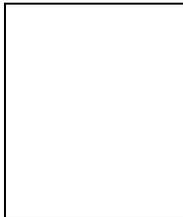


City of Glasgow Licensing Board

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Report by the Clerk to the Licensing Board

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Licensing (Scotland) Act 2005
3rd Edition Licensing Policy Statement
Calton, Gallowgate and Bridgeton - Overprovision

Purpose of Report:

To advise Members of the Calton Area Partnership of the evidence gathered to support a finding of overprovision in the Calton Ward.

Recommendation:

The Area Partnership is recommended to note the contents of the report.

1. Introduction

- 1.1 The Licensing (Scotland) Act 2005 requires the Licensing Board to prepare and publish a Licensing Policy Statement every three years with respect to the exercise of its functions under the Act. The third edition of the Board's Policy Statement was published on 27 November 2013 and will be effective until 26 November 2016.
- 1.2 The Policy Statement sets out the ways in which the Licensing Board will exercise its licensing functions in order to promote the five Licensing Objectives set out in section 6 of the Act which are:
- Preventing Crime and Disorder;
 - Securing Public Safety;
 - Preventing Public Nuisance;
 - Protecting and Improving Public Health; and
 - Protecting Children from Harm.

2. The Duty to Assess Overprovision

- 2.1 Section 7 of the Act requires the Licensing Board to include in its Licensing Policy Statement:-

“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.”

- 2.2 In determining whether there is overprovision, the Licensing Board must have regard to the number and capacity of licensed premises in the locality. The assessment of overprovision must also seek to promote the five Licensing Objectives.
- 2.3 The requirement to produce an Overprovision Assessment is designed to 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 the Licensing Board has declared to have reached overprovision. It is also designed to improve public and trade confidence in the licensing system by setting out clearly the grounds on which overprovision should be determined.
- 2.4 Such an assessment should also 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 resulting from growing outlet density.

3. Evidence Gathering as Part of the Pro-Active Assessment of Overprovision

- 3.1 The Licensing Board carried out a wide ranging pre-consultation exercise with a range of interested parties to establish not only whether it should continue to include the localities contained within its current Licensing Policy Statement but also whether other localities should be added. In doing so, the Board was aware that the pro-active assessment of overprovision must be based on reliable and credible evidence of a causal link between the engagement of one or more of the licensing objectives and a concentration of licensed premises in that locality.
- 3.2 The following interested parties were consulted as part of the evidence gathering process:-
- (a) Police Scotland with a view to establishing localities where, for example, higher levels of crime and disorder can be associated with a higher concentration of licensed premises.
 - (b) NHS Glasgow City Community Health Partnership and the Public Health Directorate for Greater Glasgow and Clyde with regard to information which may support a finding of overprovision in a particular locality, for example related to A&E hospital admissions where alcohol is a factor;
 - (c) The Council's Environmental Health section in order to obtain information such as areas where there are large numbers of noise complaints and whether this can be associated with a high concentration of licensed premises;
 - (d) Alcohol Focus Scotland;
 - (e) Alcohol and Drug Partnerships;
 - (f) Glasgow Chamber of Commerce;
 - (g) Representatives from the licensed trade on issues such as whether there is evidence that the density of licensed premises in a locality has resulted in levels of competition which have applied downward pressure on the price of alcohol;
 - (h) Elected Members within Glasgow City Council and Community Councils as to whether there is evidence as to the cumulative impact of licensed premises in particular communities throughout the city.
- 3.3 The Licensing Board also requested that the Local Licensing Forum establish a sub-group to consider the Board's general approach to overprovision and to make recommendations to it as to localities where the Forum considered there to be overprovision of licensed premises or licensed premises of a particular description. The resulting report was approved by the Local

Licensing Forum on 14 May 2013 and was referred to the Board for consideration.

- 3.4 As part of this evidence gathering process, the Licensing Board held two evidence sessions to allow all of those who had submitted responses to the consultation to address the Board on their views regarding overprovision and to allow the Board to test and examine the basis of that evidence. The evidence sessions were held on 3 and 10 May 2013 and full transcripts of the evidence sessions are available from the Licensing Board on request.
- 3.5 Having carried out this extensive pre-consultation exercise, the Licensing Board took into account all of the responses which were received, which included views that there is no overprovision in the city, that there is overprovision in certain localities and that there is overprovision of certain types of premises in certain localities.

4. Proposed Localities for Overprovision

- 4.1 Where potential localities were identified, the Licensing Board then evaluated all of the responses against the evidence it had obtained from Police Scotland and NHS Greater Glasgow and Clyde in order to determine whether there was robust and reliable evidence to suggest that a saturation point has been reached or is close to being reached in certain localities within the city and that a causal link could be established between that evidence and the operation of licensed premises in those localities.
- 4.2 In order to enhance the Board's consideration of the potential localities that had been identified to it, the Board undertook visits to all those localities to see for itself if there were clear signs of any cumulative impact on the areas arising from a concentration of licensed premises in terms of issues such as public nuisance and disorder and public health issues due to the increased availability of alcohol.
- 4.3 The information provided to the Board by the Local Licensing Forum related to localities based on intermediate data zones which are small statistical areas used for analysis and policy development comprising a population of between 2500 and 6000 people.
- 4.4 Having considered all of the information gathered, including the report from the Forum, together with supplementary information provided by Police Scotland and NHS Greater Glasgow and Clyde, the Licensing Board believes that there is clear evidence of alcohol related harm in a number of localities in the city in terms of information relating to:-
- number and capacities of licensed premises;
 - alcohol related emergency hospital admissions;
 - deaths where alcohol was the underlying cause;
 - alcohol related brain damage admissions;
 - the Scottish Index of Multiple Deprivation statistics
 - alcohol related statistics including incidents of disorder, reports of drinking in a public place, domestic incidents involving alcohol,

incidents of drunk and incapable, incidents of drink driving and offences under the Licensing (Scotland) Act 2005.

