



**AGENDA FOR THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 26 OCTOBER 2023 at 10.00am  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON (HYBRID MEETING)**

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**Agenda of Business**

**Apologies**

**Declarations of Interest**

*Members and officers should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.*

- 1. Minutes for Approval**  
East Lothian Licensing Board, 28 September 2023 (**pages 1-12**)
- 2. Variation of Provisional Licence**  
Wine Wednesdays, North Berwick, 8c Links Road, North Berwick (**pages 13-34**)
- 3. Major Variation of Premises Licence**
  - a. The Lobster Shack, North Harbour Walkway, North Berwick (**pages 35-56**)
  - b. Dunbar Garden Centre, Spott Road, Dunbar (**pages 57-74**)
  - c. The Victoria Inn & Avenue Restaurant, 9 Court Street, Haddington (**pages 75-92**)
  - d. Fisherrow Tap (formerly Hole in the Wa'), 170 New Street, Fisherrow, Musselburgh (**pages 93-112**)
- 4. Provisional Licence**  
Premier Store, 90 High Street, Haddington (**pages 113-148**)
- 5. Occasional Licences**  
Premier Store, 90 High Street, Haddington (**pages 149-164**)
- 6. East Lothian Licensing Board – Statement of Licensing Policy (1<sup>st</sup> November 2023 to 31<sup>st</sup> October 2028) (pages 165-239)**

**Carlo Grilli  
Clerk of the Licensing Board  
19 October 2023**

Public papers for this meeting are available to view on the East Lothian Council website:  
[http://www.eastlothian.gov.uk/meetings/committee/53/east\\_lothian\\_licensing\\_board](http://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board)





**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 28 SEPTEMBER 2023  
ONLINE PLATFORM MEETING**

**1**

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**Board Members Present:**

Councillor L Bruce  
Councillor C Cassini  
Councillor F Dugdale  
Councillor G Gilbert  
Councillor G McGuire  
Councillor J McMillan

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms A Rafferty, Licensing Officer  
Ms G Herkes, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
Sgt G Wood, Police Scotland  
Sgt D Wardell, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL  
24 August 2023**

The minutes were approved as an accurate record of the meeting, subject to a correction to the list of attendees.

**2. PROVISIONAL PREMISES LICENCE  
Carfrae Farm Shop, Garvald, Haddington**

The application sought a provisional premises licence. The application had attracted no objections from the police, NHS, planning, the Licensing Standards Officer (LSO), public, or community council. The LSO had submitted a report including a recommended condition relating to the delivery of alcohol, noted below.

Trudi Cueto and Eric Linklater, applicants, were present to speak to the application. Ms Cueto advised that Section 50 certificates from planning and food and hygiene had been submitted as part of the application. She informed Members that an application had also been submitted to building standards but had received no update on the status of the application.

Karen Harling, Licensing Standards Officer (LSO), welcomed the application, having worked with the applicants for some time. She advised that recent changes meant that much of the content of her first report was no longer of relevance. She advised that the two distinct areas of alcohol display originally noted in the application had not adhered to the Act, and accommodation had been removed. She also noted an error in calculation of the display area, which she confirmed to have increased to a capacity of 4.3m<sup>2</sup>. She highlighted her recommended condition in relation to home deliveries.

Sergeant Gail Wood advised that Police Scotland had no objections to the grant of the licence.

Councillor McMillan asked how deliveries would be managed, and Ms Cueto responded that Royal Mail would undertake age verification checks. She advised that their current courier, APC, did not deliver alcohol. She had applied for an account with Royal Mail, but until this was accepted, alcohol would only be delivered personally. She advised that few deliveries included alcohol; it was not heavily advertised and generally was restricted to deliveries of hampers.

The Convener wished the applicants luck with their venture, and formally proposed the LSO's recommendations relating to alcohol deliveries. Councillor McMillan seconded this proposal.

The Convener moved to a roll call vote, subject to the LSO's recommendations as contained within her report, and the application was granted unanimously.

**Decision**

The Board granted the major variation, subject to the following LSO recommendation:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol should be complied with.

**3. MAJOR VARIATION OF PREMISES LICENCE**  
**a. The Green, 70 Court Street, Haddington**

The application sought to vary the premises licence to include a pool table. The application had attracted no objections from the police, NHS, planning, or community council. The LSO raised concern over the inclusion of a pool table on the basis of safety and creating an unsuitable atmosphere for children. She highlighted a complaint made from neighbours relating to the change of character and atmosphere of the premises and an incident of sectarian singing. Her report noted that the premises was not part of Pub Watch and had stopped selling food. The report also questioned whether the premises' policy on children and young people aligned with Board policy. There had been one public objection relating to opening hours and closing times, although opening hours were not changing as part of the application.

Stephen McGowan, applicant's agent, spoke to the application, and was accompanied by Colin Lawson, Local Area Manager for Greene King. Mr McGowan made clear that the application sought only to add a pool table. He referred to the public objection, and said that the objector had mistakenly thought that later licensed hours had been requested. He advised that, in response to the complaint, customers and staff had been reminded and retrained regarding use of the outdoor area. He said there was zero tolerance for sectarian singing and the complaint had highlighted an unfortunate one-off incident. He said that he would be happy to take the LSO's comments on children's access offline for the purposes of a future application, and acknowledged the LSO's recommendation regarding children's access to the pool table. He apologised for his client's oversight and reported that the pool table had been removed right away when this had been highlighted.

Sergeant Wardell advised that the premises had been discussed with local Councillors. Police intended to add additional scrutiny to the premises after concerns had been raised. He felt that introduction of a further attraction such as a pool table would not be advisable. He said that The Green had not previously required police attendance, but having reopened as The Railway, it had come to police attention more often. He said that concerns had been raised about sectarian singing and patrons causing disturbance until the end of trading hours. He expressed that he would not be keen for the application to be granted.

Mr McGowan responded that Sergeant Wardell's comments were not appropriate under the circumstances, as Mr McGowan had not been given notice of the objection. He raised concern over the legality of these comments being taken into consideration when no formal objection had been raised by Police Scotland licensing officers in response to the consultation. Mr Grilli acknowledged that some of Sergeant Wardell's points could not be accepted by Members in their deliberations.

The LSO said she noticed the pool table in operation when visiting the premises, and confirmed it had been taken out of commission and not used since this time. She would welcome a future application to address the access of children and young people and would work with the applicant on this matter. She would also discuss the most appropriate means to address the applicant's membership of Pubwatch offline. She recommended that Members consider the application in terms of children's access to the pool table and the impact this would have on this area of the premises.

Councillor McMillan sought assurance from Mr McGowan on his relationship with the licence holder and on their management of a more troublesome crowd. Mr McGowan had represented Greene King for over ten years. He advised that Mr Lawson was the representative of the licence holder; Mr Lawson met regularly with the tenant running

The Railway, particularly considering some of the concerns raised recently. He said that Greene King considered themselves to be responsible licence holders, and Mr McGowan reassured Members that the tenant was an experienced publican who ran other premises in the area. He said that the Greene King wanted the premises to remain a positive part of the local community and would look to engage with the objector over his concerns. He reiterated his concerns over Sergeant Wardell's remarks within this forum, however, he said that the licence holder wished to engage with the police and wanted The Railway to be a family-friendly premises. Councillor McMillan responded that he would welcome engagement with the objector and the wider community. He felt reassured by the good supervision by staff and experience of the higher management.

Responding to a question from Councillor Dugdale, Mr McGowan said that the applicant would be happy to agree to the LSO's suggested condition whereby the pool table would only be accessible to under-12s if accompanied by an adult.

Responding to questions from Councillor McGuire, Mr McGowan confirmed that the pool table was on the ground floor and highlighted its position on the location plan. Mr Lawson advised that food was not currently being served due to a lack of staffing after The Railway's tenant had also taken on a new café in Prestonpans at the same time. He advised that there were plans to relaunch a food offer in the future. In the meantime, external catering could be provided for functions.

The Convener noted that should children 0-11 be excluded from the pool table area, this would effectively exclude them from the premises. Mr McGowan said that his clients would prefer children to be allowed access to the area under supervision, and said that further consideration would be given to the access of children and young people to the wider premises under a fresh application. He felt that allowing children 0-12 use of the pool table only under adult supervision would be a proportionate condition. The LSO responded that the licence currently allowed children access only to the raised area, which used to be used to serve meals. She would not recommend the application be granted where children be allowed in the area unsupervised. She was keen for management to undertake a risk assessment to ensure children were safe in this area, as space became tight when the pool table was in use. Mr McGowan said that his client would be happy to agree to a written risk assessment.

Councillor Cassini commented that if children were not allowed to access the pool table and food was also not served, then there would be no reason to welcome children onto the premises at all. Mr McGowan responded that the applicant wanted to have the flexibility for children to access the pool table area under supervision, and added that adults may wish to play pool with their children or grandchildren.

The Convener then called for an adjournment to allow Members to discuss the application in private.

Upon their return, the Convener said that Board Members had concerns around the operation of the premises, but they noted various undertakings to work with the LSO. He noted that children were still able to access the premises despite there being no food offer available. He stated that Members wished to add two conditions: the pool table may only be used by children aged 0-12 if accompanied by a responsible adult; and a written risk assessment relating to use of the pool table must be provided and shall be available for inspection by the Board, LSO, and Police Scotland. He said that the Board would keep a close eye on developments at the premises and looked forward to the applicant coming forward on the undertakings made as part of the hearing.

Councillor McMillan said that engagement with neighbours was needed over concerns with noise and singing. While this was not strictly relevant to the application, he still felt it was important for the applicant to take the objection and complaints into account.

Councillor Gilbert commented that while the premises was not serving food, it was effectively a public bar. He hoped that the management would do their best to deter children from coming in until a food offer could be relaunched.

Councillor Dugdale formally seconded the two conditions proposed by the Convener.

The Convener moved to a roll call vote, including conditions relating to a risk assessment and the supervision of children. Votes were cast as follows:

Grant:	4	(Councillors Bruce, Dugdale, McGuire, and McMillan)
Refuse:	2	(Councillor Cassini and Gilbert)
Abstain:	0	

### **Decision**

The Board granted the major variation of the premises licence, subject to the following conditions:

- A written risk assessment together with written policy in relation to the operation of the pool table shall be available for review/inspection by the Board/LSO/Police Scotland on request and shall be regularly updated.
- The pool table may only be used by children aged 0-12 if accompanied by a responsible adult.

#### **b. Victoria Inn & Avenue Restaurant, 9 Court Street, Haddington**

The application sought to vary the premises licence to include indoor and outdoor sports. The application had attracted no objections from the police, NHS, public, planning, or community council. The LSO report raised that no layout plan had been submitted with the application to indicate the location of the pool table, and recommended conditions relating to the supervision of children and young people.

The applicant's agent had made contact prior to the meeting to inform the Board that no one would be available to attend the meeting. The Convener therefore suggested that the application be continued to the next meeting so that a representative could be present. This was confirmed by roll call vote and Members unanimously agreed they were content to continue the application.

### **Decision**

The Board continued the application to the following meeting.

#### **4. OCCASIONAL LICENCES**

##### **a. Christopher Nixon, Dunglass Estate, Dunglass, Cockburnspath**

The application sought occasional licences for on sales at two weddings. The LSO had made representation to highlight that the terminal hours sought were outwith Board policy.

Susannah Nixon and Christopher Nixon, applicants and directors of Platter and Pop, were present. Mrs Nixon said that it was standard practice that most weddings would have a bar available until 12 midnight, with last orders at 11.45pm. Their catering company worked at the Dunglass Estate and had made applications for occasional licences for two weddings which would take place on Wednesdays.

Sergeant Wood confirmed that Police Scotland had no comments or objections to the application.

The LSO said that Board policy was for the terminal hour on a Wednesday to be 11pm, and the application had come before the Board due to the request falling outwith this time. She had visited the Dunglass Estate and had no issues with the operation of the premises, and had received no complaints relating to operations on the estate.

Councillor Cassini asked about transport to and from the venue to ensure no one tried to drive under the influence and to avoid potential disruption on a weeknight. Mrs Nixon advised that the premises had no neighbours other than family members connected to the venue owners. She reassured Members that there would be pre-booked taxis and transport for anyone who was not staying at the venue.

Councillors McGuire and McMillan asked about the impact on the events should the final hour of on sales not be granted. Mrs Nixon advised that different local authority areas allowed for a terminal hour of midnight through the week, and Platter and Pop's competitors were able to offer on sales at weddings until midnight. She said that not having the final hour would have a significant impact on the experience for the couples and on the venue. She added that little alcohol was sold in the final 45 minutes of the wedding, and staff were experienced in refusing to sell alcohol to anyone who was displaying signs of being intoxicated. She said that couples would feel disadvantaged should their event have to finish an hour earlier than expected. She advised that the company was a living wage employer and the bar being open helped to fund the staff required on site to break down the venue after the event. Mr Nixon added that if couples chose to take their business elsewhere due to an enforced terminal hour of 11pm, this would have an impact on local businesses and taxi firms.

Responding to a question from the applicant, the Convener said that the Licensing Board would rather these matters be addressed through an application for a full premises licence, and suggested that Mr and Mrs Nixon may wish to feed this back to the premises. He added that the economic benefits were not a consideration for the Licensing Board, but acknowledged the care taken by the applicants in the planning and hosting of the events, and also acknowledged that the LSO had no complaints about operations on the estate. He was confident that the applicants could achieve the five licensing objectives and was happy to grant the applications. He said that if Wednesday weddings would be part of the business model going forward, the Dunglass Estate should look to apply for a premises licence.

Councillor McGuire agreed with the Convener's comments. He was minded to grant the applications due to the rural location, but also encouraged the venue to apply for a premises licence.

Councillor McMillan felt there was a difficult decision to be made; he could support the applications based on the comments from the applicants, but was mindful of Board policy requiring a terminal hour of 11pm on a Wednesday. He said that East Lothian was separate from other areas which had their own policies. He acknowledged the weddings were taking place soon and that couples had certain expectations. He was minded to grant the applications, but asked that the venue discuss the possibility of making a premises licence application with the licensing team.

Councillor Gilbert commented that the couples had booked a midweek wedding where the Board policy required a terminal hour of 11pm, and thus he was not minded to support the applications with a terminal hour of 12 midnight. He would welcome the venue owners coming forward to discuss a premises licence.

Councillor Dugdale was reassured that the applicants would meet the five licensing objectives and was minded to grant the applications.

The Convener moved to a roll call vote, and votes were cast as follows:

Grant:	4	(Councillors Bruce, Dugdale, McGuire, and McMillan)
Refuse:	2	(Councillor Cassini and Gilbert)
Abstain:	0	

## **Decision**

The Board granted the occasional licences.

### **b. Broxmouth Courtyard, Dunbar**

The application sought occasional licences for on sales at three weddings, all taking place on Mondays. The LSO had made representation to highlight that the terminal hours sought were outwith Board policy, and to make the Board aware of previous occasions when similar applications had been made.

Paul Mitchell spoke to the application. He highlighted the significant investment made in the purpose-built wedding venue. He advised that there was now considerable demand for weddings to take place earlier in the week, and said these were often smaller in scale. He advised that for the weddings in question, most guests would be resident on the estate and thus could cause minimal public nuisance due to the remote location. The applications sought terminal hours of 12 midnight for weekday weddings, and he advised that the premises had a provisional licence in place.

Sergeant Wood confirmed that Police Scotland had no comments or objections to the application.

The LSO advised that the applications were made in similar terms to those discussed in the previous item. She confirmed that a provisional licence was in place and the venue were working on confirmation of the premises licence. She advised that current policy required a terminal hour of 11pm Monday-Wednesday. She commended Mr Mitchell on a well-managed premises and advised that no complaints had been received about the venue.

Responding to a question from the Convener, Mr Mitchell advised that he intended to finalise the confirmation to a full premises licence and then apply for a major variation to request a terminal hour of midnight to accommodate weddings taking place earlier in the week. He said he had been unaware of Board policy requiring a terminal hour of 11pm Monday-Wednesday until he had submitted these applications.

Responding to a question from Councillor Dugdale, Mr Mitchell advised that these weddings would have around 26 guests.

The Convener commented that a major variation would mean that full account could be taken of the premises' suitability, and said there was a limit on what could be

achieved under occasional licences. He asked that the applicant seek to apply for a major variation as soon as possible.

Councillor McMillan was reassured by the LSO's reports of the good management of the establishment, and by the applicant's intention to apply for a major variation for a later terminal hour when possible. He felt it would be appropriate to grant these occasional licences.

The Convener moved to a roll call vote, and votes were cast as follows:

Grant:	5	(Councillors Bruce, Cassini, Dugdale, McGuire, and McMillan)
Refuse:	1	(Councillor Gilbert)
Abstain:	0	

### **Decision**

The Board granted the occasional licences.

#### **c. Thomson's of Tranent, Winton Place, Church Street, Tranent**

The application was for occasional licences to cover a period of 25 August 2023 – 11 January 2023. The LSO had submitted a detailed report relating to an incident of alcohol sales when the premises was not covered by a licence. Police Scotland had made no comment on the applications.

Susan and George Thomson were present to speak to the application. Mr Thomson provided background information on the situation at the premises, where delays in building works and building warrants had caused complication in having the premises licence confirmed. He explained that the premises had a provisional licence in place and had been selling alcohol under a series of occasional licences. He said that an amendment to their planning application had now been submitted; he described the flatted development for a housing association, which had been causing some delays in confirming the full premises licence, as being close to completion. He said that a mix up had caused the occasional licence applications to come before the Licensing Board.

Sergeant Wood confirmed that Police Scotland had no comments or objections to the application.

The LSO reminded the Board that the purpose of the discussion was the occasional licence applications, and the issues of the provisional licence and building warrants were separate. She said that the licence holders were George and Susan Thomson, and suggested that both had responsibility for operations. She then described the incident whereby alcohol was sold when no licence was in place. She had become aware on 24 August that no occasional licences were in place to cover alcohol sales at the store, and made Mr Thomson aware that any further sales of alcohol would be a criminal offence. She reported that Thomson then made payment and submitted occasional licence applications to John Muir House in Mrs Thomson's name. She made Mr Thomson aware that Board policy was for occasional licence applications to be made at least 42 days in advance of the date of commencement for due process to be undertaken. She also raised concern over Mrs Thomson's lack of involvement in the process since the applications were being submitted in her name. The LSO recounted that she had advised Mr Thomson that no alcohol sales could be made until the occasional licences had been determined. She reported that she had attended Thomson's of Tranent and found that there was alcohol on display, and witnessed alcohol being sold. She reported the offence to the police and identified herself to staff

and provided contact details. She said that Mr Thomson had called her and admitted that he had not told his wife and daughter that alcohol could not be sold, and had said that he was at fault. The LSO felt that it was Mrs Thomson's duty to take responsibility for the premises.

Responding to a question from the Convener, Sergeant Wood said that there had been no previous issues with the premises. Following the LSO's report of the offence, officers had attended the premises for education purposes to inform the licence holders of the actions they should be taking. Officers made clear to staff that alcohol should not be sold and they covered up the alcohol display.

Councillor McGuire asked why Mr Thomson had not discussed the matter with his wife. Mr Thomson responded that it had been a particularly busy time attending meetings with the housing association who would operate the flats being built.

Responding to a question from the Convener, Mrs Thomson apologised that her husband had not made her aware that alcohol must not be sold and highlighted her exemplary licensing record prior to this.

Responding to questions from Councillor McMillan, Mrs Thomson said that she took the responsibility of her licence very seriously, and told staff that she would rather a sale be lost than made to someone underage or under the influence. She said they had over 20 staff and they were all aware of their responsibilities selling alcohol.

Councillor McMillan commented that it was clear from the LSO's report that things had not been conducted well. He balanced his concerns about who was responsible for the licence and the offence committed, against a wish to support family businesses. He reminded the applicants that they operated in a regulated industry which required compliance, and they would have to ensure paperwork was completed and the five licensing objectives were met in future. He was impressed by Mrs Thomson's commitment to take control of the licensing operations going forward. He was minded to grant due to a previous good record, but said clear adherence to the rules would be required going forward. He hoped never to see a recurrence of such a licensing issue and wished them success in this matter.

Councillor McGuire concurred with Councillor McMillan's comments. He had always found the service to be excellent at Thomson's of Tranent, but said the law had to be adhered to. He said he was keen to support local businesses, and this business did a good deal for their community. The Convener concurred with the comments from Councillors McMillan and McGuire. He was disappointed that alcohol had been sold in an unregulated environment and said he would not speculate on the repercussions should there be another such incident.

The Convener then moved to a roll call vote, and Members unanimously voted to grant the occasional licences.

## **Decision**

The Board granted the occasional licences.

**5. EXTENSION OF PROVISIONAL LICENCE  
Whitekirk Hill, Whitekirk, North Berwick**

The Clerk of the Board informed Members that the outstanding Section 50 certificate from building standards had been submitted to officers since the publication of the meeting agenda. The premises licence was now able to be confirmed under delegated powers, and therefore this application no longer required to be heard.

**SUMMARY OF PROCEEDINGS – PRIVATE BUSINESS**

**6. PERSONAL LICENCE  
b. Tony Exelby (continued application)**

The Board granted the personal licence.

**a. Amerjeet Singh (continued application)**

The Board refused the personal licence.

DRAFT







2

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0 375

2(b) Name and Address of Premises

Wine Wednesdays North Berwick  
8c Links Road  
North Berwick

Post Code	EH39 4LU	Phone No.	
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2(c) Full Name and Address of Current Licence Holder

Catherine Ann Boot



<b>Post Code</b>	EH39 4LU	<b>Phone No.</b>		
<b>Email address</b>				

**SECTION 3: NATURE OF VARIATION**

Complete the relevant section(s) regarding the variations sought:-

**3(a) Variation to the Conditions to which the Premises Licence is subject**

Provide details of the Condition(s) to be varied and the variation being sought

Addition of "deliveries and online sales of alcohol" to section 5(f) of operating plan

**3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Addition of "deliveries and online sales of alcohol" to section 5(f) of operating plan

**3(c) Variation to the Layout Plan of the Premises Licence**

A copy of the proposed Layout Plan **must** accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

no changes to layout. Original layout plan attached

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence  
(e.g. *Alteration to the description of the premises contained within the Premises Licence*)

n/a

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES                       NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
  - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
  - Other (provide details)
- .....

## SECTION 5: FEE PAYABLE

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/beer\\_and\\_cider\\_licences/2](https://www.eastlothian.gov.uk/info/210571/licensing/12259/beer_and_cider_licences/2)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ 200 is enclosed.

**Signature** CA Boot

..... (See note 5 below)

**Date** 06/09/23

.....

Capacity: APPLICANT / AGENT (delete as appropriate)

**If agent, please provide name, address,  
phone number and email address**

.....

.....

.....

**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114

**Fax:** 01620 827253

**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

*Name, address and postcode of premises to be licensed.*

**Wine Wednesdays North Berwick**  
**8C Links Road**  
**North Berwick**  
**East Lothian**  
**EH39 4LU**

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</i>
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES n/a*

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	<i>n/a</i>	
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		

<i>Sunday</i>		
---------------	--	--

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10	18.00
<i>Tuesday</i>	10	18.00
<i>Wednesday</i>	10	18.00
<i>Thursday</i>	10	18.00
<i>Friday</i>	10	18.00
<i>Saturday</i>	10	18.00
<i>Sunday</i>	10	18.00

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

*\*If YES – provide details*

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	n/a	N/A	N/A
<i>Conference facilities</i>	n/a		
<i>Restaurant facilities</i>	n/a		
<i>Bar meals</i>	n/a		
<b>5(b) Activity</b> <b>Social functions</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	n/a		
<i>Club or other group</i> <i>meetings etc.</i>	n/a		
<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see</i> <b>5(g)</b>	n/a		
<i>Live performances –</i> <b>see 5(g)</b>	n/a		
<i>Dance facilities</i>	n/a		
<i>Theatre</i>	n/a		
<i>Films</i>	n/a		
<i>Gaming</i>	n/a		
<i>Indoor/outdoor sports</i>	n/a		

<i>Televised sport</i>	n/a		
<b>5(d)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided during core licensed hours – please confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b><i>YES/NO</i></b>
<i>Outdoor drinking facilities</i>	n/a		
<b>5(e)</b> <i>Activity</i>	<b><i>Please confirm</i></b> <b><i>YES/NO</i></b>	<b>To be provided during core licensed hours – please confirm</b> <b><i>YES/NO</i></b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b><i>YES/NO</i></b>
<i>Adult entertainment</i>			

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Deliveries and on-line sale of alcohol
--

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	N/A

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>N?A*</i>
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

n/a

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

8(a) Name

Catherine Boot

8(b) Date of birth

8(c) Contact address

8(d) Email address and telephone number

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
04/06/2018	BIIAB	Learner no 212316

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature .....C Boot..... \* (see note below)

Date .....03/10/2023.....

