

## EACC Meeting: 30 May 2024

### Agenda:

#### 1] Edinburgh Bus Users Group: Report ahead of 6 June AGM:

with Chris Day, EBUG Secretary.

#### 2] Planning Forum: Panel Discussion on current issues:

led by Cramond & Barnton, Liberton, Merchiston and Trinity CCs. See also the Appendices.

#### 3] Licensing: Short report:

from Roger Colkett (Tollcross CC).

### 1) Edinburgh Bus Users Group

130 members – est. c. 2019 on the feeling that the Council had become complacent about its bus service. A strategic group, looking at wide issues – on ‘detailed’ issues (bus stop siting etc.), local groups really need to involve themselves.

Current focus:

Bus tracker problems – software issue – fix by late June?

Additional £300k in council 2024/25 budget for supported bus services.

Bus station leased expiry.

Lobbying MSPs for Scot Gov reinstatement of axed £500m ‘bus partnership fund’.

CEC City Mobility Plan and Our Future Streets.

Q&A conversation:

Floating Bus Stops (FBS): Planned expansion – polarised debate, cyclists see little problem, pedestrians see a narrow ‘boarding strip’ – visually impaired especially uncomfortable – design concept doesn’t cater for the vulnerable – reported accident rates underplay the issue; near misses rattle people.

From BBC News, 15 May 2024:

#### **Campaigners have called for a ban of so-called floating bus stops in London.**

The design, which has a cycle lane between the stop and the pavement, is intended to allow bus passengers to get on and off safely while cyclists can keep moving.

Transport for London (TfL), which has funded 160 of the stops, says the likelihood of being injured by a cyclist at a bypass is "very low".

The Department for Transport says schemes should be accessible to all.

The National Federation of the Blind UK's (NFB) has produced a petition which has been signed by more than 270 organisations and will be handed in to Downing Street later.

It comes after [a video posted by the NFB](#) that shows what it describes as "the chaotic and downright dangerous situation" at a bus stop bypass outside St Thomas' Hospital near Waterloo.

It showed a pedestrian walking into a cycle lane and falling to the ground after a cyclist knocks him off balance.

"These designs are not safe and they need to be urgently halted," it posted.

From Route 1, 16 May 2024:

A Transport for London (TfL) report into controversial “floating bus stops” has concluded the risk of pedestrian injury is “very low”.

['Floating bus stop' injury risk 'very low': TfL report - routeone \(route-one.net\)](#)

## 2) Planning Forum

See also on the [EACC site](#) the report on the [CEC Planning Webinar](#) of 30 May. Go to EACC Meetings >>> Meetings 2024.

### a) Development Control issues:

(Scott) CC submissions to Developer pre-application consultations are written-up with the Developer's 'spin' shading their tone. So the CC's views can easily be watered-down and they have no recourse. In Handling Reports, the Planners' interpretation of CC views (and of policy) can be expressed very differently from the statements made by CCs.

(Shaw) Developers will quote guidance\* that says, while their community engagement should be 'meaningful', they are not obliged to take community views on board, or directly reflect them in subsequent application

(Anderson) CCs as 'amateurs' up against professional Developers with professional Planners in the middle; goodwill on the part of the latter offset by their need to 'get a job done'. CCs also have to question how able they are to get a 'truly representative' view on (contentious) planning applications from their communities.

(Wightman) Planners talk a lot to Developers but they don't take us into account. CCs are last to hear of 'changes'.

(Perchard) CCs compromised by the short window XXX in which they are to take community views and submit comment on planning applications.

(Allen) 'Commercial confidentiality' is a smokescreen used by the Planners to hide from difficult (CC) questions.

(Doig) CCs are quoted as having a statutory role in the planning process but it appears from CEC that consultation is not 'automatic'; it relates to the size of the development and to whether the Planners want to consult\*\*. A CC 'objection / comment' counts as 'one' response when it ought to carry more weight. So, encourage all in the community to submit their own response (whatever the tone), to bolster the 'community' view, to 'clock up the numbers'.

\*Scot Gov guidelines for pre-application communication. See **Planning circular 3/2022: development management procedures** and Clause 2.11. Here is the link:

[2. Pre-Application Phase - Planning circular 3/2022: development management procedures - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/planning-circular-3-2022/development-management-procedures-2-pre-application-phase-2022/development-management-procedures-2-pre-application-phase-2022.pdf)

See also **Appendix 1** to this note.

\*\*'For proposed major and national developments, there are statutory requirements for consultation with communities before a planning application can be made' (See paragraph 2.7 in the reference document above. For 'local' developments, a level down from 'major', there doesn't appear to be a statutory requirement).

