

NOTICE OF MEETING
MIDLOTHIAN LOCAL LICENSING FORUM

Venue: Committee Room, Midlothian House

Date: Friday 26th February 2016

Time: 10:00 – 12:00

AGENDA

1	Welcome and Apologies	
2	Election of a convenor	
3	Minutes of the previous meeting <ul style="list-style-type: none">• Forum meeting – 13/11/15• Actions	R R
4	Minutes of the licensing Board – latest approved minutes: None available	
5	Licensing update report	R
6	Overprovision consultation report	R
7	Any Other Business	
8	Date of next meeting: <ul style="list-style-type: none">- Thursday 3rd March – Joint meeting of the Board and Forum- Tuesday 15th March – Board meeting- Friday 13 May – Forum meeting	
(R) = report attached (V) = verbal update (TF) = to follow		

MINUTES of MEETING of the LOCAL LICENSING FORUM held in the Committee Room, Midlothian House on 13th November 2015 at 10.00 am.

Present:-

Representatives of Residents within the Forum's Area: Alasdair Gow (chair), Derek Couper, Alistair Mackintosh

Representatives of holders of premises licences/ personal licences: Gemma Shand (personal license holder)

Representative of Police, Health, Education, Social Work, Midlothian Council: Chief Inspector Kenny Simpson (Police Scotland), PC Jim Leslie (Police Scotland), Paul Hamilton (Police Scotland), Elizabeth Oldcorn (NHS Lothian), John Thayers (MELDAP)

In Attendance: - Rosie Kendall (Community Safety Manager/ Clerk to the Forum), Magda Clark (Community Safety Development Officer), Kevin Anderson (Head of Housing and Customer Services)

Apologies: Pat Kenny (Mayflower), Logan Bryce (Sainsburys, Salters Rd), Jim Sherval (NHS Lothian), Lilianne Lauder (Environmental Health - Licensing Standards)

1. Welcome and Apologies

Alasdair Gow welcomed Forum members

2. Minutes of the previous meeting

The minute of the meeting held on 15th August 2015 was discussed and agreed. The minute was approved as a correct record by CI Kenny Simpson.

The action plan was discussed – updated copy to be circulated with this minute.

The Forum discussed festive licensing and agreed that no licenses should be granted beyond 2am and that all applicants should have to document their rationale for wishing to stay open longer than usual.

Action: Rosie Kendall to write to the Licensing Board outlining the Forum's recommendation that there should be a 2am limit for festive licenses and that all areas should have to document their rationale for any extension request.

The new Community Sergeant will be progressing the test purchase operation. MYPAS will be invited to the Forum's February 2016 meeting.

Action: Alasdair Gow to arrange a meeting with MYPAS manager Paul Hunter to discuss MYPAS involvement with the LLF, and involvement of young people (consultation forum)

3. Licensing Board minutes

It was noted that there was significant discussion regarding the Forum's letter to the Board at the September meeting. The Forum is awaiting a written response from the Board and, following the meeting a second public consultation on overprovision has been launched.

4. Licensing update report

The Forum discussed the update report compiled by the Community Safety and Police and Environmental Health licensing teams.

There was discussion regarding updated alcohol harm statistics. A request for statistics regarding the number of alcohol related incidents and the number of licensed premises in each area was requested. It was noted that the CRESH website contains a range of useful data.

Action: *Laura Yuill CSP analyst to pull together updated summary statistics regarding alcohol related harm by area (using CRESH data if possible).*

Rosie highlighted that there are currently 6 Best Bar None applicants as one premise had to withdraw due to their catering being external. A further 2 applications have just been received and PC Frances Little is working with them to ascertain if they will be able to complete the award process in the required timescale.

5. A partnership approach to addressing youth alcohol consumption in Midlothian.

Rosie presented a report setting out a proposal that a group be established to focus on responsible alcohol consumption and retailing in the Dalkeith area.

The Forum discussed the proposed membership of the group. Kenny voiced his support for the approach and agreed that the Dalkeith Community Sergeant will be the Police representative on the group. Aladair Gow offered to take a lead role in the group. Gemma, John and Elizabeth agreed to participate. Rosie to approach Heather Fleming, Logan and a representative from Tesco to invite them to participate. Gemma offered to provide contact details for a Sainsbury's colleague (Alison) who may be able to assist.

The Forum discussed how much evidence there is of youth offending and youth alcohol consumption. Kenny outlined that this is a big issue, with an increasing trend especially in the Dalkeith area. More detailed analysis will be undertaken to inform the direction of the new group.

The Forum agreed to the proposal in the report.

Action: *Rosie to set up an initial meeting (to take place in January).*

6. Overprovision

Rosie presented a report summarising the work undertaken to date on the 2015 public consultation on overprovision. The Forum discussed further ways to increase public awareness and participation in the consultation.