Capacity ..... APPLICANT (delete as appropriate).

Telephone number and email address of signatory

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

## Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

### Business Profile

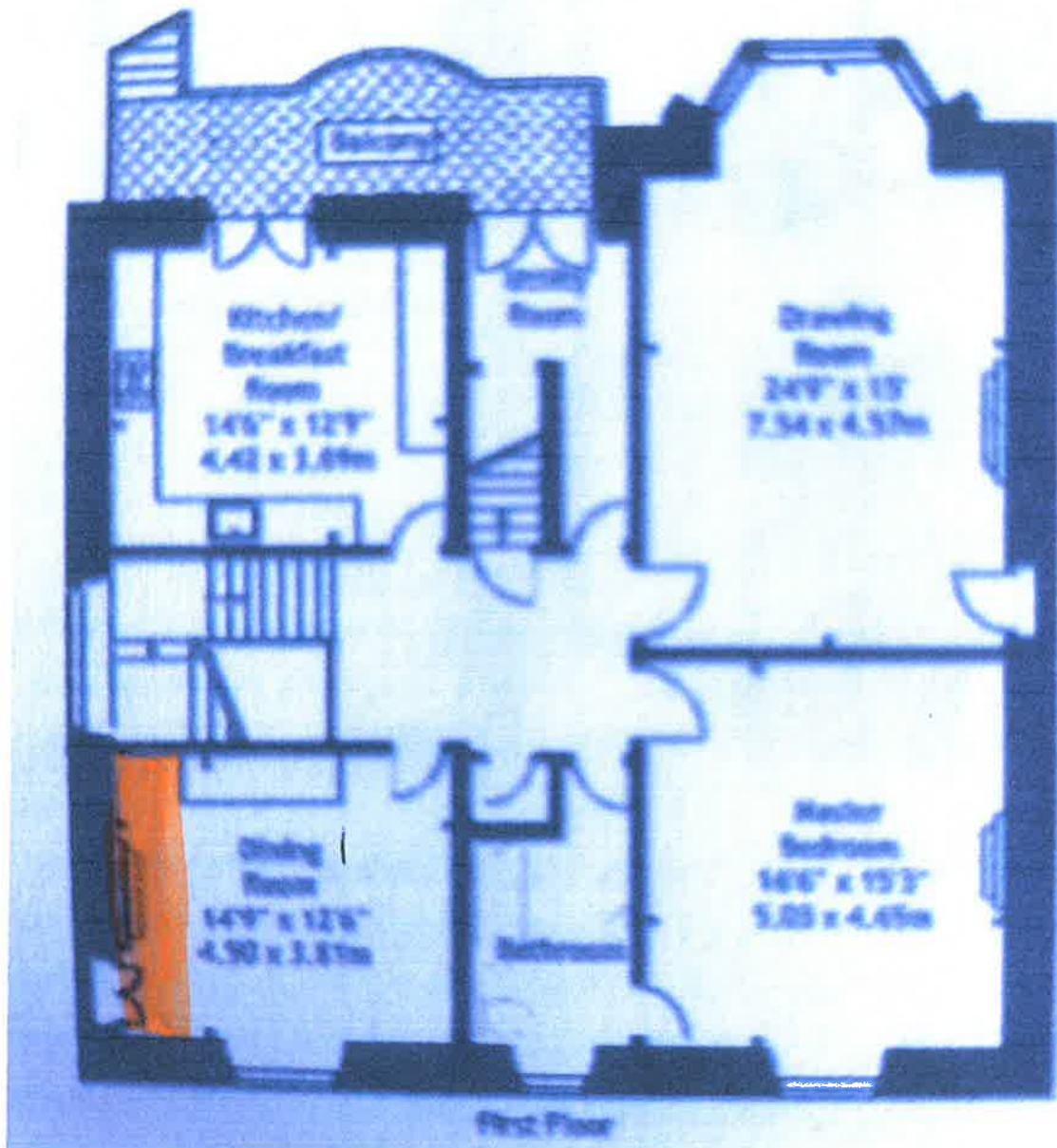
As stated on my current provisional premises license granted on 22<sup>nd</sup> May 2021, page one, my premises is my primary residence from which I run an online wine delivery business. I take orders in advance and receive a weekly delivery of wine from a wholesaler to the premises, repack it then deliver it myself to customers.

The reason for this variation application is that the licensing standards officer has drawn to my attention that deliveries and online sales are not listed in the operating plan in section 5(f). The East Lothian Licensing Board considers that online sales and deliveries should be added to this section in order for it to take place. As such I require a major variation to the licence in order for this to be added retrospectively.

Once this has been granted, I will be applying to convert my provisional license to a full license.

(extend this box if you require additional space)

# LAYOUT PLAN



PLAN OF 1st FLOOR, 80 LINKS ROAD

AREA MARKED IN ORANGE IS WINE STORAGE AREA 3.8 X 1.5  
WITHIN A LOCKABLE ROOM OF 3.8M X 4.5M

THERE HAVE BEEN NO PHYSICAL CHANGES MADE  
TO THE BUILDING TO ACCOMMODATE THIS STORAGE AREA

## Home Delivery Process

### Premises Name – Wine Wednesdays North Berwick

#### Policy active immediately

- All purchases for home delivery of food and alcohol will be made via {INSERT METHOD}
- It is Wine Wednesday's responsibility to service and deliver the alcohol. 3<sup>rd</sup> party delivery services are also occasionally used.
- On those occasions, it is Wine Wednesday's responsibility to arrange delivery through a 3<sup>rd</sup> party courier service, namely APC. This will be done in line with the courier requirements and using an age verification service.
- Records will be kept and maintained showing each order placed for despatch and will be held on the premises.
- A record of each transaction is carried by the person delivering the alcohol. This is via a printed delivery note.
- The record will show the quantity, description, and price of the alcohol
- The record will show the name and address of the person to whom the alcohol is being delivered to.
- Alcohol will only be delivered between the hours of 10am and 10pm daily
- Challenge 25 will be in place where any person receiving a delivery must prove they are over the age of 25 should they appear to look younger than this however over the age of 18. This is validated via myself.
- Only current acceptable proof of age ID will be accepted e.g. European Driving Licence, European Provisional Driving Licence, Passport or PASS logo's ID
- All deliveries are made by myself, Catherine Boot
- An electronic/paper refusal log will be used via spreadsheet should any delivery not be made due to either the recipient being unable to prove their age or appearing intoxicated.
- Should any product be refused, then it is credited to the customer by bank transfer
- The product will be returned to Wine Wednesdays

20/09/2023

Your Ref: Wine Wednesdays

Our Ref: 757694

The Clerk of the Licensing  
Board  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith  
EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
WINE WEDNESDAY  
8 LINKS ROAD, NORTH BERWICK, EAST LOTHIAN, EH39 4LU.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an amendment to Section 5(f) of the premises operating plan to include "deliveries and online sales of alcohol".

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Catriona Paton  
Chief Superintendent  
For enquiries please contact the Licensing Department on 0131 654 5583.

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

**Clerk to the Licensing Board**

---

**Date:** 3<sup>rd</sup> October 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

WINE WEDNESDAYS, 8C EAST LINKS ROAD, NORTH BERWICK, EAST LoTHIAN EH39 4LU

I can confirm that I have liaised with the applicant in relation to this variation application.

The changes applied for are:

- To add deliveries and online sales as an activity

I recommend the following condition be considered:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

In summary, the proposed changes are supported by Licensing Standards.

Licensing Standards Officer

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 27 September 2023 11:43  
**To:** Herkes, Gillian  
**Cc:** Licensing  
**Subject:** RE: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick

Hello,

Please note I have no comments or objections to this variation to the license.

Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA  
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7C640f684583534464a2b808dbbf4693a5%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638314082061296236%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=H1AGdyAkCrNG9d7HMuhxRPtGwRTe3ZeKEgfxDYYLxbo%3D&reserved=0>

-----Original Message-----

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 19 September 2023 14:44  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick

Hi

Please find attached Variation to Provisional Premises Licence for Wine Wednesdays, 8c Links Road, North Berwick for report/representation by 16th October, 2023

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

## Licensing

---

**From:** Douglas, Andrew  
**Sent:** 19 September 2023 15:25  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards; Muir, Marion  
**Subject:** FW: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick  
**Attachments:** Herkes\_ Gillian\_XVF20528\_FIREBIRD\_3226\_001.pdf

No objs, std conditions.

EHTS - can this be scanned to commercial premises ref: 21/00028/COM , as '2023 variation to Licence'.

Thanks

Andrew

-----Original Message-----

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 19 September 2023 14:46  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick

-----Original Message-----

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 19 September 2023 14:44  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick

Hi

Please find attached Variation to Provisional Premises Licence for Wine Wednesdays, 8c Links Road, North Berwick for report/representation by 16th October, 2023

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

## Herkes, Gillian

---

**From:** Kathryn Smith [REDACTED]  
**Sent:** 05 October 2023 16:37  
**To:** Herkes, Gillian  
**Subject:** RE: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Gillian

Thank you for the application for a Variation to the provisional licence for Wine Wednesdays.

I can confirm that North Berwick Community Council has no comment to make on the application.

Kind regards  
Kathryn

Kathryn E Smith  
Secretary NBCC

-----Original Message-----

**From:** Herkes, Gillian [mailto:gherkes@eastlothian.gov.uk]  
**Sent:** 19 September 2023 14:44  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian'; Harling, Karen (Licensing); Environment Reception; Environmental Health/Trading Standards; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image Variation to Provisional Licence - Wine Wednesdays, North Berwick

Hi

Please find attached Variation to Provisional Premises Licence for Wine Wednesdays, 8c Links Road, North Berwick for report/representation by 16th October, 2023

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk



Plek 7/9  
Ogechas  
5/10.



East Lothian Council  
Licensing  
28 AUG 2023  
Received

# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

# 3A

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**This application should only be completed by the Licence Holder  
of the appropriate Premises Licence or their Agent.**

## 1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary - (Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

I AM APPLYING TO CHANGE THE LICENCE FROM SEASONAL TO ALL YEAR ROUND.

ALSO TO CHANGE THE POSTAL ADDRESS

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## 2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL312

2(b) Name and Address of Premises STIRLING STEWART T/A THE LOBSTER SHACK  
NORTH HARBOUR WALKWAY, (B2) HARBOUR TERRACE, NORTH BERWICK

Post Code EH39 4JW Tel. No. 01620 895577

Email [REDACTED]

## 2(c) Full Name and Address of Current Licence Holder

STIRLING HUNTER STEWART

[REDACTED]

[REDACTED]

Post Code [REDACTED]

Tel. No. [REDACTED]

Email address [REDACTED]

## 3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

### 3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

TO CHANGE THE POSTAL ADDRESS.

TO CHANGE THE LICENCE FROM SEASONAL TO ALL YEAR ROUND

**3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and detail below the proposed changes. **(See Note 1)**

LOOKING TO CHANGE THE LICENCE FROM SEASONAL TO ALL YEAR ROUND. ALSO TO CHANGE THE POSTAL ADDRESS

**3(c) Variation to the Layout Plan of the Premises Licence**

A copy of the proposed Layout Plan must accompany this application. **(See Note 2)**  
In addition please provide details below of the proposed change to the layout of the Premises.

SAME

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

**4. LICENCE TO BE AMENDED (See note 3 below)**

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)

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**5. FEE PAYABLE**

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

I confirm that

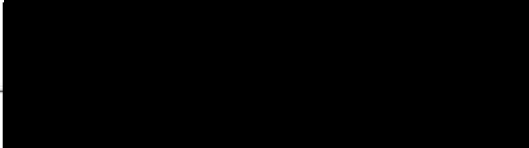
(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date \_\_\_\_\_

Capacity APPLICANT / ~~AGENT~~ (delete as appropriate)

**If agent, please provide details**

Full name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

**Note 1**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005 .

**Note 5: Data Protection Act 2018**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**CONTACT US**

East Lothian Licensing Board  
Licensing Office, John Muir House  
Haddington, East Lothian  
EH41 3HA

Phone: 01620 827217 / 827867 / 820114  
Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

<b>FOR OFFICE USE ONLY</b>		
Received & Receipt No.	System Updated	Licence Issued

## OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

**This application should only be completed by the Licence Holder  
of the appropriate Premises Licence or their Agent.**

### 1. STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

**Name and Address of Premises** LOBSTER SHACK (mobile unit situated in North Berwick Harbour)

C/O ROCKETEER RESTAURANT

26 VICTORIA ROAD, NORTH BERWICK

Post Code EH39 4JL

- 1(a)** Will alcohol be sold for consumption solely ON the premises? YES  NO
- 1(b)** Will alcohol be sold for consumption solely OFF the premises? YES  NO
- 1(c)** Will alcohol be sold for consumption both ON and OFF the premises? YES  NO

**2. STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES**

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	11.00	20.00
Tuesday	11.00	20.00
Wednesday	11.00	20.00
Thursday	11.00	20.00
Friday	11.00	20.00
Saturday	11.00	20.00
Sunday	11.00	20.00

**3. STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES**

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	11.00	20.00
Tuesday	11.00	20.00
Wednesday	11.00	20.00
Thursday	11.00	20.00
Friday	11.00	20.00
Saturday	11.00	20.00
Sunday	11.00	20.00

#### 4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES  NO

\*If YES – provide details

**5. PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL**

<b>ACTIVITY</b>	<b>ACTIVITY PROVIDED? YES / NO</b>	<b>To be provided during core licenced hours. Please confirm YES / NO</b>	<b>Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO</b>
-----------------	--	---	--

<b>5a.</b> Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	NO
Bar meals	NO	NO	NO

Social functions including:

<b>5b.</b> Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	NO	NO	NO

Entertainment, including:

<b>5c.</b> Recorded music – see 5(g)	NO	NO	NO
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	NO	NO	NO

<b>5d.</b> Outdoor drinking facilities	YES	YES	NO
--	-----	-----	----

<b>5e.</b> Adult Entertainment	NO	NO	NO
--------------------------------	----	----	----

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

[Empty rectangular box for providing further details]



**5(f) If you propose to provide any activities other than those listed in 5(a) – (e), please provide details or further information below.**

**5(g) Late night premises opening after 1.00am**

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

YES  NO

When fully occupied, are there likely to be more customers standing than seated?

YES  NO

**6. ON-SALES ONLY – CHILDREN AND YOUNG PERSONS**

**6(a)** When alcohol is being sold for consumption on the premises will children or young persons be allowed entry? YES  NO

**6(b)** Where the answer to **6(a)** is YES provide statement of the TERMS under which they will be allowed entry

CHILDREN WILL BE ADMITTED ONLY WHEN ACCOMPANIED BY AN ADULT

**6(c)** Provide statement regarding the AGES of children or young persons to be allowed entry

0 - 17

**6(d)** Provide statement regarding the TIMES during which children and young persons will be allowed entry

CHILDREN AND YOUNG PERSONS MAY BE ADMITTED UNTIL 21.00 HOURS OR UNTIL END OF MEAL

**6(e)** Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED TO ALL PUBLIC AREAS

## 7. CAPACITY OF PREMISES

**What is the proposed capacity of the premises to which this application relates?**

ON SALES - 30  
CAPACITY BREAKDOWN - 30 IN OUTSIDE SEATING AREA

## 8. PREMISES MANAGER

**(NOTE: not required where application is for grant of provisional premises licence)**

Full Name STIRLING HUNTER STEWART

Date of birth [REDACTED]

Contact address [REDACTED]

[REDACTED] Post Code [REDACTED]

Tel. No. [REDACTED] Email address [REDACTED]

### Personal licence

Date of issue 18/01/2023

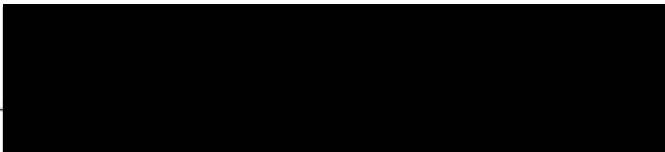
Name of Licensing Board issuing EAST LoTHIAN LICENSING BOARD

Reference no. of personal licence EL1463

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

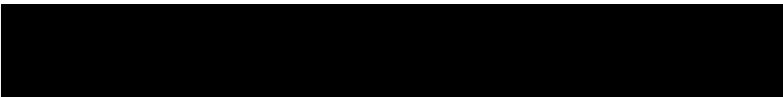
**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief

Signature  (\* see note below)

Date 17/08/2023

Capacity APPLICANT /~~AGENT~~ (delete as appropriate)

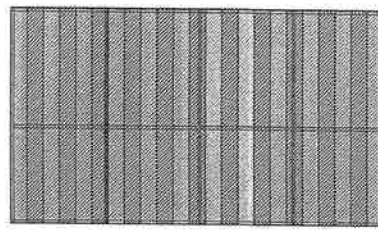
Tel. No. of signatory 

Email address 

**\* Data Protection Act 2018**

The information on this form may be held on an electronic public register which may be available to members of the public on request.





1:50 SCALE ROOF PLAN

Sign boards and signs are all as per the photos on this drawing including actual colours

6mm thick steel plate secured to shack with screws with white cover plates to hide them



1:10 SCALE SIDE DETAIL AT ALL LOBSTER SHACK SIGN BOARDS

Mouldings holding chalk boards in place to be screwed into shack with screw holes filled in and painted to match mouldings



1:5 SCALE DETAIL AT ALL SIGN BOARDS (TOP, SIDES AND BOTTOM)

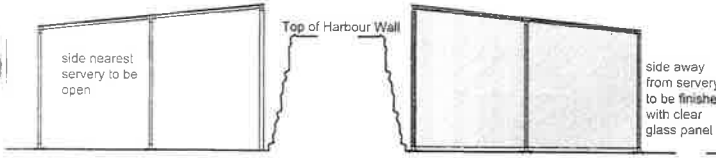
Roof of Canopy to be finished with Traffic Red (RAL 3020) and white striped Plastic sheeting to match existing

Rear of canopy to be finished with clear Glass panel

Front of canopy to be open



1:50 SCALE REAR ELEVATION (NORTH WEST)

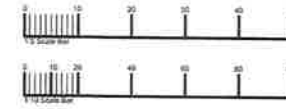


1:50 SCALE SIDE ELEVATION (NORTH EAST)

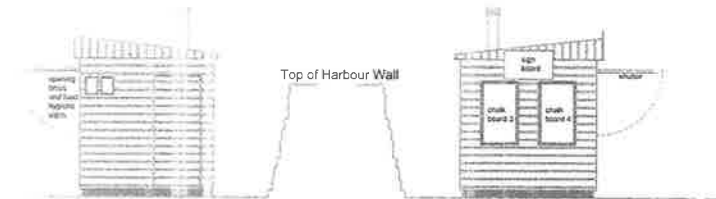
1:50 SCALE SIDE ELEVATION (SOUTH WEST)

1:50 SCALE FRONT ELEVATION (SOUTH EAST)

## NEW CANOPY - Refer to Drawing 18-70-002



Lobster shack sign is predominately white background with sea blue wash in places, Lobster is red with lettering in white and black colours



1:50 SCALE SIDE ELEVATION (NORTH EAST)

1:50 SCALE SIDE ELEVATION (SOUTH WEST)

1:50 SCALE FRONT ELEVATION (SOUTH EAST)

Lobster shack signage as per existing Servery

Hinged shutter for when not in use, to be finished with timber boarding to match servery

Chalk boards either side of servery.



1:50 SCALE REAR ELEVATION (NORTH WEST)

## NEW SERVERY

### Shack Colours

All paint colours are from the Sikkens Woodstain Range;  
 Timber Cladding - Ref. R6.07.57T (Modern Collection)  
 Plinth - Ref. C7.44.26T (Classic Collection)

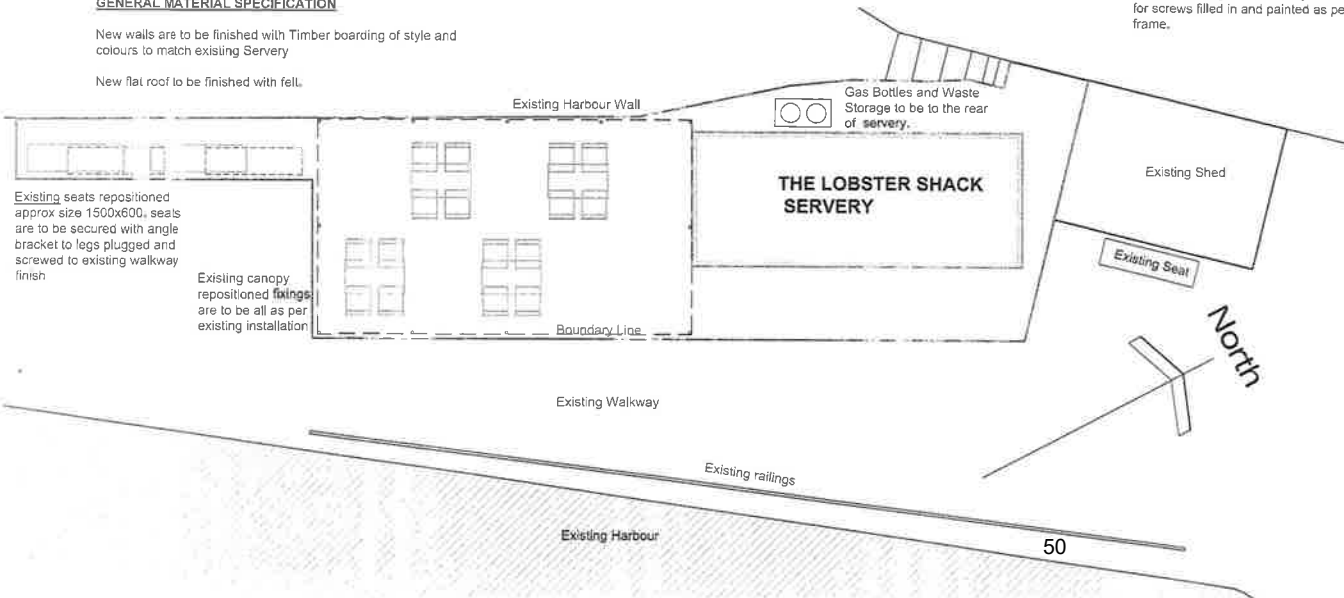
### FIXING NOTES

All advert boards are to be secretly fixed through framing to the servery unit with holes for screws filled in and painted as per rest of frame.

### GENERAL MATERIAL SPECIFICATION

New walls are to be finished with Timber boarding of style and colours to match existing Servery

New flat roof to be finished with felt.



