**DUNDEE CITY LICENSING BOARD**

**SUPPLEMENTARY STATEMENT REGARDING OVERPROVISION OF LICENSED PREMISES**

**January 2018**

At its meeting on 18th January 2018, the Licensing Board adopted the following policy in terms of Section 7 of the Licensing (Scotland) Act 2005 (“the 2005 Act”) concerning the overprovision of licensed premises in Dundee -

**The Board considers that the whole of its area is overprovided in relation to premises selling alcohol for consumption off the premises.**

The Board had previously consulted on a proposal that the whole of its area was overprovided in relation to off-sales and “public house”-type premises. This followed a presentation to the Board at its meeting on 15th June 2017 by the Dundee Alcohol and Drugs Partnership (“ADP”) detailing information of alcohol-related harm in the City, in respect of both health issues and crime. The consultation ran until 29th December 2017. The results of the consultation are summarised in Report No. 24-2018 which was submitted to the Board on 18th January 2018.

Following consideration of the contents of Report 24-2018, the Board decided to amend its original proposal to cover premises selling alcohol for consumption off the premises only. The majority of those who responded agreed with the whole of the Board’s area being the overprovision locality for the purposes of Section 7 (1) and (2) of the 2005 Act. Also, most of those responding to the consultation agreed that off-sales premises, in particular, were overprovided.

The ADP report to the Board in June 2017 had contained evidence of a relationship between alcohol-related harm in the City and the density of off-sales outlets. The Board was satisfied that this established a causal link for the purposes of assessing overprovision of such premises. Taking that into account, together with the current (i.e., January 2018) total capacity of 6 498.488 sq. m. of a total number of 129 off-sales premises, the results of the consultation exercise and having regard to the Guidance issued by Scottish Ministers under Section 142 of the 2005 Act, the Board was satisfied that there was an overprovision of off-sales premises throughout the whole of its area. The Board had considered the possibility of different localities when it made its original proposal in June 2017 but decided that, due to the relatively small size of its area and the fact that there was no particular evidence available to relate the information about alcohol-related harm to smaller localities, the whole area approach should be proposed. The results of the consultation did not cause the Board to change that approach. **The Board also decided, in fairness to those who had applications pending, that the policy should only apply to applications received on or after 18th January 2018.**

Notwithstanding the adoption of the policy, it is, of course, open to applicants for off-sales premises to seek to persuade the Board that it should not apply in any individual case. The effect of the policy is simply to create a rebuttable presumption against the grant of such licences. Equally, for those applications which may be received in respect of other types of licences (i.e., other than off-sales) which are not covered by this policy on overprovision, the Board does reserve the right to consider that there may be overprovision of such premises on a case-by-case basis should there be relevant material in this regard. The locality which would be adopted for the purposes of assessing overprovision in any individual case not subject to the policy will generally be a 500 metres radius from the application premises since this is considered an appropriate area for an application in an urban setting such as the City of Dundee. However, applicants will specifically be invited to address the Board on the appropriate locality to be adopted before the Board makes a decision on the locality to be used.