

James Dornan MSP
Convener of the Local Government and
Communities Committee
T3.60 The Scottish Parliament
EDINBURGH
EH99 1SP

Date 2nd September 2019

Dear Sir

ALCOHOL LICENSING AND LOCAL COMMUNITIES

I refer to your letter sent out to Licensing Boards earlier in the year and subsequent communications with the committee clerk when it was confirmed the deadline for responding to the letter had been extended. I have set out below the views of the Edinburgh Licensing Board, following on from each the topics contained in your letter as set out in italics.

What Boards see as the main challenges and opportunities to delivering public health objectives via the licensing system.

In considering and ultimately arriving at the terms of its new statement of licensing policy and assessment of overprovision, the Board was presented with evidence from the Edinburgh Alcohol and Drugs Partnership and separately from NHS Lothian regarding the public health licensing objective and specific data obtained from the Scottish Index of Multiple Deprivation. The Board agreed its assessment of overprovision partly on health-based evidence combined with evidence connected with the other licensing objectives, in particular the crime and disorder licensing objective. Reflecting on this process, the Board agrees that further guidance for boards that specifically focuses on the public health licensing objective and consideration of a methodology for using health-based data would be beneficial. The timing of the release of parts of the new draft statutory guidance on the Licensing (Scotland) Act 2005 while boards were fully engaged in their consultations on policy and assessments of overprovision throughout 2018 was not as beneficial as perhaps it could have been.

Separately the Board considers there remains an ongoing challenge with regard to the public health licensing objective when determining individual applications and linking health data provided for larger localities, in order to demonstrate causation when considering such individual applications on their merits.

Community planning, licensing and public health

The Board noted the comments made about community involvement in the licensing process. From the Board's perspective there is reasonable participation from local communities in the licensing regime, though it is accepted that participation is more evident in some areas than others. Community Councils provide written representations on individual licence applications with community councillors attending Board meetings to speak to the terms of these. Community Councils and local community representatives were also involved in contributing to the Board's formulation of its new statement of licensing policy throughout 2018, being invited to a workshop session on overprovision and evidence sessions on particular aspects of the policy.

NHS Lothian are similarly regularly involved in the licence applications process, providing representations on applications and attending Board meetings to speak to the terms with reference made to the public health licensing objective. The Board has had regard to these representations and has, on occasion, sought amendment from applicants on the terms of their applications to take account of representations made.

The Board's experiences of the Edinburgh Licensing Forum, an important statutory consultee in the formation and assessment of Board policy, is that community representatives have been regularly involved in the Forum's work. The City of Edinburgh Council has recently approved arrangements for the appointment of a new Forum, which will include advertising for new community representatives. NHS Lothian has also been regularly involved in the Forum's work, providing a link between the Forum and the Edinburgh Alcohol and Drugs Forum, of which NHS Lothian is a member.

A new structure was agreed for the Edinburgh Community Planning Partnership arrangements, earlier in the year. Licensing Board members considered therefore that it was still early days in the new arrangement and that it would become apparent over time whether the new arrangements were proving to be effective.

As a final point, the Board had noted throughout 2018 when formulating its new statement of licensing policy, that community representatives referred on a number of occasions to improving the availability of information online about licence applications. In considering the terms of the Committee's letter, the Board considers it would be beneficial for all involved in the licensing process, and an effective means of engaging local communities, to have an online licensing portal similar to the portal which is currently available nationally for Planning applications.

Licensing Standards Officers

The Edinburgh Licensing Board considers that it is well-served by its Licensing Standards Officers. The Board notes the LSOs play an active role in the Board's area, regularly liaising with licence holders, members of the local communities in

the vicinity of licensed premises and working in co-operation with police and others.

The City of Edinburgh Council employs eight LSOs, working in shifts and the Board has noted this has proven to be effective over the years. The LSO Manager regularly attends Board meetings, playing an active role as a consultee on applications and provides advice and assistance on applications when required. The total number of LSOs has fluctuated slightly, accounting for retirements and replacements, but has largely remained at eight throughout. The Board's perception, on the basis of the effectiveness of the LSOs, is that they are adequately resourced.

As a general comment, the Edinburgh Licensing Board welcomes the opportunity to respond to the Committee's call for further information and would welcome any future opportunity to participate further in the Committee's work in this area.

Yours faithfully

Nick Fraser
Depute Clerk of the Licensing Board