### Menu Board Colours

All paint colours are from the Sikkens Woodstain Range;  
 Framing - Ref. C7.44.26T (Classic Collection)



PHOTO OF EXISTING BENCHES

REVISIONS	

CLIENT The Lobster Shack		PROJECT Mobile Catering Unit at: The Harbour Vielcher Road North Berwick	
-----------------------------	--	--	--

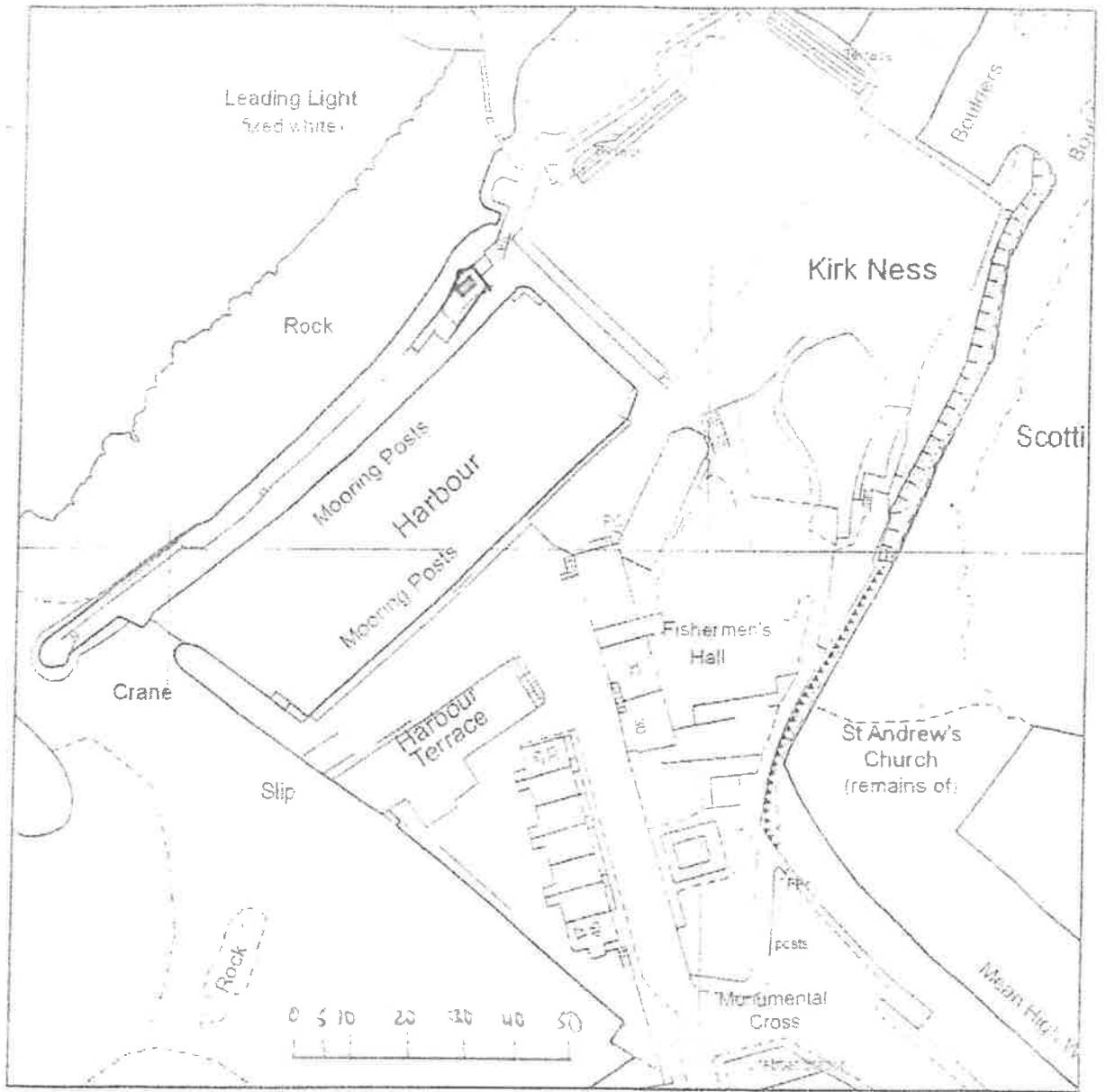
DRAWING TITLE Plans & Elevations of Servery and Canopy	DATE	May 2023
	DRAWN	KM
	SCALE	1:50 @ A1

**david paton building consultancy**  
 Chartered Architectural Technologists  
 Established in 1951  
 11 High Street, Leamington  
 Warwickshire, CV32 9JH  
 Telephone 01923 411100  
 www.davidpatonbuilding.com  
 email: d.p@patonbuilding.com

	JOB NO.	DRAWING NO.
	<b>23/26</b>	<b>Pn1</b>

LANNING / LISTED BUILDING  
ONSENT APPLICATIONS





location plan  
1:1250 SCALE

08/09/2023

Your Ref: LOBSTER SHACK

Our Ref: 754792

The Clerk of the Licensing  
Board  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith  
EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
LOBSTER SHACK  
OLD GRANARY, HARBOUR TERRACE, NORTH BERWICK, EAST LOTHIAN,  
EH39 4JW.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

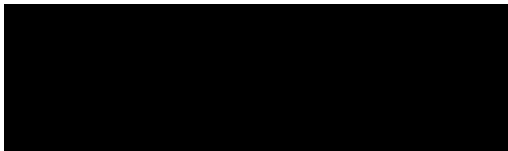
The variation requested consists of –

- To change the licence from seasonal to all year round operation.
- To change the postcode.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Catriona Paton  
Chief Superintendent  
For enquiries please contact the Licensing Department on 0131 654 5583.

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

Clerk to the Licensing Board

---

**Date:** 19<sup>th</sup> September 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

LOBSTER SHACK, NORTH HARBOUR WALKWAY, (B2) HARBOUR TERRACE, NORTH  
BERWICK, EAST LoTHIAN, EH39 4JW

I can confirm that the applicant and premises have been visited in relation to this variation application. At the time of my visit on 13<sup>th</sup> September the site notice was not displayed however I believe that this was rectified. The premise was compliant with the Act and there have been no complaints received.

The changes applied for are:

- To remove seasonal variations and operate all year round.
- Change premises address to better reflect location.

I have no objections or recommendations to the proposed.

Licensing Standards Officer

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 11 September 2023 09:11  
**To:** Licensing  
**Subject:** RE: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

Hello,

Please note that the applicant does not currently have planning permission for the premises to be used all year round. Previously planning permission (Reference: 19/01180/P) was granted for the siting of the snack van on a temporary period until 28th February 2022. No further grant of permission has been granted and the applicant should have ceased trading.

However, a planning application was received in August for the siting of the snack van and associated works, which is currently pending consideration with an expected determination date of 6th October (Reference No. 23/00618/P).

Kind Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA

T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7C47e4f4743dd441b4158808dbb29eb0d1%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638300166852345593%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJljoiv2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=i6p3HrcSrl1gva23BU%2FMefl2g5CaY%2Bp50j2i11bpNoY%3D&reserved=0>

-----Original Message-----

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 07 September 2023 13:13  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

Good Afternoon

Please find attached Major Variation for The Lobster Shack, North Berwick. They wish to change from seasonal to all year round. Can I have your report/representation by 5th October, 2023.

Kind regards

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House

## Herkes, Gillian

---

**From:** Slight, Lynn  
**Sent:** 11 September 2023 14:27  
**To:** Herkes, Gillian  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312  
**Attachments:** Herkes\_ Gillian\_XVF20528\_FIREBIRD\_2954\_001.pdf

Thank you for above Major variation for The Lobster Shack, North Berwick to operate from seasonal to all year round.

Environmental Health request that the applicant provide details on the provision of potable water and drainage over the proposed extended trading times.

Kind regards  
L Slight

Senior Environmental Health Officer  
East Lothian Council  
John Muir House  
Haddington  
EH41 3AH  
01620 827374

-----Original Message-----

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 07 September 2023 14:21  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

-----Original Message-----

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 07 September 2023 13:13  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

## Licensing

---

**From:** Kathryn Smith [REDACTED]  
**Sent:** 05 October 2023 16:35  
**To:** Licensing  
**Subject:** RE: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

[You don't often get email from ksmith2028@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Gillian

Thank you for the application for a Major Variation for the Lobster Shack.

I can confirm that North Berwick Community Council has no comment to make on the application.

Kind regards  
Kathryn

Kathryn E Smith  
Secretary NBCC

-----Original Message-----

**From:** Licensing [mailto:licensing@eastlothian.gov.uk]  
**Sent:** 07 September 2023 13:13  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian'; Harling, Karen (Licensing); Environment Reception; Environmental Health/Trading Standards; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

Good Afternoon

Please find attached Major Variation for The Lobster Shack, North Berwick. They wish to change from seasonal to all year round. Can I have your report/representation by 5th October, 2023.

Kind regards

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

3B

(Provide Details) The addition of a market to our current operating plan.  
.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

E1333

2(b) Name and Address of Premises

Dunbar Garden Centre  
Spott Road  
Dunbar  
East Lothian

Post Code

EH42 1BF

Phone No.

██████████

2(c) Full Name and Address of Current Licence Holder

Dunbar Garden Centre  
Spott Road  
Dunbar  
East Lothian  
EH42 1BF

<b>Post Code</b>		<b>Phone No.</b>	

**SECTION 3: NATURE OF VARIATION**

Complete the relevant section(s) regarding the variations sought:-

**3(a) Variation to the Conditions to which the Premises Licence is subject**

Provide details of the Condition(s) to be varied and the variation being sought

No Variation to the Conditions

**3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Add following activities:

- Market
- Inflatable course
- VR Rides
- Market

**3(c) Variation to the Layout Plan of the Premises Licence**

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

There is no change to alcohol display locations. Changes are in line with additional services likes of grotto, inflatable course, and market etc.

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence  
(e.g. *Alteration to the description of the premises contained within the Premises Licence*)

No Change to Licence

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

**YES**

**NO**

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
  - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
  - Other (provide details)
- .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

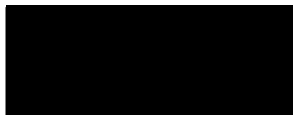
**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

1.5

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £      is enclosed.

**Signature**



..... (See note 5 below)

**Date**            11/09/2023

.....

Capacity: AGENT (delete as appropriate)

**If agent, please provide name, address,  
phone number and (if applicable) email address**

Ilmars Bogdanovs



**Note 1:**

Please note that the proposed Operating Plan **must** contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114  
**Fax:** 01620 827253  
**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>ELicence Issued</i>
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## EAST LoTHIAN LICENSING BOARD

### OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

*Name, address and postcode of premises to be licensed.*

<b>Dunbar Garden Centre</b> <b>Spott Road</b> <b>Dunbar</b> <b>East Lothian</b> <b>EH42 1BF</b>
---

#### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

#### Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	1am

<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	12pm

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/NO*</i>
--	----------------

*\*If YES – provide details*

To take advantage of any times that allow for local or national trading hour general extension.

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	no	N/A	N/A
<i>Conference facilities</i>	Yes	Yes	Yes
<i>Restaurant facilities</i>	yes	yes	Yes
<i>Bar meals</i>	Yes	Yes	Yes
<b>5(b) Activity</b> <b>Social functions</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	Yes	Yes	Yes
<i>Club or other group</i> <i>meetings etc.</i>	Yes	Yes	Yes
<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see</i> <b>5(g)</b>	Yes	Yes	Yes
<i>Live performances –</i> <b>see 5(g)</b>	yes	yes	no
<i>Dance facilities</i>	Yes	Yes	Yes
<i>Theatre</i>	no	no	no
<i>Films</i>	no	no	no
<i>Gaming</i>	no	no	no

<i>Indoor/outdoor sports</i>	no	no	no
<i>Televised sport</i>	no	no	no
<b>5(d)</b> <i>Activity</i>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	Yes	Yes	Yes
<b>5(e)</b> <i>Activity</i>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	no	no	no

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

THE RESTAURANT IS OPEN FROM 9AM EACH MORNING THEREFORE BREAKFASTS, TEAS & COFFEES ARE ON OFFER TO THE PUBLIC PRIOR TO THE COMMENCEMENT OF CORE HOURS.

THE SAME IS TRUE FOR GROUP MEETINGS, CONFERENCES AND FUNCTIONS ETC WHICH MAY TAKE PLACE FROM 9AM EACH DAY DUE TO THE RESTAURANT BEING OPEN FROM 9AM.

THE GARDEN CENTRE & RESTAURANT ARE OPEN FROM 9AM EACH DAY THEREFORE RECORDED MUSIC IS PLAYED BEFORE THE COMMENCEMENT OF CORE HOURS STARTING AT 9AM DAILY. THE SAME CIRCUMSTANCES APPLY FOR MUSIC & DANCE FACILITIES AS WE MAY HAVE PERFORMANCES OUTWITH CORE HOURS, SUCH AS CAROL SINGERS IN THE RUN UP TO CHRISTMAS.

THE OUTSIDE SEATING AREA & CHILDREN'S PLAY AREA WILL ALSO BE USED OUTWITH CORE HOURS AS THE GARDEN CENTRE & RESTAURANT ARE OPEN TO THE PUBLIC FROM 9AM DAILY.

TO BE CLEAR, NO ALCOHOL WILL BE SOLD OR SUPPLIED OUTWITH CORE HOURS EXCEPT UNDER GRANT OF AN OCCASSIONAL EXTENSION.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

*Fundraising events for charities, seasonal garden centre events & talks and community exhibitions.*

*Markets*

*Inflatables*

*VR/Funfair type rides*

*Santas Grotto*

*All of the above activities can take place prior core hours as per Garden centre opening hours 9am-6pm.*

5(g) *Late night premises opening after 1.00am*

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
--	----------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

<i>6(a)</i>	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES/NO*</i>
	<i>*Delete as appropriate</i>	

*6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Signs at entrance say – Children must be accompanied by an adult.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

0-17 years of age are allowed entry to garden centre & restaurant.

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

All public (including children & young people) will be permitted access to all public areas of the Garden centre from 9am until 6pm each day.

For special events closing times may extend until 10pm, such as late night Christmas shopping event.

The only exception to this will be when public are attending an arranged function when they will be permitted to stay until the terminal hours.

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

Children and young persons will be allowed entry to the same areas as adults, which is all public areas of the garden centre and restaurant as per layout plan.

**Question 7**

*CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

On sales – 180

Off-sales – Farm shop public area 116m<sup>2</sup>. Display Area 10m<sup>3</sup>. Till area 1m<sup>3</sup> m<sup>2</sup>

Capacity breakdown – restaurant/indoor public seating area 350m<sup>2</sup>, outside public seating area 140m<sup>2</sup>.

**Question 8**

*PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)*

*Personal details*

8(a) *Name*

Claire Cathro

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address and telephone number*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
28/07/23	East Lothian Licensing Board	EL967

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

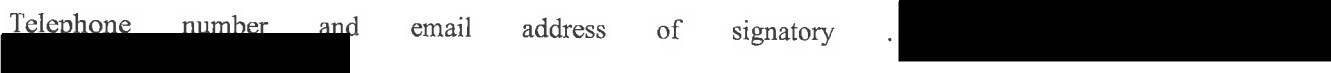
**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature ...  ..... \* (see note below)

Date ... 11/09/2023.....

Capacity ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory . 

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

## Licensing

---

**From:** ilmars [REDACTED]  
**Sent:** 22 September 2023 11:30  
**To:** Licensing  
**Subject:** FW: Market Application & Major variation application  
**Attachments:** Major Variation.doc; Layout plan.pdf

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning,

I would like to resubmit Major Variation application for Dunbar GC with some amendments which are more accurate to our original application.

Please see below email from our chairman/owner of the business, regarding authority to act as agent for the application.

Kind Regards



Ilmars Bogdanovs

*Garden Centre Manager*

**Dunbar Garden Centre**

☎ 01368 238038

📍 Spott Road, Dunbar, East Lothian EH42 1BF

🌐 [www.dunbargardencentre.co.uk](http://www.dunbargardencentre.co.uk)



**From:** Nick Crabbie [REDACTED]  
**Sent:** Thursday, September 21, 2023 4:52 PM  
**To:** ilmars <[REDACTED]>  
**Subject:** Re: Market Application & Major variation application

Dear Sir or Madam,

This is to confirm that Ilmars Bogdanovs, the manager of Dunbar Garden Centre, has full authority to act on the company's behalf in relation to the current application for a Major Variation to the market application.

I am currently out of the country but can be reached on [REDACTED] if required.

Yours faithfully,

Nick Crabbie  
Chairman  
Dunbar, Berwick & Plantsplus Garden Centres

Berwick-upon-Tweed Garden Centre Ltd.

22/09/2023

Your Ref: Unknown

Our Ref: 755656

The Clerk of the Licensing  
Board  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith, EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
DUNBAR GARDEN CENTRE  
DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR, EAST LoTHIAN, EH42  
1BF.**

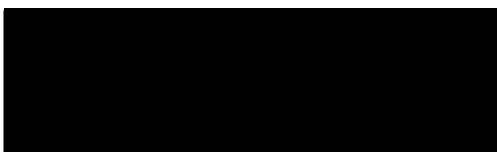
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the addition of a Christmas market to the operating plan.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Catriona Paton  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

# EAST LOTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

Clerk to the Licensing Board

---

**Date:** 25<sup>th</sup> September 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR EAST LOTHIAN EH42 1BF

I can confirm that the applicant and premises have been visited in relation to this variation application. An inspection was completed, and the premises were found to be well run and compliant.

The changes applied for are:

- To add markets, inflatable course, VR rides and Santa's grotto as activities within and outwith core hours to the operating plan

I have no concerns with the proposed changes which are supported.

Licensing Standards Officer

## Herkes, Gillian

---

**From:** Robertson, Scott  
**Sent:** 19 September 2023 10:35  
**To:** Herkes, Gillian; Licensing  
**Subject:** RE: Attached Image - Major Variation for Dunbar Garden Centre, Dunbar

Hello,

Subject to the markets not taking place for more than 28 days of a calendar year I have no comments or objections to make.

Kind Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Cgherkes%40eastlothian.gov.uk%7C3cae199340ea4048504508dbb8f3acb7%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638307128923398280%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=WgUwpKQfoETOLDEKDW0m%2Bba7nIQR1EMhKUVZdJ31h6A%3D&reserved=0>

-----Original Message-----

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 12 September 2023 14:17  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; licensing@nhslothian.scot.nhs.uk  
**Subject:** FW: Attached Image - Major Variation for Dunbar Garden Centre, Dunbar

Hi All

Please find attached Major Variation for Dunbar Garden Centre, Dunbar to add markets to their operating plan for report/representations by 10th October, 2023.

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

-----Original Message-----



EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

East Lothian Council...  
Licensing

- 4 AUG 2023

Received

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL215

2(b) Name and Address of Premises

Victoria Inn and Avenue Restaurant  
9 Court Street  
Haddington

Post Code EH41 3JD

Phone No. [REDACTED]

2(c) Full Name and Address of Current Licence Holder

CALEDONIAN HERITABLE LTD  
4 HOPE STREET  
EDINBURGH

Post Code EH2 4DB

Phone No. [REDACTED]

3C

**SECTION 3: NATURE OF VARIATION**

Complete the relevant section(s) regarding the variations sought:-

**3(a) Variation to the Conditions to which the Premises Licence is subject**

Provide details of the Condition(s) to be varied and the variation being sought

**3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

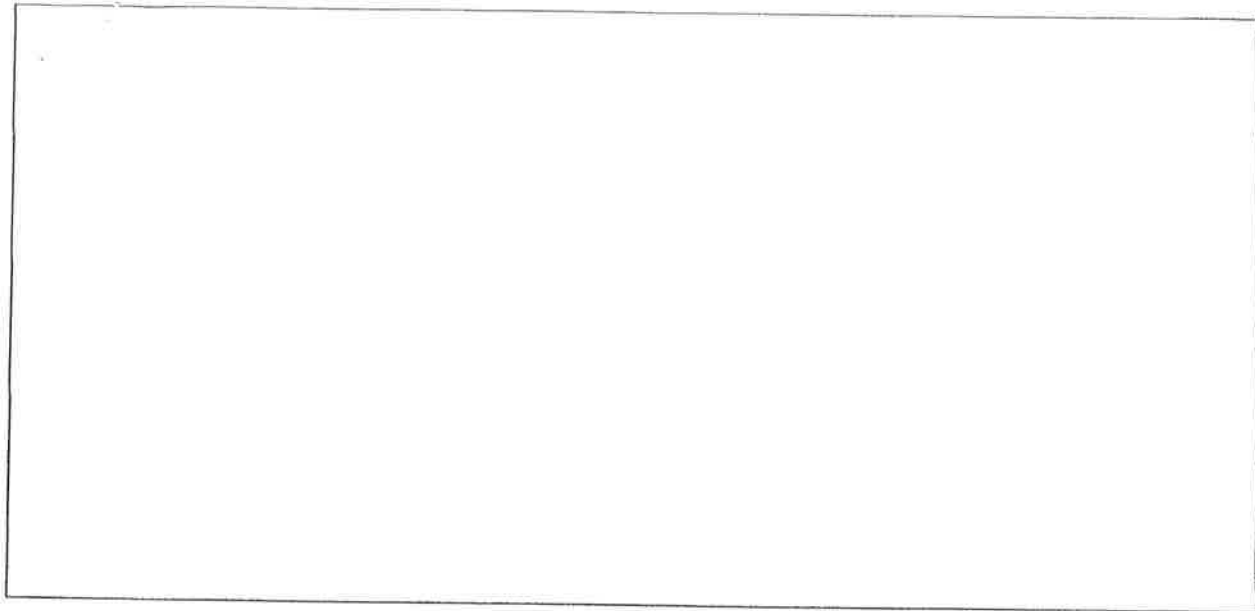
-We propose to amend Question 5a of the operating plan for Indoor/Outdoor Sports to Yes for columns 2 and 3.

**3(c) Variation to the Layout Plan of the Premises Licence**

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence  
*(e.g. Alteration to the description of the premises contained within the Premises Licence)*



**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

- YES                       NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)
- .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

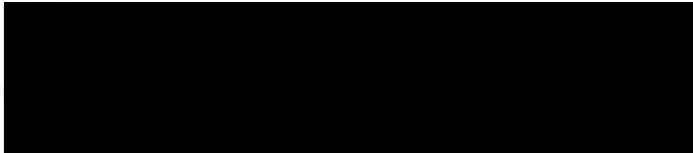
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature



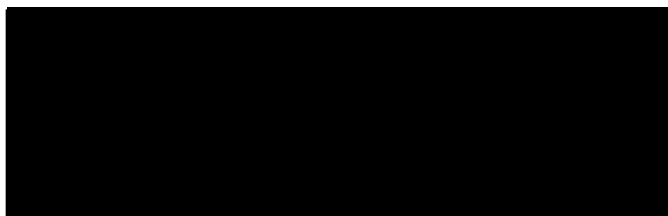
..... (See note 5 below)

Date

28/07/23

Capacity: APPLICANT / AGENT

If agent, please provide name, address, phone number and (if applicable) email address



**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

East Lothian Licensing Board  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued

# EAST LOTHIAN LICENSING BOARD

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	12 midnight
<i>Tuesday</i>	10.00am	12 midnight
<i>Wednesday</i>	10.00am	12 midnight
<i>Thursday</i>	10.00am	1.00am
<i>Friday</i>	10.00am	1.00am
<i>Saturday</i>	10.00am	1.00am
<i>Sunday</i>	11.00am	12 midnight

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	11.00am	10.00pm

**Question 4**

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--	------------

*\*If YES – provide details*

We may wish to reduce our core hours during off tourist season, and we would seek to take advantage of any extended period of trading granted by the Board for significant local/national events e.g. festive period and bank holidays.

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	Yes	N/A	N/A
<i>Conference facilities</i>	No	N/A	N/A
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	Yes	Yes	Yes
<b>5(b) Activity</b> <b>Social functions</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	Yes	Yes	Yes
<i>Club or other group</i> <i>meetings etc.</i>	Yes	Yes	Yes
<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see</i> <b>5(g)</b>	Yes	Yes	Yes
<i>Live performances –</i> <b>see 5(g)</b>	Yes	Yes	Yes
<i>Dance facilities</i>	No	N/A	N/A
<i>Theatre</i>	No	N/A	N/A
<i>Films</i>	No	N/A	N/A
<i>Gaming</i>	Yes	Yes	No
<i>Indoor/outdoor sports</i>	Yes	Yes	N/A
<i>Televised sport</i>	Yes	Yes	Yes

<b>5(d)</b> <i>Activity</i>	<i>Please confirm</i> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	Yes	Yes	No
<b>5(e)</b> <i>Activity</i>	<i>Please confirm</i> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	No	N/A	N/A

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

*Accommodation may be available 365 days of the year. A full or continental breakfast may be served to all guests, as well as full service meals are available during normal operating hours in the lounge bar.*

*Bar Meals – we may offer breakfast outwith core hours commencing from 7am.*

*Receptions – We have the facility in our restaurant to offer a wide range of reception facility. This may include funeral pruveys that require alcohol on the premises from 10am subject to an expediently processed extended hours application being granted.*

*Club Meetings – We have the facility in our restaurant to host local community meetings. This may include events that require alcohol to be available on the premises from 9am e.g. golf day, subject to an extended hours application being granted.*

*Recorded music – accompany any private function, business or breakfast.*

*Live performances may be available to customers outwith core hours booking restaurant for a private party.*

*Televised Sport – we anticipate that certain key sporting events i.e. Olympics, football World Cup, may be televised outwith the core licensing hours and we would wish to provide alcohol for sale on the premises at these events, subject to an extended hours application being granted.*

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

We may provide a range of activities during core hours such as quiz nights, dominoes, charity nights, or similar, social activities appropriate to the target market.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
---	-----

When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children and young persons will be admitted only when accompanied by an adult.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

0-17 years

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

Children and young persons will be admitted until 10pm in the lounge bar, or until close of business if in the restaurant.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Children and young persons will be admitted to all public areas, they will not be permitted to sit or stand within 1.5m of the bar counter.

