

Response ID ANON-YEFY-4NFY-X

Submitted to Licensing Board Policy Consultation
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Introduction

1 Your details

First name:
New Town & Broughton

Surname:
Community Council

Email address:
licensing@ntbcc.org.uk

Postcode:
EH7 5JH

Yes, I consent to being contacted about this consultation:
No

2 Are you responding as an individual or as an organisation?

Organisation

Organisation details

3 Name of organisation:

Name of organisation:
NTBCC Licensing

4 Type of organisation:

Community group or organisation

Other (please specify):

Current licensed hours

5 What works well with the current licensed hours?

What works well with the current licensed hours:

6 What could be improved upon?

What could be improved upon?:

We feel that licensed hours should be tailored - specifically for new premises, based on:
i/ whether they are in a designated overprovision locality *AND* the presumption against grant was successfully rebutted;
ii/ how close they are to residential areas, or the main dispersal routes to these.

When in doubt, we would recommend granting reduced/restricted hours for a minimal 'trial' period (e.g. 12 months?) during which compliance levels with the five licensing objectives could be assessed. Longer hours could be considered thereafter, as part of a better informed decision.

Further, we feel that premises would be best categorised, so as to make it clearer what their primary use is - i.e. restaurant, public house, nightclub etc.? We understand that categorisation used to be a requirement as part of previous Board's policy, therefore we would ask for it to be re-introduced. As an extension to that, we would welcome better clarity as to what opening/terminal hours apply for what type of premises under section 11.6 - e.g. "licensed premises offering restaurant facilities" would suggest ancillary restaurant facilities, which we would interpret as subject to maximum terminal hour of 3am; as opposed to licensed premises primarily operating as a restaurant, which we would interpret as falling under "licensed premises" instead, therefore subject to maximum terminal hour of 1am.

7 What else would you like to see included under this section in the updated policy?

What you would like to see included under this section in the updated policy?:

Flexibility for the Board or LSOs to restrict hours where premises persistently fail to comply with any of the licensing objectives.

Extension of licensed hours

8 What works well with the extension of licensed hours?

What works well?:

9 What could be improved upon?

What could be improved upon?:

We would suggest a maximum number of days per year - enough to cover the Festival/Fringe and Festive season, typically.

10 What else would you like to see included under this section in the updated policy?

What you would like to see included under this section in the updated policy?:

Better notifications to neighbours. The majority of people are completely unaware of variations to existing licences when they are made, as the notification process is not fit for purpose - i.e. limited to 4m radius!

This arguably might have the biggest impact on neighbouring residential amenity, therefore we would welcome an attempt from the Board to go beyond the minimum legal requirement here.

Children and young persons access to on sales licensed premises

11 What works well with the children and young persons access to on sales licensed premises?

What works well?:

Our view is that the Board should continue to look at this on a case by case basis.

12 What could be improved upon?

What could be improved upon?:

The distinction between 11pm and 1am as indicative terminal hours for children inside a licensed premises is unclear - we would expect children to always be accompanied by an adult in any case.

13 What else would you like to see included under this section in the updated policy?

What you would like to see included under this section in the updated policy?:

Temporary licensing

14 What works well with temporary licensing?

What works well?:

15 What could be improved upon?

What could be improved upon?:

There should be a limit to the number of occasional licences that can be applied for temporary licensing within a year, at a given address - enough to cover the Festival/Fringe and Festive season, typically - unless the occasional licences are to allow trading under a provisional licence.

16 What else would you like to see included under this section in the updated policy?

What you would like to see included under this section in the updated policy?:

Overprovision

17 What works well with the approach to overprovision in the current policy?

What works well?:

18 What could be improved upon?

What could be improved upon?:

We would welcome some evidence that this section carries any (legal) weight?

As reflected by the aggregated figures from both the Police Scotland's Licensing Report 2020-21 that was published as part of the full papers for the

Licensing Board meeting on 31st October 2022 and the Licensing Board annual functions reports 2020-21 & 2021-22, the effect that the Board's current policy has had on overprovision has been NIL overall, in all the designated overprovision localities – i.e. not limited to the First New Town, within NTBCC boundaries.

Only 1 application was refused, out of 471 in total for the period 2019 to 2022, across the whole of Edinburgh - i.e. not limited to the designated overprovision localities.

19 What else would you like to see included under this section in the updated policy?

What you would like to see included under this section in the updated policy?:

Other comments

20 Please provide any other comments you have about the current policy.

Other comments:

Public information

We feel the Board is failing in its duties by supplying insufficient information to the public on liquor licences close to people's homes. The majority of people are completely unaware of variations to existing licences when they are made, as the notification process is not fit for purpose - i.e. limited to 4m radius!

We would welcome an attempt from the Board to go beyond the minimum legal requirement here.

Noise complaints

We feel that the procedure for making noise complaints could be clearer. Not just a phone number, but an explanation of the process, the hours of operation of the noise team, and how the complaint will be managed by the Council.

Amplified music

Section 7.2, where it says "the Board will always consider the imposition of a condition requiring amplified music from those premises shall not be an audible nuisance in neighbouring residential premises."

We find that "shall not be an audible nuisance" is highly subjective, and would recommend for the wording to be replaced with "to be inaudible".

Late licences

We would welcome a condition for licensed premises to clear glasses and other discarded items (incl. packaging and food from takeaway outlets) within say 20m of their premises upon closing.

Operating plans

We would welcome some clarity on expectations with regards to queue management outside premises, specifically so as to ensure that numbers don't detrimentally impact neighbouring residential amenity.

Dispersal from premises

A fact that perhaps licensed trades fail to appreciate is that the impact on local community amenity - i.e. not limited to residents - can be the greatest through (en masse) dispersion from licensed premises. This is particularly true within designated overprovision localities, where the higher density of licensed premises &/or their capacity, routinely lead to a number of patrons making themselves known through noise, smoking and the trail of mess that they leave behind them. While premises tend to be pretty good at controlling their operations, they might fail to appreciate (or choose to ignore) in our view the cumulative impact that an increase in licensed outlet density, capacity or terminal hours can have on local communities... but also the police, health services and charities who end up dealing with some of the messy aftermath of the night time economy. We'd welcome suggestions from the trade as to what might best help improve that 'social' aspect.