### b) How can CCs play a stronger hand?

(Doig, Scott) Public has a nil / weak perception of CCs, no motivation for involvement – 'a waste of time'. CEC should play a much bigger part in their promotion. CCs need 'visibility'.

(Scott) Even where CCs bring in professional support to guide their response on issues such as road junctions, active travel routes etc., CEC Planners / Roads people are for the most part dismissive.

(Anderson) Push Elected Councillors to take a stronger interest, to take a stronger line with Planners, to curb the incidence of Planners making the decision 'by default'.

### c) Development Planning:

The shape of the city – CEC starting on the roll-out of City Plan 2040, the first stages of ‘engagement and consultation’ and the idea of Local Place Plans (LPP). (See also the Planning Webinar referred to above.)

(Scott) One problem is that CEC don’t offer (enough) support on how to build an LPP. But CEC are saying that an LPP is the way for a community to have most influence with regard to ‘place’.

(Anderson) There will be inevitable tensions between a community-driven LPP and top-down development guidelines from Scot Gov.

(Shaw) LPPs have little point when what communities are really calling for is more social infrastructure (health hubs, schools etc.)

(Wightman) LPPs are best drafted with some form of professional input. CCs simply can’t afford that.

(Airlie) CEC can point CCs to a number of ‘free access’ websites / information sources on drafting LPPs. It’s important that the LPP document is properly drafted. Watch out for imminent new CEC rollout of the LPP idea.

(Kerr) Use the Scot Gov ‘Place-making Exercise’ as a format for bringing in community interest and participation in the community’s future shape. Quotes a very successful Corstorphine exercise. See **Appendix 2**.

(KR: I can’t find reference to it, but this link might help: [draft-how-to-guide-pdf-format.pdf \(transformingplanning.scot\)](#) )

(Kerr) EACC should think more purposefully about participation in the Edinburgh Partnership Board

(Marshall / Scott) Could CCs look to work together on LPP basics and on some major (place) policy issues as a means of putting a stronger message to CEC? (tourism, parking space policies in the suburbs / congestion, student housing, hotel development?)

### **Appendix 1:** From the Scot Gov document:

2.11 PAC (Pre-Application Consultation) does not take away the need for, and right of, individuals and communities to express formal views to the planning authority during the planning application process itself. This should be emphasised by the prospective applicant during PAC. While engagement should be meaningful, the prospective applicant is not obliged to take on board community views, or directly reflect them in any subsequent application. As with any application for planning permission, the applicant has the right to choose what they wish to apply for. It is important, therefore, for communities and others to follow their interest in a proposal through to the planning application stage, when views can be made to the planning authority before it determines the application.

**Appendix 2:** Community Engagement: How to do that? This looks like a good place to start.

**Our Place** - a site devoted to promoting the benefits of place and place-based working - a project developed by the **Place Standard partners** (Scottish Government, Public Health Scotland, Architecture & Design Scotland, the Improvement Service and Glasgow City Council).

[Our Place | Our Place](#)

[Place Standard tool | Our Place](#)

[Evidence behind Place Standard Tool and Place and Wellbeing Outcomes | Our Place](#)

### 3) Licensing – Roger Colkett (Tollcross CC and EACC: A personal view

## The Licensing Board

- The powers and responsibilities of Licensing Boards in Scotland are defined by the Licensing Act (Scotland) 2005 (The Act).
- The Edinburgh Licensing Board comprises a Convener, Vice Convener and 7 other members.
- All 9 members are City of Edinburgh Councillors
- The Board usually meets on the last Monday of each month except July and December

## Who's responsible for which types of Licences

Licensing Board	Licensing Sub-committee
Alcohol	Civic Licences (18 types)
Personal Licences	Miscellaneous Licences (15 types)
Premises Licences On sales    Off sales    Both	Short term Let Licences
Gambling	Sexual Entertainment Venue Licences
Premises Licences (7 types) Permits & Notices (6 types)	

As far as Alcohol licensing is concerned Community Councils are notified of any application for new, or major variations to existing, licensed premises in their area.

## Licensing Objectives

Alcohol	Gambling	Sexual Entertainment Venue
Preventing crime and disorder, Securing public safety, Preventing public nuisance, <b>Protecting and improving public health,</b> and Protecting children and young persons from harm.	Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime Ensuring that gambling is conducted in a fair and open way Protecting children and other vulnerable persons from being harmed or exploited by gambling	Preserving public safety Preserving public order Preventing public nuisance Preventing crime Protecting children and young people from harm, and <b>Reducing violence against women</b>

The objectives for these three areas are generally similar. The notable differences (highlighted) are for:

Alcohol - Protecting and improving public health.