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

**On sales - 167**

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

8(a) Name

Craig Douglas

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
Aug 18	Edinburgh	389996

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

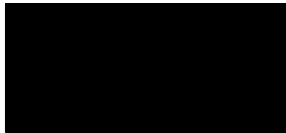
Signature ..... \* (see note below)

Date .....

Capacity .....APPLICANT

Telephone number and email address of signatory

Nyssa Barron, Caledonian Heritable Ltd



**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

## Licensing

---

**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 07 August 2023 09:37  
**To:** Licensing  
**Subject:** VARIATION TO OPERATING PLAN - VICTORIA INN, HADDINGTON - ADD  
INDOOR/OUTDOOR SPORTS  
**Attachments:** HERKES\_ GILLIAN\_QXM04806\_FIREBIRD\_4618\_001.PDF

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi all,  
No Police objection  
Our ref - 745839

Regards  
Iain

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

**Clerk to the Licensing Board**

---

**Date:** 6th October 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

**PREMISES LICENCE MAJOR VARIATION**

**THE VICTORIA INN AND AVENUE RESTAURANT, 9 COURT STREET, HADDINGTON, EAST LoTHIAN EH41 3JD**

I can confirm that I have spoken with Paul Hastie from Caledonian Heritable Ltd and Craig Douglas Premises Manager in relation to this variation application. I have also conducted a visit at the premises, where the site notice for the variation was displayed and visible.

The premises have been in the control of the current tenant and premises manager, Craig Douglas from February 2020.

In June 2023, during a visit to the premises it came to my attention that a pool table was in use at the premises. I established that the operating plan did not allow indoor/outdoor sports for this activity. In order for the premises to comply with the premises licence, I asked for the use of the pool table to cease and a major variation submitted for consideration by the Board.

The change applied for is:

- To add indoor/outdoor sports during core hours

No layout plan has been submitted with the application indicating the location of the pool table. When I visited, the pool table was situated in the restaurant area on the first floor in the middle of the floor with tables and chairs set up for dining surrounding it.

As per the operating plan

“Children and young persons will be admitted to all public areas. They will not be permitted to sit or stand within 1.5 meters of the bar counter”

Careful management of this area will be required to avoid any contact with those sitting around the table when it is in use. The use of the pool table could be a potential hazard to children who are in the area. It

is of note that there is also a category C gaming machine at the entrance to the bar on the ground floor and also on the first floor.

The area that the pool table is proposed, is used as a restaurant area, and also hosts sports clubs meeting and after match catering.

I refer the Board to Section 15.3 of The Statement of Licensing Policy below:

15.3 The Board will not normally grant a premises licence in respect of children's access where:

- children under the age of 12 have unsupervised access to pool tables, dart boards or areas where category C or above gaming machines are located.

I would recommend that in order to uphold the licensing objective of protecting children and young persons from harm that access to this area by children and young persons is considered.

The addition of the pool table has the potential to change the atmosphere and character of the premises potentially creating an unsuitable atmosphere for children. This is something that the premises licence holder and premises manager should monitor and manage carefully, considering when it is suitable for the pool table to be in use.

I direct the Board members to the suggested control measure below contained in the Board's Statement of Licensing Policy:

exclusion of children from areas in which gambling is taking place such as casino, poker or race nights and areas where category C or above gaming machines are available for use.

In relation to terms on which children and young person are allowed on the premises, the operating plan states – Children and young persons will be admitted only when accompanied by an adult.

It is my recommendation that the Board considers children and young person access in the premises given the proposed changes. Should the board be minded to grant the application I suggest the Board considers the below:

Either:

Children (0-11) are supervised by a responsible adult whilst in the bar/restaurant area on the ground floor and first floor where the category C gaming machines and pool table are located.

Or

Children (0-11) are excluded from the bar/restaurant area on the first floor where the category C gaming machine and pool table are located.

Licensing Standards Officer

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 15 August 2023 08:31  
**To:** Licensing  
**Subject:** RE: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Hello,

Please note I have no comments or objections in relation to this major variation application.

Kind Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA  
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at  
<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7C149c4f9c49db4249212908db9d619971%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638276814720874130%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=TkGumnBn7iHaxf4WVrlqxMwjK8r9I6QcYDlxL8Sf61c%3D&reserved=0>

-----Original Message-----

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 04 August 2023 13:00  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; all@haddingtoncc.org.uk  
**Subject:** FW: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Hi All

Please find attached Major Variation for Victoria Inn and Avenue Restaurant to add Indoor and Outdoors Sports to operating plan. Can I please have your comments/observations by 1st September, 2023.

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

## Herkes, Gillian

---

**From:** Gunning, Laura  
**Sent:** 04 August 2023 14:33  
**To:** Herkes, Gillian  
**Cc:** Licensing  
**Subject:** RE: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Good afternoon,

No objection from EH subject to standard conditions

Thanks,  
Laura

Laura Gunning  
Senior Environmental Health Officer  
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA  
Tel: 01620 827296 Email lgunning@eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
Sent: 04 August 2023 14:23  
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
Subject: FW: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

-----Original Message-----

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>  
Sent: 04 August 2023 13:00  
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; all@haddingtoncc.org.uk  
Subject: FW: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Hi All

Please find attached Major Variation for Victoria Inn and Avenue Restaurant to add Indoor and Outdoors Sports to operating plan. Can I please have your comments/observations by 1st September, 2023.

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council



EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

3D

(Provide Details) Change of name of premises.

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL025

2(b) Name and Address of Premises

Hole in the Wa'  
170 New Street  
Fisherrow  
Musselburgh  
East Lothian

<b>Post Code</b>	<b>EH21 6BZ</b>	<b>Phone No.</b>	<b>(0131) 665 6473</b>
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2(c) Full Name and Address of Current Licence Holder

Excel Estates (Glasgow) Limited  
115 Rimsdale Street  
Glasgow

<b>Post Code</b>	<b>G40 3DP</b>	<b>Phone No.</b>	
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### SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

#### 3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

N/A

#### 3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Q2 – To amend the on sales hours to 11.00 – 23.00 Monday to Wednesday, 11.00 – 01.00 Thursday to Saturday and 11.00 – 00.00 Sunday.

Q5 – To add Bar Meals as an activity within and outwith core hours

- To add receptions, club meetings and recorded music outwith core hours.

Q5 – To add wording to read “The premises may open prior to core hours for the service of breakfasts, teas and coffees. Receptions may take place outwith core hours if we are catering for a funeral, christening etc but no alcohol will be sold outwith core hours. Recorded background music may be played outwith core hours for the benefit of staff and customers. Televised sport – there may be certain key sporting events which are televised outwith the core licensed hours – alcohol will not be sold without the benefit of an extended hours application.

Q6(a) – Amend to “YES.”

Q6(b) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”

Q6(c) – Add wording to read “0-17 years”

Q6(d) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”

Q6(e) – Add wording to read “Children and young persons will be permitted in the lounge bar area, and excluded from the public bar.”

**3(c) Variation to the Layout Plan of the Premises Licence**

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

N/A

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence  
(e.g. Alteration to the description of the premises contained within the Premises Licence)

- To change the name of the premises to "Fisherrow Tap."
- To amend the description of the premises to read "The premises is a 2-storey end of terrace building located on New Street just off town centre. The public house consists of public bar, male and female toilets, storeroom, lounge area with a raised area and male and female toilets. Cellar is in the basement. The premises sells a range of alcoholic and non-alcoholic beverages and a range of hot and cold bar meals and snacks."

**SECTION 4: LICENCE TO BE AMENDED**  
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES                       NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

The licence has not yet been issued by the Board

- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details) **Can be sent under a separate cover if required.**
- .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ 150 is enclosed.

**Signature** – Nicola Smith – TLT Solicitors

..... (See note 5 below)

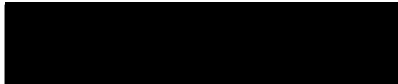
**Date** - 14 July 2023

.....

Capacity: AGENT

**If agent, please provide name, address,  
phone number and (if applicable) email address**

TLT LLP  
Cadworks, Floor 9  
41 West Campbell Street  
Glasgow  
G2 6SE



**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114

**Fax:** 01620 827253

**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<b>FOR OFFICE USE ONLY</b>		
<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	01.00
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	00.00

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
---	-----

*\*If YES – provide details*

We would seek to take advantage of any extended period of trading granted by the board for significant local/national events e.g. festive period, bank holidays etc.

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	YES	YES	YES
<b>5(b) Activity</b> <b>Social functions</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see</i> <b>5(g)</b>	YES	YES	YES
<i>Live performances –</i> <b>see 5(g)</b>	YES	YES	NO

<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	YES
<b>5(d) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Adult entertainment</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Bar Meals - The premises may open prior to core hours for the service of breakfasts, teas and coffees.

Receptions may take place outwith core hours if we are catering for a funeral, christening etc but no alcohol will be sold outwith core hours.

Recorded background music may be played outwith core hours for the benefit of staff and customers.

Televised sport – there may be certain key sporting events which are televised outwith the core licensed hours – alcohol will not be sold without the benefit of an extended hours application.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

We may provide a range of activities such as quiz nights, dominoes, charity nights or similar social activities appropriate to the target market.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
---	-----

When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

0-17 years.

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Children and young persons will be permitted in the lounge bar area, and excluded from the public bar.

### Question 7

#### *CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

On sales - 100

**Question 8**

**PREMISES MANAGER** (*NOTE: not required where application is for grant of provisional premises licence*)

*Personal details*

8(a) *Name*

Lyndsay Douglas

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
28 May 2015	East Lothian Licensing Board	EL1180

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature – Nicola Smith – TLT Solicitors

Date – 14 July 2023

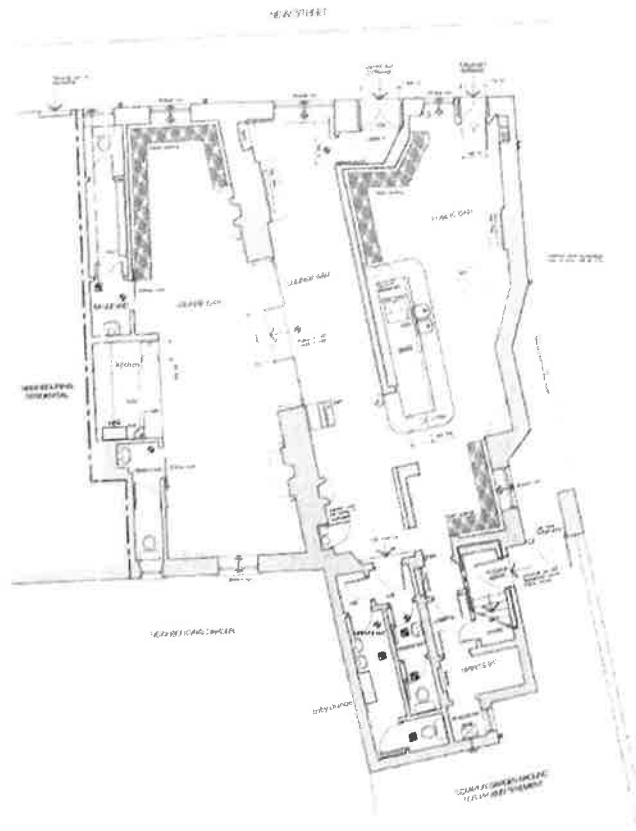
Capacity - AGENT

Telephone number and email address of signatory –



**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.



Building Construction - 50  
 Structural Load - 200  
 Floor Slab 200 x 200  
 Column Size 200 x 200  
 Structural Details - 1:100

12/10/2023

Your Ref: FISHERROW TAP  
(HOLE IN THE WA)  
Our Ref: 763167

The Clerk of the Licensing  
Committee  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith, EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
FISHERROW TAP (HOLE IN THE WA), 170 NEW STREET, FISHERROW,  
MUSSELBURGH, EAST LOTHIAN, EH21 6BZ.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of:

- **To amend the on sales hours to 11.00 – 23.00 Monday to Wednesday, 11.00**
- **01.00 Thursday to Saturday and 11.00 – 00.00 Sunday.**
- **To add Bar Meals as an activity within and outwith core hours**
- **To add receptions, club meetings and recorded music outwith core hours.**
- **To add wording to read “The premises may open prior to core hours for the service of breakfasts, teas and coffees. Receptions may take place outwith core hours if we are catering for a funeral, christening etc but no alcohol will be sold outwith core hours. Recorded background music may be played outwith core hours for the benefit of staff and customers. Televised sport – there may be certain key sporting events which are televised outwith the core licensed hours – alcohol will not be sold without the benefit of an extended hours application.**

OFFICIAL

**Q6(a) – Amend to “YES.”**

**Q6(b) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”**

**Q6(c) – Add wording to read “0-17 years”**

**Q6(d) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”**

**Q6(e) – Add wording to read “Children and young persons will be permitted in the lounge bar area, and excluded from the public bar.”**

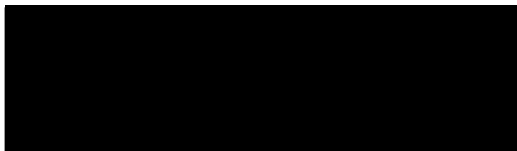
**- To change the name of the premises to “Fisherrow Tap.”**

**- To amend the description of the premises to read “The premises is a 2-storey end of terrace building located on New Street just off town centre. The public house consists of public bar, male and female toilets, storeroom, lounge area with a raised area and male and female toilets. Cellar is in the basement. The premises sells a range of alcoholic and non-alcoholic beverages and a range of hot and cold bar meals and snacks.”**

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Catriona Paton  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

# **EAST LoTHIAN COUNCIL**

## **Licensing Standards**

**From: Licensing Standards Officer**

**To: C. Grilli**

**Clerk to the Licensing Board**

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**Date: 5<sup>th</sup> October 2023**

**Subject: LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE MAJOR VARIATION  
FISHERROW TAP, 170 NEW STREET, MUSSELBURGH, EAST LoTHIAN EH21 6BZ**

I can confirm the premises have been visited in relation to this variation application and I have spoken with the applicant's agent Mr Stephen McGowan and the tenant Mr Gary Munkton in relation to the proposed operations at the premises.

The changes applied for are:

- To change the on sales licensed hours
- To add bar meals as an activity within and out with core hours
- To add receptions, club meetings, and recorded music outwith core hours
- To allow children access as detailed on the application and operating plan.
- To change the premises name
- To change the description of the premises

The proposed on sale hours are within Board policy.

On visiting the premise, viewing the new layout and proposed new operations, including the provision of bar meals, I have no objection or recommendations in relation to the changes.

Licensing Standards Officer

## Licensing

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**From:** Gunning, Laura  
**Sent:** 31 July 2023 16:34  
**To:** Herkes, Gillian; Licensing  
**Cc:** Douglas, Andrew  
**Subject:** RE: Major Variation for Hole in the Wa, Musselburgh

Good afternoon

There is insufficient information here to allow for Environmental Health to comment. We would seek details on the proposed food activities (for example frying) and a proposed kitchen layout plan.

Kind regards,  
Laura

Laura Gunning  
Senior Environmental Health Officer  
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA  
Tel: 01620 827296 Email [lgunning@eastlothian.gov.uk](mailto:lgunning@eastlothian.gov.uk)



REHIS  
Chartered Environmental Health Officer  
2023

**From:** Licensing <[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)>  
**Sent:** 25 July 2023 11:15  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <[LothianScotBordersLicensingEastMid@Scotland.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.police.uk)>; Harling, Karen (Licensing) <[kharling1@eastlothian.gov.uk](mailto:kharling1@eastlothian.gov.uk)>; Environment Reception <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>; Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>; [torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk); [licensing@nhslothian.scot.nhs.uk](mailto:licensing@nhslothian.scot.nhs.uk); [REDACTED]  
**Subject:** Major Variation for Hole in the Wa, Musselburgh

Hi

Please find attached Major Variation for Hole in the Wa, Musselburgh. Can I please have your report/comments by 22<sup>nd</sup> August, 2023.

Kind regards

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)

## Licensing

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**From:** Robertson, Scott  
**Sent:** 26 July 2023 13:43  
**To:** Licensing  
**Subject:** RE: Major Variation for Hole in the Wa, Musselburgh

Hello,

Please note I have no comments or objections in relation to the major variation application at Hole in the Wa.

Kind Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington  
EH41 3HA  
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 25 July 2023 11:15  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>;  
Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception  
<environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>;  
torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; [REDACTED]  
**Subject:** Major Variation for Hole in the Wa, Musselburgh

Hi

Please find attached Major Variation for Hole in the Wa, Musselburgh. Can I please have your report/comments by 22<sup>nd</sup> August, 2023.

Kind regards

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk







# APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE\*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

\*Delete as appropriate

**Question 1** - Name, address and postcode of premises to be licensed

Premier Store, 90 High Street

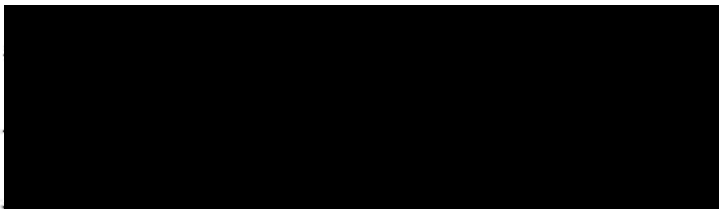
Haddington

East Lothian, EH41 3ET

**Question 2** - Particulars of applicant

**2(a)** Where applicant is an individual, provide full name, date & place of birth, home address including postcode, telephone number & email address.

Sheree Ashleigh Shah



**2(b)** Where applicant is a partnership, please provide full name, and postal address of partnership.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2(c)** Where applicant is a company, please provide name, registered office and company registration number.

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**2(d)** Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

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**2(e)** Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\*

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\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

**Question 3** – Previous applications

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?

YES  NO

If YES – provide full details \_\_\_\_\_

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**Question 4** – Previous convictions

Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)

YES  NO

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

NAME	DATE	COURT	OFFENCE	SENTENCE

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

**DESCRIPTION OF PREMISES**  
**Licensing (Scotland) Act 2005, section 20(2)(a)**

**Question 5** - Description of premises

(where application is submitted by a members' club, please also complete question 6)

Shop premises located on the ground floor of a building at the end  
of the High Street, at the corner of Brown Street.

**Question 6** - To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?

YES  NO

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

The contents of this [redacted] are true to the best of my knowledge and belief.

Signature \_\_\_\_\_ \* (see note below)

Date 30/8/17

APPLICANT / AGENT (delete as appropriate)

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

Telephone number and email address of signatory \_\_\_\_\_

I have enclosed the relevant documents with this application – please tick the relevant boxes

- Operating plan
- Layout plan (highlighting the area where alcohol is sold/consumed)
- Planning certificate
- Building standards certificate
- Food hygiene certificate

\* Data Protection Act 2018

The information on this form may be held on an electronic public register which may be available to members of the public on request.

<b>For use by the Licensing Board only Application checklist</b>	
Date received	
Fee amount	
Receipt number	
Received by (INITIALS)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<b>For use by the Licensing Board only If application is for a Premises Licence – Documents required</b>	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<b>For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required</b>	
Provisional planning certificate	
Operating plan	
Layout plan	



LICENSING (SCOTLAND) ACT 2005  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**SECTION 50  
PLANNING CERTIFICATE**

APPLICANT: Zain Shah

NAME AND  
ADDRESS OF  
PREMISES:

Shopsmart, 90 High Street, Haddington, East Lothian, EH41 3ET

**SECTION 50 PLANNING CERTIFICATE**

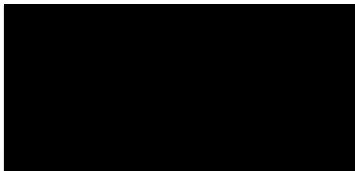
- I confirm that planning permission (ref:.....) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.
- I confirm that planning permission is not required.

**SECTION 50 PROVISIONAL PLANNING CERTIFICATE**

- I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.
- I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:



Date: 15<sup>th</sup> August 2023

Keith Dingwall  
Service Manager, Planning

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

**Name, address and postcode of premises to be licensed.**

Premier Store 90 High Street Haddington East Lothian EH41 3ET
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**Question 1**

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<i>*Delete as appropriate</i>	

**Question 2**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
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*\*If YES – provide details*

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<b>COL. 4</b> <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
<b>5(b) Activity</b> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	No	No	No
<i>Club or other group</i> <i>meetings etc.</i>	No	No	No
<b>5(c) Activity</b> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	Yes	Yes	Yes
<i>Live performances –</i> <i>see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No

<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking</i> <i>facilities</i>	No	No	No
<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	No	No	No

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

Recorded Music may be played from when the shop opens at 6am each day. Alcohol will not be sold or supplied until the commencement of licensed hours.

*5(f) any other activities*

*If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.*

Deliveries (which may include alcohol).  
  
The shop is a newsagent/ convenience store which may open from 6am each day, particularly for the sale of newspapers.

*5(g) Late night premises opening after 1.00am*

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/NO*
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

9.33 sqm
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**Question 8**

**PREMISES MANAGER** (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

--

8(b) Date of birth

--

8(c) Contact address

--

8(d) Email address


--

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents  the best of my knowledge and belief.

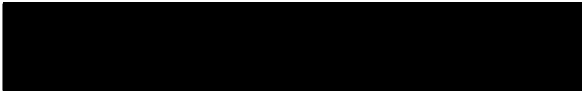
Signature .. \* (see note below)

Date ..... 30/8/23 .....

Capacity ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory .....

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB



**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

“SCHEDULE 6

Regulation 7

**DISABLED ACCESS AND FACILITIES STATEMENT**

*Licensing (Scotland) Act 2005, section 20(2)(b)(iia)*

**Question 1**

**Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
*Delete as appropriate		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

**Question 2**

**Disabled access to, from and within the premises**

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

There should be access to the premises with care. It should be wide enough but would be tight, so care would be required.

**Question 3**

**Facilities available**

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

The premises are laid out in a way that should manoeuvrable by a customer, but if not staff will always be more than willing to assist by going to fetch things for instance, particularly in higher shelves.

In general staff will be trained to assist customers, not only with mobility issues, but sight, hearing etc.

**Question 4**

**Other provisions**

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types of illness.

It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature ..  ..... \* (see note below)

Date ..... 30/8/20.....

Capacity ..... APPLICANT/AGENT

Telephone number and email address of signatory.....

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request."

## Supplementary Application Information

This information is required in relation to all ~~Premises Licence~~/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation. Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

<p><b>Business Profile</b></p> <p>Please describe your business offering.</p> <p>Our client intends to take over this business on 1<sup>st</sup> September. It is presently a newsagent, which also stocks stationary etc. It is not licensed.</p> <p>Our client will maintain the newsagents business, but the sale of newspapers has greatly depreciated, as has the profit element on them, so our clients will expand the convenience store element, to which alcohol would be a very useful addition.</p> <p>Our client is married with four children under the age of 10, so her husband will be helping out, along with, it is envisaged, one full time and one part time member of staff.</p> <p>They have been looking for a business of their own for some time and feel that there is a real opportunity here.</p> <p>(extend this box if you require additional space)</p>	
<p><b>On/Off Consumption</b></p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption &amp; deliveries</p>	<p>(a) Not applicable</p> <p>(b) Our client would stock a range of wines, spirits, beers, ciders etc in addition to newspapers, stationary and general groceries. May do deliveries.</p>

**Clarification is required in relation to the content of your proposed Operating Plan**

(extend the boxes below if you require additional space)

**To what extent do you intend to use any of the following:** Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

Not applicable.

**Social Functions – Weddings; Birthdays; Retirements ; Other** - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

Not applicable.

**Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport** - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

Not applicable.

**Outdoor Drinking Facilities** - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

Not applicable.

**Adult Entertainment** – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Not applicable.

**Activities Outwith Licensed Core Hours** - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

As a newsagent the shop opens at 6am, and will continue to do so.

Goods and services will be available for purchase other than alcohol. No alcohol will be sold or supplied until the commencement of licensed hours.

**Any Other Activities** - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

This is a newsagent/ convenience store which will operate between 6am and 10pm. It may do deliveries if there is a demand for this, although it is not envisaged immediately.

**Children and Young Persons** – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

There are of course no restrictions on under eighteens in off sales, but our client will monitor children, particularly in groups. Children and young persons will be welcomed to buy soft drinks, confectionary etc but our client will operate a strict Challenge 25 policy.

**Licensing Objectives** - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

**Preventing Crime and Disorder:**

Our client is not aware of any previous issues concerning these matters.

