

Department of Finance and Corporate Support

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Clerk to the Licensing Board

David Mitchell

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15 June 2010

Our Ref : L/LB/PD
Your Ref :

Dear Sirs

**Licensing (Scotland) Act, 2005
Over Provision Assessment**

In terms of Section 7 of the Licensing (Scotland) Act 2005, the East Ayrshire Licensing Board is required to carry out an assessment of the extent to which it considers that there is an overprovision of –

- (a) licensed premises, or
- (b) licensed premises of a particular description in any locality within East Ayrshire.

In determining if there is overprovision, the Licensing Board must have regard to the number and capacity of licensed premises in the locality. For the purposes of overprovision, “licensed premises” does not include members clubs.

The assessment of overprovision must also seek to promote the five Licensing Objectives:-

- preventing crime and disorder;
- securing public safety;
- preventing public nuisance;
- protecting and improving public health; and
- protecting children from harm.

In assessing overprovision, the Licensing Board will initially analyse the provision of licensed premises across the whole of the East Ayrshire in order to determine those localities where it would wish to focus its attention in more detail. In doing so, the Licensing Board welcomes views on localities where it is considered that there may be overprovision of licensed premises or licensed premises of a particular description. A locality could, for example, be a town, a village, a street, a collection of streets or a council ward area.

In deciding whether there is an overprovision of licensed premises in a particular locality, the Board may have regard to the style of operation of those premises and the differing impact that they are likely to have on the licensing objectives. In the absence of any defined licence categories, the Licensing Board will attempt to differentiate between premises based upon the facilities that they provide.

In considering whether there is overprovision of licensed premises of a particular description in a locality, you may wish to have regard to the following issues:-

COUNCIL HEADQUARTERS
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T E L: 0 1 5 6 3 5 7 6 0 0 0
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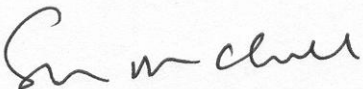
- Nightclubs are likely to have a more significant impact on town centres and mixed use residential/commercial areas than concert halls and theatres, although they may all have a large capacity and provide entertainment;
- In recent years “hybrid premises” have developed in which the facilities offered during the day are markedly different from those provided in the evening – for example a primarily food-led operation during the day could switch to a nightclub style operation in the later hours of the evening;
- A hotel in a town centre may have little or no impact on the licensing objectives and produce benefits for tourism and the local economy, while a hotel in a residential area with few letting bedrooms and extensive bar facilities may have a negative impact on the amenity of local residents;
- Large supermarkets serving areas larger than the localities in which they are situated and delicatessens selling speciality foods with a limited range of wines and spirits for consumption off the premises may be distinguished from shops devoted to off-sales and local convenience stores selling a general range of groceries. Convenience stores may provide an essential local service in some communities, particularly those with an elderly population where transport considerations make it difficult for residents to take advantage of more extensive shopping facilities available at larger supermarkets in surrounding localities.

Once the Board has made its initial assessment and decided localities upon which to focus its attention, it will identify the number of licensed premises, or premises of a particular description, in those localities, determine their capacities and thereafter carry out a comprehensive statutory consultation on a draft of its overprovision assessment. Following the consultation process, the Licensing Board will include its finalised overprovision assessment within the second edition of its Statement of Licensing Policy which will take effect on 30 November 2010.

If you wish to contribute to this **pre-consultation exercise** by identifying localities within East Ayrshire where you consider there to be overprovision, please provide your comments to the Clerk to the Board at the address undernoted below by **9 July 2010 at the latest**. In responding, please detail the relevant locality and include the evidence on which you base your opinion that there is overprovision in that particular area.

I look forward to hearing from you.

Yours faithfully



Stuart McCall
Depute Clerk to the Licensing Board

Undernote

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