe your trans status (for example non-binary, trans man, trans woman):

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.

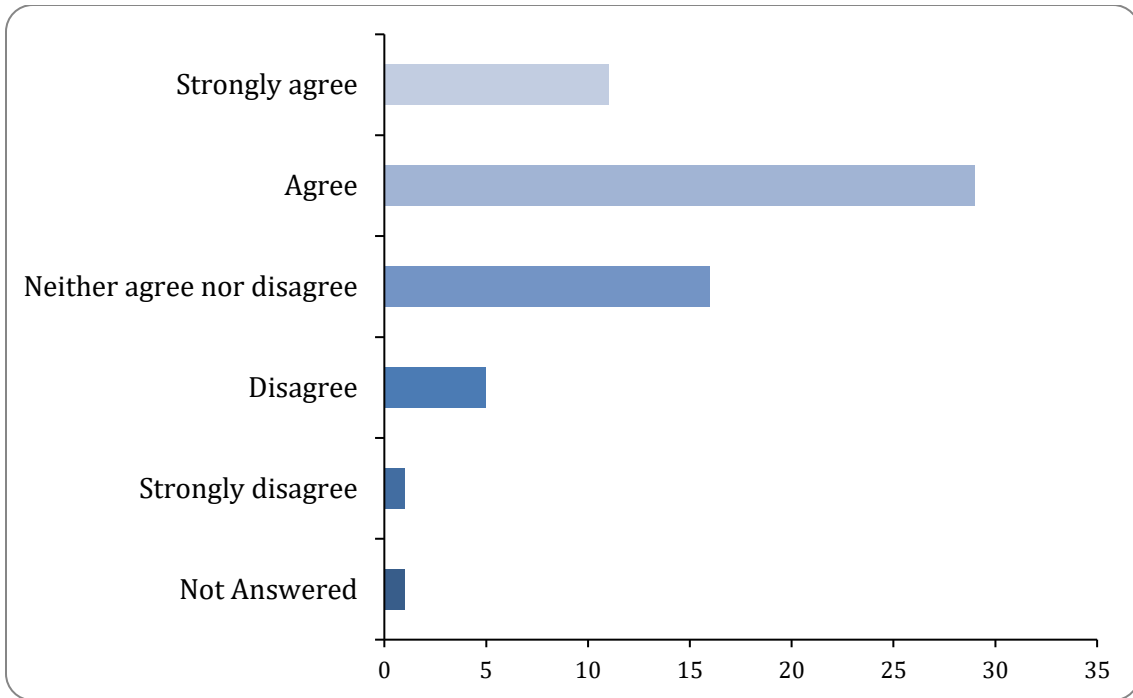
There were 62 responses to this part of the question.



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.

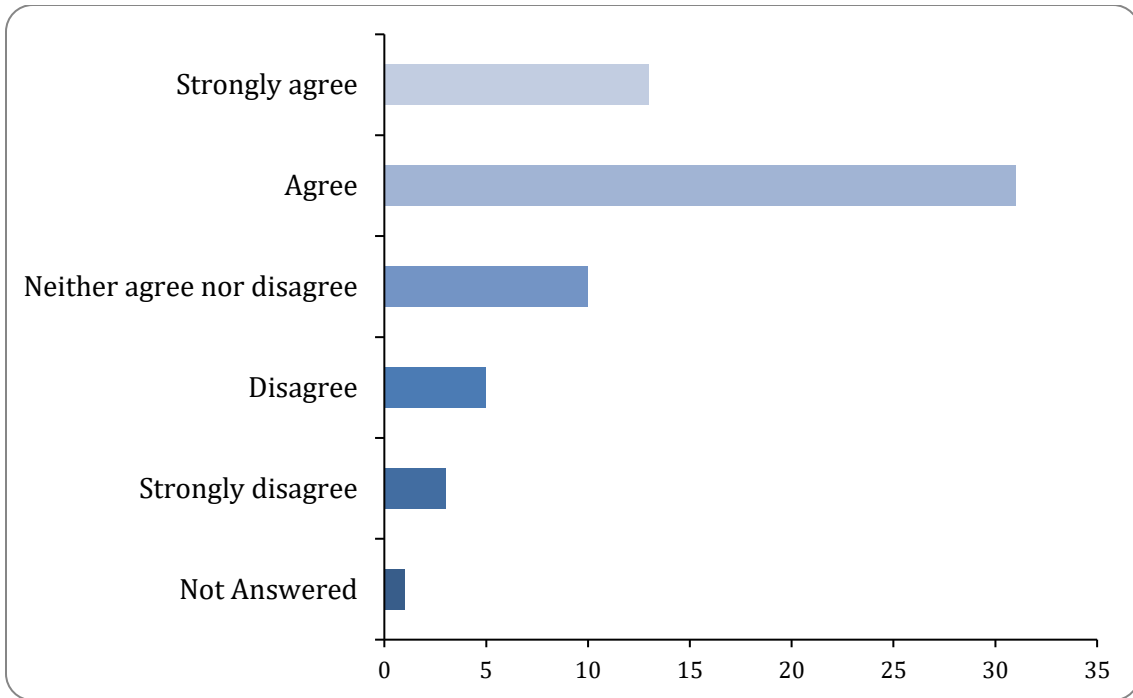
There were 62 responses to this part of the question.



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.

Statement of Licensing Policy - Assessment of Overprovision

<https://consultationhub.edinburgh.gov.uk/ce/statement-of-licensing-policy>

This report was created on Wednesday 07 May 2025 at 09:48

The activity ran from 24/03/2025 to 04/05/2025

Responses to this survey: **34**

1: Your details

First name

There were 34 responses to this part of the question.

Surname

There were 34 responses to this part of the question.

Email address

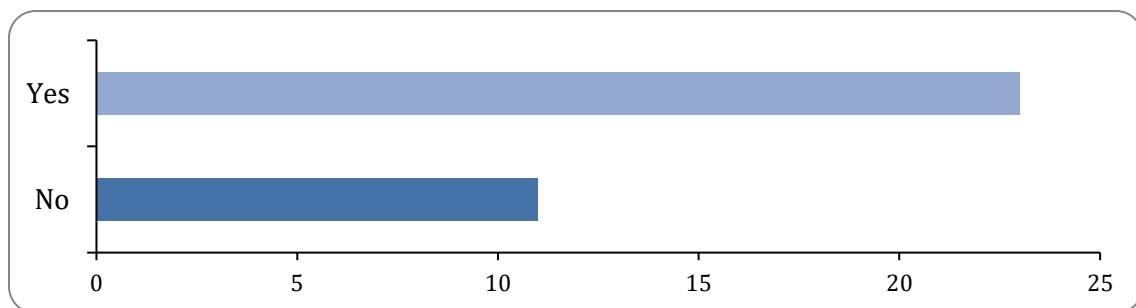
There were 34 responses to this part of the question.

Postcode

There were 34 responses to this part of the question.

Yes, I consent to being contacted about this consultation

There were 23 responses to this part of the question.

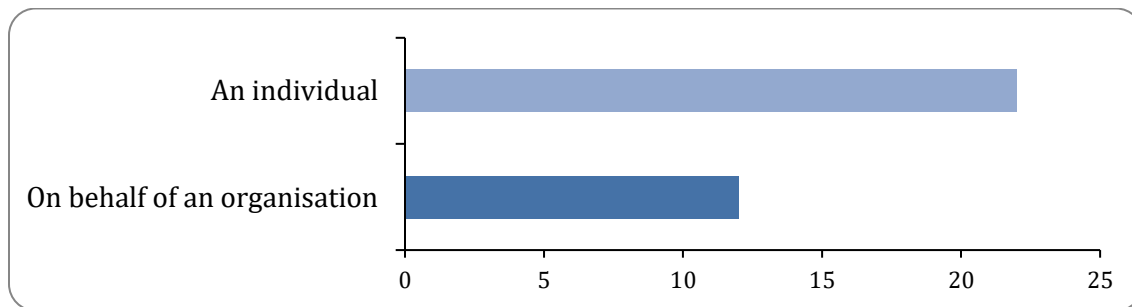


Option	Total	Percent
Yes	23	67.65%
No	11	32.35%

2: Are you responding as an individual or on behalf of an organisation?

Response type

There were 34 responses to this part of the question.



Option	Total	Percent
An individual	22	64.71%
On behalf of an organisation	12	35.29%
Not Answered	0	0.00%

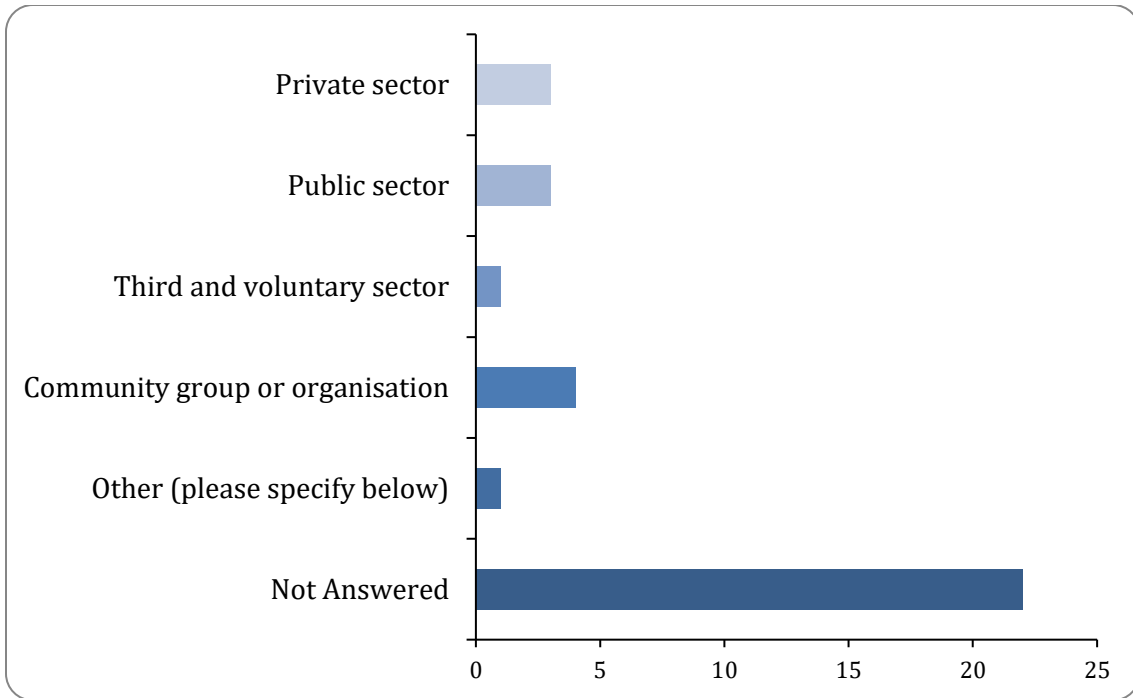
3: Please provide the following information about your organisation.

Organisation name:

There were 12 responses to this part of the question.

Type of organisation

There were 12 responses to this part of the question.



Option	Total	Percent
Private sector	3	8.82%
Public sector	3	8.82%
Third and voluntary sector	1	2.94%
Community group or organisation	4	11.76%
Other (please specify below)	1	2.94%
Not Answered	22	64.71%

Other (please specify)

There were 3 responses to this part of the question.

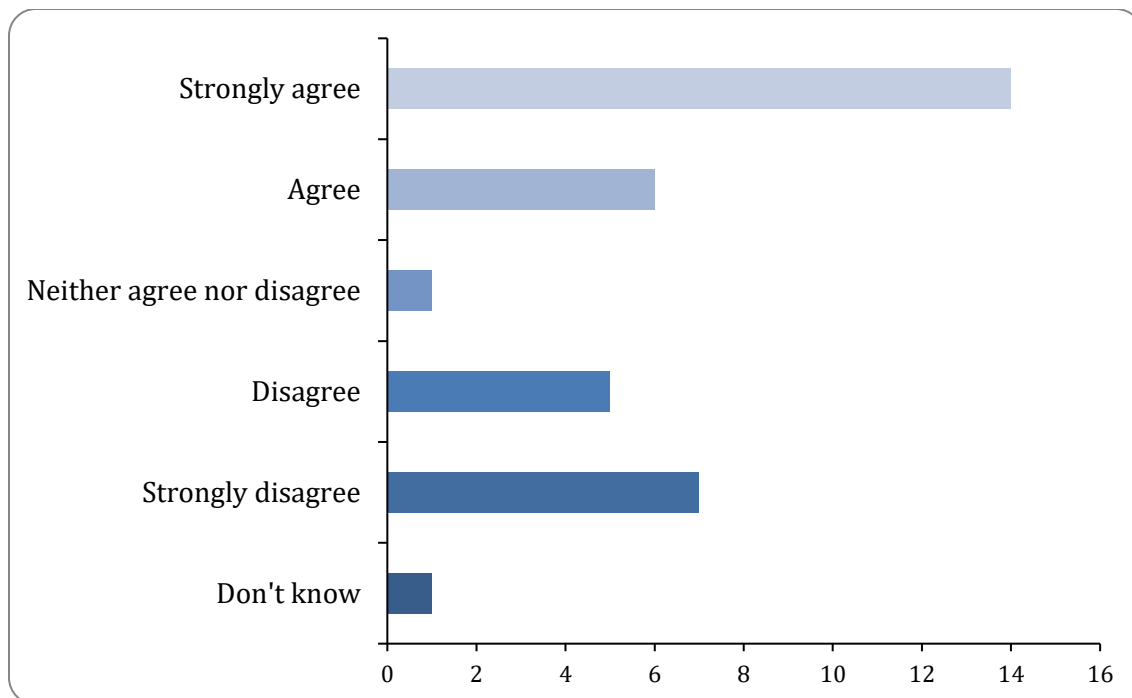
Your job title:

There were 11 responses to this part of the question.

4: Should the Board retain an overprovision policy in any localities in the City?

Should the Board retain an overprovision policy in any localities in the City?

There were 34 responses to this part of the question.



Option	Total	Percent
Strongly agree	14	41.18%
Agree	6	17.65%
Neither agree nor disagree	1	2.94%
Disagree	5	14.71%
Strongly disagree	7	20.59%
Don't know	1	2.94%
Not Answered	0	0.00%

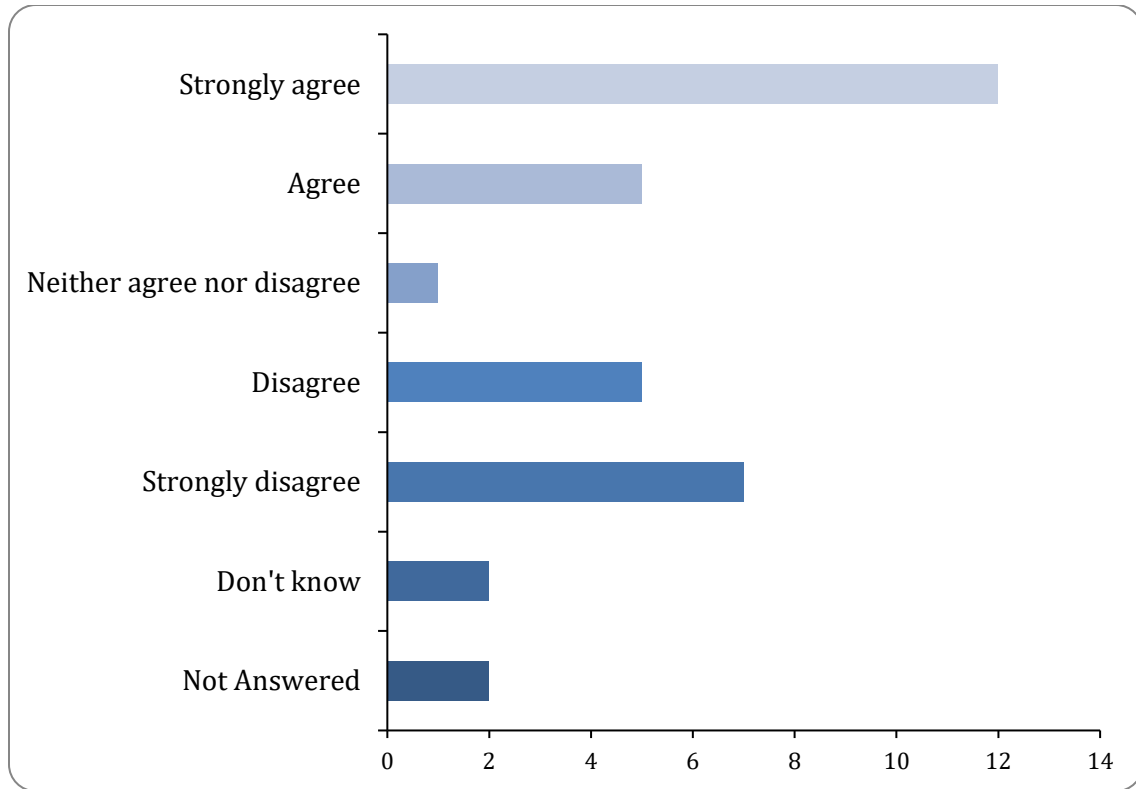
Please provide reasons for your answer:

There were 26 responses to this part of the question.