Our client appreciates that she will have to be extremely strict regarding the exercise of Challenge 25. This would be particularly the case when they open, as youngsters may try initially. Our client and her staff will be firm but polite and if appropriate ID cannot be exhibited they will refuse. It is envisaged that either a Refusals Book or a till which records refusals will be in place.

**Securing Public Safety:**

The safety of customers and staff is paramount to our client. It is envisaged that the shop will be a safe and pleasant place to visit. That is certainly our client's intention.

**Preventing Public Nuisance:**

As explained the only music played would be background music. There may be times when groups of children gather, for instance after school, but they would be asked to move on as quickly and quietly as possible.

**Protecting and Improving Public Health:**

Our client is aware of the concerns in Scotland expressed by the Government, and the Licensing Boards, of the irresponsible consumption and overconsumption of alcohol. Our client supports this and will do everything that she can in order to ensure that their shop is not considered as a source of any issues under this heading. Not just regarding alcohol but other age related products like cigarettes and vapes.

**Protecting Children and Young Persons From Harm:**

Our client will, as mentioned previously, exercise a strict Challenge 25 policy. Our client also understands the importance of preventing agency sales as far as possible, when adults purchase for underagers. For instance repeating an order that has recently been refused. Our client will explain what to look out for to staff, that might indicate that that is what the order was, and if that is the case they will refuse the sale, even though it is to an adult.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

This is an Application to support our client's takeover of an importance business in the centre of Haddington. Apparently the majority of regular customers in this shop are over fifty, due to the fact that the younger generation do not use hard copies of newspapers as much. Our client still considers this an important business and wishes to maintain it, but it will have to be supported by other products, hence this Application.

**Supporting Comments:** i.e. reasons why the Board should support your application.

We have explained the rationale behind the Application. Whilst accepting that commercial reasons in themselves are not a justification for a Licence being granted, our client would ask the Board to support her efforts to maintain this business and to show that she can do so in a responsible and trustworthy way. As mentioned previously our client has young children, and whilst they are not at an age of considering alcohol and vapes as attractive, it does make our client very aware of the responsibilities of herself to children and young persons who are not get eighteen. The last thing she would want to do is let down their parents by allowing children or young persons to purchase such items.

She would just like the opportunity of showing that she can operate this business without infringing any of the Licensing Objectives, and maintaining a well-known business in Haddington.

**SIGNATURE AND DECLARATION BY APPLICANT**

**IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The contents of this Ap  of my knowledge and belief.

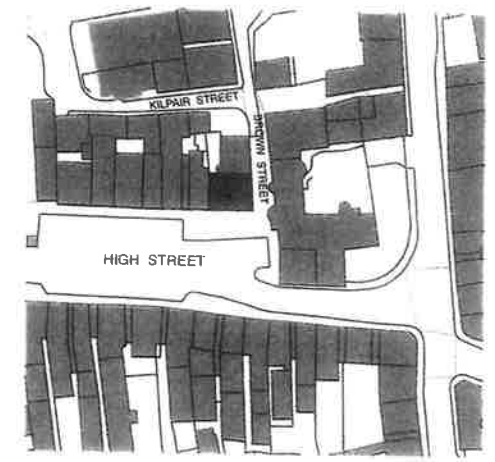
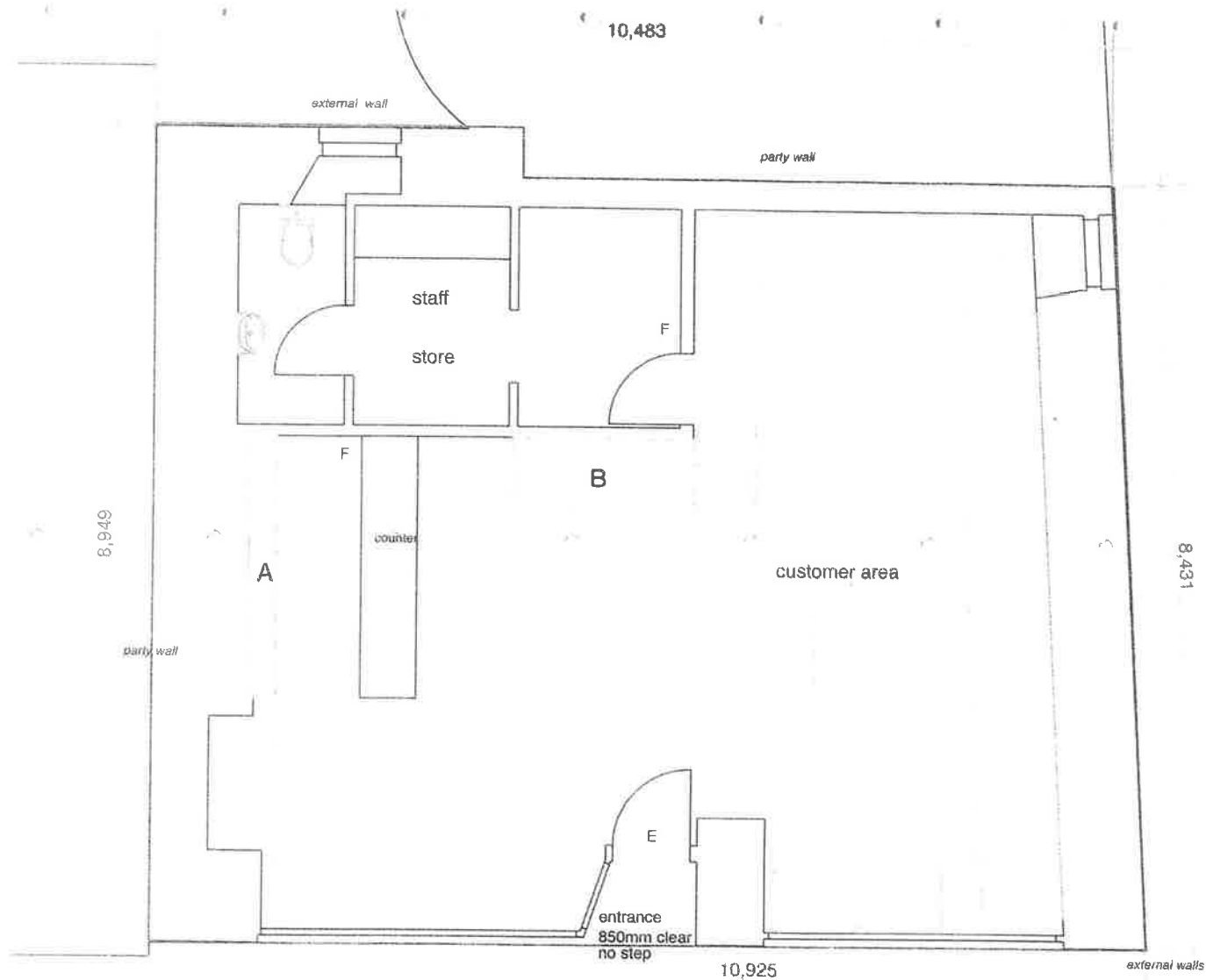
Signature

Date

30/8/12

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB





**location plan** 1:1250 N

HIGH STREET

- E emergency exit illuminated sign  
3 hours maintained to BS5266-1:2016
- F fire extinguisher
- entire licensed premises

**ALCOHOL DISPLAY**

behind counter

- A 2880mm wide x 2200mm high = 6.33m<sup>2</sup>  
customer access
- B chiller 2000mm w x 1500mm h = 3.0m<sup>2</sup>

**TOTAL = 9.33m<sup>2</sup>**

*proposed licenced convenience shop*

**90 HIGH STREET  
HADDINGTON, EH41 3ET**

**licence plan**

scale 1:50 July 2023  
Whitelaw Assoc 01968 660452



## Licensing

---

**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 11 September 2023 12:35  
**To:** Licensing  
**Subject:** PREMIER STORE, 90 HIGH STREET, HADDINGTON - PROVISIONAL PREMISES LICENCE APP  
**Attachments:** LIC06 PREMISES - NO CONVICTIONS PREMIER STORE.RTF

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi all,  
No Police objection  
Our ref - 754825

Regards  
Iain

# EAST LoTHIAN COUNCIL

## Licensing Standards

From: Licensing Standards Officer

To: C. Grilli  
Clerk to the Licensing Board

---

Date: 2<sup>nd</sup> October 2023

**Subject: LICENSING (SCOTLAND) ACT 2005**

**PROVISIONAL PREMISES LICENCE APPLICATION**

**PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LoTHIAN, EH41 3ET**

I refer to the above subject and can confirm that I visited the premises in relation to this application. The site notice was present and displayed correctly.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

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. On my visit the premises was fully constructed and already in operation as a convenience store. I spoke with Zain Shah, who is the applicant's husband who detailed that the shop is to stay as it is and that no changes will be made.

As such the layout plan that has been submitted with the application may be incorrect. I understand that a new layout plan is to be submitted however, at the time of writing this has not been received.

I can confirm that the rest of the application is compliant with the Act. However, a competent layout plan requires to be submitted.

The off sales capacity applied for is 9.33m<sup>2</sup>. Within an 800m radius there are 24 other premises, 20 of which are within a 400m radius, as follows:

- Day Today, 84 High Street – off sales only
- Haddington Wines and Whiskies, 82 High Street – off sales only
- Town House Fish and Chicken Bar, 17 Market Street – off sales only
- Tesco Store, Newton Port – off sales only
- Nungate Mini Market, 10-12 Kirk View – off sales only
- Maitlandfield House Hotel, 24 Sidegate – on and off sales
- Mercat Hotel, 73-74 High Street – on and off sales
- The Railway, 70 court Street – on and off sales
- Waterside Bistro, 1-5 Waterside – on and off sales
- Golf Tavern, 5 Bridge Street – on and off sales

- Tyneside Tavern, 10 Poldrate – on and off sales
- Victoria Inn and Avenue Restaurant, 9 Court Street – on and off sales
- Haddington Bowling Club, Wemyss Place – on and off sales
- Haddington Rugby Football Club, Mill Wynd – on and off sales
- Lodge St John Kilwinning No.57, 71 Hardgate – on and off sales
- Plough Tavern, 11 Court Street – on and off sales
- Saponi, 10-23 Court Street – on and off sales
- New Pheasant, 73 Market Street – on and off sales
- Falko Café and Restaurant, 91 High Street – on and off sales
- The Cheese Lady, 3 Court Street- on and off sales
- China Garden, 4 Mitchell's Close – on sales only
- The Golden Grain, 14 High Street – on sales only
- Eastern Eye Restaurant, 6 Hardgate – on sales only
- Sung Sing, 31 High Street – on sales only

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

## Rafferty, Alison (Licensing)

---

**From:** Douglas, Andrew  
**Sent:** 08 September 2023 08:13  
**To:** Licensing  
**Subject:** FW: Attached Image Premier Store, 90 High Street, Haddington - EL0393  
**Attachments:** Herkes\_Gillian\_XVF20528\_FIREBIRD\_2962\_001.pdf

No objs, std conditions.

Andrew

-----Original Message-----

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 07 September 2023 15:23  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
**Subject:** FW: Attached Image Premier Store, 90 High Street, Haddington - EL0393

-----Original Message-----

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 07 September 2023 14:45  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; all@haddingtoncc.org.uk  
**Subject:** FW: Attached Image Premier Store, 90 High Street, Haddington - EL0393

Hi

Please find attached provisional application for the above for report/representation by 5th October, 2023.

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 12 September 2023 07:55  
**To:** Licensing  
**Subject:** RE: Attached Image Premier Store, 90 High Street, Haddington - EL0393

Hello,

Please note I have no comments or objections in relation to this provisional application.

Kind Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA  
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at  
<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7Cd3c6f70735894de24f8408dbb35d23ab%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638300984821913510%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=x%2B527bpYJxMfva0cee4iclxnXtXQ766ZN2Dnv6a2kvA%3D&reserved=0>

-----Original Message-----

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 07 September 2023 14:45  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; all@haddingtoncc.org.uk  
**Subject:** FW: Attached Image Premier Store, 90 High Street, Haddington - EL0393

Hi

Please find attached provisional application for the above for report/representation by 5th October, 2023.

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
gherkes@eastlothian.gov.uk

Scotland,  
19/09/2023.

FAO East Lothian Licensing board, East Lothian.

From :

Shivakumar.K,



To :

Carlo Grill,  
Clerk of the Licencing board,  
East Lothian Licencing,  
John Muir House,  
Haddington,  
East Lothian,  
EH41 3HA.

Dear Sir / Madam,

Dated: 19/09/2023.

Good morning,

Your reference: CG/mjw/EN/ L/L1

Our reference- 84, High street, Haddington, EH413ET.

Licence no:

84 high street - EL0216,

East Lothian Council  
Licensing  
21 SEP 2023  
Received

We are in receipt of a letter, dated 07/09/23 in regards to an application made for a provisional Premises license for No 90, High street, Haddington, EH19 3SD.

I would like to "OBJECT" for this application.

Reason is as follows:

1. We have two premises with alcohol Licenses for both premises 82/84 High street, Haddington.
2. We have operated for 13 plus years. We have had lots and lots of underage attempts to buy alcohol. With buoyant systems like "Under 25" prepare to show ID, refusal registers to track regulate attempts, call 101 if the attempt exceeds many times has led to stumped undergrad sales.
3. We have had many many police call outs to 101. Since we have stumped the practice of attempt to buy alcohol. This has led to children attempting to damage our premises, attempted to Physically abuse our staff. Emergency 999 call outs and followed by insurance claims will prove beyond doubt we don't need another premises with alcohol licenses.
4. One more reason to object is, lots of council support housing is in and around 90 high street. Majorly hang out to smoke and drink around this area. We don't need add more fuel to this area with another license.
5. Also in the past incidents and followed by 101 call outs, we see a wave of incidents on members of public, who are adults trying to buy alcohol and feed children in two corner "grey" areas. Once bulk alcohol is purchased it's distributed to kids in two corners. One being around 90, High street and other near, No. 80 high street. This is always been a grey area. Do we need another crime risk zone?
6. Falko the German bakers has an "on-sale license" and this premises no 90, High street is close to Falko.
7. East-lothian, especially Haddington has been previously known for crimes related to drugs and alcohol abuse. With the future going to have three premises offering "Off sale" and one premises offering "On sale" this corner is looking to be a RED HOT crime zone.
8. Alcohol related incidents are high in this area. Police records and insurance claims will suffice my claim. Majority drug abusers hang out here, with a bench in front of 90 high street. Do we need to fuel more such incidents?
9. One of our stores is Haddington wines and Whiskies, selling some high end boutique Wines and spirits, we have a foot fall of high end customers who come for an experience. Now with any more new premises with alcohol, more crime, means our customers will go some where else for this experience.
10. Our both shops successes are based on our work practices to stump under aged sales and alcohol fueled crime rates. The following is our objectives working closely with government initiatives.
  - \* preventing crime and disorder;
  - \* securing public safety;
  - \* preventing public nuisance;

\* protecting and improving public health; and.

\* protecting children and young persons from harm.

With a strong public protection image,

I strongly " Object" my Lords for another premises with license. We are committed to stop children and public from getting abused by alcohol and by being responsible to public health.

Do we need another premises with alcohol license? You can clearly investigate from our previous experiences.

Hope the above points resonate to the application of 90 High street to be turned down.


Looking forward to debate on this.

Thank you,

Kindest regards

Shivakumar

Day Today Haddington



Scotland,  
19/09/2023.

FAO East Lothian Licensing board, East Lothian.

From :

Haddington wines & Whiskies,

Shanthi Shivakumar



To :

Carlo Grill,

Clerk of the Licencing board,

East Lothian Licencing,

John Muir House,

Haddington,

East Lothian,

EH41 3HA

East Lothian Council  
Licensing  
21 SEP 2023  
Received

Dear Sir/ Madam,

Dated: 19/09/2023.

Good morning,

Your reference: CG/mjw/EN/ L/L1

Our reference- 84, High street, Haddington, EH413ET.

Licence no:

82, high street - EL0171.

We are in receipt of a letter, dated 07/09/23 in regards to an application made for a provisional Premises license for No 90, High street, Haddington, EH19 3SD.

I would like to "OBJECT" for this application.

Reason is as follows:

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  - \* protecting and improving public health; and.
  - \* protecting children and young persons from harm.

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I strongly "Object" my Lords for another premises with license. We are committed to stop children and public from getting abused by alcohol and by being responsible to public health.

Do we need another premises with alcohol license? You can clearly investigate from our previous experiences.

Hope the above points resonate to the application of 90 High street to be turned down.

Looking forward to debate on this.

Thank you,

Kindest regards

Shanthi Shivakumar

Haddington wines & Whiskies



THE MALT KILN  
18 High Street  
Haddington  
East Lothian  
EH41 3ES

24<sup>th</sup> September 2023

Carlo Grilli  
Clerk of the Licensing Board  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Reference Premier Store, 90 High Street, Haddington – Off Sales

Dear Sir,

Following your letter of notification dated 7<sup>th</sup> September 2023 regarding Premier Store, 90 High Street, Haddington application for an off-sales alcohol license, I write to note my objection to regarding this license being granted on the grounds of overprovision. There are already 2 off-licensed premises 3 shops away as well as numerous on sales premises near this store.

There has been a great deal of anti-social behaviour, including drinking of alcohol on the High Street over the last few months which is detrimental to businesses and residents alike and I believe another shop selling alcohol could cause an increase in this type of behaviour.

The town in general has also been suffering from vandalism from youths and from speaking with the Community Wardens I believe alcohol has also played a part in this, another shop selling alcohol could increase the likelihood of alcohol being illegally purchased and passed onto underage young people.

I believe these objections relate to all five objectives of the Licensing (Scotland) Act 2005

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

Kind regards

Frances Wright





LICENSING (SCOTLAND) ACT 2005, SECTION 142

5

OCCASIONAL LICENCE APPLICATION FORM

Before completing this form please read the guidance notes.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)

Premises licence number (if applicable) \_\_\_\_\_

Personal licence number (if applicable) MID 1606

Name of voluntary organisation (if applicable) \_\_\_\_\_

2. PERSONAL DETAILS

Title (delete as appropriate):

Mr / Mrs / Miss / Ms / Other (please state) \_\_\_\_\_

Surname Shah

Forenames Sheree Ashleigh

Date of birth (Day / Month / Year) [REDACTED]

**2. PERSONAL DETAILS (cont)**

Address where ordinarily resident to be used for correspondence purposes

[REDACTED]

Post town [REDACTED] Post code [REDACTED]

Telephone Numbers

Daytime Tel. \_\_\_\_\_ Evening Tel. \_\_\_\_\_

Mobile No. [REDACTED]

Fax No. \_\_\_\_\_ Email \_\_\_\_\_

**3. THE PREMISES**

Description of premises

Shop premises located on the ground floor of a building at the end of the High Street, at the corner of Brown Street.

Description of activities to be carried on in the premises – (including number of persons expected to attend)

\_\_\_\_\_  
\_\_\_\_\_

Full postal address of premises which this application refers to \_\_\_\_\_

Premier Store, 90 High Street, Haddington, East Lothian, EH41 3ET

\_\_\_\_\_

#### 4. DURATION OF LICENCE

Date: From Tuesday 24th October 2023 ~~Monday~~ 6th November 2023

Time: From 10am To 10pm

#### 5. Is alcohol to be sold on & off the premises

YES  NO

Provide relevant details as to hours requested when alcohol will be sold on/off the premises.

Times for sale of alcohol for consumption on premises

Not applicable

Times for sale of alcohol for consumption off premises

10am to 10pm daily

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

The shop is a newsagent/ convenience store which may open from 6am each day, particularly for the sale of newspapers.

#### 6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

#### Are children or young persons permitted entry?

YES  NO

(If answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry \_\_\_\_\_

Times at which children or young persons permitted entry \_\_\_\_\_

Parts of premises to which children or young persons permitted entry \_\_\_\_\_

## 7. CHECKLIST

I have (please tick for yes) made or enclosed payment of the fee for the application

YES

## 8. Signature and declaration by applicant (see note 3)

### DECLARATION

The contents of this [redacted] knowledge and belief.

Signature \_\_\_\_\_

Date \_\_\_\_\_

19/9/13

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

### NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence.

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 2018

The information on this form may be held on an electronic register which may be available to members of the public on request.

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

PLEASE SUBMIT THIS SHEET WITH YOUR  
OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

1. Event

(a) Please detail the type of event (e.g. birthday party, anniversary, ceilidh, etc.)

NOT APPLICABLE

(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)

NONE

2. Attendance

(a) Approximately how many people are expected to attend?

NOT APPLICABLE

(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)

N/A

(c) In the main, what age group will form the majority of those attending?  
Please tick one box

Random

Under 18

18 - 30

30 - 50

over 50

2. (cont)

- (d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)
- 

**3. Stewarding**

*NOT APPLICABLE*

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act. More information can be found at Security Industry Authority.

- (a) Please state the number, if any, of stewards to be employed at the event.
- 

- (b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.
- 

**4. Layout Plans**

*- No PEL*

Please indicate if -

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or
- (b) the premises relate to a members club which has been issued with a premises licence; or
- (c) if neither of the above, please attach a detailed layout plan of the venue with the application
- 
-

**5. Applications Lodged by Voluntary Organisations or Members Clubs Only**

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

N/A

**6. Will alternatives to glass receptacles be provided?**

N/A

**7. To what standard will those serving alcohol be trained?**

Please provide details of any training certificate held.

Applicant Has A PERSONAL Licence.

OTHER STAFF WILL RECEIVE STAFF TRAINING

**LICENSING OBJECTIVES**

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objectives.

**8. How will you prevent Crime and Disorder at the event?**

Strict Age Verification Policy - Challenge 25

Refuse Service to Customers who have overconsumed or under influence of Drugs

**9. How will you secure Public Safety at the event?**

Staff will give Priority to Safety of Customers and Staff

10. How will you prevent Public Nuisance at the event?

Not an event?

11. How will you promote and protect Public Health at the event?

Responsible Retailing

12. How will you protect Children from harm at the event?

As Above - Challenge 25

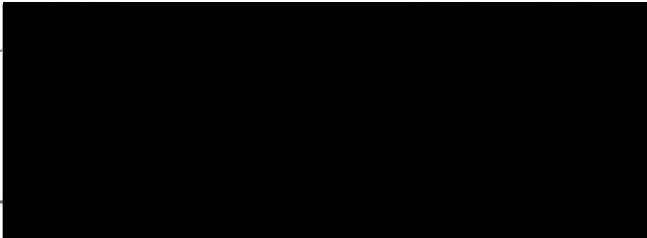
**SIGNATURE AND DECLARATION BY APPLICANT**

**IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The content of this application is true to my knowledge and belief.

Signature



Date

19/9/13

10,483

external wall

party wall

staff

store

F

F

B

counter

customer area

A

8,949

party wall

8,431

BROWN STREET

entrance  
850mm clear  
no step

E

10,925

external walls

HIGH STREET

**ALCOHOL DISPLAY**

behind counter

E emergency exit illuminated sign  
3 hours maintained to BS5266-1:2016

A 2880mm wide x 2200mm high = 6.33m2

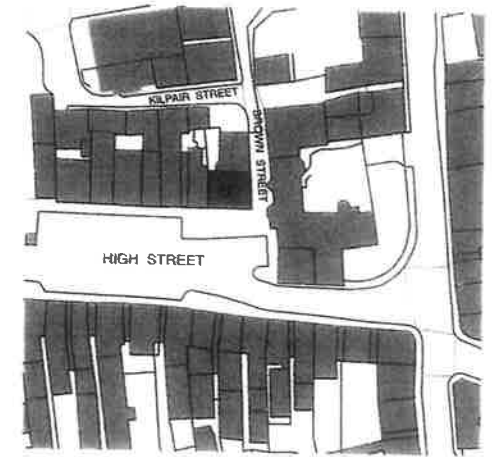
F fire extinguisher

customer access

----- entire licensed premises

B chiller 2000mm w x 1500mm h = 3.0m2

**TOTAL = 9.33m2**



location plan 1:1250



proposed licenced convenience shop

**90 HIGH STREET  
HADDINGTON, EH41 3ET**

**licence plan**

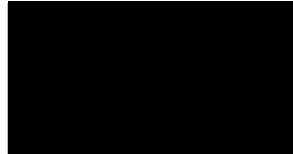
scale 1:50 July 2023  
WhiteLaw Assoc 01968 560452

**MIDLOTHIAN LICENSING BOARD  
PERSONAL LICENCE**

**The holder of this licence is qualified and permitted to sell alcohol under the terms of the Licensing (Scotland) Act 2005.**

**Licence Number** MID 1606

**Name and address of licence holder** Sheree Ashleigh Shah



**Name of issuing Licensing Board** Midlothian

**Expiry date:** 15 August 2033



**Training Record**

**ANNEX A**

**Personal Licence Number**      **MID 1606**

<b>Dates of Training</b>	<b>Title of Course Completed</b>	<b>Awarding/Accrediting Body</b>	<b>Level Attained</b>
08 August 2023	Scottish Certificate for Personal Licence Holders at SCQF Level 6	Highfield Qualifications	Awarded

**ANNEX B**

**Convictions for Relevant and Foreign Offences**

**Personal Licence Number**                      **MID 1606**

<b>Offence</b>	<b>Court</b>	<b>Date</b>	<b>Penalty</b>

ANNEX C

Endorsements

Personal Licence Number MID 1606

Reason for Endorsement	Name of Licensing Board	Date of Commencement	Expiry Date

## Licensing

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**From:** Lee Wilson-2 <Lee.Wilson2@scotland.police.uk>  
**Sent:** 22 September 2023 08:29  
**To:** Licensing  
**Subject:** OCC730/23 - OCC LIC APP - SHEREE SHAH  
**Attachments:** OCCLIC 90 HIGH ST 24.10-06.11.23.PDF

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning,

No police objections.

