

REPORT TO: DUNDEE CITY LICENSING BOARD - 21ST AUGUST, 2014

REPORT ON: OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005 - RESULTS OF CONSULTATION

REPORT BY: CLERK TO THE LICENSING BOARD

REPORT NO: 317-2014

1.0 PURPOSE OF REPORT

1.1 To advise the Board of the outcome of the public consultation on options to enable it to assess to what extent there is an overprovision of licensed premises within its area under Section 7 of the Licensing (Scotland) Act 2005.

2.0 RECOMMENDATIONS

2.1 That the Board considers the following options:-

2.1.1 A statement that there is overprovision of licensed premises generally, or licensed premises of a particular description

- throughout the whole of the Board's area; or
- in specified localities within the Board's area;

3.0 FINANCIAL IMPLICATIONS

3.1 In terms of Regulation 13 of the Licensing (Fees) (Scotland) Regulations 2007 [SSI 2007/553], the total fees payable for licences are to be broadly equivalent to the expenses incurred by the Board and Council in administering the 2005 Act in their area, therefore there should be no financial implications arising from the contents of this report.

4.0 BACKGROUND

4.1 Section 7 of the 2005 Act requires every Licensing Board to consider to what extent (if any) there is overprovision of licensed premises (either generally or of a particular description) in any locality within their area. This is referred to as "the overprovision assessment" and is to be included in the Board's three-yearly Statement of Licensing Policy.

4.2 In its Statements of Licensing Policy for 2010-2013 and 2013-2016, the Board took the view that it had yet to be presented with sufficient evidence to enable it to state that there is any such overprovision in Dundee. The most recent articulation of this is found at Section 3, Page 7 of the 2013-2016 policy statement -

"There is, at present, insufficient evidence to allow the Board to conclude with any degree of certainty that there are any localities in its area which are overprovided for to the extent that this would support a basis for refusing future applications. However, further research will be undertaken by the Clerk with all relevant agencies (Police, Health Board, community groups, etc) to obtain more detailed data for the localities identified, such as crime statistics, hospital admissions for alcohol-related reasons, etc. If any of this evidence supports a re-examination of the issue of overprovision in any particular locality, the Board is empowered to amend its policy. The Board has been advised by the Dundee City Alcohol & Drug Partnership that a detailed report on the subject of overprovision will be produced in the early part of 2014. The Board intends to revisit the issue at that stage."

4.3 The Dundee City ADP made a detailed presentation to the Board at its meeting on 16th January, 2014, whereupon the Board instructed the Clerk to prepare a report setting out its options regarding overprovision. The ADP's recommendation is that the whole city be declared overprovided for in respect of on- and off-sales.

- 4.4 At its meeting on 20th February 2014, the Board agreed that, in principle, there was evidence of overprovision of licensed premises in Dundee and remitted to the Clerk to carry out a consultation exercise under Section 7(3)(b) of the Licensing (Scotland) Act 2005.

5.0 PUBLIC CONSULTATION

- 5.1 The consultation ran from 1st April 2014 to 23rd May 2014. Copies of a questionnaire were mailed to interested persons and organisations and there was also an online survey on the Dundee City Council website. There were 5 written responses and 35 respondents completed the online form. The results are shown at APPENDIX 1 hereto. This also contains a note of comments made in response to Question 4 of the consultation questionnaire.
- 5.2 The results show a clear majority (29 out of 40 of those responding) in support of the Board's earlier opinion that there is, in principle, overprovision of licensed premises in Dundee. However, there is more divergence of opinion over the types of premises and areas where there may be overprovision. Nevertheless, it is clear that most respondents feel that the whole city is overprovided for and that almost half think that this applies to both on- and off-sales. There was little support for basing overprovision on the electoral wards/LCPP areas or the Community Regeneration Areas. The members of the Board are not, however, bound to adopt the option(s) receiving the most support if they feel there are valid reasons for doing otherwise. The information before the Board in February 2014 is reproduced at APPENDICES 2-11.

6.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainable Development, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

An Equality Impact Assessment has been carried out. This is attached at APPENDIX 12.

7.0 CONSULTATIONS

The Chief Executive, Director of Corporate Services, Head of Environmental Protection, the Director of Social Work, the Director of Leisure and Communities and the Director of City Development have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

"An Assessment of Overprovision in Dundee" - Report January 2014 - Dundee City Alcohol & Drug Partnership.

Licensing (Scotland) Act 2005 - Section 142 - Guidance for Licensing Boards.

Report 71-2014 to the Board - 20th February, 2014.

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	29	Not enough premises selling alcohol	2	Just about the right number of premises selling alcohol	9
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Q2. Of which types of premises do you think there may be overprovision in Dundee?

On-Sales (pubs, clubs, restaurants etc.)	34	
Off-Sales (Supermarkets, shops)	17	
Both On/Off	17	
Neither On/Off	6	
Other		TOO MANY SUPERMARKETS (Please specify)

Q3. In which areas do you think there may be overprovision?

The Whole City	23	
Wards/LCPP Areas	2	
CRA's	5	
The Whole City except for specified areas	3	NOT CITY CENTRE (Please specify)
Other	8	ARDLER/ST MARY'S/KIRKTON/MID-CRAIGIE/LINLATHEN/DOUGLAS/FINTRY/WHITFIELD (Please specify)

Q4. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

Alcohol generally should be more controlled.

All of these areas have more shops than pubs selling cheap booze in unlimited amounts. You can't go into a pub and drink 40 cans of beer but you can walk into any number of newsagents and buy in bulk. It's absolutely ridiculous.

Dear Sirs, It's far too easy for people to buy alcohol and abuse it when every corner shop sells it. At least when it's sold in pubs and restaurants it's done in a sensible regulated way by trained professionals who won't sell it to those who are drunk.

Dundee City is a relatively small area so I do not think it makes any sense to have specific localities designated as overprovided. It is very easy to walk down the street into another locality that may not be designated as overprovided and get your alcohol.

Harm related to alcohol consumption affects people living in deprivation more than in affluent areas and this needs to be recognised. However, taking fiscal measures that support sensible drinking is something that requires to be considered for the city.

I think you need to have an idea of what you are targeting. If it is the population drinking too much and being unhealthy then you have to target the places where the majority of the population buy their alcohol, supermarkets.

It would be wonderful if our Licensing Board showed true leadership by declaring the whole city as overprovided.

Over provision is obvious to all.....a survey should not be needed if you care to open your eyes!

Stop making it so easy for chain pubs and multinationals to squeeze the smaller people out of business. Stop penalizing small local businesses.

The City Centre needs more life brought back into it - especially on the Licensing (Alcohol) side. More support needs to be given to the publicans so they can upgrade their premises without fear of retribution from DCC and LSO's.

The Council needs to look at the reasons why people want/need to drink so much as just removing provision is not going to solve the problem with alcohol consumption.

The proposals need to take into account visitors to various areas. The West End and Broughty Ferry are similar to the City Centre with a high number of pubs and restaurants. The figures therefore do not properly reflect the drinking habits of residents.

The research supporting overprovision is rather suspect in that it is based purely on correlation of outlet density with "Alcohol related harm". Does the research actually discover where the people from Maryfield who were admitted to A&E bought their alcohol.

There are too many bookies as well.

This is very dangerous for Dundee's growth. Look at Glasgow and Edinburgh - there is so many bars and licensed restaurants and cafes everywhere but that's just part and parcel of a thriving city. If you stop new licences then it will stop new bars and restaurants.

Too many Tesco's is a big factor.