

**Licensing Update September 2022**

**Alcohol Licensing and Coronavirus Scotland Act 2020 Expiry of Emergency Measures**

**Guidance and Frequently Asked Questions (FAQs)**

The temporary modifications to the law in relation to alcohol licensing made by the Coronavirus (Scotland) Act 2020 will expire on 30th September 2022. The following questions below give advice on some of these changes, the process of recovery and a return to the provisions set out in The Licensing (Scotland) Act 2005.

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# Licensing Department

## "Is the Licensing Office open?"

East Lothian’s Licensing Office is open.

If you would normally be giving us documents in paper (such as licence application forms, Driving Licences, and 'right-to-work' documents like Passports), you can scan these onto computer and send them to us as email attachments. Alternatively, you can submit documents (and payments) at John Muir House, Haddington, EH41 3HA. The office is open Monday to Friday, 10.00am to 12.00pm and 1.00pm to 4.00pm (3.30pm on Friday).

You should send emails to licensing@eastlothian.gov.uk

## "Are there any Committee and Board Meetings?"

All planned meetings of the Licensing Committee and the Licensing Board have resumed online and dates can be found on the council website.

## "How do I apply for a Licence?"

You can find electronic copies of our applications elsewhere on this website.

* Your application should be signed before it is scanned onto computer.
* Scans of any necessary documentation should accompany the application.
* Images of documents must be clear and legible.
* Payments are to accompany applications. You can include a cheque with your posted application, make a payment online at [www.eastlothian.gov.uk/payforit](http://www.eastlothian.gov.uk/payforit) or pay by credit/debit card at John Muir House, Haddington, EH41 3HA.

Please be aware that it may take some time to review and process your application, and it could be several months before we make a decision. There are time-limits for us to process some (not all) types of Licence.

# Premises Manager

## "The Premises Manager is no longer in post, what are the timescales to replace them?"

The Coronavirus (Scotland) Act 2020 gave an extension to the timescales for notification and variation if a premises manager was no longer in position. This will revert back to the timescales below.

#### Section 54 - Dismissal, resignation, death etc. of premises manager

Where a premises manager

* ceases to work at the premises,
* becomes incapable for any reason of acting as premises manager,
* the premises manager dies, or
* the personal licence held by the premises manager is revoked or suspended.

The premises licence holder must, not later than **7 days** after the occurrence of the event notify the appropriate Licensing Board.

And within the period of **6 weeks** beginning with the day on which the event occurs, submit a premises licence variation application so as to substitute another individual as the premises manager.

Please contact licensing@eastlothian.gov.uk to notify the licensing board of the change, application forms for a variation and assistance.

# Deliveries

## "Can I do home-delivery of ALCOHOL?"

(a) if you already hold a Premises Licence which allows you to do this and it is detailed in the operating plan :

Yes. For example, some large supermarkets are already licensed to do provide home delivery of alcohol. Premises licensed for home delivery of alcohol must adhere to the existing home delivery of alcohol conditions, and in particular, must never leave alcohol on the doorstep and walk away - the person making the delivery must see the recipient before making the delivery. If that person is not satisfied that the recipient is 18 or over 18, delivery of alcohol must be refused (if the order includes food, the recipient can still have the food).

(b) if deliveries is **not** part of the licence and detailed in the operating plan:

you will need to apply for a Major Variation to this. The application form can be found at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

The board is aware that guidance was issued by the Scottish Government and previously communicated by East Lothian Council which temporarily relaxed this situation and allowed premises with permitted off-sale facilities to take orders, and deliver them to customers whilst adhering to conditions as per Section 119 of the Licensing (Scotland) Act 2005. This practice will now be phased out.

**As a result the board will allow deliveries to continue on the condition that a major variation is submitted to the board by 31st December 2022 to alter the premises licence to include deliveries as an activity. After this time if deliveries are not part of the licence they must cease.**

# Personal Licences

## "My 'refresher training' course is due. What happens?"

Any Personal Licence Holder must do two things:

(a) get a 'refresher training' certificate within 5 years of the Licence being issued, and

(b) show the certificate to the Board (the original or a copy) within 3 months of the end of that 5-year period.

During the “Emergency Period” the board granted an extension to the time period required to complete the course on adherence to condition that written evidence was given that the course was booked and cancelled or that no such course was available.

This extension will no longer be given and refresher training should be completed as per the Licensing (Scotland) Act 2005. Failure to complete the refresher training will result in a revocation of the personal licence.

The legislation applying to your Licence is the Licensing (Scotland) Act 2005. The 'refresher training' rules are in Section 87. This is on a Government Internet website:

<http://www.legislation.gov.uk/asp/2005/16/contents>

## "My Personal Licence will expire soon. What do I do?"

You should apply for renewal now, the emergency rules are no longer applicable and your licence will not be extended.

Download an Application form from our website

Print it, scan it on computer as a PDF file, and email it to ***licensing@eastlothian.gov.uk***

If you have a training certificate, include a scan of this.

# All licences under The Civic Government (Scotland) Act 1982

The Civic Government (Scotland) Act 1982 is the Law that covers Taxis, Private Hire Cars, Street Traders, Market Operators, Tattoo and Skin Piercing, Public Entertainment etc.

Procedures in relation to all licences under the Civic Government Scotland Act 1982 are now as per the act and no emergency measures are in place.

For information in relation to applications, renewals or any assistance required please contact licensing@eastlothian.gov.uk or phone 01620 827664

# All other licence enquiries

All other enquiries should be directed to the licensing office

Email – licensing@eastlothian.gov.uk

Telephone – 01620 827664