Police ref: 758081.

Regards,  
Lee

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From:** Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

---

Date: 2<sup>ND</sup> October 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005  
OCCASIONAL LICENCE APPLICATION(S)

**PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LoTHIAN, EH41 3ET**

The applicant is Sheree Shah who is a personal licence holder. Application has been made for 3 occasional licences for Premier Store, 90 high Street, Haddington.

The duration of the 3 applications spans a continuous period from 24/10/2023 – 04/12/2023. The applications request off sales from 1000-2200.

An application for a provisional licence for the premises has been submitted at the same time for the Board's consideration.

I have visited the premises and found that the layout plan submitted is does not reflect what is within the shop premises currently. I understand that it is the applicant's intention to trade on occasional licences on a continuous basis until such time as they are successful in obtaining a provisional premises licence and thereafter confirming to a premises licence.

I refer the applications to the Licensing Board for determination alongside the provisional premises licence to determine the grant of the occasional licences.

Licensing Standards Officer



**REPORT TO:** East Lothian Licensing Board

**MEETING DATE:** 26 October 2023

**BY:** Clerk of the Licensing Board

**SUBJECT:** Statement of Licensing Policy

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6

## **1 PURPOSE**

- 1.1 To determine the Statement of Policy for East Lothian Licensing Board from November 2023 to November 2028.

## **2 RECOMMENDATIONS**

- 2.1 That the Board notes the outcome of the consultation and adopts the draft Statement of Licensing Policy for the period November 2023 to November 2028 annexed at Appendix 2 of this Report.

## **3 BACKGROUND**

- 3.1 The Licensing (Scotland) Act 2005 as amended (“the Act”) requires the Board to publish a Statement of its Licensing Policy (“the Policy”) explaining how it will exercise its functions under the Act. The current Policy covered the period from November 2018 to November 2023. The period of the new Policy will be from November 2023 to November 2028.
- 3.2 In preparing its Policy the Board must promote the five licensing objectives. It must also consult with the Licensing Forum, various other groups if they are not represented on the Forum and any other persons that the Board thinks appropriate. The submission received from the Forum is contained in Appendix 1 of this Report and details of all those consulted and how the consultation was taken forward is more particularly detailed in Paragraph 6.0 (and sub clauses) of the Policy.
- 3.3 A stakeholder working group was formed to consider development of the new Policy and it has met several times and evidence has been gathered. MELDAP and NHS reviewed and pulled relevant data from the CRESSH Report and other relevant sources and provided detailed information about East Lothian and a mapping exercise has been carried out to demonstrate

the density of licensed premises within East Lothian correlated with licensing objectives such as crime and health. This information is detailed in Appendix 1 of the Licensing Forum Response.

- 3.4 The Board must include within its Policy its view based on the evidence available as to the extent to which the Board considers there to be overprovision of licensed premises or those of a particular description in any locality within the Board's area. The overprovision statement is contained in Paragraph 25 of the Policy. While recognising the harm that can be caused by alcohol and acknowledging the submission from the Forum, it concludes that there is no evidence from which it can conclude that East Lothian is overprovided with licenced premises at this time.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Policy details the role of the Board and the obligations of licensees and gives recommendations as to how these can be adhered to. The multi-agency approach to licensing in East Lothian should ensure that the objectives of the Act are achieved. The Board will have regard to the terms of this policy when reaching its decisions.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none. The costs of developing and implementing the Policy can be met from within existing budgets.
- 6.2 Personnel – none.
- 6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 None.

<b>AUTHOR'S NAME</b>	Carlo Grilli
<b>DESIGNATION</b>	Clerk to the Licensing Board
<b>CONTACT INFO</b>	cgrilli@eastlothian.gov.uk
<b>DATE</b>	12 October 2023

## **East Lothian Licensing Forum**

### **New Statement of Licensing Policy – review and recommendations**

This paper outlines the role of East Lothian Licensing Forum, comments on the existing East Lothian Licensing Policy and operation of the Alcohol Licensing (Scotland) Act 2005 and makes 21 recommendations to the East Lothian Licensing Policy Group and Licensing Board for the development of the new Statement of Licensing Policy 2023-2028.

#### **Role of the Local Licensing Forum**

Under the Alcohol Licensing (Scotland) Act 2005 the Local Licensing Forum has the following general functions,

- (a) keeping under review (i) the operation of this Act in the Forum's area, and,(ii) in particular, the exercise by the relevant Licensing Board or Boards of their functions, and
- (b) giving such advice and making such recommendations to that or any of those Boards in relation to those matters as the Forum considers appropriate.

Under the Act, A Licensing Board must— (a) in exercising any function, have regard to any advice given, or recommendation made, to them in relation to the function by a Local Licensing Forum, and

- (b) where the Board decides not to follow the advice or recommendation, give the Forum reasons for the decision.

In preparing a licensing policy statement or a supplementary licensing policy statement, a Licensing Board must (a) ensure that the policy stated in the statement seeks to promote the licensing objectives and consult the Local Licensing Forum for the Board's area.

#### **Review of the Operation of the Act in the Forum's Area**

The Forum's view is that the current Statement of Licensing Policy 2018-2023 has not been very influential in the actual decisions of the Board during the period of its application. There is a perception that the economy and jobs have been a prime concern of some Board members although they are not one of the five licensing objectives. Deviation on some matters in the policy have occurred without proper justification from applicants or questioning from the Board as to why the decision to go against policy has been made. The Forum feels this has set a precedent that all matters in policy can be challenged without refusal.

#### **Overprovision**

The Forum has considered the overprovision statement, in particular the whole area aspect of the statement. There has been a lack of clarity around whether the whole area overprovision statement was contrary to the law at the time. However, it is clear now under an amendment to the Act that this is lawful.

The pros and cons of an overprovision statement for the whole area have been debated. Evidence would suggest that in terms of alcohol retailer density both off sales and on sales East Lothian would not merit a whole area approach. However, there are specific areas of East Lothian where the evidence indicates high levels of alcohol retailer density and associated harms. The Forum is aware that adopting such an approach may be seen to stigmatise certain communities. However, the Forum is clear that the identification of such areas does not reflect on the people, values or lifestyles of the people who live there. Rather by identifying such areas the Forum is providing Board members with evidence of harm linked to the number of alcohol outlets.

Based on the evidence provided in appendix A the Forum recommends the Board review the following areas in terms of over provision for both on and off sales premises:

- Musselburgh North
- Haddington South
- North Berwick South

The forum suggests that tighter controls should be implemented on these areas and applications scrutinised highly in terms of any additional capacity or new premises.

- Display capacity.

**Recommendation 1:** In the exceptional circumstance of new build developments where off-sales licenses are granted, display capacity should not exceed 10% of the overall floor space.

**Recommendation 2:** The Forum recommends that the Statement of Licensing Policy restricts any more increases in capacity of existing off-sales premises in East Lothian.

The above components of an overprovision statement would support all the licensing objectives by reducing the ease by which alcohol can be accessed in East Lothian and therefore associated alcohol-related harms.

### **Issues to be Considered and Further Recommendations**

Forum members have built up a degree of expertise in the licensing area and have noted a number of issues that they feel the new policy should consider. The Forum has discussed these issues thoroughly, drawing on a variety of sources of evidence – available data on alcohol e.g., health and police statistics and outlet density, local knowledge of alcohol-related issues e.g. availability, cultural factors, and the published evidence around causes of alcohol-related behaviour e.g. consumption and best practice in addressing alcohol-related harm.

The Forum respectfully reminds the Board that the promotion of the five licensing

objectives is intended to form the basis of the policy and licensing decisions in relation to the sale of alcohol. The main issues the Forum brings to the attention of the Policy Group and Licensing Board are outlined below.

## 1. Climate Change

The Forum supports the Board's inclusion of section 10.0 in relation to climate change and a positive commitment to a wider issue.

## 2. Protecting Children and Young People from Harm

Protecting Children and Young People from Harm (amended under the Air Weapons and Licensing Act to include young people) is a licensing objective the Forum takes particularly seriously. There are a number of elements to consider.

- Granting of occasional licenses.

The Forum does not consider it appropriate for occasional licenses to be granted for events that are primarily child or family- orientated, where the majority of attendees will be children, young people and families. The Forum has concerns over the exposure of children and young people to alcohol and the 'normalisation' of alcohol, its effects and behaviour associated with consumption and intoxication.

**Recommendation 3:** Occasional licenses are not granted for events that are primarily child or family-orientated, where the majority of attendees will be children, young people and families. The Forum would like to express support for the recent decisions made by the Board in 2023 to use to this part of the policy where previously this was not done. The forum endorses the Board's decisions to refuse occasional licenses for events primarily for children and families and encourages the Board to continue this approach.

**Recommendation 4:** Where licenses are granted, there is a requirement in the Statement of Licensing Policy that applications include a justification for why alcohol is required to be served and for a risk assessment to be conducted, including items on security. The Forum recommends the Board scrutinize applications and question applicants on this aspect in order to uphold the licensing objectives.

**Recommendation 5:** Where licenses are granted, there is a requirement for separate areas for the serving of alcoholic and soft drinks for occasional licensees where children and young people will be present.

**Recommendation 6:** Where an alcohol byelaw is in force, and there is an exemption of that byelaw in relation to a children's event such as a gala or fete, the Board does not grant an occasional licence for that event and the event organiser is guided to create a designated drinking area as an alternative. Provision of alcohol by means of an occasional licence would be in excess.

- On-sales premises

**Recommendation 7:** The Forum recommends that the Statement of Licensing Policy states that access for children and young people will only be granted for on-sales premises when a meal is to be consumed e.g., restaurants, pubs serving food, i.e. not vertical drinking establishments, or for organised events e.g. sports.

- Deliveries.

The Forum supports that the new policy incorporates steps to reduce the potential for children and young people to access alcohol via online sales and deliveries, e.g. Challenge 25, checks and records being in place, personal licenses and training requirements for all delivery drivers.

**Recommendation 8:** Applicants could be asked to make explicit what measures they are going to take to prevent children and young people getting access to alcohol, which would include details of how they are going to enforce Challenge 25, training and record-keeping. Records should be available for the Licensing Standards Officer and Police to view.

These measures would support all the licensing objectives but in particular those of protecting children and young people from harm and protecting and improving public health by reducing access by children and young people and levels of consumption, by and around children and young people.

### 3. Seasonal/festive extensions

The Forum supports the Board's policy that the seasonal extension each year, which premises can use providing they have stated this in their operating plan, be extended hours until to 2am for three days over Christmas (Christmas Eve, Christmas Day and Boxing Day), and two days over New Year (Hogmanay and New Year's Day) for on-sales only.

This would reduce the increases in volume of workload for both the licensing team and the police by reducing the need to apply for occasional licenses but without the Police having to plan for additional capacity, especially when it has been observed locally that the number of premises that took advantage of the extension beyond these proposed main holiday dates was considered to be quite small.

These measures would support all the licensing objectives but in particular those of protecting and improving public health, prevention of crime and disorder, securing public safety and preventing public nuisance by reducing the levels of consumption over the festive period.

**Recommendation 9:** Over the festive period no extended hours applications for extra drinking time are granted as this is not a genuine special event as per section 21.2 of the draft policy and Section 68 of the Act.

#### 4. Licensed Hours

- Off-sales hours

**Recommendation 10:** The Forum recommends that licensed hours granted to off sales premises mirror the operating terminal hour of the premises. For example, a premises that trades routinely until 8pm should not be granted licensed hours for off sales until 10pm.

- On-sales hours

**Recommendation 11:** The Forum recommends keeping the existing on-sales hours of 11.00 am start to 11.00 pm Monday to Wednesday (inclusive), 11.00 am to 1.00 am Thursday to Saturday (inclusive) and 11.00 am to 12.00 midnight on Sunday.

**Recommendation 12:** The forum recommends that should the Board receive an application for on-sales hours out with policy the applicant is scrutinised to justify the reason for the additional hours. The consideration of additional on sales hours applications for premises and occasional licence applications must be considered in relation to the sale of alcohol and not granted based on economic gain or tourism in East Lothian. Commercial considerations are irrelevant to a policy which is designed to protect the wider public interest.

The Forum considers the only reasonable exception to these times would be if a nightclub were to apply for a license in East Lothian. The forum does not support the Board's decision to grant on-sales hours before 11.00am for premises or occasional licences.

#### 5. Extended Hours applications

**Recommendation 13:** The Forum supports the addition of a limit on the number of extended hours applications that can be made in a 12 month period.

#### 6. Layout of premises; height of shelves, security

The Forum considers it important that recognition is made in the new licensing policy of the influence the layout of shops (including fixtures and fittings) has in the ability of off-sales premises to monitor and regulate alcohol sales (e.g. segregated aisles, height of shelves around alcohol areas). The policy should clearly state that layout plans will be under scrutiny by the Board. The Forum notes that in many off-sales premises soft drinks and alcohol are often displayed side by side or in adjacent aisles.

**Recommendation 14:** The Forum recommends that alcohol aisles be segregated in supermarkets, with greater separation between commodities popular with children and young people (e.g., soft drinks) and alcohol aisles, and with no end of aisle displays.

**Recommendation 15:** Security requirements should be made explicit in the policy according to the nature and size of premises. For supermarkets and larger retail outlets, this includes adequate CCTV that is maintained and working, manned security and display arrangements that minimise the risk of theft. For small shops, the location of the alcohol should make supervision easy e.g., behind the till, and height of shelves be restricted, to minimise the risk of theft.

With alcohol being a frequently shop-lifted item from retail outlets, these measures would support the licensing objective of the Prevention of Crime and Disorder as well as Protecting Children and Young People from Harm and Protecting and Improving Public Health.

## **7. On-line sales and deliveries**

The rise in sales of alcohol from on-line outlets is an area of concern nationally. Whilst the Forum recognises that the Board is not able to control the purchase of alcohol from large, national, on-line retailers, this should not deter the Board from making a statement in the East Lothian policy regarding restrictions to increases in on-line sales from within East Lothian. Recommendations have already been made regarding the inclusion of requirements for training, personal licenses for drivers and challenge 25 for deliveries (see 1c).

**Recommendation 16:** The forum supports the new Section 38.0 Deliveries, Online and Remote Sales section in the policy and encourages the Board to adhere to the policy in determination of applications relating to this activity.

These measures would support all the licensing objectives but in particular those of protecting children and young people from harm and protecting and improving public health.

## **8. The Five Licensing Objectives**

**Recommendation 17:** The Forum recommends that the new policy includes guidance as to what the 'exceptional circumstances' are that would mean that a license application is granted which apparently contravenes some the conditions specified in the policy statement. These should be in relation to all five of the licensing objectives.

**Recommendation 18:** Overall the Forum would like to see the implementation of more detailed and competent application forms that adhere to the requirements of the Act including competent layout plans. It is the Licensing Board, Clerk and administrative staff's responsibility to ensure that only competent application that meet the requirements of the act are sent for consultation and heard by the Board. This will enable more rigorous scrutiny and consideration of applications in context by the Board and consultees.

**Recommendation 19:** In the interests of the Public Health objective, we recommend the Licensing Board refer to appendix A to get an understanding of the social and health harms

and increasing inequalities that increasing access to alcohol facilitates. All of which the objectives of the East Lothian Council Plan and the Local Outcome improvement plan are trying to address.

## **9. Minimum Unit Pricing**

**Recommendation 20:** The Board keep section 16.5 under review in relation to any changes to MUP in Scotland.

## **10. Irresponsible Drinks Promotions**

**Recommendation 21:** The Forum supports the addition of examples of irresponsible drinks promotions and encourages the Board take matters in relation to this very seriously including cases where the promotion may be an attempt to circumvent the law and not in the spirit of the licensing objectives.

## **11. Occasional Licences**

**Recommendation 21:** The Forum supports the inclusion and adoption of a definition of a voluntary organisation into the policy. This gives clear criteria and will limit attempts to obtain occasional licences by commercial organisation or not formally constituted organisation where a personal or premises licence holder should apply.

Submitted by Graham Blaikie (Forum Chair), On behalf of and in collaboration with the following members East Lothian Alcohol Licensing Forum:

Graham Blaikie – Premises Manager  
John Thayers – MELDAP  
Claire Glen – NHS  
Karen Harling – LSO  
Stuart Baxter –  
Arin Podder – Premises Manager

14<sup>th</sup> September 2023

## APPENDIX A

### **Additional Information for East Lothian Licensing Board Consultation From NHS Lothian Public Health & Mid and East Lothian Alcohol and Drug Partnership**

As referred to in our previous submissions, we have now received data from The Centre for Research on Environment Society and Health (CRESH) which allows us to provide recommendations to the License Board on areas of alcohol license overprovision within East Lothian, for both on and off sales.

The purpose of the licensing system in Scotland is to regulate the retail provision of alcohol in such a way as to mitigate the risks of harm to individuals and society from its use. The job of a licensing board is to decide whether any proposed further expansion in the supply of alcohol, through additional licensed premises, capacity or hours is compatible and consistent with the licensing objectives and the wider public interest.<sup>1</sup>

The Centre for Research on Environment Society and Health (CRESH) is a virtual centre joining scientists from the Universities of Edinburgh and Glasgow. Their research is focused on exploring how physical and social environments can influence population health, for better and for worse. This newly available CRESH data (2020) provides further evidence of the links between alcohol availability and harm in Scotland. Information was gathered on alcohol outlets, health harms and crime rates within neighbourhoods across the whole of Scotland. This data will soon be available online in the Alcohol Outlet Availability and Harm Profiles, and the CRESH WebMap. In the interim, we have provided a summary of the data below, and a description of how we have used it to identify areas of overprovision in East Lothian. We are hopeful this data will support the license board to improve its understanding of alcohol and its impacts and inform your East Lothian strategy for the next three years.

We analysed the following data provided by CRESH:

- Data zones<sup>2</sup> and intermediate zones<sup>3</sup> in the East Lothian Council area
- Standardized ratio<sup>4</sup> for hospital stays related to alcohol<sup>5</sup>
- Crime rate (recorded crimes of violence, sexual offences, domestic housebreaking, vandalism, drugs offences, and common assault per 10,000 people)<sup>6</sup>
- Number of total alcohol outlets (both on- and off-premise 2020)
- Number of on-premise alcohol outlets (buy and consumption on-premise 2020)
- Number of off-premise alcohol outlets (buy and consumption off-premise 2020)

Overprovision is where there are problems linked to the number and type of premises in an area. Boards have the flexibility to decide the approach they take to addressing overprovision in their area and can focus on only those factors that cause them concern in the light of the evidence. A licensing board must refuse applications for new premises licences or extensions in capacity in areas where it

<sup>1</sup> <https://www.alcohol-focus-scotland.org.uk/media/263089/AFS-Resource-Section-4.pdf>

<sup>2</sup> Data zones are designed to have roughly standard populations of 500 to 1,000 household residents, nest within council areas, have compact shapes that respect physical boundaries where possible, and to contain households with similar social characteristics.

<sup>3</sup> Intermediate Zones were designed to meet constraints on population thresholds (2,500 - 6,000 household residents), to nest within local authorities, and to be built up from aggregates of data zones.

<sup>4</sup> Standardised ratios (e.g. alcohol-related hospital admissions) are adjustment for age and sex so that comparisons can be made between areas that may have populations with different age or gender structures. A value of 100 is the Scotland average for a population with the same age and sex profile.

<sup>5</sup> Data from Scottish Index of Multiple Deprivation 2020

<sup>6</sup> Data from Scottish Index of Multiple Deprivation 2020

judges that the granting of an additional licence or extended capacity could result in overprovision of licensed premises.

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health.<sup>7</sup> Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence.<sup>8</sup> Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets.<sup>9</sup> This relationship was particularly striking for off sales outlet density.

The restrictions linked to Covid led for obvious reasons to an increase in home drinking, for example, alcohol sold in off sales had risen from 73% in 2019 to 90% in 2020 and now at 85% in 2021. This sales data (analysed by Public Health Scotland) includes supermarket deliveries but does not take account of sales from specialist online retailers (e.g. Amazon, Majestic.com) or on-trade takeaway sales. Omitting data from online alcohol specialist retailers was estimated to result in a 1% underestimation of sales in 2013,<sup>[i]</sup> and it is likely that the market share of online specialists will now be greater with online the fastest growing method of sale during the pandemic.<sup>[ii]</sup> New online customers were responsible for half of the online sales growth in 2020.<sup>[iii]</sup> Home drinking coupled with the cost of living crisis may increase as people choose the cheaper option than a night out. This brings challenges in a home environment which is unregulated and has the potential for increased harm for the individual and anyone living with them, particularly children and young people who may be more exposed to alcohol use.

With changes in drinking patterns it is important to ensure that the policy statement is written to demonstrate new approaches to the promotion of the objectives, relevant to current and local context.

Alcohol specific deaths in Scotland increased by 17% in 2020 and a further 5% in 2021. In 2022 there were 19 Alcohol Specific Deaths in East Lothian an increase of 7 from the previous year. The actual figure of deaths is much higher as cancers and other alcohol related health conditions are not included. By comparison there were 17 Drug Misuse Deaths. Nationally deaths in deprived areas were 4.3 as high as in least deprived areas.

It will take longer, possibly up to 20 years to see the full effects of changes in alcohol consumption such as cancers but like the pandemic and economic crisis will widen existing and create new inequalities in East Lothian.

There is no formal definition of 'overprovision' in terms of a simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interest of the community.<sup>10</sup>

<sup>7</sup> Campbell C, Hahn R, Elder R et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American Journal of Preventive Medicine* 2009; 37(6):556–569.

<sup>8</sup> <https://pubmed.ncbi.nlm.nih.gov/28886441/>

<sup>9</sup> [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality).)

<sup>10</sup> <https://www.alcohol-focus-scotland.org.uk/media/263089/AFS-Resource-Section-4.pdf>

As of 31 March 2022, East Lothian has 307 alcohol outlets<sup>11</sup> (on and off trade), which means there is approximately one outlet for every 285 residents aged 18 and over (and one outlet for every 71 'harmful' drinkers in the county (consuming over 14 units a week)).<sup>12</sup>

These averages are better than comparable national averages. However, these council wide averages do not fully reflect the impact that alcohol has within certain communities (intermediate data zones) in East Lothian and as such it may be more meaningful to look at areas within East Lothian which are overprovided, compared to East Lothian as a whole.

We have based our current analysis and recommendations on intermediate zones which:

- contains at least one data zone experiencing a very high aggregate alcohol related harm (i.e. those with rates of both alcohol related health harm and criminal justice harm in the top 20% of East Lothian data zones); and
- contains at least one data zone with a high rate of provision of off sales or on sales premises (i.e. with rates of these respective premise type in the top 20% of East Lothian data zones)

We recommend that the following 3 intermediate zones are assigned as overprovision areas for ***all sales***.

This is because they are in the top 20% of intermediate zones for **all** alcohol outlets, on-premise outlets (on sales), and off-premise outlets (off sales) and are above the Scottish average for alcohol related hospital admissions **or** crime rate.

