



**POLICE  
SCOTLAND**  
Keeping people safe

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**POLICE SCOTLAND CONSULTATION RESPONSE – APRIL 2023**

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**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 gathered 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 gathering, 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 31<sup>st</sup> 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 31<sup>st</sup> 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 (1<sup>st</sup> Jan-31<sup>st</sup> Dec).

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**Table 1**

| <b>Total Crimes Created (UNIFI)</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 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**

| <b>Ward Area</b>             | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 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         |
| <b>City of Edinburgh</b>     | <b>4515</b> | <b>4247</b> | <b>3548</b> | <b>3193</b> | <b>3509</b> | <b>3263</b> |

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:

| <b>Ward Area</b> | <b>Throughput</b> | <b>Q4. YES</b> | <b>%</b> |
|------------------|-------------------|----------------|----------|
| 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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