5: To what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed?

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - Old Town, Princes Street and Leith Street – all sales

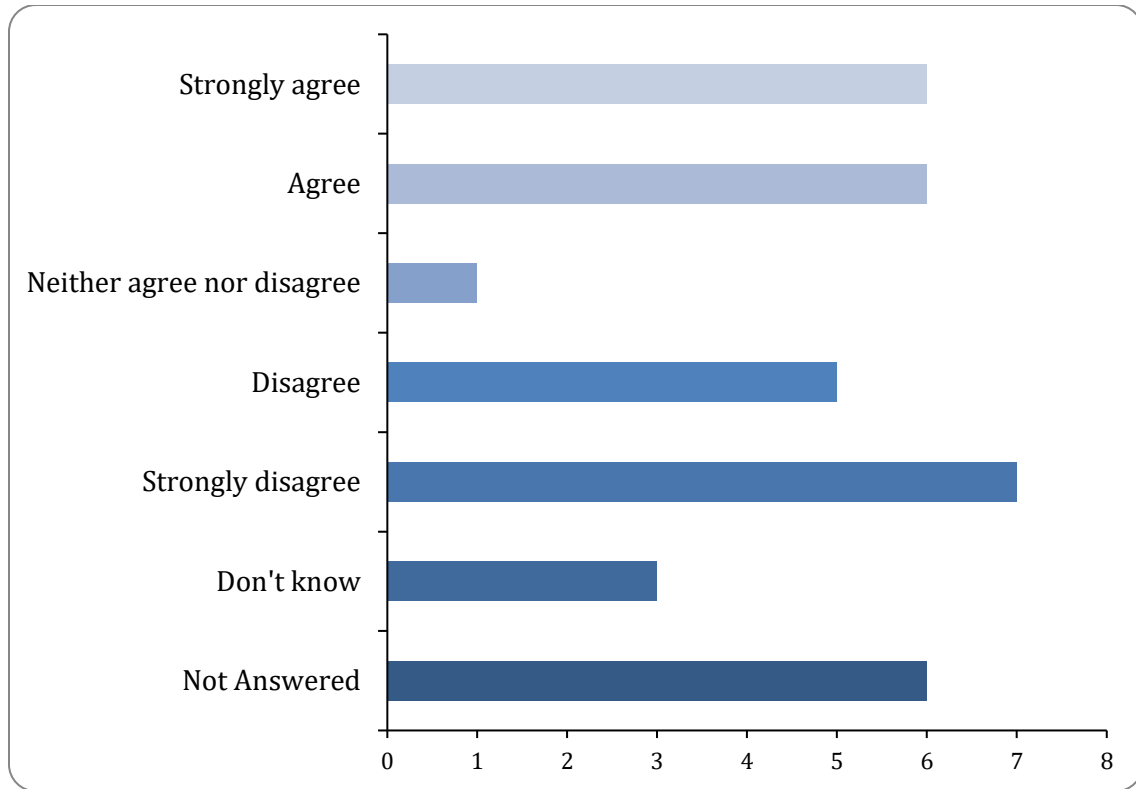
There were 32 responses to this part of the question.



Option	Total	Percent
Strongly agree	12	35.29%
Agree	5	14.71%
Neither agree nor disagree	1	2.94%
Disagree	5	14.71%
Strongly disagree	7	20.59%
Don't know	2	5.88%
Not Answered	2	5.88%

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - Tollcross – all sales

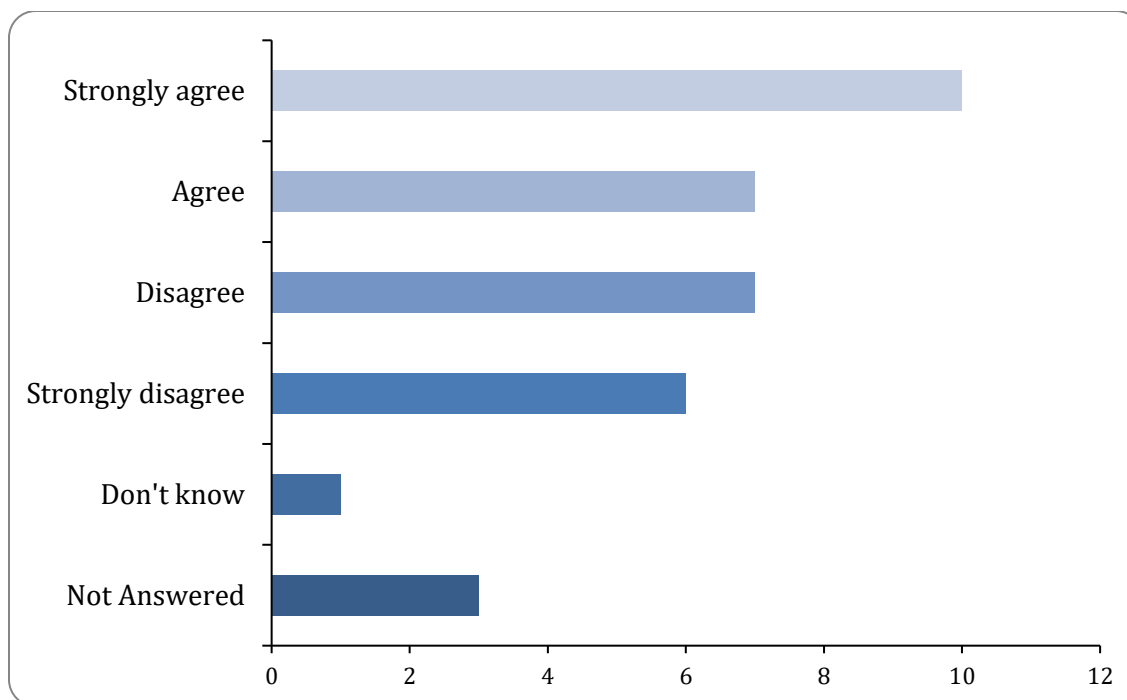
There were 28 responses to this part of the question.



Option	Total	Percent
Strongly agree	6	17.65%
Agree	6	17.65%
Neither agree nor disagree	1	2.94%
Disagree	5	14.71%
Strongly disagree	7	20.59%
Don't know	3	8.82%
Not Answered	6	17.65%

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - Great Junction Street – all sales

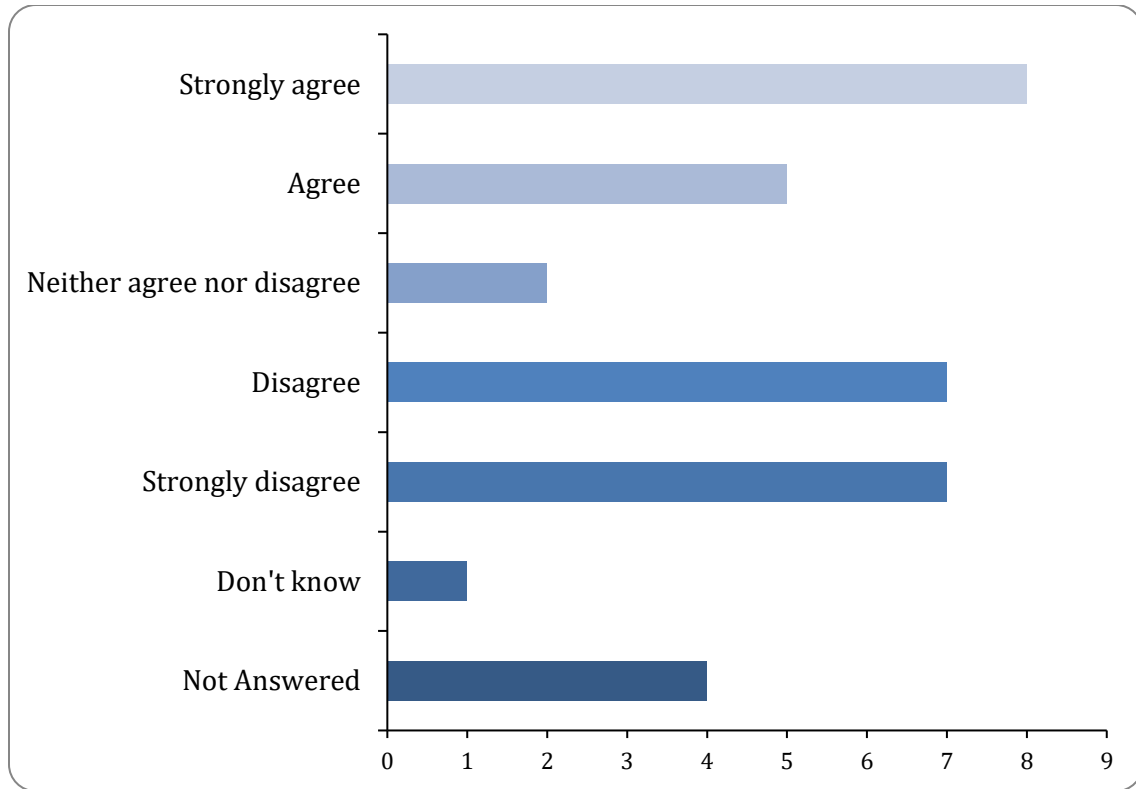
There were 31 responses to this part of the question.



Option	Total	Percent
Strongly agree	10	29.41%
Agree	7	20.59%
Neither agree nor disagree	0	0.00%
Disagree	7	20.59%
Strongly disagree	6	17.65%
Don't know	1	2.94%
Not Answered	3	8.82%

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - South Leith – all sales

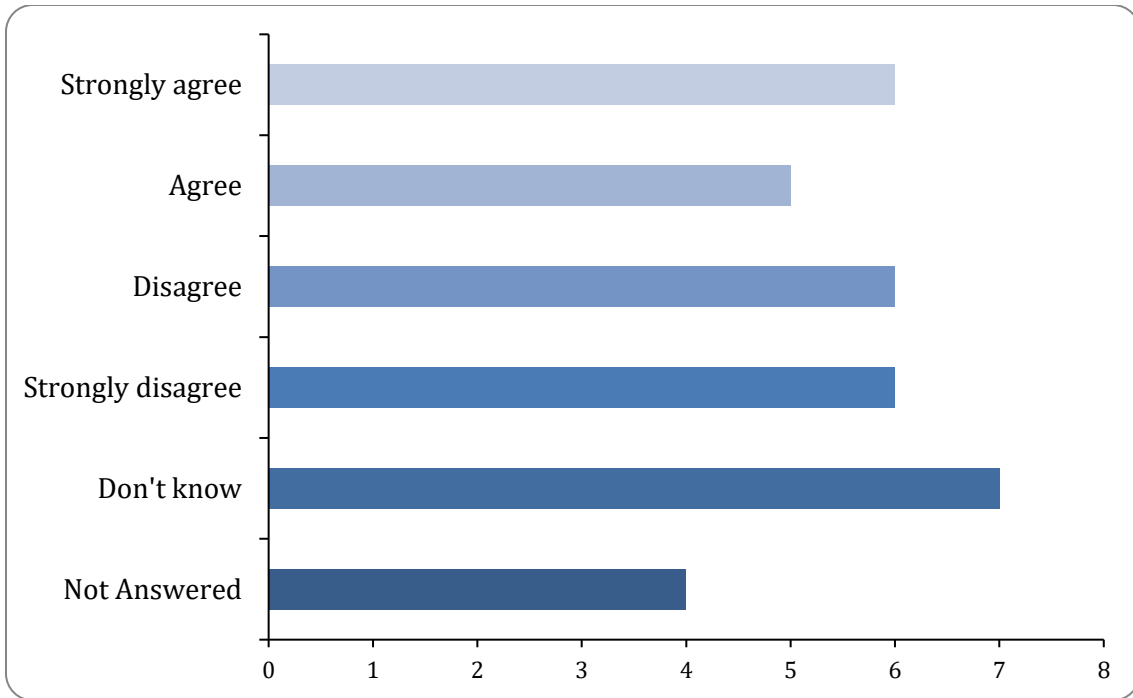
There were 30 responses to this part of the question.



Option	Total	Percent
Strongly agree	8	23.53%
Agree	5	14.71%
Neither agree nor disagree	2	5.88%
Disagree	7	20.59%
Strongly disagree	7	20.59%
Don't know	1	2.94%
Not Answered	4	11.76%

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - Murrayburn and Wester Hailes North – off sales only

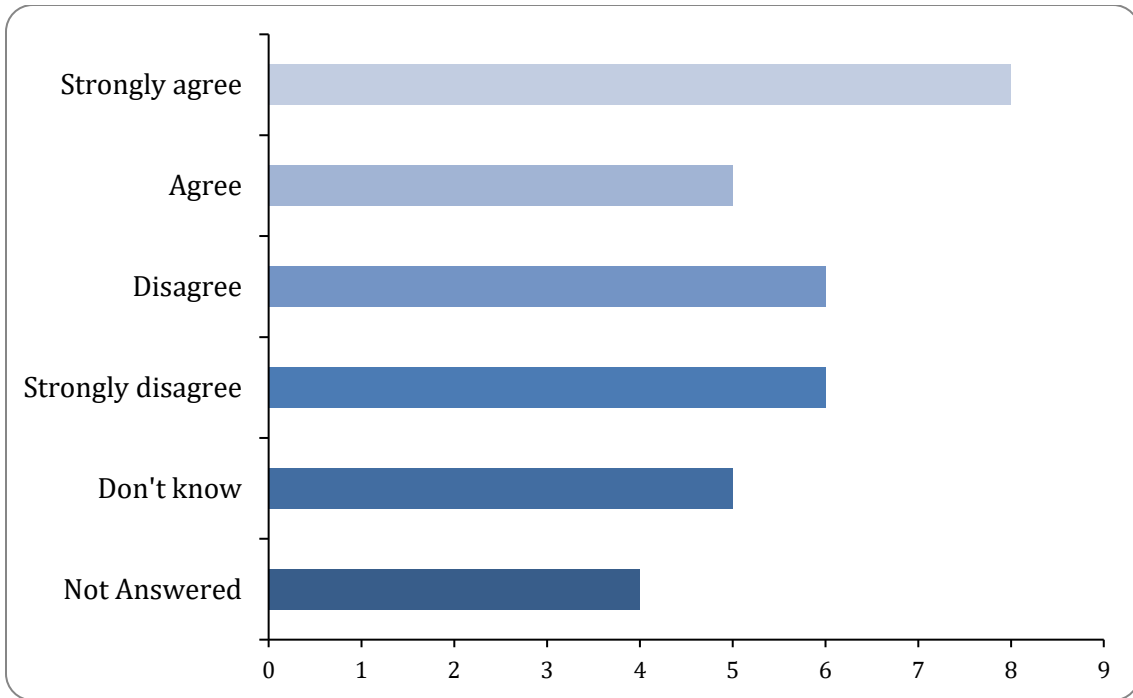
There were 30 responses to this part of the question.