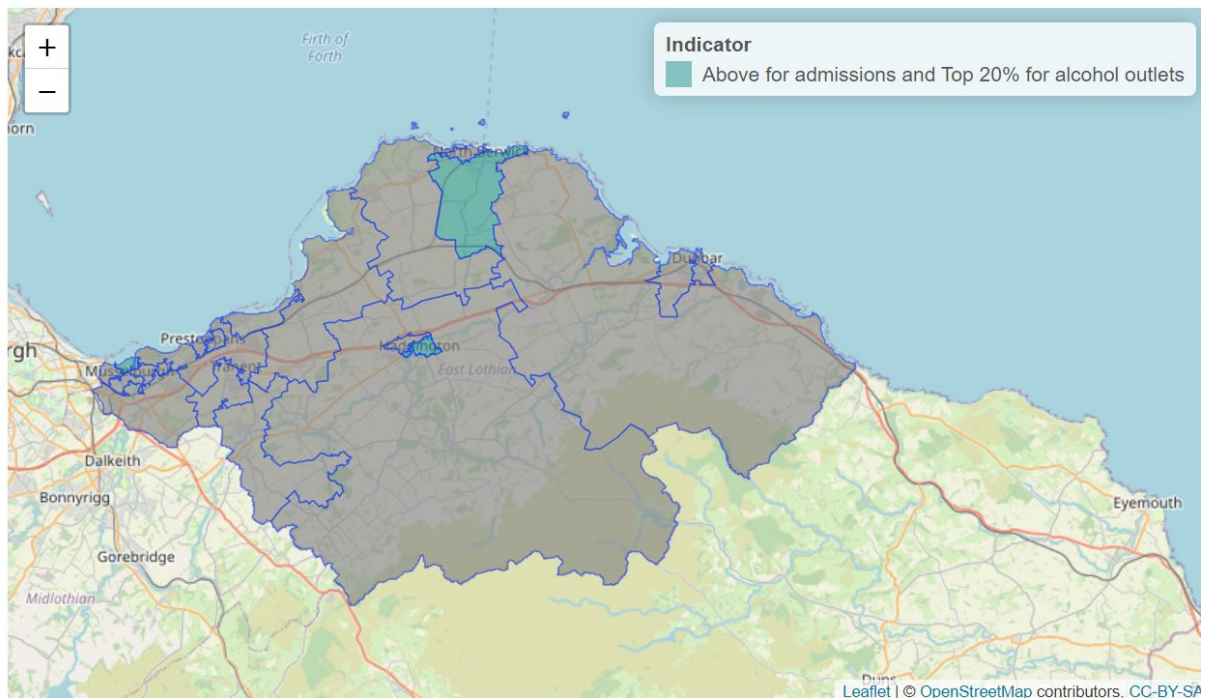
- **Musselburgh North**
  - Top 5% for all outlets
  - Top 5% for on sales
  - Above for alcohol-related admissions
- **Haddington South**
  - Top 10% for all outlets
  - Top 10% for off sales
  - Top 15% for on sales
  - Above for alcohol-related admissions
- **North Berwick South**
  - Top 20% for off sales
  - Above for alcohol-related admissions

Please note that interactive versions of these maps can be accessed using the following link [East Lothian Alcohol Overprovision](#) together with the data that is referred to in this paper.

<sup>11</sup> <https://www.gov.scot/publications/scottish-liquor-licensing-statistics/>

<sup>12</sup> <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2021>

Figure 1. The map below highlights the intermediate zones listed above:



The following areas should be monitored going forward as they are in the top 20% for alcohol outlets, but are not above the Scottish average for alcohol related admissions or crime rate.

- **Musselburgh West** (top 5% for off sales),
- **Prestonpans West** (top 1% for off sales),
- **Gullane and Drem** (top 20% for all outlets and for on sales),
- **North Berwick North** (top 1% for all outlets and for on sales and top 15% for off sales)
- **Dunbar East** (top 10% for on sales and top 15% for all outlets)

The following intermediate zones have the highest levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons) for off sales. We therefore recommend that these intermediate zones are assigned as over provision areas for **off sales**.

- **Haddington South** (top 10% for off sales)
- **Prestonpans West** (top 1% for off sales)
- **North Berwick** (top 20% for off sales)

The following intermediate zones have the highest levels of alcohol related harm (health and criminal), alongside the highest alcohol outlet rates (per 1000 persons) for on sales. We therefore recommend that these intermediate zones are assigned as over provision areas for **on sales**.

- **Haddington South** (top 15% for on sales)
- **Musselburgh North** (top 5% for on sales)

Figure 2. The map below highlights **Intermediate zones and data zones with high density and high alcohol-related harms**

- The alcohol admissions ratio and/or the crime rate are higher than the Scottish average and the intermediate zone is in the top 20% for alcohol outlets (all outlets, on sales or off sales)

- The intermediate zone contained at least one data zone that was in the top 20% of data zones for alcohol outlets and had higher than the Scottish average for alcohol-related harms (crime rate/alcohol-related admissions)

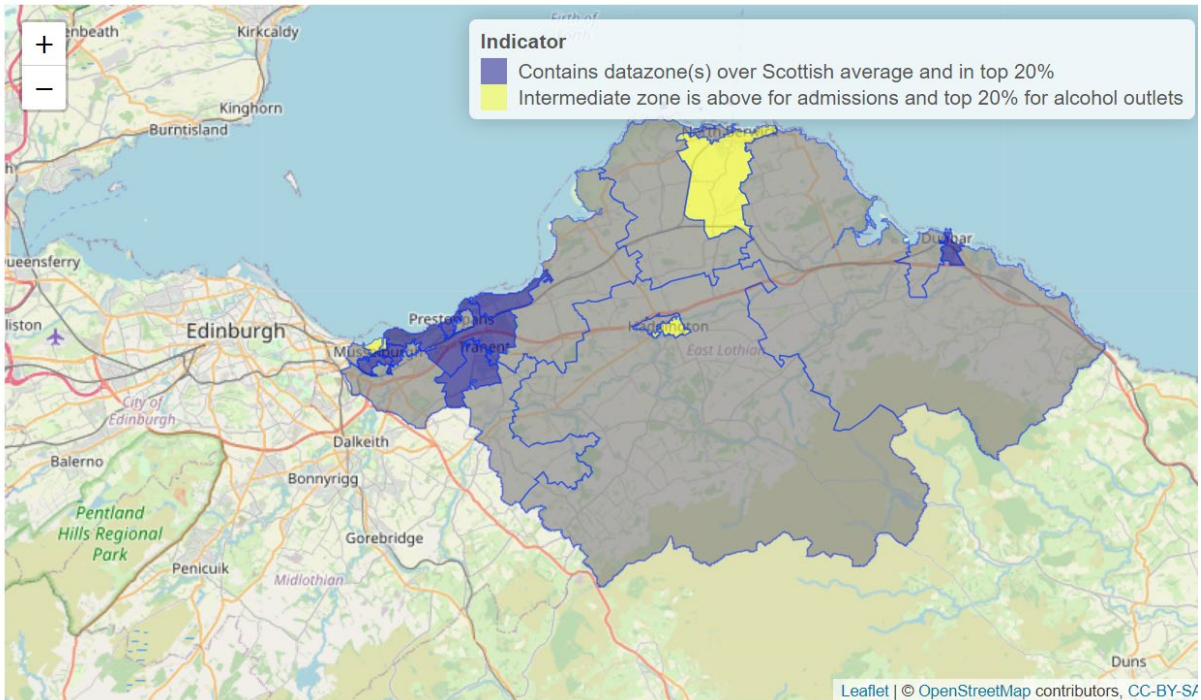
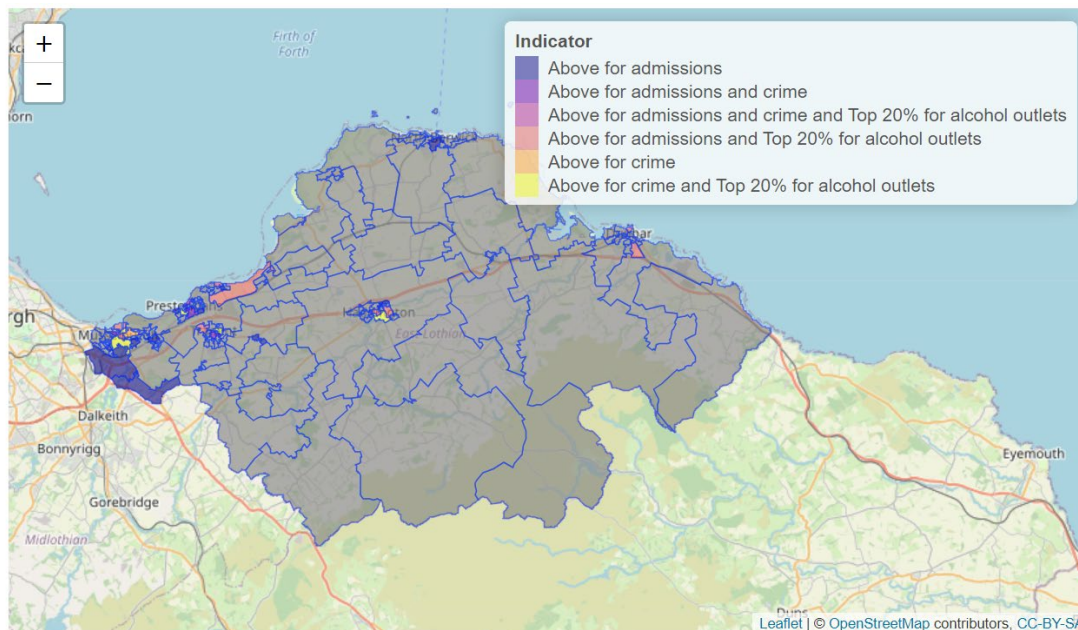


Figure 3.

The map below highlights data zones where:

- The alcohol admissions ratio is higher than the Scottish average
- The crime rate is higher than the Scottish average
- The data zone is in the top 20% for alcohol outlets (all outlets, on sales or off sales) and alcohol-related harms higher than the Scottish average were recorded



The Licensing Forum understands that the License Board has discretion on the size of areas to declare as overprovision zones. We recommend that the board consider overprovision by intermediate zone, rather than data zones. Data zones are small (500-1000 household residents and in some cases taking minutes to cross) and therefore it is difficult to be confident that the impact of very dense areas of outlets will be effectively described by the boundaries of the data zone itself. If we examine only data zones with the greatest harm and outlet density and declare only those small areas overprovided, the existing nearby provision will be ignored and new outlets will simply be displaced to the periphery of data zone boundaries, spreading the overprovision rather than addressing it.

Overprovision is only one ground for refusal. As well as having a statement on overprovision which becomes meaningless if all applications continue to be granted the Board could clearly set out its concern regarding the granting of an off-sales licence under a section specifically relating to off sales and the licensing objective of **protecting and improving public health**. This has been done in other boards where there were concerns over health harms but it was evident that in some areas there were very few licensed premises and therefore identifying them as an overprovision locality, in terms of the number and capacity of licensed premises would not be appropriate. Even where there is little or no existing alcohol provision within the area, it may be inconsistent with the Licensing Objective of Protecting and Improving Public Health to grant a licence which would facilitate and allow easier access to alcohol, thereby having the potential to exacerbate existing alcohol related health problems in the area

Inequalities is a particularly important consideration in relation to overprovision. There is a stark inequalities gradient to alcohol harm, and a growing awareness that the impact of harmful drinking and alcohol dependence is much greater for those experiencing the highest levels of deprivation.

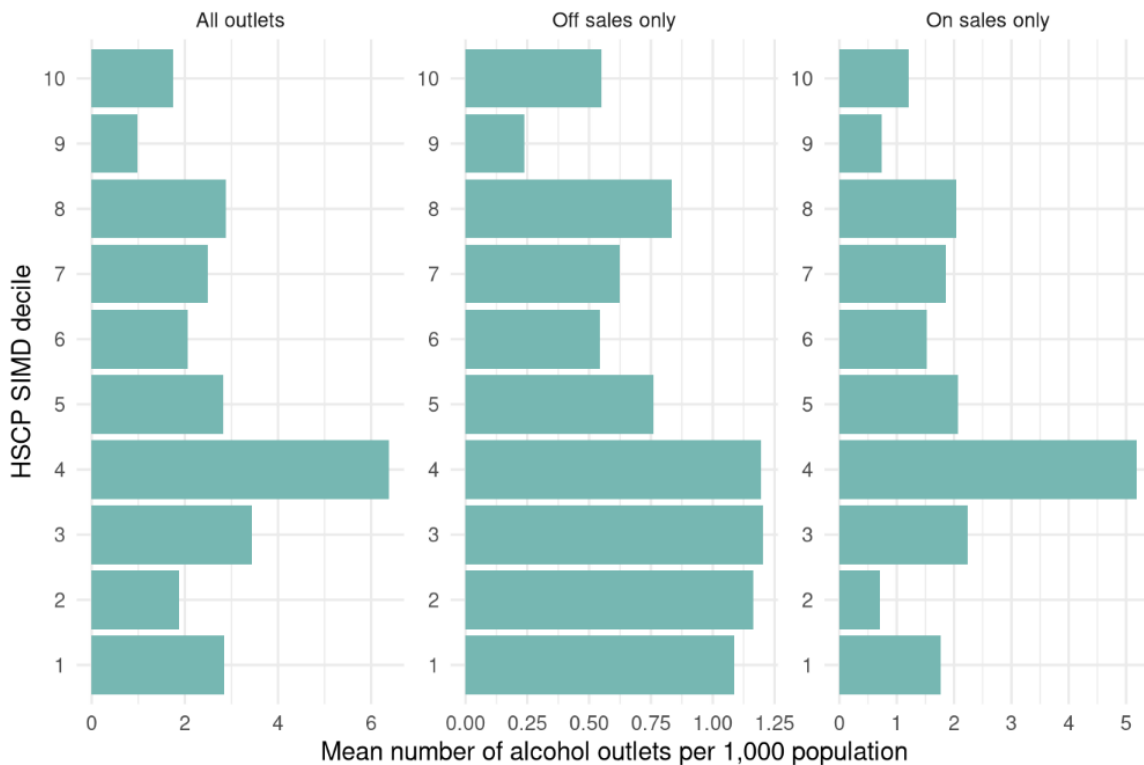
From the data presented we can see that off sales outlet density is higher in more deprived areas. A recent study<sup>13</sup> found that children in the second most deprived quintile (SIMD decile 3 & 4) had the highest probability of exposure to **on-sales** outlets. They explained that this was likely because on sales outlets tend to proliferate in areas of medium deprivation while **off sales** outlets proliferate in areas of high deprivation. This exposure to off sales should be noted when the Licensing Board considers the 5 licensing objectives, in particular objective 5; 'Protecting children and young people from harm'.

<sup>13</sup> Caryl et al., 2022, Inequalities in children's exposure to alcohol outlets in Scotland: a GPS study: <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3#Sec20>

Figure 4. shows the relationship between income deprivation and alcohol outlet density across East Lothian

**Figure 4.**

**Average alcohol outlet density by HSCP SIMD decile**



Further to this we can see that the relationship between income deprivation and alcohol density across East Lothian also demonstrates that alcohol availability was related to income deprivation<sup>14</sup> and Caryl et al. (2022) also focused on this domain in their analysis of children’s exposure to alcohol outlets.

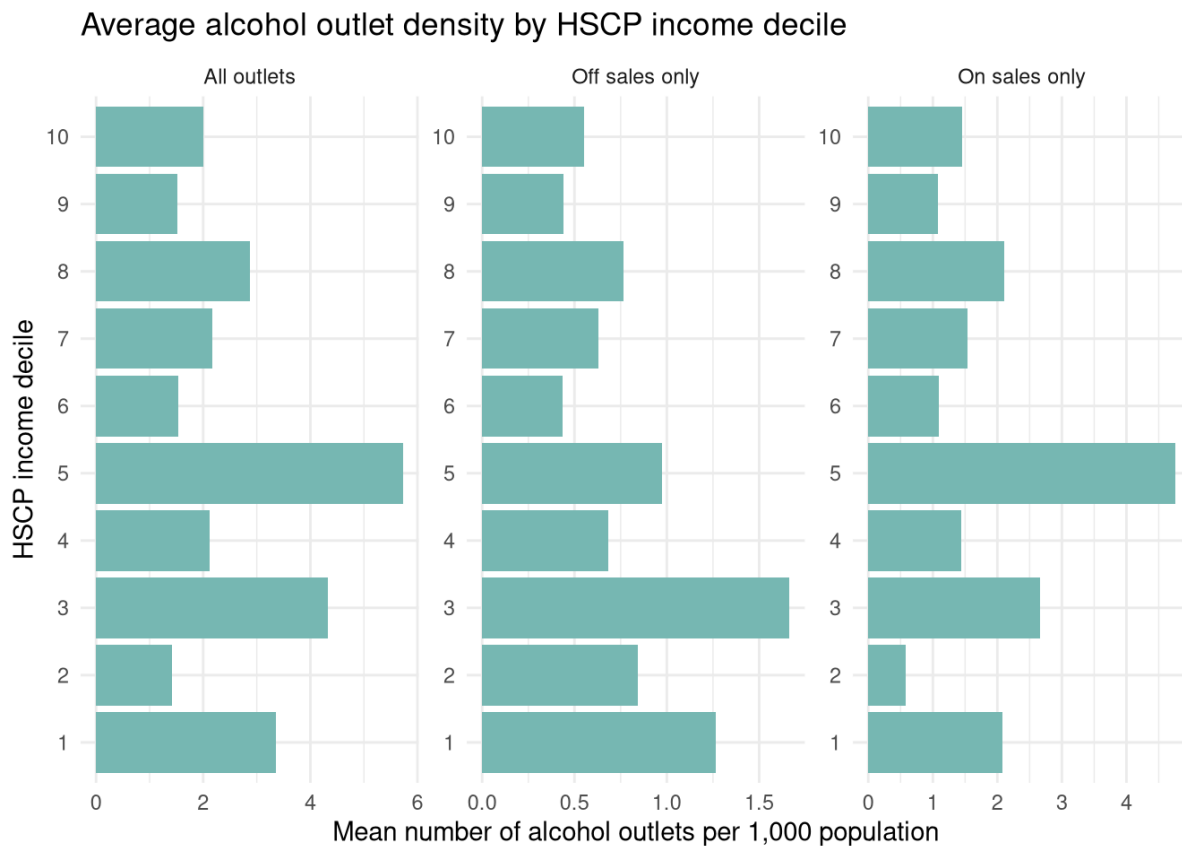
The graph below shows the mean alcohol outlet density across East Lothian by income decile.

We can see that off sales outlets seem to be highest in SIMD 1 and 3 areas, echoing Caryl et al’s (2022) findings that children in the most income deprived areas are the most likely to be exposed to off sales. In their study, children in the three most deprived quintiles (1-2, 3-4, 5-6) received more exposure to off sales outlets when they were at school. This is important because off-sales availability is more strongly associated with underage children’s alcohol use, likely because children are more able to enter off-sales outlets on their own, while they are usually required to be accompanied by an adult to access on sales outlets (Caryl et al., 2022).

<sup>14</sup> Alcohol Focus Scotland, Alcohol Outlet Availability and Harm in Scotland: <https://www.alcohol-focus-scotland.org.uk/media/310762/alcohol-outlet-availability-and-harm-in-scotland.pdf>

Figure 5. shows the relationship between income deprivation and alcohol outlet density across East Lothian.

**Figure 5.**



Similar to the previous graph, we can see that on sales outlets seem to be most concentrated in middle deprivation areas, namely in income decile 5, which also has the overall highest average number of outlets per 1,000 people.

Alcohol presents a number of wider health and social harms and has a cumulative impact on communities over a number of years. We are keen to discuss this information further with the license board in future joint meetings.

<sup>[i]</sup> NHS Health Scotland (2015). *MESAS: An update of the validity and reliability of alcohol retail sales data for the purpose of Monitoring and Evaluating Scotland's Alcohol Strategy*. Edinburgh: NHS Health Scotland. [www.healthscotland.com/documents/25959.aspx](http://www.healthscotland.com/documents/25959.aspx)

<sup>[ii]</sup> Kantar, FMCG Panel, September 2020. Taken from seminar run by Kantar on 20 October 2020, available [here](#)

<sup>[iii]</sup> Catchpole, A. (8 June 2020). "Impressive" online drinks uplift here to stay. *Harpers.co.uk*. Accessed 8/10/21 from [https://harpers.co.uk/news/fullstory.php/aid/27231/ Impressive\\_online\\_drinks\\_uplift\\_here\\_to\\_stay.html](https://harpers.co.uk/news/fullstory.php/aid/27231/ Impressive_online_drinks_uplift_here_to_stay.html)



# EAST LOTHIAN LICENSING BOARD STATEMENT OF LICENSING POLICY

IN ACCORDANCE WITH THE LICENSING (SCOTLAND) ACT 2005  
1<sup>ST</sup> NOVEMBER 2023 – 31<sup>ST</sup> OCTOBER 2028

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## **FOREWORD BY THE CONVENOR**

It is a distinct pleasure to be serving as Convenor of the East Lothian Licensing Board and I am proud to be able to lay out the Statement of Licensing Policy for the Board for the coming 5 years.

The licensed trade plays a vital part of life in East Lothian providing jobs, support for our communities, recreation facilities and much beside. We hope that our Statement of Licensing Policy recognises those benefits whilst at the same time appropriately balancing the need to ensure that alcohol is always sold from premises that are well run by individuals who are fit and proper.

To ensure that our policy does meet the needs of the people of East Lothian we will continuously be monitoring the effectiveness of our Statement of Licensing Policy and implement any supplementary statements as required.

Our aim will be to promote the Licensing Objectives as set out in the legislation and ensure that all the decisions we make are firmly based upon reliable evidence and on individual merit. We look forward to working collaboratively with the East Lothian Licensing Forum to ensure that objectives are met right across East Lothian.

I want to take the opportunity on behalf of the whole Board to thank all those who played a part in the putting together of this licensing policy. Firstly, those who have contributed to during the consultation process including our colleagues from statutory services, the licensed trade in particularly the East Lothian Licensing Forum, our community councils, and the young people of our county.

Of course, none of this could have happened without the support and dedication of our wonderful licensing team. I want to thank them not just for the support they have given to the Board in putting together this policy but for everything they do all year to support us, the licensed trade and the whole of our county.

**Councillor Lachlan Bruce**

**Convener, East Lothian Licensing Board**

## PART 1

### INTRODUCTION

#### 1.0 The Licensing (Scotland) Act 2005

1.1 The Licensing (Scotland) Act 2005 as amended (“the Act”) makes provision for regulating the sale of alcohol, and for regulating licensed premises and other premises on which alcohol is sold.

1.2 Under the Act, Licensing Boards are responsible for considering applications for:-

- premises licences
- occasional licences
- provisional licences
- temporary licences
- personal licences
- transfer of premises licences
- variation of premises licences
- extensions of licensing hours

in respect of:

- the sale of alcohol by retail; and
- the supply of alcohol in member’s clubs

#### 2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):-

- ❖ Preventing crime and disorder
- ❖ Securing public safety
- ❖ Preventing public nuisance
- ❖ Protecting and improving public health
- ❖ Protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusing an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on one or more of the licensing objectives.

2.3 In exercising its functions under the Act, the Board must have regard to the licensing objectives. Details of how the Board will seek to promote the licensing objectives are set out in **Part 2**.

2.4 When considering the licensing objectives the Board will take a population health approach which considers the implication for each licence application across the spectrum of the

population, with a focus on children and young people. Each life stage of the population will be considered in terms of risk and exposure.

### **3.0 East Lothian Licensing Board**

- 3.1 East Lothian Licensing Board (“the Board”) is the licensing authority for the local government area of East Lothian for the purposes of the Act. The Board currently comprises six members, all of whom are elected members of East Lothian Council. The number of Board members may change following local council elections. The Board is responsible for the functions set out in paragraph 1.2 above within East Lothian.
- 3.2 East Lothian shares borders with the City of Edinburgh, Midlothian and Scottish Borders Councils and covers around 680 square kilometres with 82km of coastline. Around 110,000 people live within the area, which stretches from the former mining parishes of Tranent and Prestonpans, and Musselburgh in the west to the fishing community of Dunbar in the east and from the tourist resorts, such as North Berwick on the Firth of Forth to the farming lands of Garvald and Whittinghame on the border with Berwickshire. The main administrative centre for East Lothian is based in Haddington.

### **4.0 Local Licensing Forum**

- 4.1 The East Lothian Licensing Forum’s role is to keep under review the operation of the Licensing Act in the East Lothian area and to give advice and make recommendations to the Board in relation to those matters the Forum considers appropriate. The Forum is the community's voice on alcohol licensing issues. This will be mainly at a policy level as the Forum cannot comment on individual cases. The Forum meets at least four times a year, at quarterly intervals, and will have at least one joint meeting with the Board each year. Forum meetings are open to the press and public. Further details of the Forum’s activities can be found on its website at [East Lothian Forum](#).