Action: *Rosie to e-mail all staff regarding the consultation.*

Action: *Kenny to approach the Advertiser to request that they publish an article on the consultation*

Action: *Kenny to approach the Penicuik Cuckoo page*

Action: *Rosie to enquire if the overprovision poster can be displayed on any community notice boards*

Action: *Elizabeth to request that the consultation is published on the NHS facebook/ twitter/ web pages and e-mailed to all staff*

Action: *Gemma to publicise on local residents page*

Action: *Alasdair to contact Gadaic group (Gorebridge)*

Action: Rosie to contact Grace Vickers to ascertain how the consultation has been published in schools/ to parents.

Action: Kenny to remind the Federation of Community Councils about the consultation at their next meeting

7. Licensing Forum – future action plan

Rosie introduced the draft Forum action plan, highlighting that the aim is to plan some of the Forum's work and activities in advance. The Forum's main (statutory) role is to build trust with license holders and the Licensing Board by giving impartial and effective advice and practical recommendations to the Board.

Rosie asked the Forum for ideas on what else the Forum can do to assist with achieving the 5 main licencing objectives.

The Forum discussed school education on alcohol misuse. MYPAS are doing work with Children's First (good behaviour game). They are currently trying to obtain funding. If sucessful this will target schools in Dalkeith, Mayfield and Easthouses.

The Forum discussed other resources available e.g. Sainsburys training DVD's, CREW 2000.

Action: Alasdair to discuss the 'good behaviour game' project with Paul Hunter from MYPAS.

Action: John to contact CREW

Action: Rosie to look into what alcohol education is included as part of Curriculum For Excellence.

8. Future meeting dates:

Subject to changing the November 2016 date from 11th to 18th November, the dates were agreed.

A joint meeting is to be arranged with the Licensing Board to discuss the results of the overprovision consultation.

Action: Rosie to arrange and publicise 2016 meetings.

Action: Rosie to arrange joint meeting with the Board.

AOB:

Rosie thanked the Forum for their assistance with the Licensing Forum stand at the Community Safety Village Midfest family fun day. Special thanks to Logan (Sainsburys) who provided the 'Mocktail' ingredients, Alasdair who manned the bar and Mark Richardson from Scottish Borders Council who provided the bar and other resources.

Date of Next Meeting

The Forum noted that the next scheduled Forum meeting was due to take place on Friday 26th February at 10am. A joint meeting with the Board is expected to take place before then.

The meeting terminated at 11.15am

category	MTG DATE	ACTION	LEAD	Due	STATUS	NOTE
Board Policy	15/05/15	RK to write to the board to request clarification of their approach to dismissing review hearings as unsubstantiated when a member of staff has been convicted of a criminal offence within the premises	RK/AG		In progress	9/6/15: letter has been sent & was discussed at 15/9/15 Board meeting. Awaiting written response from the Board.
	15/05/15	RK to write to the Board raising concerns regarding the overprovision policy and how this has been adhered to. Letter to be circulated with the forum minute	RK/AG		In progress	9/6/15: letter has been sent & was discussed at 15/9/15 Board meeting. Awaiting written response from the Board.
Overprovision	13/11/15	Action: LY to pull together updated summary statistics regarding alcohol related harm by area (using CRESH data if possible).	LY	30/11/15	In progress	22/2/16: This will be circulated in advance of the joint meeting on 3rd March.
Responsible retailing and consumption - Dalkeith	13/11/15	Rosie to set up an initial meeting (to take place in January).	RK	31/01/16	In progress	22/2/16: Awaiting return of AG before a date can be set as he has agreed to chair the meeting.
Proxy/underage purchase	15/05/15	Licensing Forum to write to all licensed Off Sales to raise awareness of proxy purchase and provide list of things to look out for e.g. correct change, order list, buying specific drinks	RK		In progress	28/7/15: Proxy purchase poster required. Discuss at 14/7/15 meeting.
	14/08/15	Dougie to look into whether there are any CAP proxy purchase posters	DP	21/08/15	Completed	9/11/15: posters have been sent to RK
	14/08/15	Gordon to check if the Police have any proxy purchase posters	GM	21/08/15	In progress	
	14/08/15	KS to progress Midlothian test purchase operation.	RK	30/11/15	In progress	9/11/15: Verbal update expected at Nov meeting. Sgt Colin Deans has met with his counterpart in East Lothian and this is progressing.
	14/08/15	RK/JT to work on a youth education report to be presented to Forum meeting.	JT/RK		In progress	9/11/15: To be rolled into sub group proposal.
Publicity	15/05/15	Consider targeting specific leaflets in problem areas. alcohol leaflets to be distributed to Council premises - libraries, leisure centres and receptions	RK		In progress	14/8/15: RK to discuss with Jane Milne
	15/05/15	JT to send electronic copy of leaflets to RK so this can be placed online/used on partner social media pages	JT		In progress	14/8/15: RK to request this from JT
	15/05/15	JL to draft a letter to remind premises of their obligations regarding occasional licenses. Letter to be sent out to those premises who this is likely to apply to (JL to provide a list)	JL		In progress	28/7/15: Draft letter sent to RK. List of premises now confirmed and letter will be sent out w/b 10/8/15 14/8/15: RK to ask JL to send letter
Youth work	15/05/15	MYPAS to be invited to attend a Forum meeting to provide a presentation on their work.	JT		In progress	14/8/15: RK to invite to November Forum meeting
	15/05/15	Action: Consideration to be given to inviting Alcohol Focus Scotland to attend a Forum meeting to provide a presentation on youth alcohol consumption.	JT/AG		In progress	14/8/15: Invited to October joint meeting
	13/11/15	Action: Alasdair Gow to arrange a meeting with MYPAS manager Paul Hunter to discuss MYPAS involvement with the LLF, and involvement of young people (consultation forum) and the good behaviour game project	AG		In progress	
	13/11/15	John to contact CREW about youth alcohol education resources	JT		In progress	