Option	Total	Percent
Strongly agree	6	17.65%
Agree	5	14.71%
Neither agree nor disagree	0	0.00%
Disagree	6	17.65%
Strongly disagree	6	17.65%
Don't know	7	20.59%
Not Answered	4	11.76%

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - Restalrig and Lochend – off sales only

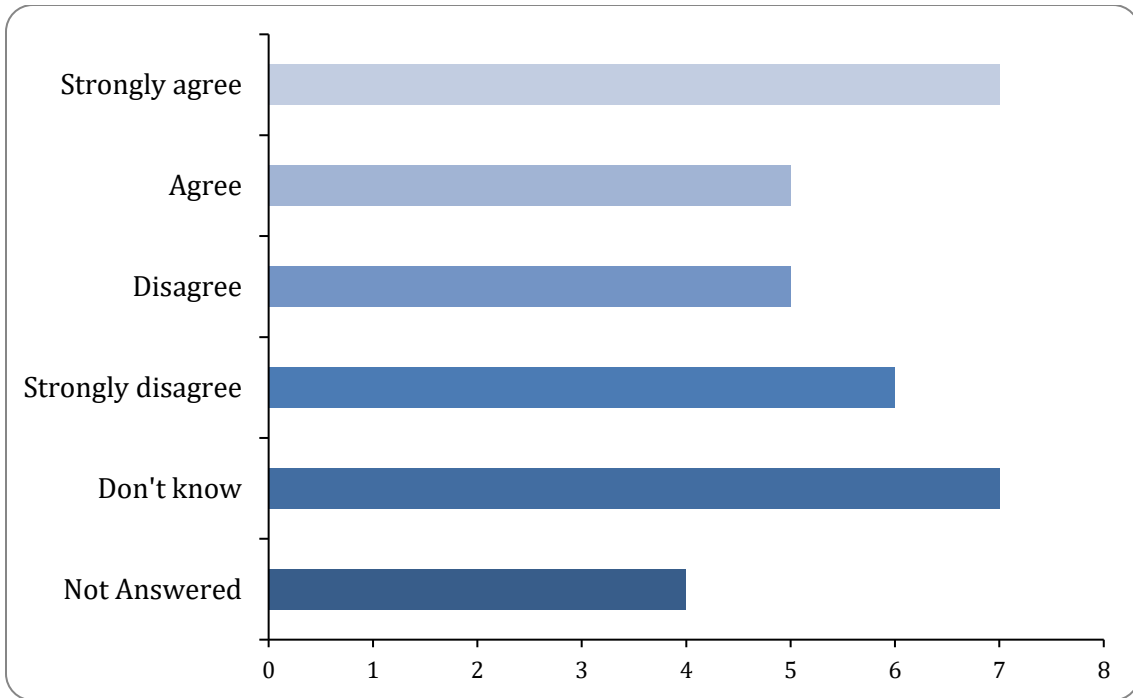
There were 30 responses to this part of the question.



Option	Total	Percent
Strongly agree	8	23.53%
Agree	5	14.71%
Neither agree nor disagree	0	0.00%
Disagree	6	17.65%
Strongly disagree	6	17.65%
Don't know	5	14.71%
Not Answered	4	11.76%

STo what extent do you agree or disagree that all, or any, of the following localities should be included for all licensed premises, or particular types of premises detailed? - Muirhouse - off sales only

There were 30 responses to this part of the question.



Option	Total	Percent
Strongly agree	7	20.59%
Agree	5	14.71%
Neither agree nor disagree	0	0.00%
Disagree	5	14.71%
Strongly disagree	6	17.65%
Don't know	7	20.59%
Not Answered	4	11.76%

Please give reasons for your answers:

There were 24 responses to this part of the question.

Do you live in one of these localities? Please select the relevant answer from the drop down menu

There were 29 responses to this part of the question.

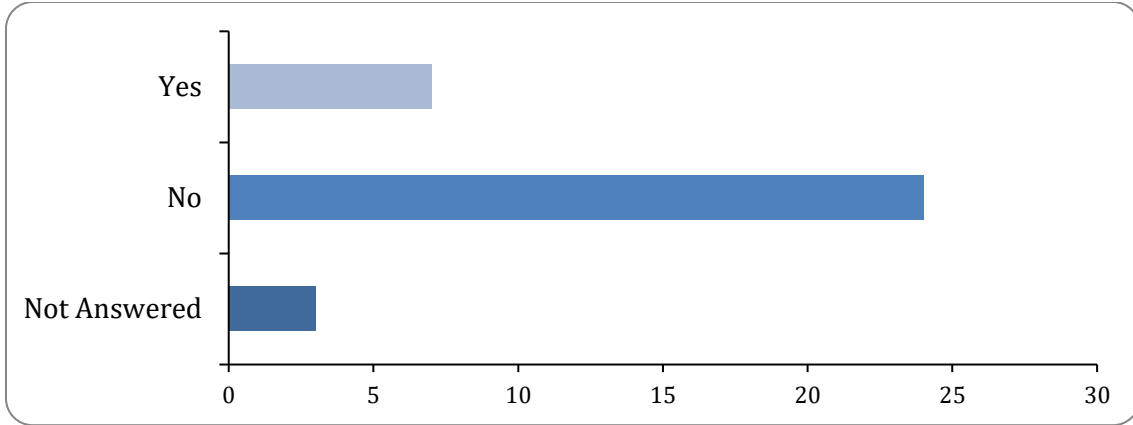


Option	Total	Percent
Old Town, Princes Street and Leith Street	5	14.71%
Tollcross	1	2.94%
Great Junction Street	4	11.76%
South Leith – all sales	4	11.76%
Murrayburn and Wester Hailes North	0	0.00%
Restalrig and Lochend	2	5.88%
Muirhouse	0	0.00%
I do not live in any of these localities	13	38.24%
Not Answered	5	14.71%

6: Are you a representative of residents or license holders in one of these localities? Please select the relevant answer.

Are you a representative of residents or license holders in one of these localities?
- Old Town, Princes Street and Leith Street

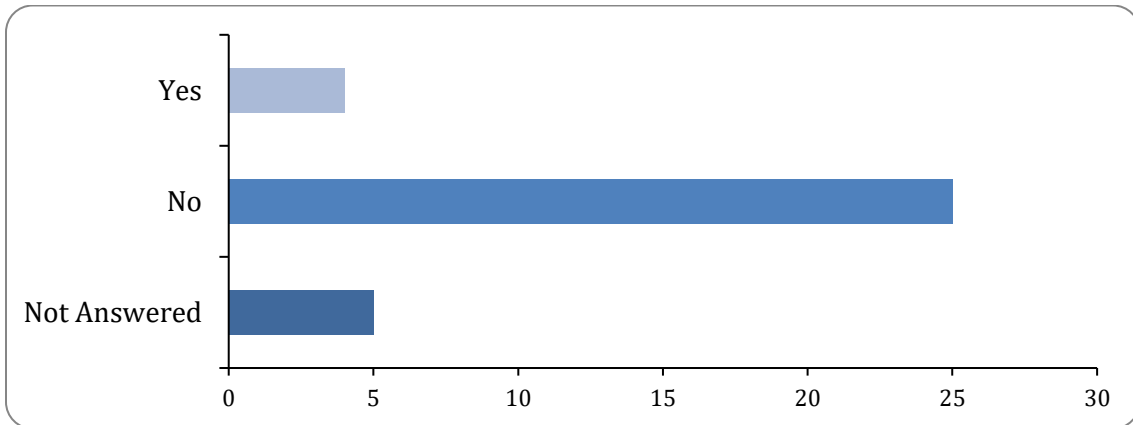
There were 31 responses to this part of the question.



Option	Total	Percent
Yes	7	20.59%
No	24	70.59%
Not Answered	3	8.82%

**Are you a representative of residents or license holders in one of these localities?
- Tollcross**

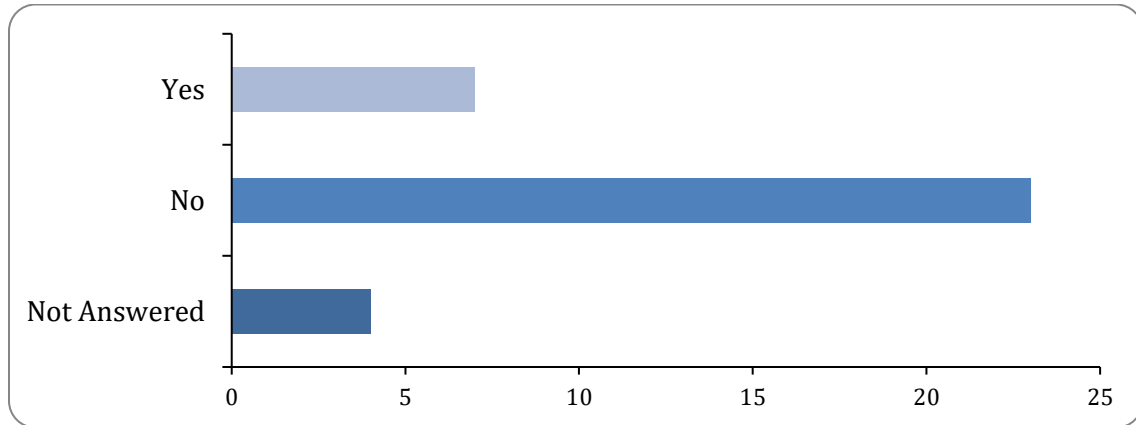
There were 29 responses to this part of the question.



Option	Total	Percent
Yes	4	11.76%
No	25	73.53%
Not Answered	5	14.71%

**Are you a representative of residents or license holders in one of these localities?
- Great Junction Street**

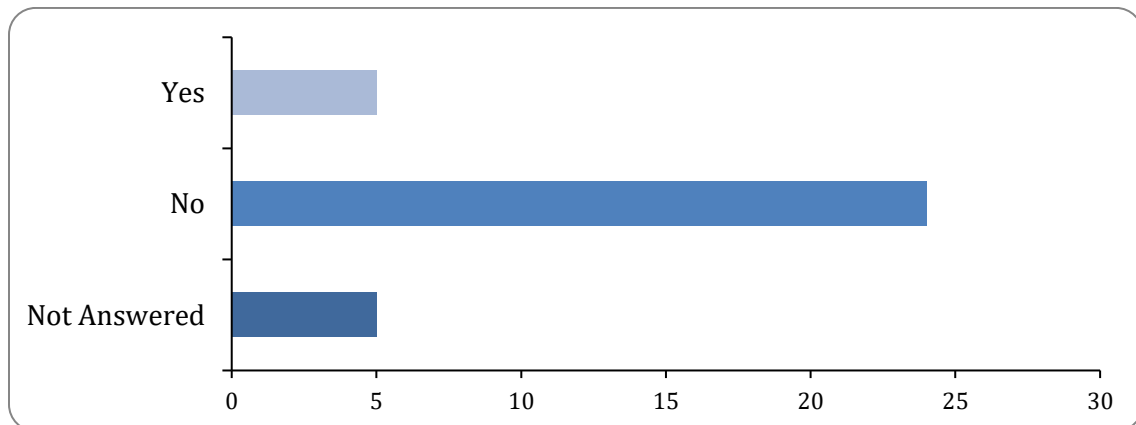
There were 30 responses to this part of the question.



Option	Total	Percent
Yes	7	20.59%
No	23	67.65%
Not Answered	4	11.76%

Are you a representative of residents or license holders in one of these localities?
- South Leith – all sales

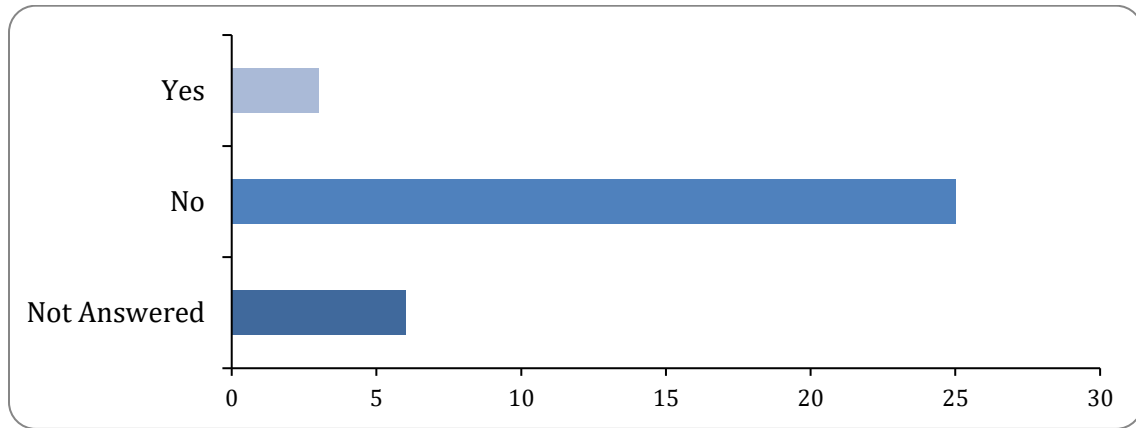
There were 29 responses to this part of the question.



Option	Total	Percent
Yes	5	14.71%
No	24	70.59%
Not Answered	5	14.71%

**Are you a representative of residents or license holders in one of these localities?
- Murrayburn and Wester Hailes North**

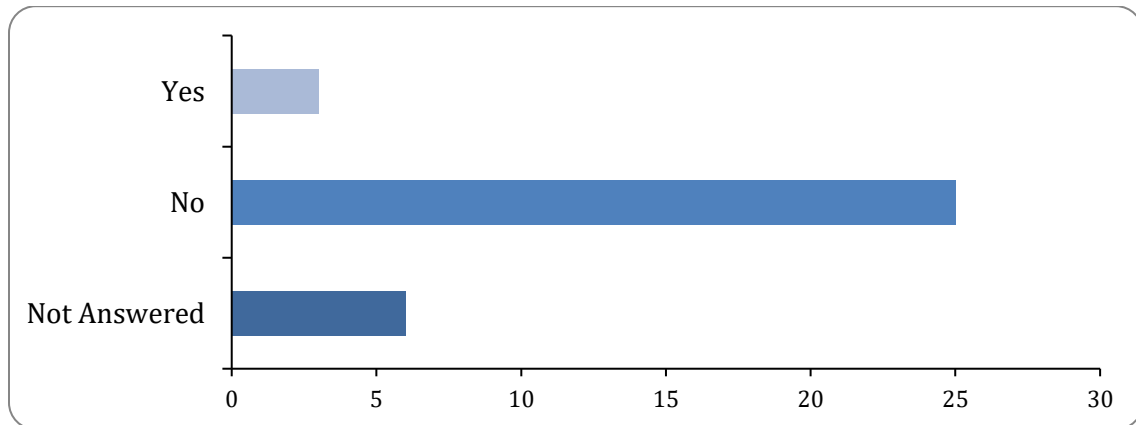
There were 28 responses to this part of the question.



