

## **Guidance on Applying for an Alcohol Licence**

The sale of alcohol, even in very small quantities, in Scotland is regulated by the Licensing (Scotland) Act, 2005.

Alcohol can only be sold under a licence and the licensing process is complex.

As a Council, we are not permitted, by law, to provide legal advice in relation to a specific business model and I would recommend that if you are considering becoming licensed that you seek professional legal advice from an experienced licensing solicitor.

We can however provide general advice and an estimation of some possible costs based on our experience.

Each application form comes with its own guidance. However, the following points provide additional information that you might find useful.

- All sales and supply of alcohol, unless forming part of a trade to trade transaction or given out completely gratuitously, requires a licence. All licences in respect of sales from premises are known as Premises Licences.
- Before applying for a Premises Licence you should ensure that you have planning permission to do so. Premises that have been used for other purposes in the past may well require a Change of Use application to the Planning Department.
- If the premises you would wish to licence are under construction or renovation that will take a significant period of time to make ready to trade, you might consider applying for a Provisional Premises Licence. This means that you can commence the application process during the time work is being carried out. If the application is granted the provisional status can be confirmed as completed within 4 years of the date of grant.

### **1. Provisional Premises Licences**

This type of licence is considered for premises that are yet to be, or in the course of being, constructed or converted for use as a licensed premises. Justification will be required to be submitted for this type of application as to why a provisional licence application is required and what works will be carried on. If there are no works to be completed, an application for a Premises Licence will be expected.

- Initial Application fee - £200, and when confirmed the remainder of the fee is due based on the rateable value.
- Application process will take 2 to 3 months to reach a determination by the local Licensing Board

The application comprises:

- The Provisional Licence application Form AND Supplementary Information Form
- An Operating Plan – which details the activities, opening hours, children and young person's access and also contains details of the designated premises manager who must be a personal licence holder
- A Layout Plan - containing certain information as required by the Licensing (Scotland) Act 2005 with clear indication of the licensed area - again you may require to seek professional assistance to complete this drawing as it is expected to be professionally produced to an architectural standard. This can be submitted in electronic format
- A Section 50 Planning Certificate
- Completion of Disabled Access and Facilities Statement

If granted, the Provisional Licence must be confirmed within 4 years.

Once the construction/renovation stage is completed, you will then apply for the Provisional Licence to be confirmed, as follows:

- Submit a confirmation application, stating any minor variations to the original Operating/Layout Plans.
- A Building Standards Section 50 Certificate
- A Food and Safety Section 50 Certificate
- Details of the Designated Premises Manager (DPM), who is a Personal Licence Holder. A DPM is not required in respect of a non-profit making club
- The balance of the Premises Licence fee, which is based on the rateable value of the premises.
- Unless there is significant change to the original application, the confirmation will be granted by the Clerk to the Licensing Board by way of delegated authority from the Licensing Board.
- If there are any significant changes that cannot be dealt with by way of minor variation a major variation application will be required to be heard at a Board, for determination

## **2. Premises Licence Applications**

If your premises are already constructed or you have been operating already on occasional licences, then you should apply for a full Premises licence. You will need the following:

- Application fee based on the rateable value of the premises to be licensed.
- Application process will 4-6 months to reach a determination by the local Licensing Board
- The Premises licence application form AND Supplementary Information Form
- An Operating Plan – which details the activities, opening hours, children and young person's access and also contains details of the designated premises manager who must be a personal licence holder
- A Layout Plan - containing certain information as required by the Licensing (Scotland) Act 2005 with clear indication of the licensed area - again you may require to seek professional assistance to complete this drawing as it is expected to be professionally produced to an architectural standard. This can be submitted in electronic format

- A Section 50 Planning Certificate
- A Building Standards Section 50 Certificate
- A Food and Safety Section 50 Certificate
- A Disabled Access and Facilities Statement

A Premises Licence lasts indefinitely unless it is revoked or surrendered.

The East Lothian Licensing Board Statement of Licensing policy 2018-2023 can be found on the East Lothian Council Licensing webpages. This policy is intended to provide stakeholders with an indication of how the Board will manage the licensed premises in their area, outlining their approach to matters. This document is a useful tool to be reviewed by potential licence holders prior to submitting a Premises Licence application.

### **3. External Drinking Areas**

External drinking areas require to be licensed. If the area is part of a public footway or road, you will require to obtain a permit authorising the use of the area from Planning, Transportation as well as an occasional or premises licence. The application for the outdoor alcohol facility should be part of your Provisional/Full Licence application. If you do not apply for such a facility at the start, you can apply for it later, by way of a Major Variation. This will cost £200 and take a further 2-3 months to reach a determination at a licensing Board meeting.

### **4. Site Notice and Consultation**

On confirmation of a competent application you are required to display a site notice at or near the premises and neighbour notifications of the applications will be made by the local authority. Notification of the application will also be sent to the area community council, departments within the council such as Environmental Health, Planning, Building Standards and the Licensing Standards Officer, the Chief Constable, the Fire Service and the relevant Health Board. A period is set to allow objections and representations to be submitted.

You may be contacted the Licensing Standards Officer and Police to facilitate a site visit at the premises.

### **5. Hearing at the East Lothian Licensing Board**

A hearing will take place at the East Lothian Licensing Board to determine whether or not a licence should be granted.

Please expect the entire process to take around 4-6 months from start to finish.

### **6. Annual Fees**

An annual fee is payable each year to maintain the licence. The annual fee is due on 1<sup>st</sup> October each year. The fee is dependent on the rateable value of the premises ranging from £180 for members clubs to £900. Please see the East Lothian Council Licensing webpages for further information.