category	MTG DATE	ACTION	LEAD	Due	STATUS	NOTE
	13/11/15	Rosie to look into what alcohol education is included as part of CFE.	RK		In progress	
Strategic/ admin	13/02/15	RK to arrange the annual joint meeting of the Board and Forum.	RK	in 2015	In progress	7/8/15: scheduled for 10.30am on 13th October 2015. Joint meeting to include: o Overprovision training session o Alcohol focus Scotland to attend the joint Forum and Board meeting to provide a presentation on the Midlothian findings arising from the CRESH research on the relationship between alcohol-related illnesses and deaths across Scotland and local availability of alcohol outlets This meeting was cancelled due to pending overprovision work. New date set for 3/3/16.
	15/05/15	RK to look into developing a Forum logo.	RK		In progress	7/8/15: RK has spoken to the Council Communications department and this will have to be developed externally. RK progressing
Recently completed actions						
	13/11/15	RK to arrange 2016 meetings	RK		completed	Friday 26 February; Friday 13 May; Friday 12 August; and Friday 18 November.
	15/05/15	RK to produce a draft Forum action plan for discussion at the next meeting.	RK/ All		completed	7/8/15: Draft action plan placed on August forum agenda. Forum members to contact RK with any comments. To be placed on November meeting
	15/05/15	NHS to request a 'statement of objections' which each objector is entitled to	JS		closed	JS has requested this, awaiting response. Query regarding time limit for making this request.
	15/05/15	RK to pull together a summary of Board activity and speak to the licensing section about whether this can be publicised. This would include number of licensed premises in each area and a summary of board decisions.	RK		completed	7/8/15: RK has pulled this together. Discussion with legal re what can be published is required. 13/11/15: This is included in the licensing update for each Forum meeting which is placed online.
	13/11/15	RK to write to the Licensing Board outlining the Forum's recommendation that there should be a 2am limit for festive licenses and that all areas should have to document their rationale for any extension request.	RK		completed	16/11/15: letter drafted
	13/11/15	Rosie to e-mail all staff regarding the consultation.	RK	16/11/15	completed	16/11/15: E-mail sent to Communications requesting this.
	13/11/15	Kenny to approach the Advertiser to request that they publish an article on the consultation	KS	13/11/15	completed	13/11/15: KS has e-mailed
	13/11/15	Kenny to approach the Penicuik Cuckoo page	KS	13/11/15	completed	
	13/11/15	Rosie to enquire if the overprovision poster can be displayed on any community notice boards	RK	16/11/15	completed	
	13/11/15	Elizabeth to request that the consultation is published on the NHS facebook/ twitter/ web pages and e-mailed to all staff	EO	16/11/15	completed	
	13/11/15	Gemma to publicise on local residents page	GS	13/11/15	completed	
	13/11/15	Alasdair to contact Gadaic group (Gorebridge)	AG	16/11/15	completed	
	13/11/15	Rosie to contact Grace Vickers to ascertain how the consultation has been published in schools	RK	16/11/15	completed	

category	MTG DATE	ACTION	LEAD	Due	STATUS	NOTE
	13/11/15	Kenny to remind the federation of community councils about the consultation at their next meeting	KS	18/11/15	completed	

Community Safety Partnership and Licensing update
Period 1 November 2015 – 19 February 2016

1. Summary of alcohol related crime and disorder

Information from the monthly Community Safety Delivery Group

Month	Alcohol Fuelled crime	Other
November	Dalkeith remains a hotspot for violent crimes with six of the seven crimes committed in the town centre – 4 were known to be alcohol related.	The Community Policing Team carried out 6 visits to licensed premises during October (both on and off sales).
December	Three assault and robbery crimes linked to one incident involving a person under the influence of alcohol. 3 individuals attended at A&E with alcohol related assault injuries	The Community Policing Team carried out 140 visits to licensed premises during December (both on and off sales).
January	1 assault was committed in a licensed premise – a pub in the Bonnyrigg area. This incident had been reported to police.	The Community Policing Team carried out 24 visits to licensed premises during January (both on and off sales). House fire involving person under the influence

Quarter 3 performance information (1 April – 31 December 2015) - Tackling Substance Misuse (extract from Police report to Police and Fire & Rescue Board meeting 23/2/16):

TYTD (this year to date) alcohol aggravated crime accounted for 9.0% of all group 1-7 crime recorded by Police in Midlothian, down from 10.4% LYTD (last year to date).