Option	Total	Percent
Yes	3	8.82%
No	25	73.53%
Not Answered	6	17.65%

**Are you a representative of residents or license holders in one of these localities?
- Restalrig and Lochend**

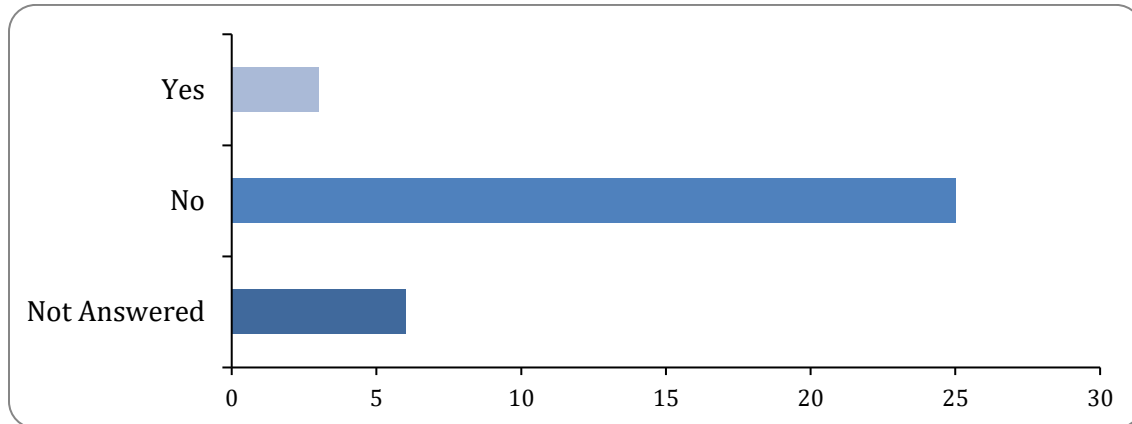
There were 28 responses to this part of the question.



Option	Total	Percent
Yes	3	8.82%
No	25	73.53%
Not Answered	6	17.65%

**Are you a representative of residents or license holders in one of these localities?
- Muirhouse**

There were 28 responses to this part of the question.



Option	Total	Percent
Yes	3	8.82%
No	25	73.53%
Not Answered	6	17.65%

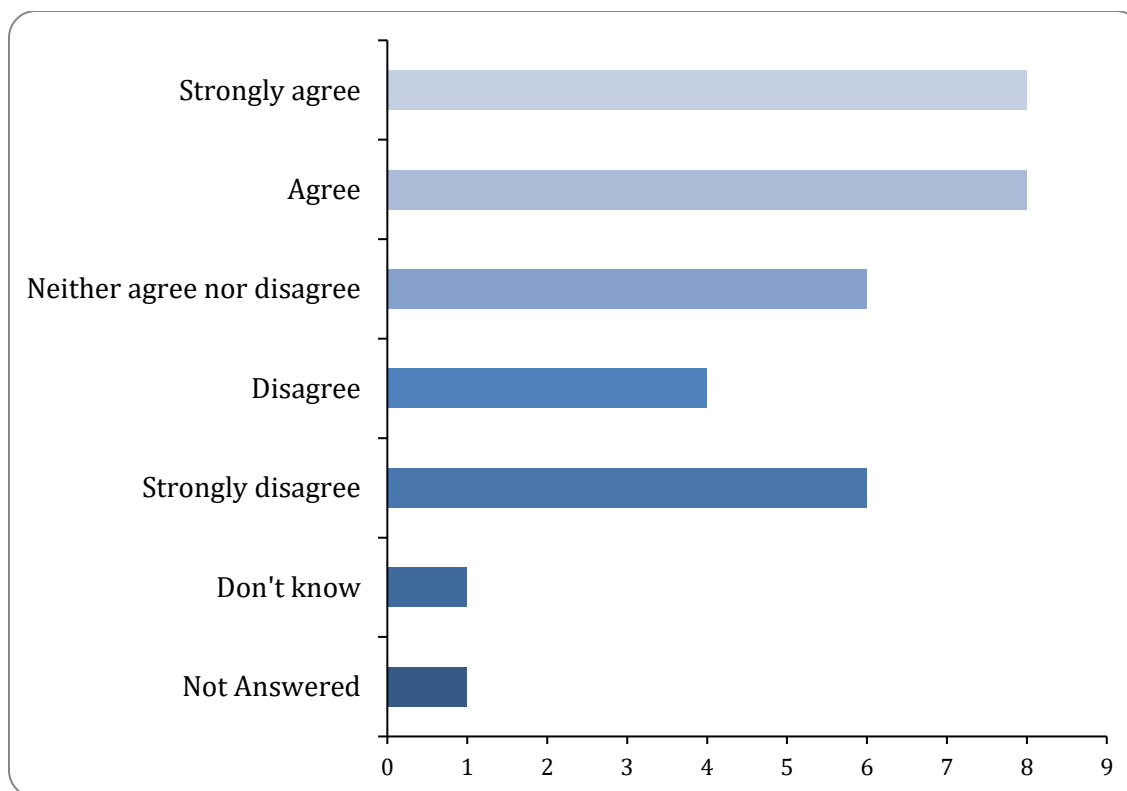
Please provide further details:

There were 10 responses to this part of the question.

7: To what extent do you agree or disagree with the following proposal: In any localities where it is decided that there is overprovision, for off sales this will apply to all types of premises, and for on sales this will apply to those premises which are considered by the Board to be “alcohol-led”?

To what extent do you agree or disagree with the following proposal: In any localities where it is decided that there is overprovision, for off sales this will apply to all types of premises, and for on sales this will apply to those premises which are considered by the Board to be “alcohol-led”?

There were 33 responses to this part of the question.



Option	Total	Percent
Strongly agree	8	23.53%
Agree	8	23.53%
Neither agree nor disagree	6	17.65%
Disagree	4	11.76%
Strongly disagree	6	17.65%
Don't know	1	2.94%
Not Answered	1	2.94%

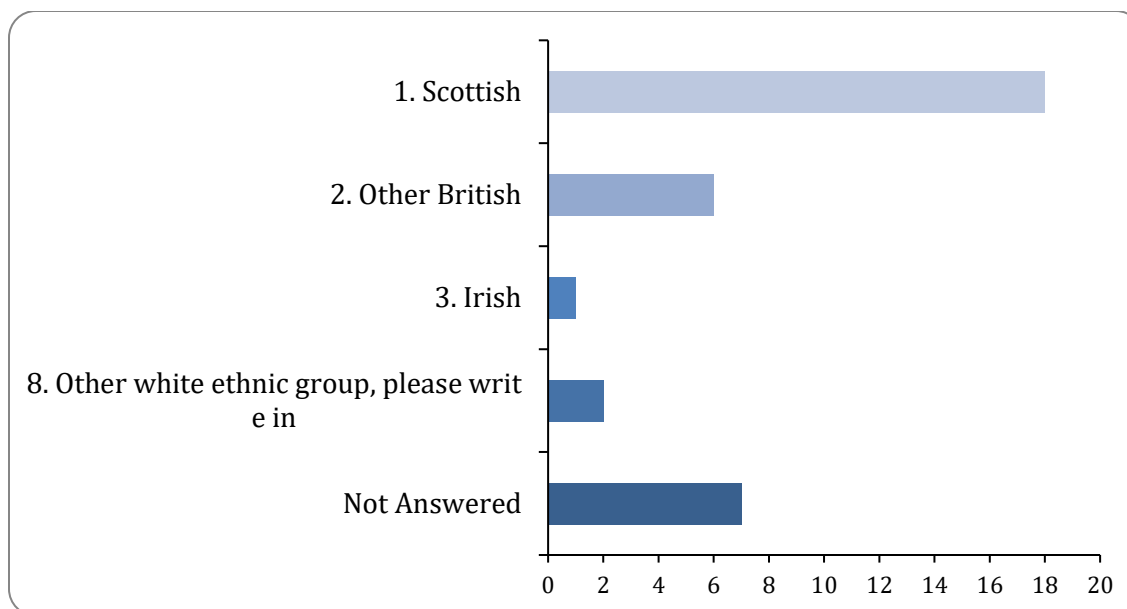
Please provide reasons for your answer:

There were 19 responses to this part of the question.

8: What is your ethnic group?

A) White

There were 27 responses to this part of the question.



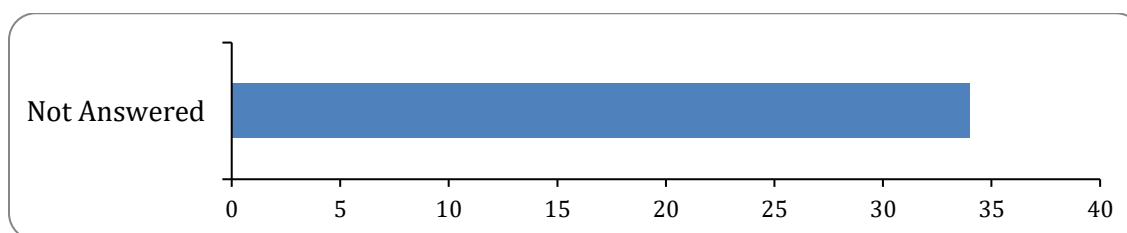
Option	Total	Percent
1. Scottish	18	52.94%
2. Other British	6	17.65%
3. Irish	1	2.94%
4. Polish	0	0.00%
5. Gypsy / Traveller	0	0.00%
6. Roma	0	0.00%
7. Showman / Showwoman	0	0.00%
8. Other white ethnic group, please write in	2	5.88%
Not Answered	7	20.59%

Other white ethnic group, please write in

There were 3 responses to this part of the question.

B. Mixed or multiple ethnic groups

There were 0 responses to this part of the question.



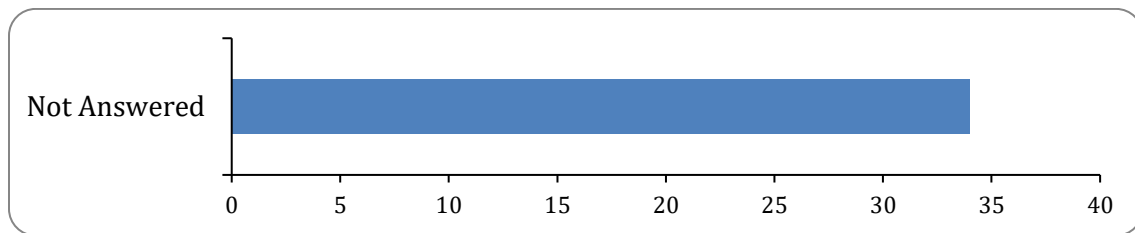
Option	Total	Percent
9. Any mixed or multiple ethnic groups, please write in	0	0.00%
Not Answered	34	100.00%

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 0 responses to this part of the question.



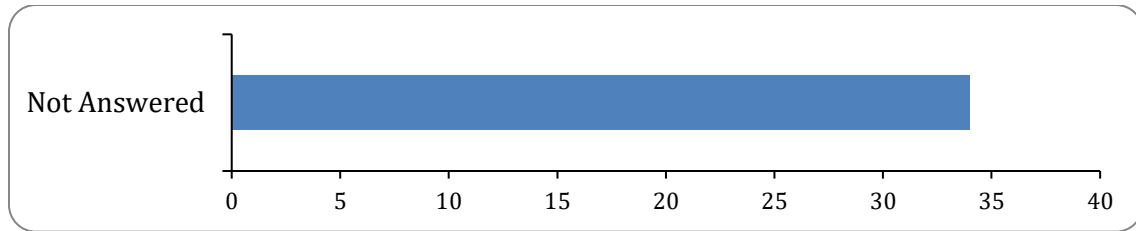
Option	Total	Percent
10. Pakistani, Scottish Pakistani or British Pakistani	0	0.00%
11. Indian, Scottish Indian or British Indian	0	0.00%
12. Bangladeshi, Scottish Bangladeshi or British Bangladeshi	0	0.00%
13. Chinese, Scottish Chinese or British Chinese	0	0.00%
14. Other, please write in	0	0.00%
Not Answered	34	100.00%

Other, please write in

There were 0 responses to this part of the question.

D. African, Scottish African or British African

There were 0 responses to this part of the question.



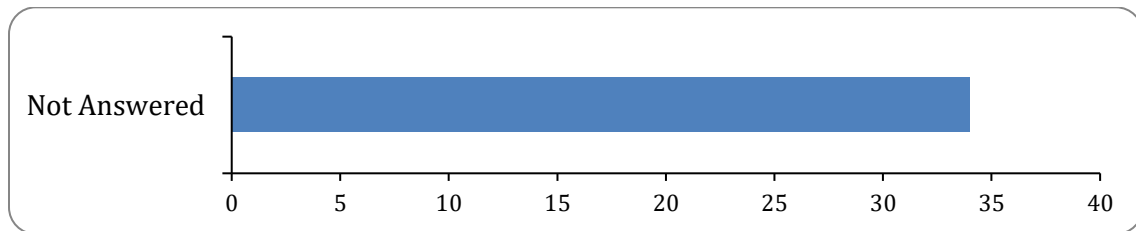
Option	Total	Percent
15. Please write in (for example, Nigerian, Somali)	0	0.00%
Not Answered	34	100.00%

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.



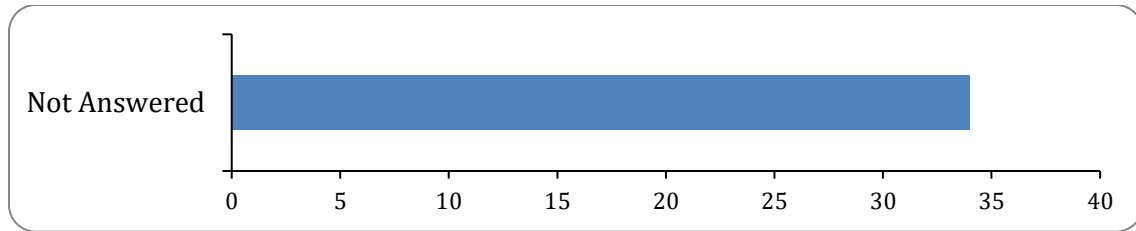
Option	Total	Percent
16. Please write in (for example, Scottish Caribbean, Black Scottish)	0	0.00%
Not Answered	34	100.00%

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.



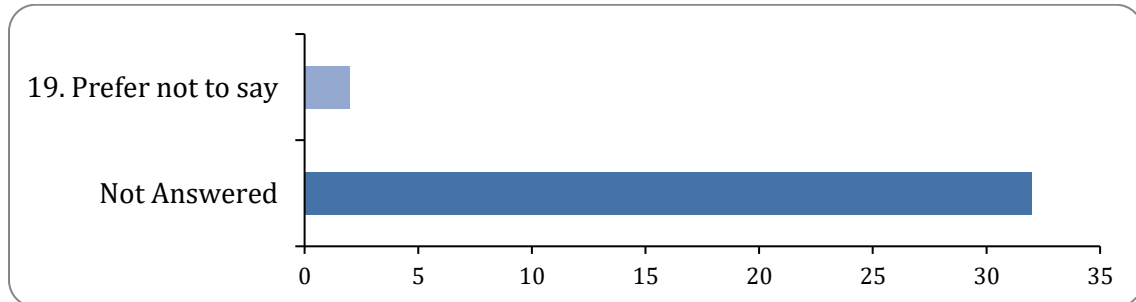
Option	Total	Percent
17. Arab, Scottish Arab or British Arab	0	0.00%
18. Other, please write in (for example, Sikh, Jewish)	0	0.00%
Not Answered	34	100.00%

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

There were 0 responses to this part of the question.

Prefer not to say

There were 2 responses to this part of the question.