Sexual Entertainment Venues, - Reducing violence against women.

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## The Edinburgh Licensing Forum

- Keeps under review
  - the operation of the Act in the Forum's area, and
  - the exercise by the Licensing Board of its functions
- Responds to consultation exercises undertaken by the Licensing Board and the Scottish Government
- Considers the implications of data and statistics for the liquor licensing system in Edinburgh
- Gives advice and makes recommendations to the Licensing Board on relevant matters
- Meets at least 4 times a year including at least one joint meeting with the Licensing Board.
- Membership comprises
  - Ex officio representatives of police, licensing standards, NHS Lothian
  - 6 members from the licensed trade – both on and off-sales
  - 6 Edinburgh residents: one from each locality, one from City Centre (Ward11), one from EACC

## Activity on Forum to date

- Submitted report recommending improvements to the way the Board engages with Community Council representatives and other respondents
- Submitted questions to the Board regarding
  - Number of licensing applications within areas of overprovision and how many granted
  - Progress on promised review of revised policy regarding amplified music

## Overprovision, public health and what to do about it – 1. Background

- Objective : Protect and improve public health
- Current situation:
  - The 2021 figures (the latest currently available) show an average consumption in Scotland of 18.1 units of alcohol per adult per week.
  - In Edinburgh, 32% of people drink above the Chief Medical Officers' low-risk guidelines. This compares to 24% of people in Scotland who drink above the guidelines.
  - In 2021, 85% of all alcohol purchased in Scotland was sold through off-trade premises, which includes supermarkets and other off-licences.
  - Alcohol sold in off-licences is much more likely to be consumed in uncontrolled circumstances.

## Overprovision, public health and what to do about it – 2. Increasing Price

- To address the Public Health objective the current level of consumption needs to be reduced.
- A World Health Organisation review found that two of the most effective alcohol control measures are restricting availability and increasing price.
- The Scottish Government has already introduced minimum unit pricing and has recently updated the minimum price per unit of alcohol from 50p to 65p with effect from 30 Sept 2024

## Overprovision, public health and what to do about it – 3. Restricting Availability

- Clearly, with the overwhelming proportion of alcohol being sold by off-licences and consumed in uncontrolled situations, even to control (let alone improve) public health will require reduced availability of alcohol from off-licences.
- To start with, the whole of Edinburgh needs to be designated an area of over provision of off-licensed premises but that will have virtually no effect in the short or even medium term.
- The Board cannot arbitrarily cancel an existing premises licence.
- What, then is to be done?

## Overprovision, public health and what to do about it – 4. Types of Availability

- Physical availability, which would be reduced by cancelling existing premises licences isn't the only kind of availability.
- There is time-related availability
- And there is psychological availability

## Overprovision, public health and what to do about it – 5. Time-related Availability

- The Act sets a limit on the hours during which alcohol may be sold in off-licensed premises – not before 10am or after 10 pm on any day. That doesn't mean that every off-licence must sell alcohol from 10am to 10pm every day. The board's current policy states that the earliest permitted opening time for all licensed premises in Edinburgh on Sundays is 11 am
- The Board could, and to address the Public Health objective should, reduce the maximum permitted opening hours by, say, two hours every day.

## Overprovision, public health and what to do about it – 6. Psychological Availability

- Until several decades ago most alcohol was sold by specialist off-licensed shops. One didn't go there unless one wanted to buy alcohol of some sort (and perhaps cigarettes). Now most alcohol is sold by the big supermarket chains including their local convenience stores.
- This change has to some extent normalised alcohol as people have become accustomed to buying alcohol at same time as they buy other "normal" domestic goods.
- The change has also promoted or at least facilitated impulse buying.
- Both these changes have increased the psychological availability of alcohol.

## Overprovision, public health and what to do about it – 7. Restricting Psychological Availability

- Cigarettes have to be hidden away and sold at a staffed till.
- In a similar way, alcoholic drinks for sale in a convenience store could be kept in a locked unglazed cupboard with a list of available products on the outside.
- In supermarkets alcoholic drinks could be sequestered away in an area separated by a full height unglazed partition with a list of available products on the outside and with no access for children or young persons.
- Supermarkets and convenience stores choosing to have alcohol for sale in full view of all shoppers should have their opening hours reduced by a further two hours.

End