The largest proportion of crimes (69%) related to threatening and abusive behaviour, breach of the peace, and common assault, with a quarter of crimes recorded in the area of Dalkeith town centre. 209 alcohol fuelled crimes were violent offences, up slightly from 203 in the same period last year.

Problem / Monitored License Premises

There is currently one monitored licensed premises in Midlothian, the Cuiken Inn, Penicuik, following an incident in December.

Information from Streetwork reports

No streetwork in place however this is starting at the end of February 2016 so an update should be available for future meetings.

2. Licensing Board activity

Licensing Board – activity update since 1 November 2015

The Board has met twice since the start of November:

8 December 2015

- Nandos – provisional license application – Granted
- The Howgate: variation - to commence core hours at 11am daily - on sales & off sales (was 12 noon) – Granted
- Pentland RoadhouseTrust Inns ltd, Loanhead: Variation - to allow premises to open at 8am for breakfasts, snacks etc but no alcohol to be sold or supplied until the commencement of licensed hours - Granted
- Shottstown miners, Penicuik: Request to remove some of club conditions to allow functions to take place without a requirement to sign in guests. Premises will remain a club – Granted subject to conditions stipulated by Environmental Health.
- Borthwick castle, Gorebridge: Change to operating plan - to open all year, increase capacity and change layout - Granted
- The Park, Dalkeith: Variation- to push operating hours back by one hour – Rejected (in overprovided area)

2nd February 2016

- One application carried forward to 15th March meeting.

3. Police Licensing Update

No update available

Environmental Health Licensing update

Since the last Meeting of the Forum, the Licensing Board has met to conduct business on two occasions. The meetings considered one application for a Provisional Premises Licence and six applications for a Variation of Premises Licence. One Variation for a change to on-sales hours (from 0200 hours to 0300 hours on a Saturday) was refused and one Variation was continued to the Licensing Board meeting on 15 March 2016 to allow consideration of an objection which had been received.

The Licensing Standards Officer has made observations and requested conditions in respect of 100% of the Occasional Licence, Extended Hours, Variation and Provisional Premises applications lodged; the breakdown of which are provided in Table 1 below. Typically observations and requested conditions including matters relating to the control of noise and irresponsible promotions.

Licence Application type	Number
Occasional	51
Extended Hours	31
Premises	0

Personal	
Variations	1

**Please note these are draft stats yet to be confirmed*

Table 1: Numbers of Licence Application by Type received between 13 November and 19 February 2016.

Interventions

Programmed inspections of on sales and off sale premises were carried out during this period. During these visits several issues were raised, mainly with incorrect signage displayed. This resulted in ten Section 14 Notices being served, with all cases complied with or being followed up.

Complaints about Licensed Premises

- Complaints of recurring noise disturbance from music emanating from two licensed premises are being investigated by Environmental Health. Management at these premises continue to work with the Council Environmental Health Officers to remedy matters. Engagement will continue until satisfactory outcomes can be attained and maintained.
- The situation re incidents of repeat street noise and disturbances immediately outside a public house licensed to 0100 hours has improved. The situation will be kept under review.

4. Best Bar None

There are 4 successful applicants this year with very high standards. 3 premises have obtained gold awards and the 4th a comfortable silver.

A 5th premises, although they were not assessed this BBN year, are committed to remain in the scheme and plan on working hard to get through next year.

A day of visiting the premises and handing over awards is planned with a view to recognising the premises' achievements in the local papers.

The Midlothian award winners for 2015-6 are:

Gold

Dalhousie Castle
Esk Valley Table Table
Black Smith's Forge

Silver

Crescent Sports Bar – Penicuik

Things are looking positive for next year also, with colleagues from Environmental Health assisting in raising the profile of BBN to local licensees in forthcoming pub watch meetings.

5. Air Weapons and Licensing Act

This has now received royal assent but the terms are not yet in force. There are no commencement orders yet so no indication of when terms will be in force. The Scottish Government have promised a lead in time and an information period to let people know about the changes so terms are unlikely to sneak in under the radar.

Midlothian Licensing Overprovision Statement review – 2015 consultation results

Report by Rosie Kendall, Community Safety Manager

1 Purpose of Report

This report summarises the results of the 2015 public consultation on alcohol overprovision.

2. Background

Section 7 of the Licensing (Scotland) Act 2005 requires each Licensing Board to include in their licensing policy statement a statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description in any locality within the Board's area. It is for the Board to determine the 'localities' within its area for the purposes of the act.