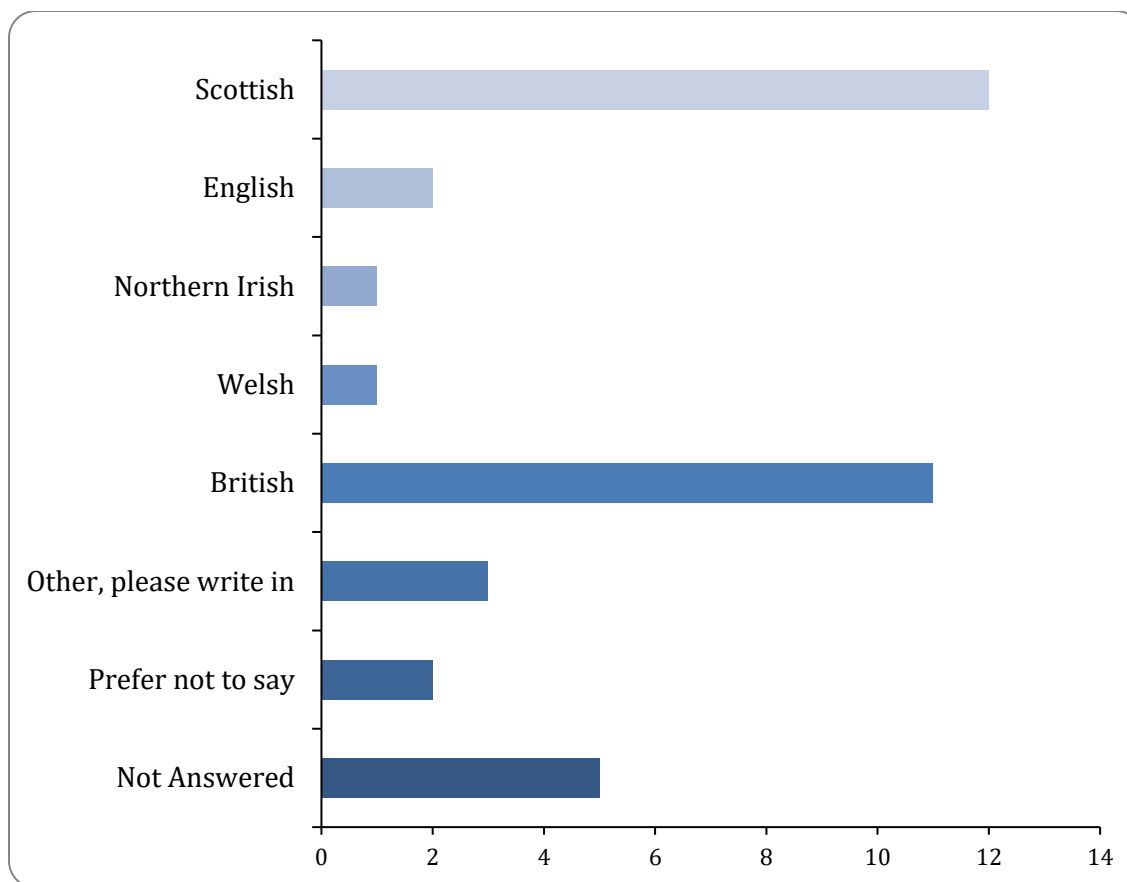


Option	Total	Percent
19. Prefer not to say	2	5.88%
Not Answered	32	94.12%

9: What do you feel is your national identity?

National identity

There were 29 responses to this part of the question.



Option	Total	Percent
Scottish	12	35.29%
English	2	5.88%
Northern Irish	1	2.94%
Welsh	1	2.94%
British	11	32.35%
Other, please write in	3	8.82%
Prefer not to say	2	5.88%
Not Answered	5	14.71%

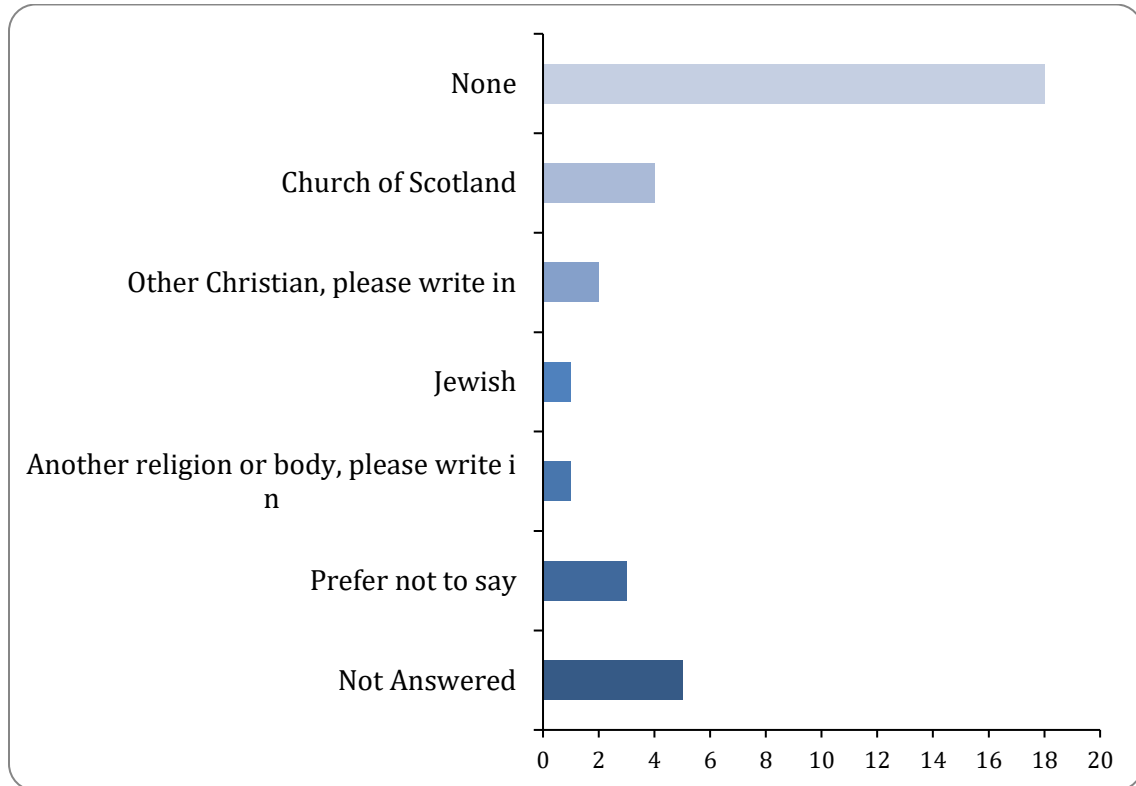
Other, please write in:

There were 3 responses to this part of the question.

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

Religion / Belief

There were 29 responses to this part of the question.



Option	Total	Percent
None	18	52.94%
Church of Scotland	4	11.76%
Roman Catholic	0	0.00%
Other Christian, please write in	2	5.88%
Muslim, write in denomination or school	0	0.00%
Hindu	0	0.00%
Buddhist	0	0.00%
Sikh	0	0.00%
Jewish	1	2.94%
Pagan	0	0.00%
Another religion or body, please write in	1	2.94%
Prefer not to say	3	8.82%
Not Answered	5	14.71%

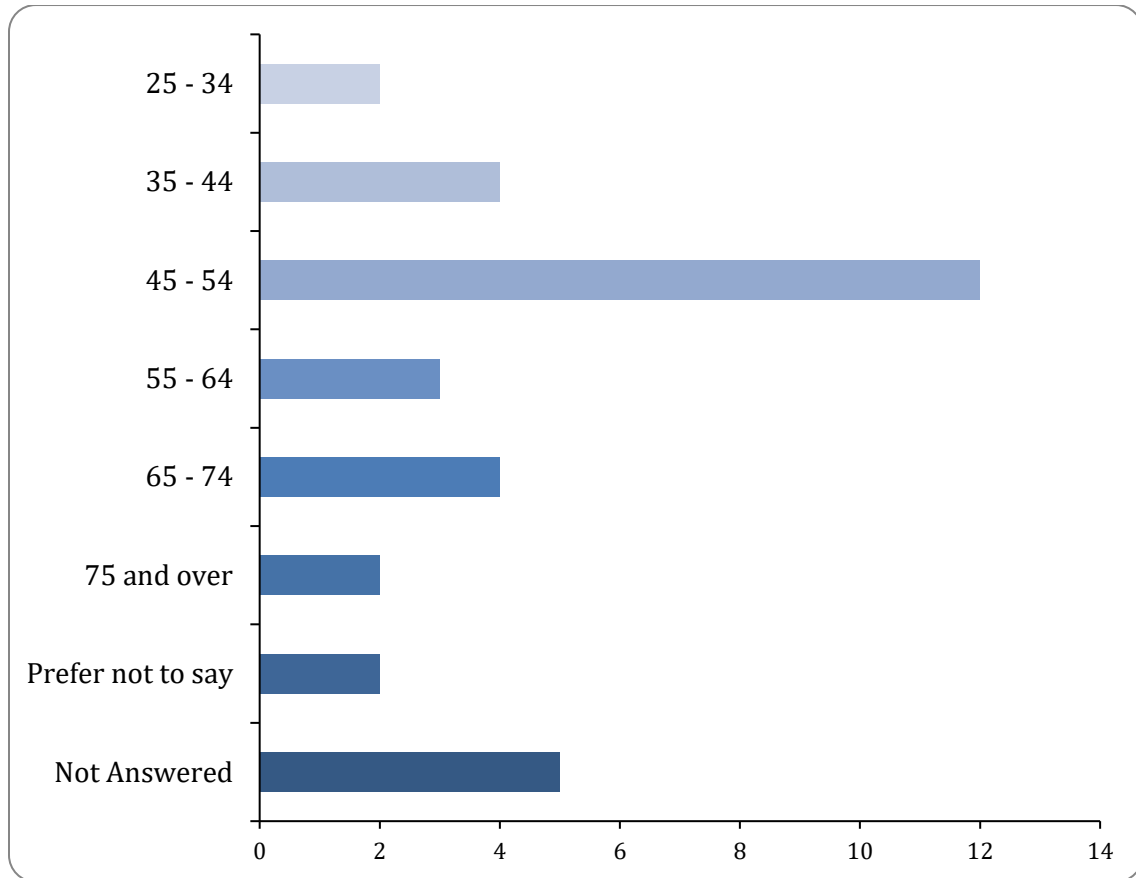
Please write in:

There were 3 responses to this part of the question.

11: What is your age?

Age

There were 29 responses to this part of the question.

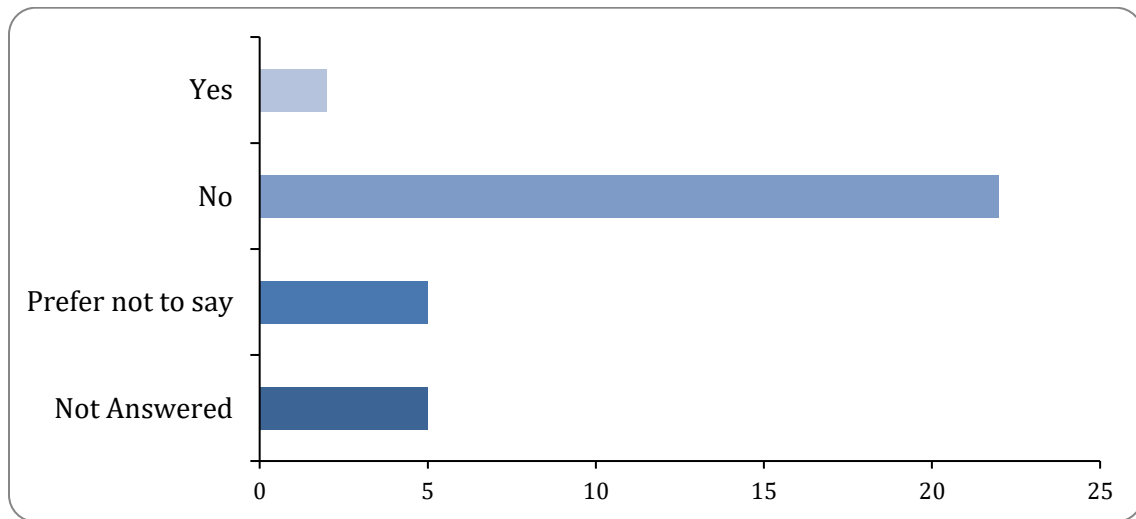


Option	Total	Percent
Under 16	0	0.00%
16 - 24	0	0.00%
25 - 34	2	5.88%
35 - 44	4	11.76%
45 - 54	12	35.29%
55 - 64	3	8.82%
65 - 74	4	11.76%
75 and over	2	5.88%
Prefer not to say	2	5.88%
Not Answered	5	14.71%

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

Disability

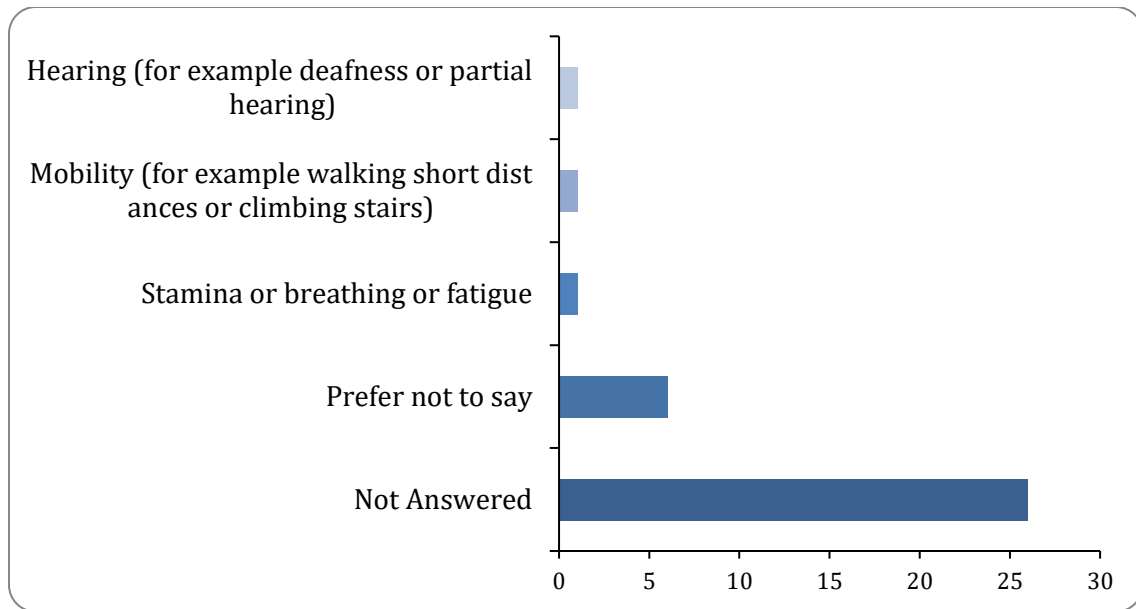
There were 29 responses to this part of the question.



Option	Total	Percent
Yes	2	5.88%
No	22	64.71%
Prefer not to say	5	14.71%
Not Answered	5	14.71%

Condition/illness

There were 8 responses to this part of the question.



