

**FALKIRK COUNCIL LICENSING BOARD CONSULTATION ON THE DRAFT
OVERPROVISION ASSESSMENT LICENSING (SCOTLAND) ACT 2005**

DRAFT RESPONSE BY FALKIRK LOCAL LICENSING FORUM

With reference to the above consultation, Falkirk Local Licensing Forum held a special meeting on Thursday 10th March 2011 when members considered the document and wish to make the following comments:

The Licensing Forum considered the document in its entirety and believes that it represents a considerable amount of work in the calculation of whether or not there is overprovision of licensed premises in the Falkirk Council area that could be related to the five licensing objectives. The Forum also noted that the assessment of overprovision has been carried out within the parameters of the Guidance issued by the Scottish Government in terms of the Licensing (Scotland) Act 2005.

Given the methodology adopted, the Forum cannot disagree with the conclusions of the assessment, in that it has not been possible to identify any locality within the Falkirk Licensing Board's jurisdiction where data supports a robust and compelling argument that the prevalence of licensed premises or licensed premises of a particular description, has been reached or is close to reaching saturation point. However, the Forum is aware that the same challenge exists for all local authorities in undertaking an overprovision assessment but that by applying an alternative methodology, overprovision has been capable of being identified elsewhere. The Forum is curious as to what the conclusion would have been if a different methodology had been adopted.

The Forum welcomes the statement within the overprovision assessment that this conclusion also recognises that each application for a premises licence will be judged on its own merits and could find that a ground for refusal based on overprovision exists in the future.

The Forum, would in future, welcome notification of any new premises applications being made to the Licensing Board.

Falkirk Local Licensing Forum
Date : 7 April 2011