2014 public consultation

In 2014, the Licensing Forum produced a profile of alcohol misuse and a public consultation was held from the 4th – 30th April 2014. As part of the consultation the Midlothian alcohol profile and summary document were placed on the Midlothian Council website alongside a set of survey questions. 28 responses were received. As a result, in September 2014 the Licensing Board agreed that Dalkeith is overprovided, based on the profile and the results of the consultation. The full 2014 overprovision statement is attached as Appendix 2.

2015 public consultation

At the Licensing Board on 15th September 2015, the Board considered a letter from the Licensing Forum which requested that the Board clarify their approach to approving license extensions in the overprovided area. As a result of the discussion held, it was agreed that a further public consultation on overprovision be held, to inform the 2016 review of the Licensing Policy Statement, including overprovision.

The public consultation ran from the 26th October – 26th November 2015. As part of the consultation the Midlothian alcohol profile, summary document and updated information for Dalkeith were placed on the Midlothian Council website alongside a link to an online survey monkey questionnaire. The following stakeholders were made aware of the consultation:

- All licensed premises in Midlothian
- Community Councils
- The Federation of Community Councils
- The Community Planning partnership, including all thematic groups
- The local health board
- Police Scotland
- Licensing solicitors
- Voluntary agencies

- Major companies in Midlothian
- Council and partner members of staff

Paper copies including freepost envelopes were placed in:

- Libraries
- Council receptions
- Dentists
- Doctors surgeries
- Educational establishments

Publicity included:

- Midlothian Council Facebook page
- Midlothian Council Twitter
- Midlothian Council website
- Partner facebook/ twitter accounts
- Midlothian Advertiser
- Press release
- Advertisements in the MARC building, Dalkeith miners
- Community Planning Groups
- Publication on local residents social media pages

A £50 prize was offered to members of the public as an incentive to participate

Summary results

Full consultation results are attached as appendix 1. Key points include:

- 337 responses were received. This included 278 members of the public, 15 license holders, and 44 people representing a particular organisation
- 64.4% of those responded stated that they most commonly buy alcohol from a supermarket.
- 66.7% of those responding stated that it takes them less than 10 minutes to travel to purchase alcohol.
- 61.2% of those responding said they are most likely to consume alcohol at home/ at a friends/family house
- Most people responding stated that they feel that the number of licensed premises in their area and the hours they are open is about right
- 31.3% of those responding stated that they have been a victim of alcohol related crime or antisocial behaviour
- More people responding feel Dalkeith is overprovided for on sales (43.5%), off sales (42.1%) and both (36.6%) than those stating it is not.
- When looking at other areas, the highest proportion of people felt that each area is not overprovided, with the exception of Dalkeith.

4 Report Implications

4.1 Resource Implications

There are no resource implications arising directly from this report.

4.2 Risk Implications

Failure to produce an overprovision statement would be contrary to section 7 of the licensing (Scotland) Act 2005.

4.3 Policy Implications

Strategy

This report links to the Midlothian Single Plan long term outcome 'Ensuring Midlothian is a safe place to live work and visit'. It closely relates to the Community Safety & Justice Partnership's Identified very high priority of alcohol and drug misuse

Consultation

This report details the results of the 2015 public consultation on alcohol overprovision.

Equalities

An equalities impact assessment has not been required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendations

The Forum is invited to:-

- (a) Discuss the results of the public consultation and provide advice to the Midlothian Licensing Board on whether any areas (or Midlothian as a whole) are overprovided.

8th January 2016

Report Contact:

Rosie Kendall

Tel No: 0131 271 6654

Background papers:

Appendix 1: Midlothian Licensing overprovision statement 2015 Public Consultation report

Appendix 2: Midlothian Licensing overprovision statement 2014

Appendix 1

Midlothian Licensing overprovision statement 2015 Public Consultation report

1. Background

At the Licensing Board on 15th September 2015 the Board considered a letter from the Licensing Forum which requested that the Board clarify their approach to approving license extensions in the overprovided area. As a result of the discussion held it was agreed that a further public consultation on overprovision be held, to inform the 2016 review of the Licensing Policy Statement, including overprovision.

2. Consultation

The public consultation ran from the 26th October – 26th November 2015. As part of the consultation the Midlothian alcohol profile, summary document and updated information for Dalkeith were placed on the Midlothian Council website alongside a link to an online survey monkey questionnaire. The following stakeholders were made aware of the consultation:

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- Press release
- Advertise in MARC building, Dalkeith miners
- Community Planning Groups
- Publication on local residents social media pages

A £50 prize was offered to members of the public as an incentive to participate

3. Results

Questions 1,2 and 3

337 responses were received. This included 278 members of the public, 15 license holders, and 44 people representing a particular organisation. Organisations included:

- Midlothian Health and Social Care partnership
- NHS Lothian Health Promotion Service/ NHS Lothian
- Police Scotland
- Primary and secondary Schools
- Community Councils
- Midlothian and East Lothian Drug and Alcohol Partnership
- MIDSAFE
- Lothian and Borders Community Justice Authority