Option	Total	Percent
Vision (for example blindness or partial sight)	0	0.00%
Hearing (for example deafness or partial hearing)	1	2.94%
Mobility (for example walking short distances or climbing stairs)	1	2.94%
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	0	0.00%
Stamina or breathing or fatigue	1	2.94%
Socially or behaviourally (for example associated with autism spectrum disorder (ASD) which includes Asperger's, or attention deficit hyperactivity disorder (ADHD))	0	0.00%
Other (please specify)	0	0.00%
Prefer not to say	6	17.65%
Not Answered	26	76.47%

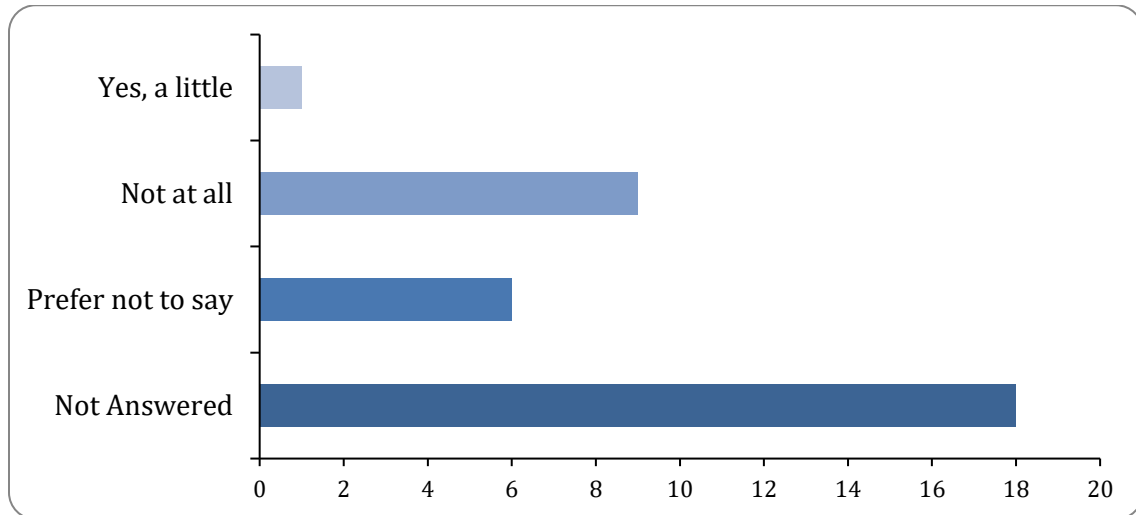
Other (please specify)

There was 1 response to this part of the question.

13: Does your condition or illness/do any of your conditions or illnesses reduce your ability to carry-out day-to-day activities?

Reduced ability for day-to-day activities

There were 16 responses to this part of the question.

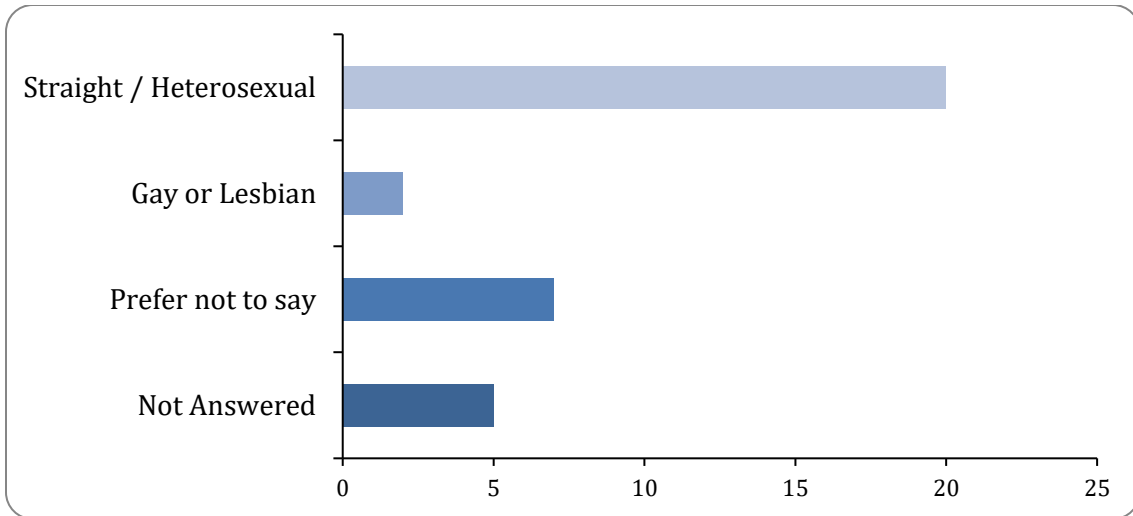


Option	Total	Percent
Yes, a lot	0	0.00%
Yes, a little	1	2.94%
Not at all	9	26.47%
Prefer not to say	6	17.65%
Not Answered	18	52.94%

14: Which of the following best describes your sexual orientation?

Sexual orientation

There were 29 responses to this part of the question.



Option	Total	Percent
Straight / Heterosexual	20	58.82%
Gay or Lesbian	2	5.88%
Bisexual	0	0.00%
Other sexual orientation, please write in	0	0.00%
Prefer not to say	7	20.59%
Not Answered	5	14.71%

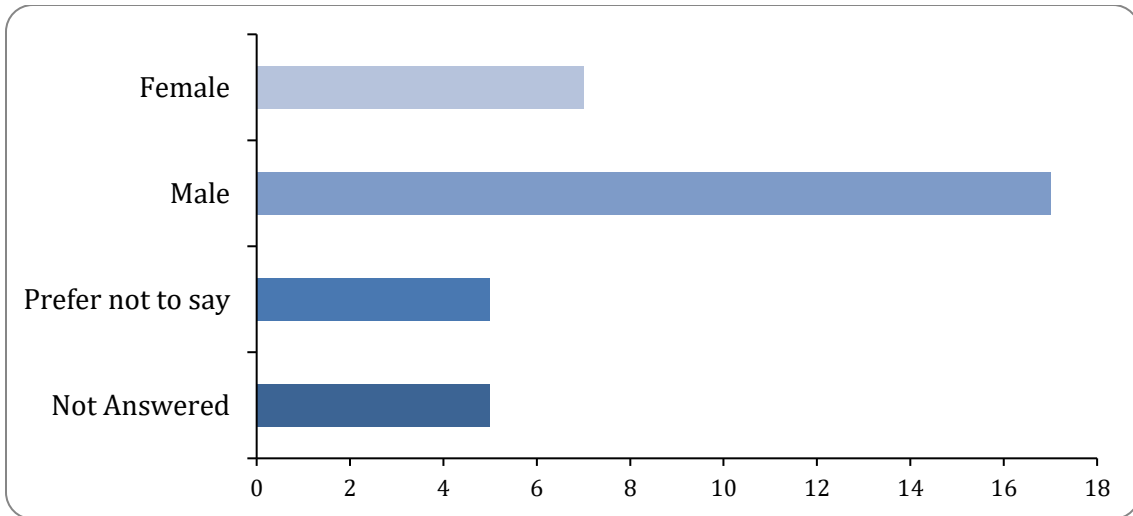
Please write in:

There was 1 response to this part of the question.

15: What is your sex?

Sex

There were 29 responses to this part of the question.

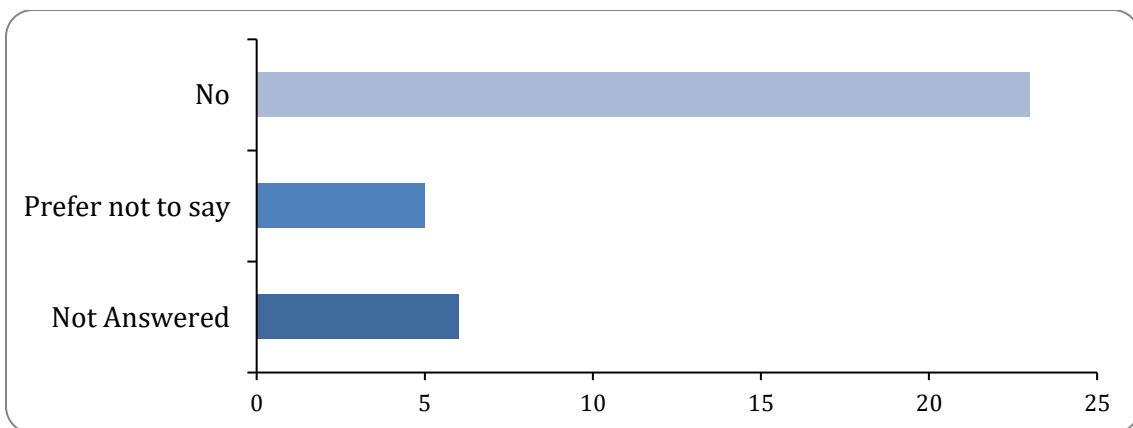


Option	Total	Percent
Female	7	20.59%
Male	17	50.00%
Prefer not to say	5	14.71%
Not Answered	5	14.71%

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

Trans

There were 28 responses to this part of the question.



Option	Total	Percent
No	23	67.65%
Yes	0	0.00%
Prefer not to say	5	14.71%

Not Answered	6	17.65%
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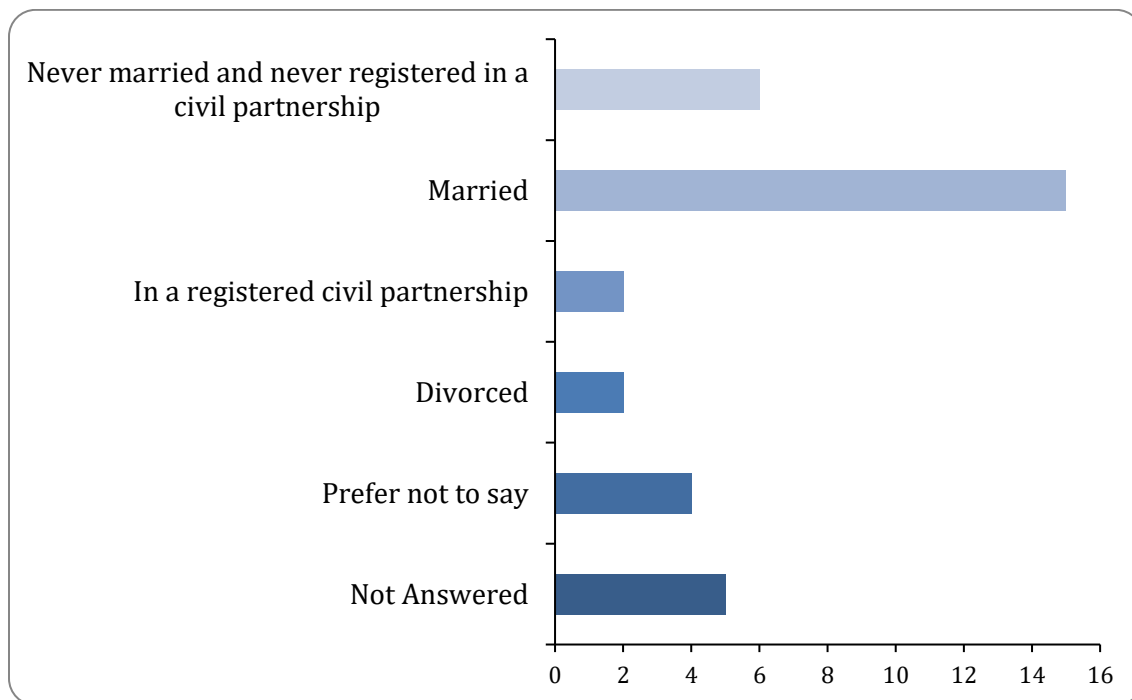
If you would like to, please describe your trans status (for example non-binary, trans man, trans woman):

There was 1 response to this part of the question.

17: What is your legal marital or registered civil partnership status?

Legal marital or registered civil partnership status

There were 29 responses to this part of the question.



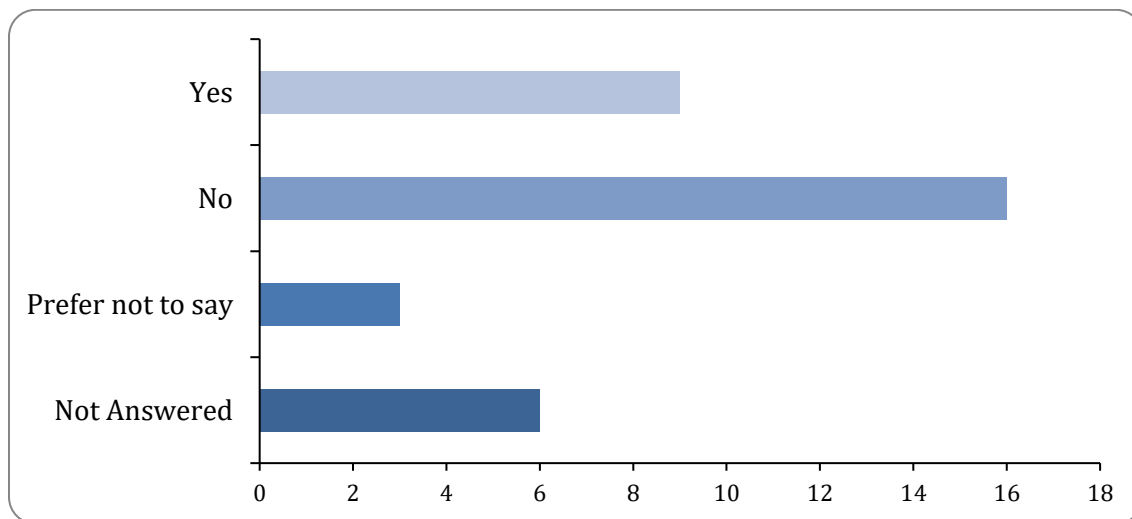
Option	Total	Percent
Never married and never registered in a civil partnership	6	17.65%
Married	15	44.12%
In a registered civil partnership	2	5.88%
Separated, but still legally married	0	0.00%
Separated, but still legally in a civil partnership	0	0.00%
Divorced	2	5.88%

Formerly in a civil partnership which is now legally dissolved	0	0.00%
Widowed	0	0.00%
Surviving partner from a civil partnership	0	0.00%
Prefer not to say	4	11.76%
Not Answered	5	14.71%

18: Do you have caring responsibilities?

Caring responsibilities

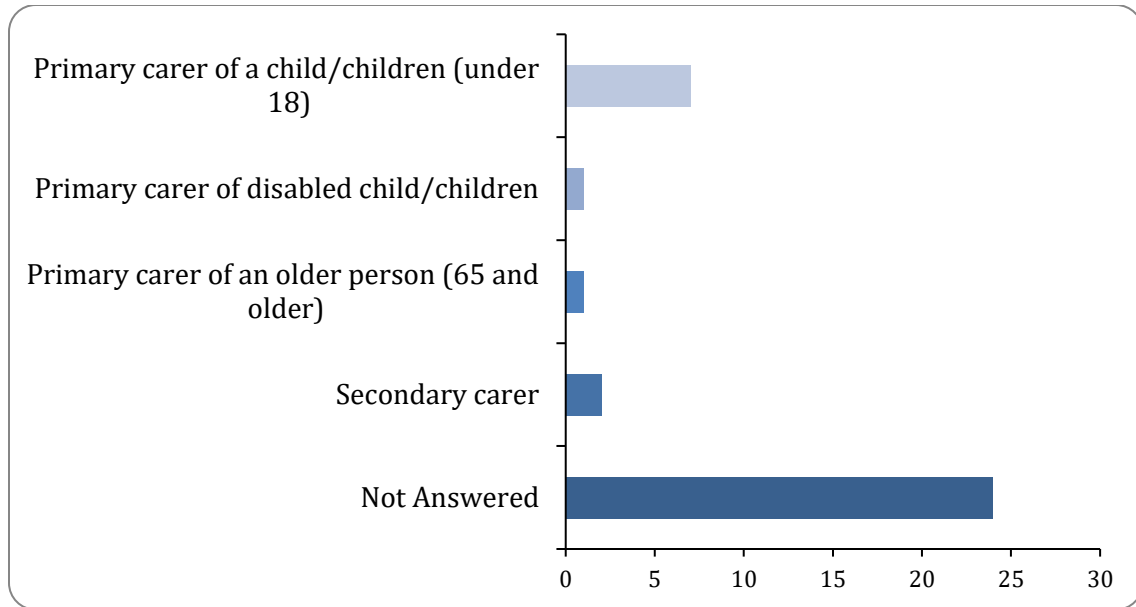
There were 28 responses to this part of the question.



