

Tollcross Community Council – Licensing Policy

Alcohol Licensing

Each community council has a statutory right in terms of section 21 of the Licensing (Scotland) Act 2005 to be notified of all applications for provisional/premises licences and major variations to premises licences in its area. We are also consulted on the development of the Licensing Board's Policy Statement and any supplementary Policy Statement.

Overprovision of Licensed Premises

The City of Edinburgh Licensing Board (the Board) has recently published its Policy Statement and, notably Tollcross is now designated as an area of overprovision; this means that in the case on any licensing application for new premises selling alcohol in Tollcross there will be a rebuttable presumption against granting the licence. It is our policy to argue against any attempt by an applicant to rebut the presumption against grant.

We consider that, in view of the serious public health problem caused by the excessive consumption of alcohol and given that more than 70% of alcohol is bought from premises licensed for the sale of alcohol to be consumed off the premises (off-licences), the whole of Edinburgh should be declared an area of overprovision of off-licences particularly those where food and other domestic goods are sold in the same shop – contributing to the normalisation of alcohol and facilitating (if not promoting) impulse buying, We will continue to argue for such a change to the Board's policy

Amplified music in licensed premises

Formerly the Board's policy was that amplified music in licensed premises should not be audible in residential premises but since September 2016 that provision has been changed to require that amplified music "shall not be an audible nuisance". We consider this to be a significant reduction in residential amenity particularly for flats in tenement blocks that contain licensed premises and it is our policy to object to any application seeking to adopt the new wording.

The Board has stated that it will undertake an evaluation and review of this aspect of its policy and we will urge them to do so as soon as possible.

Civic Licensing

Community Councils are competent objectors to all licence applications lodged with the Council in terms of the Civic Government (Scotland) Act 1982. The Licensing Sub-committee of the City Council's Regulatory Committee deals with various licence categories of which those that most concern us are Late Hours Catering and Houses in Multiple Occupation (HMOs).

Late hours catering

The City Council's policy is to require premises providing late hours catering (Takeaways) which are situated in residential tenements to close their premises by midnight. It is our policy to assist residents to object when businesses operating such premises cause excessive disturbance while open or when clearing up after closing.

HMOs

We don't have a specific policy on HMOs but we will generally support residents who object to, for example, an application resulting in an excessive number of HMOs in a residential tenement, or an application from a landlord who is known to have caused problems previously.