238 (70.62%) of those responding stated that they lived in Midlothian. The top 3 areas responding were:

- 41 (19.62%) - Dalkeith
- 26 (12.44%) - Mayfield
- 23 (11%) - Bonnyrigg South

Questions 4, 5 and 6 - Alcohol purchase and consumption habits

Respondents were asked questions about their alcohol purchase and consumption habits:

- 64.4% of those responded stated that they most commonly buy alcohol from a supermarket.
- 66.7% of those responding stated that it takes them less than 10 minutes to travel to purchase alcohol.
- 61.2% of those responding said they are most likely to consume alcohol at home/ at a friends/family house

Where do you most commonly buy alcohol?		
Answer Options	Response Percent	Response Count
Supermarket	64.4%	150
Smaller shop	3.0%	7
Pub/Club	15.5%	36
Restaurant	3.0%	7
Online	1.3%	3
Do not purchase alcohol – please skip to question 6	9.0%	21
Other	2.1%	5
Rather not say	1.7%	4
	<i>answered question</i>	233
	<i>skipped question</i>	104

How long does it take you to travel to purchase alcohol?		
Answer Options	Response Percent	Response Count
Less than 10 minutes	66.7%	142
10-30 minutes	25.8%	55
30-60 minutes	1.9%	4
Not applicable	4.2%	9
Rather not say	1.4%	3
answered question		213
skipped question		124

Where are you most likely to consume alcohol?		
Answer Options	Response Percent	Response Count
At home/ at a friends/family house	61.2%	142
In a pub/club	24.6%	57
In a restaurant	5.2%	12
Do not consume alcohol	7.3%	17
Other	0.9%	2
Rather not say	0.9%	2
answered question		232
skipped question		105

Questions 7 and 8 - Alcohol availability

Most people responding stated that they feel that the number of licensed premises in their area and the hours they are open is about right

Do you think there are too few/enough/too many premises in your area?				
Answer Options	too many	about right	too few	Response Count
Licensed Restaurants	16	138	55	209
Pubs	55	125	24	204
Clubs	27	116	41	184
Large supermarkets	32	147	20	199
Smaller licensed shops	63	119	19	201
Other premises	11	96	18	125
overall	31	107	12	150
Don't know	7	15	5	27
answered question				218
skipped question				119

What do you think about the hours licensing premises are open in your area?

Answer Options	Open too long	Just right	Not long enough	Response Count
Licensed Restaurants	4	177	11	192
Pubs	56	129	10	195
Clubs	57	104	15	176
Large supermarkets	35	149	10	194
Smaller licensed shops	38	135	9	182
Other premises	11	106	3	120
overall	15	104	3	122
Don't know	6	22	4	32
answered question				216
skipped question				121

Question 9 Crime and ASB

31.3% of those responding stated that they have been a victim of alcohol related crime or antisocial behaviour

Have you ever been a victim of alcohol related crime or antisocial behaviour? E.g. alcohol related noise, disorder, violence		
Answer Options	Response Percent	Response Count
Yes	31.3%	68
No	65.4%	142
Prefer not to say	3.2%	7
answered question		217
skipped question		120

Question 10 - Comments about alcohol availability

78 comments were received:

Underage drinking: A strong perception among respondents was the level of underage drinking that takes place throughout the Dalkeith area with the primary source of alcohol being off-licenses. Proxy purchasing was described as common place in the area, with youths loitering outside off-licenses asking passers-by to purchase alcohol on their behalf. It is thought to be easier for youths to be sold alcohol in small off-licenses than in supermarkets.

“need to tighten up on availability of alcohol to youths - waiting outside smaller shops asking people to buy alcohol & cigarettes for them”

“The biggest problem is small grocer shops...underage drinkers try & purchase alcohol (and) also ask adults to buy for them... is a huge problem in local communities at the moment”

“My 15 year old often tells of her peers being able to go into shops and purchasing alcohol or getting adults to purchase it for them”

Several respondents speak first hand of being approached by under-agers to purchase alcohol for them. Several suggestions were made on how to tackle underage drinking in the

area, primarily tighter regulations and checks on small businesses, and educating young people on the harm caused by alcohol.

Cheap Booze: Linked to underage drinking, a primary theme raised by respondents was the number of licensed premises selling alcohol at low prices – “*too easy to access ‘pocket money’ price drinks*”, “*too easy to buy cheap alcohol from off license premises, including supermarkets.*” Respondents describe alcohol as too readily available and at too low pricing, making it too easy for individuals to source. Several respondents mentioned the inappropriate location of alcohol in supermarkets such as next to children’s diluting juice and near checkouts.

“(alcohol should be) restricted to one aisle only and preferably at the end rather than in the middle ...just about everyone going to the checkout has to go through it”

“Dalkeith and the surrounding area is saturated with licensed premises”

Lack of stringent licensing legislation / enforcement: A recurring theme was relaxed licensing legislation around hours of sale, number of alcohol licenses granted, volume of alcohol sold per customer and lack of ‘checks’ carried out in regard to underage drinking and proxy purchasing.