Option	Total	Percent
Yes	9	26.47%
No	16	47.06%
Prefer not to say	3	8.82%
Not Answered	6	17.65%

Type of care

There were 10 responses to this part of the question.



Option	Total	Percent
Primary carer of a child/children (under 18)	7	20.59%
Primary carer of disabled child/children	1	2.94%
Primary carer of disabled adult (18 and over)	0	0.00%
Primary carer of an older person (65 and older)	1	2.94%
Secondary carer	2	5.88%
Not Answered	24	70.59%

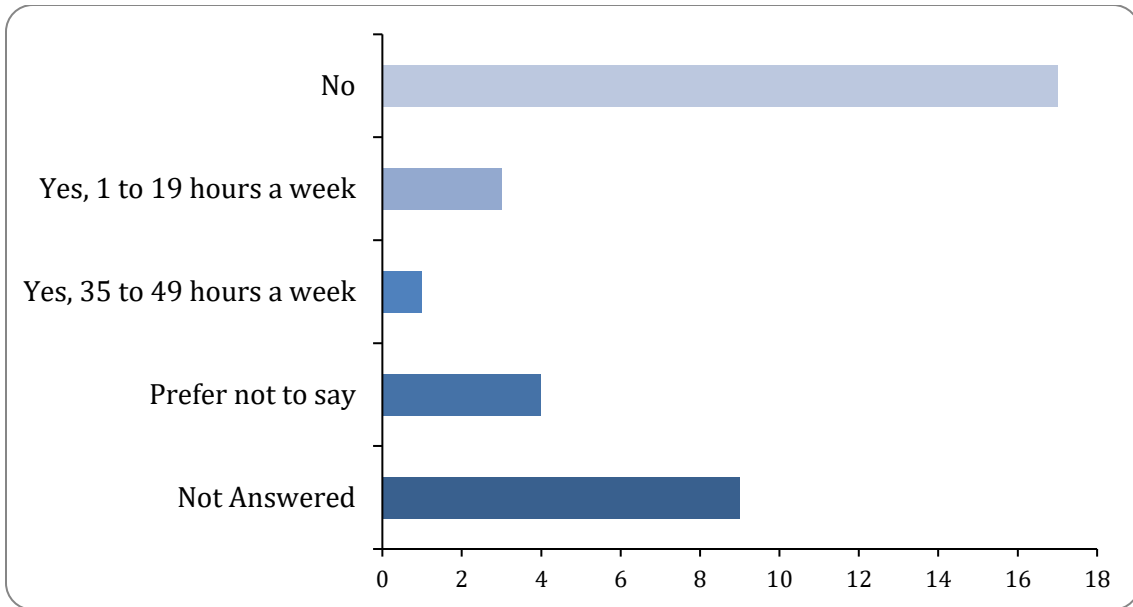
19: Do you look after, or give any help or

support to family members, friends,

neighbours or others because of either:

Carer - support for disabled people / older people

There were 25 responses to this part of the question.

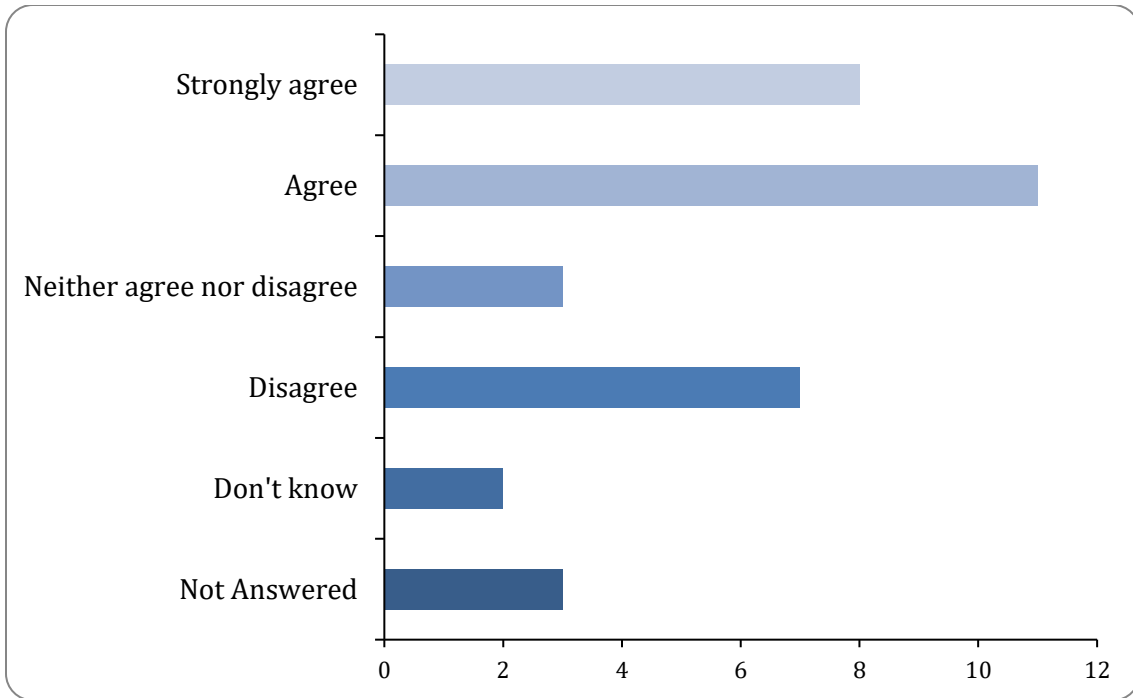


Option	Total	Percent
No	17	50.00%
Yes, 1 to 19 hours a week	3	8.82%
Yes, 20 to 34 hours a week	0	0.00%
Yes, 35 to 49 hours a week	1	2.94%
Yes, 50 or more hours a week	0	0.00%
Prefer not to say	4	11.76%
Not Answered	9	26.47%

20: 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.

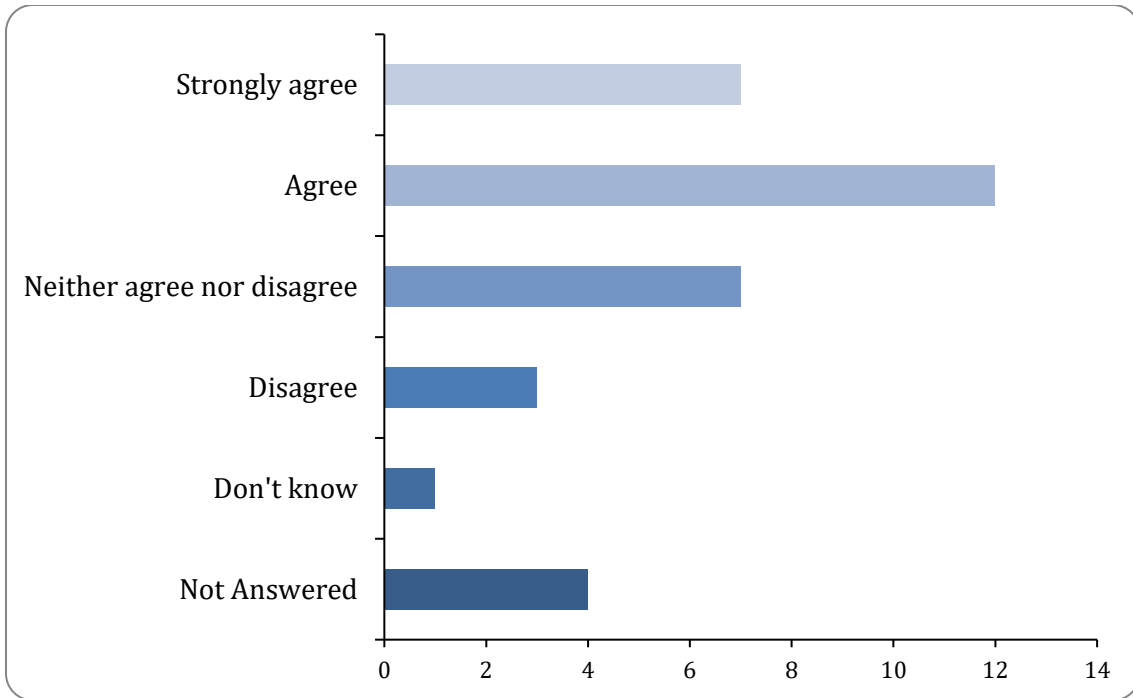
There were 31 responses to this part of the question.



Option	Total	Percent
Strongly agree	8	23.53%
Agree	11	32.35%
Neither agree nor disagree	3	8.82%
Disagree	7	20.59%
Strongly disagree	0	0.00%
Don't know	2	5.88%
Not Answered	3	8.82%

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

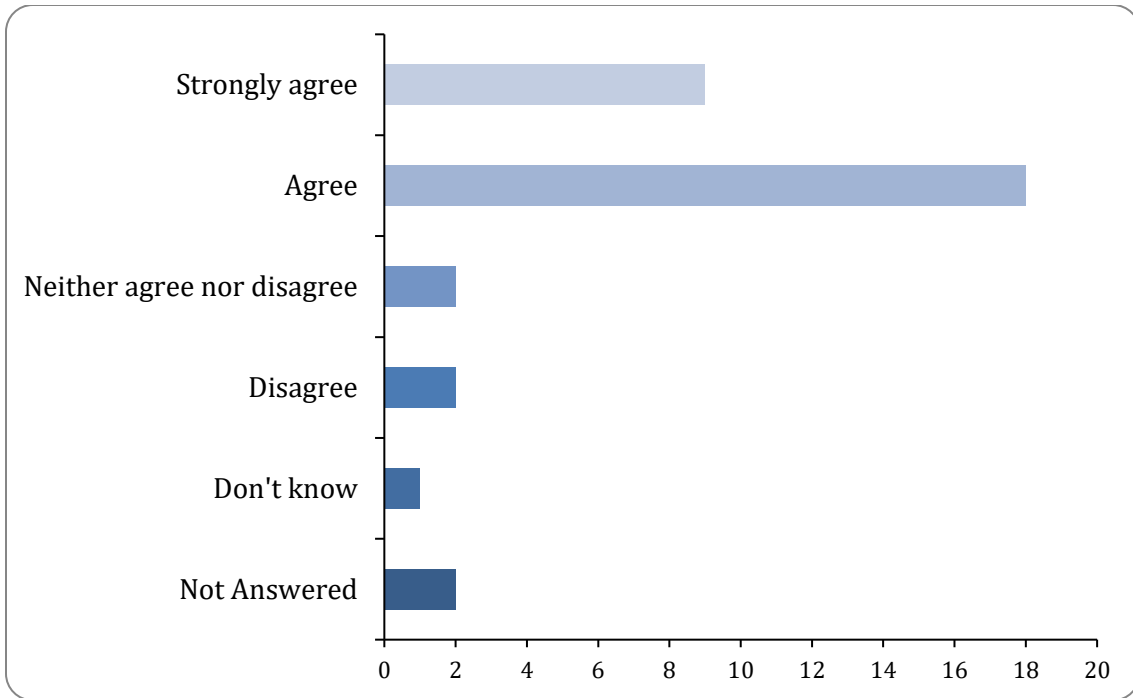
There were 30 responses to this part of the question.



Option	Total	Percent
Strongly agree	7	20.59%
Agree	12	35.29%
Neither agree nor disagree	7	20.59%
Disagree	3	8.82%
Strongly disagree	0	0.00%
Don't know	1	2.94%
Not Answered	4	11.76%

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

There were 32 responses to this part of the question.



Option	Total	Percent
Strongly agree	9	26.47%
Agree	18	52.94%
Neither agree nor disagree	2	5.88%
Disagree	2	5.88%
Strongly disagree	0	0.00%
Don't know	1	2.94%
Not Answered	2	5.88%

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

There were 7 responses to this part of the question.

Please see below the Licensing Forum's response to the Overprovision Consultation

- As with previous consultation responses to the board, the Forum is split on the use of overprovision as a means to tackle alcohol-related health harms.
- Trade representatives highlighted the lack of evidence on the effectiveness of overprovision having a beneficial impact and the perception which is these zones give to potential investors. Edinburgh, while still seen as an attractive place to invest is under pressure particularly from Northern English cities which are seen as having a more 'business friendly' approach.
- Trade reps also noted a lack of justification on why these areas have been chosen, noting that some of the areas contained very few licenses premises already and could be construed as penalising more deprived communities.
- One resident representative said they believed that overprovision zones encourages best practice in these areas and results in a higher standard of license premises. They were supportive of overprovision in the areas consulted upon.
- Another resident noted that the current policy of overprovision was ineffective as licenses continued to be granted, although some ended up being reduced in their scope (e.g. terminal hours) and that some businesses may have been deterred from making an application.
- The representative from NHS Scotland noted that they supported overprovision for all of the areas (and an additional one) as detailed within their response.
- Members of the forum noted that they would be making their own submissions to the consultation ahead of the deadline.

Best wishes,

Paul

PAUL TOGNERI

Edinburgh City Licensing Board
Consultation on Overprovision Policy
May 2025

Scottish Beer & Pub Association,

We are grateful for the opportunity to respond to Edinburgh Licensing Board's consultation on overprovision.

Background:

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

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

Our Members in Scotland:

The brewing and pub industries support the employment of 65,000 people in Scotland and contributing £2.3bn per year to the economy, paying £1.2bn in wages.

In Edinburgh we estimate the sector pays approximately £340 million in taxes per annum and employs 7,829 persons with there being approximately 456 pubs and 16 breweries.

Overprovision:

The SBPA's view is that overprovision is a blunt instrument and does little to reduce alcohol related harm with inequality remaining the biggest factor in alcohol abuse. **We strongly disagree with all areas being designated as areas of overprovision.** There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is increasingly difficult to make a link between individual premises and problems in a specific locality.

Additionally, the majority of establishments in Edinburgh are – as expected – focused in the city centre (Old Town, Princes Street and Leith Street), catering to visitors and locals. The city centre by its very nature will continue to attract the majority of applications and inward investment into the whole city, not just the individual locality. Designating it as an area of overprovision has a direct impact on the attractiveness of investing into the city.

While we appreciate that the Licensing Board considers each case on its own individual merits, a possible presumption against grant makes justifying investment in a new premises or extending existing premises unlikely. This stifling effect risks seeing the pub and bar sector in Edinburgh become stale with standards and quality likely to drop. Competition drives innovation and at a time Edinburgh is seeking to open itself up to tourism and compete with Glasgow, London and other European capital cities, we should be embracing a thriving hospitality sector. Overseas tourists expect to be able to visit quality pubs and bars. Any presumption against, new licences or expansion of existing licences means the pub operators who we represent are more likely to invest in areas without such a policy.

Other areas being consulted on, such as Tollcross – while having a number of licensed premises, the vast majority of capacity is in venues where alcohol harm is very unlikely to emanate from, such as conference venues, concert venues, cinemas and theatres. The number of public houses is relatively low for a central location. This is also true of Great Junction Street and South Leith – both contain few public houses and we cannot see the rationale for their inclusion.