4.5 The following 8 localities were included in the draft Pro-active Assessment of Overprovision issued for full public consultation at the end of August 2013 for a period of 8 weeks:-

- **Calton, Gallowgate and Bridgeton**
- **Carntyne West and Haghill**
- **Govan and Linthouse**
- **Ibrox**
- **Laurieston and Tradeston**
- **Parkhead West and Barrowfield**
- **Shettleston North**
- **Whiteinch**

4.6 No responses were received to suggest that Calton, Gallowgate and Bridgeton should not be included as an overprovision locality and the area was therefore subsequently confirmed into the final version of the new Licensing Policy Statement.

5. Evidence of Overprovision in Calton, Gallowgate and Bridgeton

5.1 In its report to the Licensing Board, the Local Licensing Forum recommended that the IDZ area for Calton, Gallowgate and Bridgeton should be identified as an area of overprovision in relation to concerns for the licensing objectives of preventing crime and disorder and securing public safety in light of data and statistical information provided by the NHS and Police Scotland. Police Scotland also separately recommended the identification of Calton, Gallowgate and Bridgeton as an area of overprovision in their individual consultation response to the Board.

5.2 A map of the locality is attached at the appendix to this report. The map highlights the areas in which there is a high concentration of licensed premises and that this correlates with areas of high levels of disorder and weekend violence. As such there is clear evidence to suggest a link between the operation of licensed premises in this IDZ locality and the incidence of crime and disorder.

5.3 The report provided by the Local Licensing Forum provided the following information in relation to Calton, Gallowgate and Bridgeton and this was compared by the Board to the average figures across the city, excluding the city centre:-

IDZ Name	Pop	No. of Licensed Premises	Incidents of Disorder¹	Alcohol related Emergency Admissions²	Overall SIMD 2012 Score³
Calton, Gallowgate and Bridgeton	5180	41	3554	3.0	44.51
Average figures for City (excluding City Centre)	4319	9	1406	2.8	36.04

Notes:

1. *Incidents of Disorder per 10,000 of population in IDZ*
2. *Alcohol related Emergency Admissions as % of population in IDZ*
3. *Overall Scottish Index of Multiple Deprivation score based on average score for all Datazones located within the IDZ.*

5.4 The above figures demonstrate that the IDZ for Calton, Gallowgate and Bridgeton is above average in all four of the indicators used by the Licensing Board to identify overprovision. The Licensing Board was particularly concerned regarding the significantly above average levels of disorder and the clear link established between this and the location of higher concentrations of licensed premises and as such the area was identified as one of the Overprovision Localities.

6. Impact of Being Identified as an Area of Overprovision

6.1 As the IDZ for Calton, Gallowgate and Bridgeton has been identified as an area of overprovision, there is now a rebuttable presumption against the grant of an application for a premises licence, provisional premises licence or, potentially, an application for variation of a premises licence. However, each such application will still require to be considered on its own individual merits and the Licensing Board has reserved its position to grant an application in any of these Overprovision Localities where it considers that the Licensing Objectives would not be undermined by the specific proposals set out in the application, for example an application that was part of a regeneration initiative or which is otherwise considered to be positive for the area.

6.2 Equally, the Licensing Board also reserves its position to refuse an application in terms of overprovision where the premises are not located within one of the Overprovision Localities but where it is satisfied that a ground for refusal applies in relation to the specific locality in which the applicant premises are situated. This could mean that an application outwith this IDZ area could still be refused on the basis of overprovision if there is a sufficient reason to do so.

6.3 In considering whether or not there is an overprovision of licensed premises, or licensed premises of the same or similar description in the defined locality, having regard to the cumulative impact that licensed premises can have on a locality, the Licensing Board will generally take into account a range of issues, including:-

- the number of licensed premises or licensed premises of the same or similar description already making provision for the sale of alcohol to members of the public for consumption in the defined locality;
- the distances of these licensed premises from the applicant premises;
- the total capacity figure in relation to these licensed premises;
- any relevant letters of objection or representation (including those in support of the application) and any submissions made in terms of those letters;
- evidence provided by Police Scotland as to antisocial behaviour in the defined locality;
- health statistics in relation to the intermediate data zone in which the defined locality is situated;
- the Board's own local knowledge of the locality; and
- any information and submissions made in support of the application.

6.4 The Licensing Board believes it is essential that it is able to monitor the effectiveness of its policies and in particular its policy in relation to overprovision. It will therefore seek to work with Police Scotland, NHSGGC and other relevant bodies in order to assess the impact of its policy on levels of alcohol related crime and disorder and alcohol related hospital admissions and other measureable alcohol related harms over the next three years within the Calton, Gallowgate and Bridgeton and the other Overprovision Localities.

7. Recommendation

7.1 The Area Partnership is recommended to note the contents of the report.