Several respondents suggested how licensing hours should be limited:

“change licensing laws on a Sunday in particular to 12 noon till 6...week days 12 noon till 8 in small stores/shops”

“in such a small area like Dalkeith, having an availability of alcohol until 2 a.m. at weekends seems to promote the idea to drink as much as you can until the bar closes”

Enforcement of the licensing laws in regards to serving people who are incapacitated was raised by a number of respondents, in regards to both on and off sales:

“when I was in my addiction I found it too easy to purchase alcohol, and the shops were too keen to allow me to purchase alcohol, even if I was intoxicated”

Links to violence, antisocial behaviour and vandalism: A theme present through a number of responses was the correlation between alcohol misuse and antisocial behaviour. Respondents highlight issues with noise associated with the night-time economy; shouting, swearing, fighting and others the victim of reckless acts of vandalism caused by individuals under the influence.

“There is a direct link between availability of alcohol, alcohol consumption and violence/anti-social behaviour. What kind of community do we want Midlothian to be?”

“The annual gala day (Hunter and lass) gets pubs an extended license...(this) sends a message that the day for families is a day for drinking, as does the beer tent for the hunter in the field at the end of the parade . We have had regular violent incidents in the evening of this event, mostly due to alcohol overconsumption”

Secondary themes recognised within responses were the need for a change in social attitudes towards alcohol, in particular educating the public and young people on the harm caused by alcohol. Changing people's attitudes towards alcohol, in the main reducing overconsumption and 'drinking to get drunk', was highlighted although it was accepted this will be a significant challenge.

Question 11 - Dalkeith

More people responding stated they feel Dalkeith is overprovided for on sales (43.5%), off sales (42.1%) and both (36.6%) than those stating it is not.

Based on the 2012-13 profile of alcohol misuse (and summary table) and the updated data for Dalkeith, do you think that Dalkeith is overprovided for:				
Answer Options	Yes	No	Don't know	Response Count
On Sales (where you can consume alcohol on the premises)	94 (43.5%)	64 (29.6%)	58	216
Off sales (where you buy alcohol to consume elsewhere)	91 (42.1%)	58 (26.9%)	67	216
Both	79 (36.6%)	59 (27.3%)	78	216
Please provide comments regarding your above answer(s)				69
answered question				216
skipped question				121

69 comments were submitted:

Overprovided: The primary theme which ran through responses was that Dalkeith is overprovided for alcohol. Many respondents comment on the ease of purchasing alcohol in the Dalkeith area and the high number of on and off sales within walking distance:

"There are 5 pubs in Dalkeith centre....and there are at least 5 shops that sell alcohol within the same space"

It was recognised by a number of respondents that the number of off sales outweighs the number of on sales. Several respondents mentioned the number of pubs/clubs that have had to close in recent years, suggesting the area was subject to overprovision in the past. The number of off sales however is deemed to have increased over time:

"Dalkeith has less pubs and clubs than it has ever had but it has an increase in the number of off sales premises"

"There are too many smaller shops selling alcohol"

Underage drinking: The saturation of off licenses and sale of 'cheap booze' in the area is perceived to correlate with underage drinking and alcohol related harm. The ease in purchasing alcohol, available from a choice of competing outlets, is thought to make it easier for people to binge drink and cause harm to themselves or others. Antisocial behaviour was also highlighted as being linked to cheap booze and underage drinking.

“the availability to purchase alcohol is certainly relating to the increase in anti social behaviour in my local area and the majority appear to be teenagers under the influence of alcohol....”

“Far too many that contribute to anti social behaviour, poverty and illness”

Evidence: Several respondents mentioned the statistical evidence between alcohol overprovision and alcohol related harm, and how ‘cheap booze’ bought in off licenses and the number of off sales in the area has links to alcohol-related harm.

“CRESH data shows that the number of alcohol outlets is double the national density at 11.4/sq km compared to 5.5/sq km nationally. The density figure for Dalkeith is more than three times the Midlothian figure of 3.0/sq km. Alcohol related deaths are higher for Dalkeith than the rest of Midlothian”

“There is strong evidence that alcohol availability is associated with alcohol related harm. There is also evidence that the most effective way to reduce alcohol-related harm is to reduce affordability, availability and the attractiveness of alcohol”

Education and social attitudes to alcohol: Several respondents put the onus not on provision of licensed premises in an area, but on the individual and on society’s attitude towards alcohol:

“It’s a drinking culture that is the problem, not the number of places where alcohol can be bought”

“(alcohol) is seen as an integral part of Scottish life; used to celebrate, commercialise and socialise. However it is increasingly evident that our relationship with alcohol has become unbalanced”

A view shared by several respondents was that people will obtain alcohol regardless of the number of premises available *“if they have to travel further they will just stock up and buy more!”* Educating the public on harm caused by alcohol was a recommendation made by a number of respondents – *“work to help prevent individual over provision is needed, not cutting back on pubs/clubs”*.