While it is appreciated that the Board will receive representations highlighting the issues caused by licensed premises it is important for the Board to recognise the cultural, social and economic benefit of well-run licensed premises both to the City and more generally for "brand Scotland" in terms of tourism. The pub is seen as a quintessential Scottish tradition with over 45% of visitors choosing to dine in a

pub, furthermore data shows that tourists whose itinerary includes at least one visit to a pub, contribute significantly more to local economies than those who don't

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

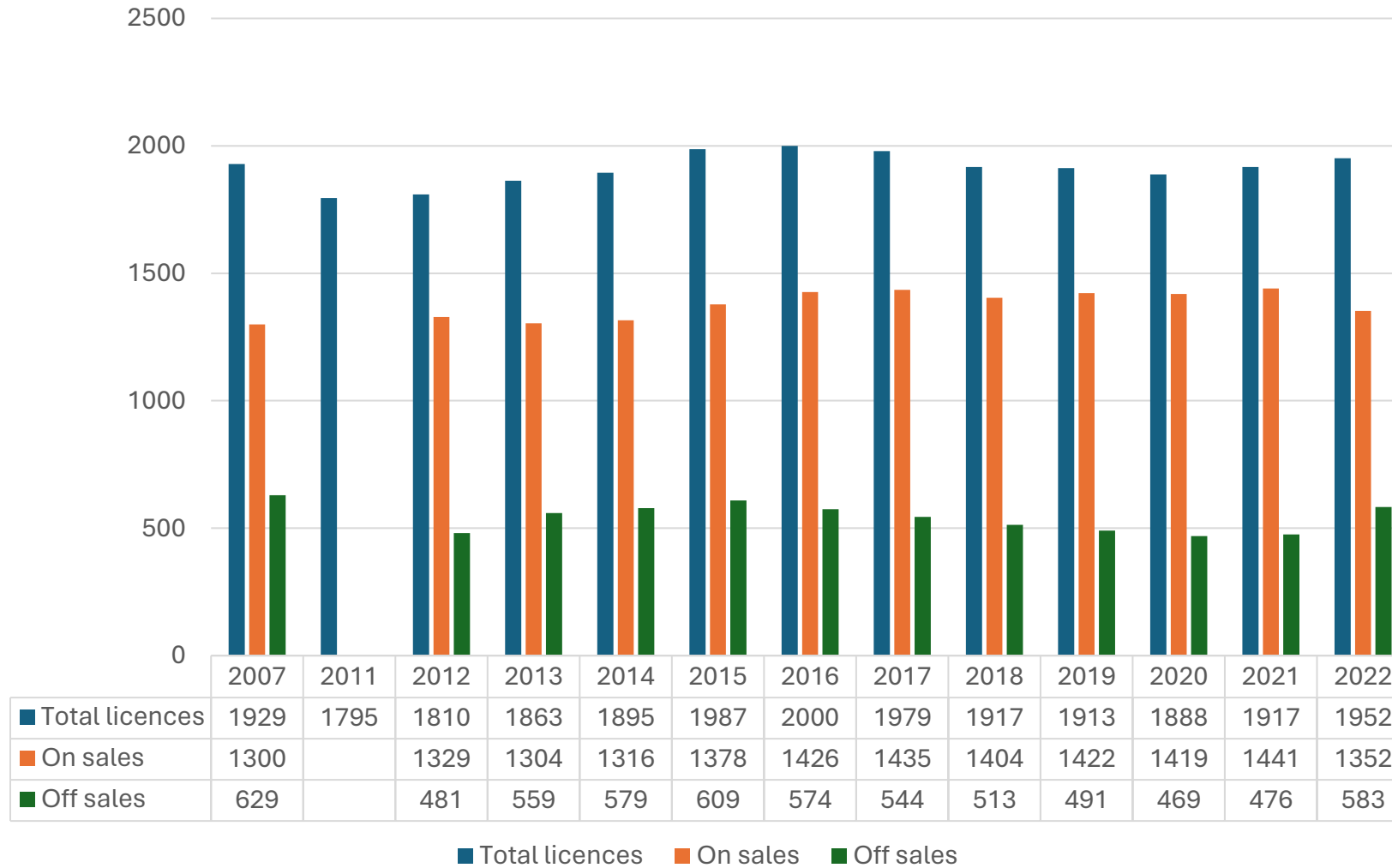
The SBPA suggests that the board have regard to the benefits brought about by persons consuming alcohol in a well-regulated environment such as a bar or pub as opposed to drinking at home. Persons within licensed premises are, in effect, supervised by trained staff who have a duty of care to their customers. It is respectfully submitted that the Board should look to support the consumption of alcohol in such regulated premises.

The Board should also note that the Scottish Government has stated that loneliness is a key factor in an individual's general health. Encouraging people to come to well run on-sales licensed premises and interact with one another is good for mental and physical wellbeing. The Scottish Governments research shows that loneliness is as damaging to Scots health as poverty and poor housing.

Conclusion

We strongly disagree with all the areas consulted on being designated as zones of overprovision. There is no evidence that overprovision reduces alcohol harm, however there is significant evidence that it negatively impacts businesses and the local economy.

Licences in force City of Edinburgh Licensing Board



Integrated Impact Assessment – Summary Report

Each of the numbered sections below must be completed

Interim report	Final report x
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(Mark as appropriate)

1. Title of proposal

City of Edinburgh Council Overprovision Policy.

2. What will change as a result of this proposal?

The Licensing Board published its Licensing Policy Statement in November 2023. During the process the Board agreed to carry out a separate consultation on its assessment of overprovision, to form the subject of a Supplementary Statement of Licensing Policy.

The Board agreed that the Assessment of Overprovision as set out in the Licensing Policy Statement at Chapter 14 which formed part of the previous policy, will continue to form part of the Board's Statement of Licensing Policy in the meantime.

The first policy consultation carried out an assessment of whether there is an overprovision of licensed premises (in relation to the sale of alcohol) in the City of Edinburgh Council area. The Board also sought views on overprovision of licensed premises including types of premises, size and capacity of premises, and hours of operation within Edinburgh and its localities.

The first consultation helped inform the Board on whether there were any localities in Edinburgh which may have overprovision (too many licensed premises in that area). Following on from the responses gathered the Board decided to undertake a second consultation in relation to its Assessment of Overprovision after considering responses received from both consultations meeting with statutory consultees, meeting with representatives of the licensed trade and agents, meeting with planning and regeneration colleagues, meeting with Licensing Forum, information regarding the current number of licensed premises within Edinburgh, if existing localities should still be considered overprovision areas and additional localities identified as areas of overprovision by consultees.

The current policy statement has designated the following localities as areas of overprovision for all sales of alcohol, (1) Old Town, Princes Street and Leith Street, (2) Tollcross, (3) Deans Village and (4) Southside, Canongate and Dumbiedykes. The Board decided at their meeting on 27 January 2025 to

consult on the following IDZ localities which had been identified as having “extremely high levels of alcohol related harm (health and criminal) and the highest alcohol outlet rates”-

- (1) Old Town, Princes Street and Leith Street – all sales
- (2) Tollcross – all sales
- (3) Great Junction Street – all sales
- (4) South Leith – all sales
- (5) Murrayburn and Wester Hailes North – off sales only
- (6) Restalrig and Lochend – off sales only
- (7) Muirhouse - off sales only

Following the closing of the second consultation must consider evidence and responses received in relation to the five statutory licensing objectives:

- (1) Preventing crime and disorder
- (2) Securing public safety
- (3) Preventing public nuisance
- (4) Protecting and improving public health
- (5) Protecting children and young persons from harm

The finalised assessment will become part of the Licensing Policy and will help the Board make decisions about licence applications and give potential applicants information about how the Board is likely to approach licence applications.

3. Briefly describe public involvement in this proposal to date and planned

The Council has engaged in two public consultations throughout the process of assessing the overprovision policy. The first consultation ran from 21 March 2024 to 13 May 2024 and there were 63 responses received. Following on from the first consultation the Board ran online meetings, promoted opportunities to share views, and held evidence sessions, so that as wide and diverse a group

as possible contributed to assessment of overprovision. The second consultation ran from 24 March 2025 to 4 May 2025 and there were 37 responses.

Both consultations sought views on the draft policy on overprovision from residents (including young people), community councils, licensing partners including the Police and the NHS, and with representatives of the alcohol trade to ensure that the new Licensing Policy is not only up to date but reflects the balance of safety, health and support for the trade.

Emails and letters were sent to the community councils, licensing partners including the Police and the NHS, and representatives of the alcohol trade for both consultations, the correspondence advised them of the link to complete the survey on the Consultation Hub. For the second consultation notification was sent by email to all parties who participated in the first consultation to ensure they had the opportunity to respond with their views.

Now that the responses have been received and collated, they will be considered by the Board and a decision will be made on the assessment of overprovision.

4. Is the proposal considered strategic under the Fairer Scotland Duty?

No.

5. Date of IIA

22 May 2025.

6. Who was present at the IIA? Identify facilitator, lead officer, report writer and any employee representative present and main stakeholder (e.g. Council, NHS)

Name	Job Title	Date of IIA Training
John McCluskey Report Writer Facilitator Lead Officer Note Taker	Senior Solicitor	8 1 25
Gerry Mays	Principal Solicitor	8 1 25
Chris McKee	Regulatory Team Leader	6 12 23

7. Evidence available at the time of the IIA

Evidence	Available – detail source	Comments: what does the evidence tell you with regard to different groups who may be affected and to the environmental impacts of your proposal
Data on populations in need – where available use disaggregated data	Yes – Consultation Responses	The consultation responses gave data on gender, sexual orientation, age and national identity
Data on service uptake/access	Yes – Consultation Responses	
Data on socio-economic disadvantage e.g. low income, low wealth, material deprivation, area deprivation	Yes – Consultation Responses	Changes affect all individuals equally. However, CRESH research data and mapping show levels of higher alcohol use/availability/areas of deprivation etc. The Board could decide to reduce access to alcohol in the immediate locale, for some individuals. Generally, this would impact on all individuals and should not be regarded as a negative impact, even if it is considered so by any individuals who may have a reliance upon or abusive relationship with alcohol.
Data on equality outcomes	Yes – Consultation Responses	The revised policy statement will ensure all licensing decisions support the licensing objectives by improving public safety and health and protecting children and young persons from harm.
Research/literature evidence	Yes – Consultation Responses	Information was received from statutory consultees and from trade members and solicitors.
Public/patient/client experience information	Yes – Consultation Responses	As above.

Evidence	Available – detail source	Comments: what does the evidence tell you with regard to different groups who may be affected and to the environmental impacts of your proposal
Evidence of inclusive engagement of people who use the service and involvement findings	Yes – Consultation Responses	As above
Evidence of unmet need		The consultation process did not produce evidence of an unmet need for licenced premises in Edinburgh.
Good practice guidelines		(1) The Licensing (Scotland) Act 2005. (2) Scottish Government Statutory Guidance to Licensing Authorities.
Carbon emissions generated/reduced data	N/A	The licensing policy statement has no impact on carbon emissions.
Environmental data	N/A	The licensing policy statement has no impact on environmental concerns.
Risk from cumulative impacts	N/A	
Other (please specify)		
Additional evidence required		

8. In summary, what impacts were identified and which groups will they affect?

Equality, Health and Wellbeing and Human Rights and Children’s Rights	Affected populations
<p>Positive</p> <p>The revised policy statement will ensure all licensing decisions support the licensing objectives by improving public safety and health and protecting children and young persons from harm.</p> <p>The policy statement supports the licensing objectives of preventing crime and disorder, preventing public nuisance, securing public safety, and protecting children and young persons from harm.</p>	<p>Men (including trans men)</p> <p>Women (including trans women)</p> <p>Nonbinary people</p>

Equality, Health and Wellbeing and Human Rights and Children's Rights	Affected populations
<p>The policy statement supports the licensing objectives of protecting and improving public health.</p> <p>The availability of alcohol in localities will be a factor in Board decisions with each application they deal with. The Board will make considered decisions about the availability of alcohol, especially in areas of deprivation, that may have a positive impact on the lifestyle of some individuals.</p>	<p>Children & young persons</p> <p>Neighbours/Residents</p> <p>Customers</p>
Negative	

Environment and Sustainability including climate change emissions and impacts	Affected populations
<p>Positive The policy statement has no impact on environmental concerns.</p>	N/A
<p>Negative The policy statement has no impact on environmental concerns.</p>	N/A

Economic	Affected populations
<p>Positive 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.</p> <p>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. In particular, the Licensing Board recognises the positive health benefits associated with increased employment opportunities as a factor that applicants may use in support of their application and a factor that may in appropriate circumstances rebut such a presumption. In particular, the Board will expect to be addressed on the benefits of granting the application in terms of each licensing objective.</p> <p>The Board when making a decision on an application would be mindful of balancing economic development</p>	<p>Men (including trans men)</p> <p>Women (including trans women)</p> <p>Nonbinary people</p> <p>Local businesses</p> <p>Local business employees (full time staff, part time staff)</p> <p>Customers</p> <p>Suppliers</p>

Economic	Affected populations
needs with the need to deliver on the five licensing objectives.	
<p>Negative</p> <p>There is a likelihood that businesses will not establish or develop businesses in areas defined as overprovided if a liquor licence is not granted.</p> <p>Each application still requires to be determined on its own merits, and it remains open to applicants and licence holders to present applications for consideration, providing evidence in support of their applications.</p>	

9. Is any part of this policy/ service to be carried out wholly or partly by contractors and if so how will equality, human rights including children's rights, environmental and sustainability issues be addressed?

No.

10. Consider how you will communicate information about this policy/ service change to children and young people and those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language? Please provide a summary of the communications plan.

The Licensing Service currently deals with customers from a range of backgrounds. This includes those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language.

When the Licensing Board considers its assessment of overprovision, the licensing service will communicate this in several ways. Firstly, all existing licence holders and applicants will be notified of the newly approved policy. All respondents to the consultation who indicated that they would be happy to be contacted again in relation to overprovision will be contacted informing them of the decision along with information on the agreed assessment of overprovision. Furthermore, the Board's decision will be communicated using the Council's and Licensing Service's social media accounts in addition to updates being placed on the Council's website. The decision will also be communicated to residents (including young people), community councils, our licensing partners including the Police and the NHS, and with representatives of the alcohol trade.

Where customers require further support to access information in respect of overprovision, the licensing service will make the necessary reasonable adjustments to cater for this. For example, translators can be provided for those customers whose primary language is not English and who have difficulty understanding this information.

- 11. Is the plan, programme, strategy or policy likely to result in significant environmental effects, either positive or negative? If yes, it is likely that a Strategic Environmental Assessment (SEA) will be required and the impacts identified in the IIA should be included in this. See section 2.10 in the Guidance for further information.**

No.

12. Additional Information and Evidence Required

If further evidence is required, please note how it will be gathered. If appropriate, mark this report as interim and submit updated final report once further evidence has been gathered.

- 13. Specific to this IIA only, what recommended actions have been, or will be, undertaken and by when? (these should be drawn from 7 – 11 above) Please complete:**

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and job title)	Deadline for progressing	Review date
This IIA will be included with a report to the Licensing Board on 26 May 2025.	John McCluskey, Senior Solicitor		

14. Are there any negative impacts in section 8 for which there are no identified mitigating actions?

No.

15. How will you monitor how this proposal affects different groups, including people with protected characteristics?

It will be kept under review and revised, if appropriate, by the issue of supplementary statements.

16. Sign off by Head of Service

Name

Date

17. Publication

Completed and signed IIAs should be sent to:
integratedimpactassessments@edinburgh.gov.uk to be published on the
Council website www.edinburgh.gov.uk/impactassessments

Edinburgh Integration Joint Board/Health and Social Care
sarah.bryson@edinburgh.gov.uk to be published at
www.edinburghhsc.scot/the-ijb/integrated-impact-assessments/