

**CITY OF EDINBURGH LICENSING
BOARD**

LICENSING (SCOTLAND) ACT 2005

**STATEMENT OF LICENSING
POLICY**

2010

**Adopted by the City of Edinburgh Licensing Board
on 22 November 2010**

9 OVERPROVISION

- 9.1 Overprovision of licensed premises in a particular locality impacts on the promotion of the licensing objectives. The Board is under a duty in terms of section 7 of the Act to include in this policy document a statement of the extent to which it considers there to be overprovision of licensed premises or overprovision of licensed premises of a particular description, in either case in any locality within the area of the Board. The approach to the definition of locality will be flexible, recognising that different areas throughout the city exhibit a variety of characteristics.
- 9.2 Following consideration of representations received in the course of consultation on this statement, the Board has determined that the locality comprising the Grassmarket, Cowgate and other streets leading into these main thoroughfares is overprovided with premises offering the facilities of traditional pubs where consumption of alcohol is the principal attraction and premises offering off-sales. Appendix 2 to this statement details the locality by street names and existing licensed premises. In this locality there is a presumption against the grant of any further licences of the description stated although all applications continued to be considered on their own merits. In particular the Board is willing to consider applications for restaurants, hotels and other premises which it determines would not increase the problems deriving from the current high concentration of licensed premises in the locality and which will either fill gaps in existing service provision or will significantly enhance the quality of life for residents and visitors alike.
- 9.3 In addition the Board considers that there may be further localities within the area which exhibit factors consistent with an overprovision of licensed premises. These areas are: Lothian Road/Princes Street, George Street, Greenside Place/Picardy Place, Market Street and Central Leith. The Board is not satisfied that it has all the information available to enable it to make a final determination at this stage and it intends to continue consultation with the Forum, Chief Constable and other persons prior to making a final decision and if appropriate a supplementary licensing policy statement.
- 9.4 For the purposes of determining applications for premises licences within the city where the concentration of particular types of licensed premises is having an impact but there had been no determination of overprovision, the Board will rely on the information supplied in connection with the individual application and will judge each application on its merits. Account will be taken of the type, size and capacity of premises and the Board will pay close attention to

licensed premises of particular descriptions, which have distinct styles of operation, recognising that they may have a greater impact on a local community.

9.5 In furtherance of its already established approach to overprovision, the Board acknowledges that public nuisance and overall levels of disturbance arising from the density of licensed premises in a locality are likely to be increased, where particular premises are of a size enabling a very large number of patrons to be inside at one time. The Board has a particular concern about large drinking establishments, which are used primarily for the sale and consumption of alcohol and provide little or no seating for patrons. The Board defines these premises as those with a capacity for 200 or more patrons, whether seated or standing at any particular time.

9.6 The Board would be concerned if evidence was presented in connection with a large premises of the following matters :

- noise and disturbance on the streets on several nights during the week and particularly at weekends
- high levels of bad behaviour in public places, particularly at night, with much of it being associated with excessive drinking of alcohol
- high numbers of pedestrians on the pavements which spill on to the roads
- high volumes of litter associated with fast food outlets
- fouling of doorways, alleys and private gardens and courts by urination and vomiting
- difficulty in providing and maintaining adequate street cleaning and refuse collection services
- traffic congestion caused by dropping off and picking up people at licensed premises
- long queues and long waiting times at taxi ranks which contribute to nuisance disorder and occasionally crimes of violence
- the views of a significant proportion of the public who avoid areas in the vicinity of large premises because of the fear of crime and disorder.

9.7 The Board is concerned at the high number of existing off-sales premises and intends to examine any applications for more such licences to assure itself that the application will not undermine the licensing objectives.