Question 12 - Other Midlothian areas

Respondents were asked, based on the evidence provided and your own view, please state whether you feel that the following areas are either overprovided, for on sales, off sales of both (please select one option for each area):

Answer Options	overprovided			Not overprovided			Total
	for off sales	for on sales	for Both	for on sales	for off sales	For both	
Bonnyrigg North	12	7	35	5	2	57	118
Bonnyrigg South	11	8	32	4	2	57	114
Dalkeith	18	13	57	7	4	41	140
Easthouses	7	5	17	6	8	67	110
Eskbank	7	2	17	8	6	78	118
Gorebridge & Middleston	11	3	22	9	3	63	111
Loanhead	7	7	42	5	1	57	119
Mayfield	15	4	30	5	3	56	113
Newbattle & Dalhousie	4	3	18	8	3	73	109
Newtongrange	10	5	21	10	3	66	115
North Gorebridge	8	5	18	7	2	65	105
Pathhead and Rural East	3	7	11	6	2	74	103
Penicuik East	10	4	31	7	3	59	114
Penicuik North	9	4	35	8	3	60	119
Penicuik Southeast	11	6	40	7	3	53	120
Penicuik Southwest	9	3	36	7	1	60	116
Pentland	6	2	14	8	1	73	104
Rural South Midlothian	5	4	12	7	1	80	109
Shawfair	3	6	14	7	1	74	105
Thornybank	4	3	13	6	1	77	104
Please provide comments regarding your above answer(s):							59
answered question							183
skipped question							154

59 comments were received:

Overprovision of alcohol throughout Midlothian was highlighted by a number of respondents, with specific areas highlighted being Dalkeith, Loanhead and Penicuik. It was agreed in general there were pockets of overprovision, with off sales highlighted as most overprovided in the area.

“for Penicuik in General alcohol is readily available within every 200metres”

“On Clerk Street Loanhead (there are) 2 shops that sell alcohol... 4 pubs on the same road... takeaways (that) sell alcohol.... additionally...Costco, Sainsburys, Asda, M&S, and some smaller shops that sell alcohol in Straiton. We are not just serving our community we are providing enough liquor for the South Side of Edinburgh”

“Most town centers have too many options of where to purchase alcohol”

In addition to overprovision, several respondents highlighted that it is not only overprovision through the number of licensed premises, but also **the overprovision of alcohol to one individual** that creates harm –

“I don't think that it is a matter of over provision but rather overselling to people who are already drunk”

“If people wish to buy alcohol, they will find it no matter what - even if that means travelling to a pub or off-license. People don't tend to buy alcohol on impulse.”

Evidence: A common theme raised within responses was the statistical evidence that shows the correlation between availability of alcohol and alcohol related harm, with recommendations suggested such as reducing the provision of alcohol in overprovided areas and the idea that this will *“bring a much needed change in drink culture”*.

Appendix 2: 2014 Alcohol overprovision statement

Section 7 of the Licensing (Scotland) Act 2005 requires each Licensing Board to include in its 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.

The Board acknowledges the work carried out by and on behalf of the Midlothian Licensing Forum by way of a multi agency short life working group which has undertaken an assessment of overprovision and produced a report entitled Alcohol Misuse in Midlothian 2012-13. This report has formed a useful evidence base and the Board will have regard to the report in determining applications.

The Board, having considered data regarding rates of alcohol related police incidents, alcohol related hospital admissions and information regarding the number, type and capacity of licensed premises in all areas of Midlothian, and having regard to the evidence of a correlation between the density of outlets and alcohol related problems, has concerns about the level of provision in the following locality:

- Dalkeith

The extent of the Dalkeith locality is shown in the Appendix to this policy statement.

This particular locality has particularly high rates of alcohol related hospital admissions per 10,000 population and of alcohol related police incidents when compared to other areas within Midlothian and Scotland as a whole together with the highest rate of licensed premises per 10,000 population in Midlothian. Taking these factors into account, the Board considers that there should be a rebuttable presumption against the grant of an application for a new premises licence or the increase in capacity of an existing premises licence within the Dalkeith locality.

Each application in the Dalkeith locality still requires to be determined on its own merits and there may be exceptional cases where an applicant can demonstrate that the grant of an application or the variation of an existing licence to increase capacity within the locality would not undermine the licensing objectives. The Board will expect applicants to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of this Overprovision Statement. The Board would expect to be addressed on each of the Licensing Objectives.

If an existing licence in the relevant locality ceases to be in force, this will not necessarily mean that there is capacity for a new licence in that locality. The locality has been identified as currently subject to overprovision and this may continue to be the case should a number of existing licences cease to be in force. Each application will be considered in the context of the statistics available to the Board at the time of the application.