### **5.0 Statement of Licensing Policy**

- 5.1 Every five years each Licensing Board is required to publish a statement, of its policy on the exercise of its functions. Each licensing policy statement must include a statement as to the extent to which the Board considers there is overprovision of:

- licensed premises, or
- licensed premises of a particular description,

in any locality within the Board’s area.

- 5.2 The Board has published this policy statement in fulfilment of the requirements of sections 6 and 7 of the Act. Section 6(3)(a) of the Act also requires a Licensing Board, in preparing a

licensing policy statement, to ensure that the policy set out in the statement seeks to promote the licensing objectives.

- 5.3 This policy statement shall be effective until 2028. It will be kept under review during that period and the Board has the power under section 6(2) of the Act to publish a supplementary policy statement.
- 5.4 In preparing this policy statement, the Board has had due regard to the guidance issued by the Scottish Government – [Licensing \(Scotland\) Act 2005 section 142: guidance for Licensing Boards](#).
- 5.5 Whilst reviewing the previous policy and developing the current the Board have considered the known and projected impact of COVID-19 on the licensing objectives and licensed trade. There have been documented changes in drinking patterns with an increase in alcohol-specific deaths in Scotland.
- 5.6 The board also recognises there has been a shift in alcohol sales and drinking from the on-trade to the off-trade. Prior to the pandemic 73% of alcohol in Scotland was sold in off sales. This proportion increased in 2020 to 90% before decreasing slightly to 85% in 2021<sup>1</sup>. As such the Board’s policy for off sale, deliveries, remote and online sales has been considered and revised.
- 5.7 This policy statement covers a wide variety of issues. However, it cannot cover every eventuality and it seeks to detail those factors that will influence the achievement of the licensing objectives. If matters arise that are not covered by this policy statement, the Board may publish a supplementary policy statement to cover such matters.
- 5.8 Section 6(4) of the Act requires the Board, in exercising its functions under the Act, to have regard to this policy statement. However, the Board will consider all applications on their own individual merits and it is open to an applicant to seek a decision from the Board, which is inconsistent with the terms of this policy statement. Further, this policy statement will not override the right of any person to make representations on any application or seek a review of a premises licence where permitted to do so under the Act. Where persons seek a decision from the Board which is inconsistent with the terms of this policy statement, the Board expects them to fully address the issue of why the policy statement should not be followed. The applicant will therefore be required to demonstrate, by means of evidence, good reason for doing so, and in particular, evidence how a departure will comply with, and promote, any or all of the five licensing objectives.
- 5.9 This policy statement should be read in conjunction with the Act and all regulations made thereunder. It is designed to be a strategic policy statement, not an operational guide to the legislation.

<sup>1</sup> [Chapter 8 Alcohol and Drugs - The Scottish Health Survey 2021 - volume 1: main report - gov.scot \(www.gov.scot\)](#)

## 6.0 Consultation on Statement of Policy

6.1 Section 6(3)(b) of the Act states that in preparing this statement of policy the Board must consult the following: -

- East Lothian Local Licensing Forum;
- if the membership of the Forum is not representative of all of the various membership categories, such persons as appear to the Board to be representative of the underrepresented categories;
- such other persons as the Board thinks appropriate.

6.2 The Board has consulted widely on this statement of policy in fulfilment of the requirements of section 6(3)(b). An initial consultation on the existing policy took place from November 2022 – January 2023. The Board wrote to all secondary Schools in East Lothian asking for views of young persons. A consultation was then conducted on the draft policy from June – August 2023 using an online platform. During this period relevant parties were contacted to submit views and comments such as Police, Fire Service, Health Board, the Licensing Forum, Community Councils, Councillors, Council Departments, licence holders, parties involved in the licensed trade and members of the public. The consultation was advertised on social media and the council’s website. Paper copies were available should the consultee wish. In finalising this policy statement, appropriate weight has been given to the views of those who responded to the consultation.

## 7.0 Links to Other Policies and Strategies

7.1 The Board values and celebrates the diversity that exists within East Lothian, and would like to ensure that everyone can fully participate in the social, cultural, political and economic life of the County.

7.2 The Board opposes all forms of unlawful discrimination including discrimination on the grounds of race, ethnicity, gender, sexual orientation, age, religion and disability and recognises that discrimination creates barriers to achieving equality for all people.

7.3 The Board will, at all times, have due regard to the Equality Act 2010 and any subsequent and similar legislation and to the need to: -

- eliminate unlawful discrimination, and
- promote equality of opportunity.

East Lothian Licensing Board has an Equalities Policy which promotes access, for disabled people, to services and facilities that can be viewed at [East Lothian Council website](#).

- 7.4 Applicants for premises licences will be expected to demonstrate in their operating plans how they intend to support this policy.
- 7.5 The Board acknowledges the work undertaken by the voluntary sector in addressing the impact of alcohol misuse. It considers the work undertaken by the Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) to be of particular significance in this area and consulted with [MELDAP](#) in relation to the policy.
- 7.6 The Board acknowledges that the new policy references relevant locality plans and the [strategic plan of the Health and Social Care Partnership \(HSCP\)](#). As alcohol licensing is the responsibility of the Board, it is essential that the Board identifies where it shares similar objectives to Community Planning Partners, and how best they support each other. It is therefore important to the Board that this policy aligns with the [Community Planning Local Outcome Improvement Plans \(LOIPs\)](#).
- 7.7 The Board acknowledges national strategy and best practice and wishes to highlight this area to applicants to consider in their applications. This allows for comprehensive discussion about preventing alcohol harm when considering applications. The Board will consider resources available to it including:-
- [The Scottish Government’s Alcohol Framework](#)
  - [The Scottish Government’s Public Health Priorities – \(PHP4 – A Scotland where we can reduce the use and harm from alcohol, tobacco, and other drugs\)](#)
  - [The World Health Organisation’s best buys to reducing harmful use of alcohol](#)

## 8.0 Tourism, Planning and Building Standards

- 8.1 The Board will arrange to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in its considerations. New or extended license applications relating to a recognised tourist attraction must show that the granting of the licence will have no serious impact on the Licensing Objectives.
- 8.2 Planning, building standards and licensing regimes will be properly managed to avoid duplication and inefficiency. An application for a premises licence must be from a business that holds planning consent for the property concerned.

## 9.0 Planning Public Events

- 9.1 The Board will consider applications for the licensing of the sale and supply of alcohol at public events. However, it must be made clear that organisers have a responsibility to ensure that they check and apply for other types of licence or permit that may be required under other legislation in relation to the activity they intend to hold. This includes public entertainment licences, market operator licences and or appropriate street trader licences.

- 9.2 Organisers of a public event need to be aware that a great deal of planning and organisation is required to run an event successfully. The safety of all involved and the compliance with a wide range of legislation must be considered. As an organiser, it must be remembered that, at all times, you are responsible for all aspects of the event under your control. Useful information on planning an event can be found at [Your event Journey | East Lothian Council](#)
- 9.3 East Lothian Council chairs the Safety Advisory Group (SAG) for events planned within its area. Organisers of public events should contact the SAG without delay by emailing [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk) and completing the [event notification form](#).

## 10.0 East Lothian Council Climate Change Strategy 2025

- 10.1 In August 2019, East Lothian Council's Elected Members unanimously agreed to declare a Climate Emergency. The Council resolved to take action to make all our Council Services net Zero Carbon as soon as reasonably practicable or in any case by 2045 and to work with our communities and partners towards making East Lothian a carbon neutral county. The Climate Change Strategy sets out how East Lothian Council will work in partnership with our local communities, businesses, organisations and individuals to tackle climate change. The Council will also work with its partners in the East Lothian Partnership to help achieve a reduction in carbon emissions, and improve sustainability and equality across East Lothian.
- 10.2 The board acknowledges this strategy and that mitigations and adaptations are required in response to the climate emergency in the Boards area and will take on board measures detailed in the strategies below.
- 10.3 East Lothian Council's Climate Change Strategy (2020-2025) sets out an action to 'Progress revision of licencing / permits to lease-holders / activities are required to cut single-use plastic and strongly encouraged to attempt a zero waste activity and demonstrate carbon reduction strategies' by 2025 - [Climate Change Strategy 2020-25 | East Lothian Council](#)
- 10.4 The Scottish Government announced a Single-use Plastic Ban on Wednesday 1st of June 2022 - [Single use plastics ban - gov.scot \(www.gov.scot\)](#). This includes plastic cutlery (forks, knives, spoons, chopsticks), plates, straws, beverage stirrers and balloon sticks; food containers made of expanded polystyrene; and cups and other beverage containers made of expanded polystyrene, including their covers and lids. Whilst the Board cannot act outwith its powers in relation to matters covered by legislation, it strongly urges premises to comply.
- 10.5 The Scottish Government's updated Climate Change Plan (2018-2032): Securing a Green Recovery on a Path to Net Zero mentions the potential implementation of a Deposit Return Scheme for single use drink containers as well as restricted supply of single use plastic items as key for Scotland's roadmap to net zero. The Board will assess any changes as they are implemented.

- 10.6 Guidance Zero Waste Scotland recommends a leasing scheme for customers to borrow e.g. a reusable cup for a deposit. Contact with local sustainability groups may assist licence holders.
- 10.7 Guidance on moving away from single use plastic can be found here:
- a. [Supporting documents - Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update - gov.scot \(www.gov.scot\)](#)
  - b. [Supporting documents - Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update - gov.scot \(www.gov.scot\)](#)
  - c. [Making more sustainable choices: moving away from single-use | Zero Waste Scotland](#)
  - d. [Public event food and drink | Planning a public event | East Lothian Council](#)

## PART 2

### PROMOTION OF THE LICENSING OBJECTIVES

#### 11.0 Overview

- 11.1 Part 2 sets out the Board’s general approach to the promotion of the licensing objectives. In relation to each licensing objective, the Board has set out the general policy it will pursue in seeking to promote that objective.

In respect of each licensing objective, the Board has: -

- defined its intended outcome; and
- listed factors that, in its view, have an impact on the achievement of that objective.

- 11.2 Because of the wide variety of premises and activities to which this policy statement applies these lists are not exhaustive. Applicants and licence holders will know their own premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking, or have obtained, authorisation.

- 11.3 The Board emphasises that effective and responsible management of licensed premises is key to securing consistency with the licensing objectives. In respect of each licensing objective, the Board has specified a list of measures (“control measures”) which it recommends to applicants and licence holders as worthy of consideration in seeking to secure consistency with that objective. These lists are intended to assist applicants and licence holders but, again, are not exhaustive. Some control measures apply to more than one licensing objective. Failure to implement these measures may put licensees at risk of review on the basis that they are not fit and proper persons to operate licensed premises and hold a premises licence.

- 11.4 The Board, in assessing applications for licensed premises may attach conditions as considered necessary, in order to promote any of the licensing objectives.

- 11.5 Additional measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature.

#### 12.0 Bring Your Own Bottle on Licensed Premises

- 12.1 It is the Licensing Board’s preference that any unlicensed Restaurant/Café/Commercial premises should in fact apply for a premises licence rather than allow customers to Bring Your Own Bottle (BYOB).

- 12.2 Should a licence holder allow a BYOB event to take place on their licensed premises, they must state this in the ‘activities’ part of their ‘operating plan’.

- 12.3 Licensees should also understand that by permitting BYOB they will still be responsible for the conduct of persons within their premises and have a duty to control what and how much alcohol persons are consuming. They are also responsible for the disposal of bottles and litter on, and surrounding the premises.
- 12.4 It should be clear that the use of BYOB facilities cannot be used to extend drinking time before or after core hours, as consumption of alcohol out with the licensed hours granted by the Licensing Board is illegal without the grant of an extended hours licence.

### 13.0 Preventing Crime and Disorder

- 13.1 In carrying out its functions under the Act, the Board will have regard to the likely impact licensed premises may have on crime and disorder.
- 13.2 The Board supports a strategy aimed at making East Lothian a safe place to live in and visit. The Board is committed to further improving the quality of life of people in East Lothian by playing its part in ensuring that licensed premises are run in such a way as not to contribute to crime and disorder.
- 13.3 Byelaws – In East Lothian there are Byelaws prohibiting the consumption of alcohol in designated public places. These restrictions were introduced to prevent crime and disorder and anti-social behaviour. At present, not all areas are covered by Byelaws. Please check to see if there are any [byelaws](#) in your area which may impact on the planning of an event. If it is proposed to hold an event at which alcohol is to be sold or consumed, in an area that is subject to one of these Byelaws, then an occasional licence will be required.
- 13.4 Applicants and licence holders should be able to demonstrate that all factors, which impact on crime and disorder, have been considered. These include but are not restricted to: -
- underage drinking, including agent purchases
  - drunkenness on or around the premises
  - illegal possession and/or use of drugs
  - violent behaviour/public disorder
  - sexual exploitation of children and young persons
  - antisocial behaviour
  - drink driving
  - litter

13.5 In order to meet this licensing objective the Board has set out the following suggested control measures and advises the licence holder to consider and implement these. Suggested control measures include:-

- implementation of a crime prevention policy, which would need to be developed with Police Scotland.
- appropriate instruction, training and supervision of staff to include conflict management; protection of the vulnerable; raising awareness of what child sexual exploitation is, who is involved and actions to be taken; and general procedures to prevent crime and disorder. Guidance on how to recognise and deal with sexual exploitation of children and young persons can be found at [EMPPC website](#).
- acceptance of [The Proof of Age Standards Scheme](#) (PASS) and [Challenge 25](#).
- provision of effective and well maintained CCTV in and around the premises. All Designated Premises Managers and the majority of staff must be able to operate the system. Images should be kept for at least one month. For operational purposes in the investigation of crime and disorder, police officers should be shown footage of any images held in respect of incidents on or about licensed premises. Viewing of images must also be made available to the Licensing Standards Officer. If copies of images are required for evidence purposes by Police Scotland, this should be accommodated.
- display of prominent notices which set out the management's policy on illegal substances
- security policies and regular toilet checks
- employment, when necessary, of Security Industry Authority (SIA) licensed door staff
- proper management of people entering and leaving the premises
- active membership of Pub Watch or a similar scheme
- provision of litter bins and lighting outside the premises
- prominent display of material discouraging drink driving
- promoting awareness of schemes in relation to safety and responsible drinking
- choice of size of measures, particularly for wine
- introduction of a sales refusals book

- calling last orders earlier than the daily terminal hour
- keeping an incident book and daily register which lists complaints, incidents and actions taken by staff and management, including type of entertainment provided and approximate number of patrons in attendance. Other items of interest are details of official visitors to the premises i.e. LSO, Police and other officials, the time premises are cleared of patrons and street cleared at closing time.

13.6 Notification of Incidents – Licence Holders and their staff are expected to contact and co-operate with the Police when incidents of a violent, anti-social or otherwise criminal nature occur. This type of communication will be seen as a positive sign of good management. This also allows for the effective use of Exclusion Orders.

## 14.0 Securing Public Safety

14.1 The Board is committed to ensuring that the safety of any person visiting or working in, or in the vicinity of, licensed premises is not compromised.

14.2 Applicants and licence holders should be able to demonstrate that all factors which impact on public safety have been considered. These may include: -

- the occupancy capacity of the premises
- mandatory fire risk assessment of the premises
- the age, design and layout of the premises, including means of escape
- the nature of the activities on the premises
- the hours of operation
- customer profile (e.g. age, disability)
- having a glass policy in place covering the collection and use of glass and the risk to patrons and employees from glass
- having a risk policy concerning the use of special effects such as lasers, pyrotechnics, foam and smoke machines
- having a risk policy concerning cleaning and housekeeping processes, deliveries and property maintenance
- first aid facilities

14.3 In order to meet this licensing objective the Board has set out the following suggested control measures and advises the licence holder to consider and implement these. Suggested control measures include:-

- Licence holders and premises managers carrying out and documenting written risk assessments and records
- effective and responsible management of the premises
- provision of effective and properly maintained CCTV in and around the premises. The Board supports the use of such systems and particularly encourage licensees to use them
- active membership of Pub Watch or a similar scheme
- employment of adequate numbers of suitably trained staff
- discourage 'vertical' drinking and encourage patrons to be seated
- having a written policy on how to deal with customers and any other person on the premises who may have become incapacitated or vulnerable through drink or drugs
- empty bottles and glasses are regularly cleared from tables and public areas without undue delay
- all furniture and barriers included in an approved outdoor area that forms part of a public footpath or roadway, must be taken out of use at the designated closing time.
- outdoor areas located on a public footway should only be used for the consumption of alcohol by those seated in the area. No vertical drinking should be permitted on a footway. This practice would not apply to a beer garden in the enclosed area of private grounds unless otherwise directed in a condition imposed by the Board to control nuisance
- First aid facilities and trained staff. Consideration may also be given to having defibrillation equipment at hand and available to staff to deal with medical emergencies. If installation of defibrillation equipment is not practical (some premises work together to obtain these facilities for the community) then finding out and briefing staff as to where any local facilities are and how they can be accessed
- informing the police and LSO of any special event that is to take place on the premises or of any incident or issues that relate to public safety
- employment, when necessary, of Security Industry Authority licensed door staff and implementation of a crowd management policy

- ensuring that premises, both internally and externally, are maintained in good, clean and tidy condition at all times, this includes public footways directly outside licensed premises. At no time should litter of any description be swept and left beyond the perimeter of premises or into the gutter for others to clean up

## 15.0 Preventing Public Nuisance

- 15.1 Licensed premises can potentially have an adverse impact on communities, as a result of public nuisance arising from their operation. The Board aims to protect and maintain the amenity of residents and occupiers of other business premises from any adverse consequences of the operation of licensed premises whilst also recognising the valuable cultural, social and business importance that such premises provide.
- 15.2 The Board, in assessing applications for licensed premises, may attach conditions as considered necessary, in order to prevent or control any potential detrimental impact of the premises in relation to issues of public nuisance.
- 15.3 Although interpretation is ultimately a matter for the courts, the Board intends to interpret “public nuisance” widely to include such issues as noise, light, odour, litter and antisocial behaviour where these have an impact on the local community.
- 15.4 Applicants and licence holders should be able to demonstrate that all factors, which might contribute to public nuisance, have been considered, these include: -
- the location of the premises and the type of neighbouring premises
  - the hours of opening
  - the nature of the activities to be provided on the premises
  - the occupancy capacity of the premises
- 15.5 In order to meet this licensing objective the Board has set out the following suggested control measures and advises the licence holder to consider and implement these. Suggested control measures include:-
- adherence to any local conditions imposed by the Licensing Board and Planning Department.
  - appropriate instruction, training and supervision of staff to prevent incidents of public nuisance.

- proper management of people entering and leaving the premises.
- implementing a terminal hour dispersal policy including the placement of notices to request customers to leave the premises quietly, respecting local residents.
- using the wind down time between the end of licensable activities and the closure of the premises to indicate to customers that it is time to leave.
- implementing a policy of last admission time to manage safe capacity, prevent disorder and over consumption.
- an effective policy on controlling noise and movement of patrons using outdoor areas, including areas used by smokers.
- a litter and waste management policy should be in place, provisions should be made for the recycling of cans, glass bottles, plastic glasses and rubbish in appropriate receptacles at responsible times between 9am and 9pm, which will not affect nearby residents. The policy should detail management arrangements for the collection and disposal of waste and empty bottles.
- the Board is aware of the public concern of the disposal/misuse of plastic, Licence holders are encouraged to consider using safe alternatives such as Type 5 (polypropylene). Plastic glasses made from polypropylene are translucent, flexible, shatter and crack resistant. Modern polypropylene is almost as clear as PET (Polyethylene terephthalate). Polypropylene plastic glasses are an excellent clean source of plastic and would be readily accepted for recycling. For information on reusable cup schemes please visit - [Public event food and drink | Planning a public event | East Lothian Council](#)
- installation of sound proofing and sound limiting devices.
- sound tests to ensure that noise from equipment used in providing live or amplified music, non-amplified music, singing and speech sourced from licensed premises is not intrusive in any adjoining or nearby residential property.
- reduction of volume of amplified music and live entertainment to protect health and prevent neighbour nuisance.
- consideration of sufficient provision of transport for patrons leaving premises, to prevent nuisance caused by patrons loitering in the vicinity of the premises, particularly after closing. This would include liaison with public transport and taxi providers. Drivers of vehicles dropping off or uplifting should be discouraged from sitting with engines running or idling. This could be publicised by clear signage and /or advice given by door staff.

- installation of a well maintained air conditioning system to provide adequate cooling of public areas of premises during hot weather. This will negate the need to open windows and doors, and therefore prevent noise breakout.
- active membership of Pub Watch or a similar scheme.
- provision of effective and properly maintained CCTV in and around the premises. The Board supports the use of such systems and particularly encourages licensees to use them.
- employment, when necessary, of Security Industry Authority (SIA) licensed door staff.

15.6 **Antisocial Behaviour** – victims of noise nuisance, should contact the police on 101 and report the problem through the anti-social behaviour helpline on 01875 824307 or online [here](#). Investigations are carried out by the Police and Council Departments where necessary.

15.7 **18<sup>th</sup> or 21<sup>st</sup> birthday parties** - All premises hosting 18<sup>th</sup> or 21<sup>st</sup> birthday parties should give a minimum of 14 days' notice of these events to the Police Licensing Officer and the Licensing Standards Officer. This is so that appropriate advice can be offered on the proper management of such events. Good practice would also be for Licensees to additionally notify any immediate neighbours or those who live along obvious dispersal routes of such parties. The above may be added as a condition to the premises licence should the Board see fit.

## 16.0 Protecting and Improving Public Health

16.1 The Board is concerned about the link between alcohol consumption and public health. The Board wishes to see responsibly managed licensed premises thriving in East Lothian but not at the expense of the public's health and wellbeing. One of the Board's priorities will therefore be the protection and improvement of the health and wellbeing of the population of East Lothian and visitors to East Lothian. The Board will have regard to the views of any other bodies responsible for, or having an interest in, public health.

16.2 Applicants and licence holders should be able to demonstrate the measures which will be, or have been, put in place to protect public health.

16.3 In order to meet this licensing objective the Board has set out the following suggested control measures and advises the licence holder to consider and implement these. Suggested control measures include:-

- displaying material discouraging drink driving.
- promoting awareness of schemes in relation to safety and responsible drinking

- making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines. The UK Chief Medical Officers' guideline for both men and women is that to keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis. Guidance can be found on [Drinkaware](#).
- having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises.
- ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small, medium and large measures should be available.
- ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer.
- Where deliveries of alcohol are made to households or other premises, delivery staff must be trained to the same level as those involved in the sale or supply of alcohol from licensed premises. Challenge 25 checks must be made and the mandatory delivery records must be kept in accordance with statutory regulations and made available to Police and the LSO on request. No alcohol must be left at premises if the occupier is under 18 or a responsible adult is not present. Applicants for licences, which include delivery of alcohol, will be required to give details of how they are going to enforce Challenge 25, training of staff and record-keeping requirements when making deliveries. These measures will help protect the health of the young and the vulnerable. Where a courier service to make deliveries, the licensee will ensure that the delivery service is compliant with the Board's required checks and standards of delivery.
- availability of low alcohol and alcohol free alternatives.
- provision of tap water that is fit for drinking free of charge on request. Other non-alcoholic drinks must be available at a reasonable price.
- licence holders are encouraged to provide food or a selection of reasonably priced snacks to encourage patrons to eat at the same time as consuming alcohol.
- providing contact details of where assistance for alcohol related problems may be sought.
- compliance with the law on alcohol pricing and irresponsible drinks promotions.
- having in place a policy/practice to deal with patrons who have consumed excessive alcohol.
- reduction of volume of amplified music and live entertainment to protect the health of patrons and staff and prevent neighbour nuisance.

- Having defibrillation equipment readily available to trained staff to deal with medical emergencies. If provision of such equipment is not practical, then (some licensees work together to provide these facilities for the local community) it is good practice to find out where the nearest facilities are and how they can be accessed. More information can be obtained at [Scottish Ambulance](#) and [British Heart Foundation](#).
- [NHS Inform](#) is the best website in Scotland for impartial health advice.

16.4 Licence holders should have a clear understanding that it is illegal to sell alcohol to a person who appears drunk or to allow drunkenness on the premises.

### 16.5 Minimum Unit Pricing (MUP)

16.5.1 As of 1 May 2018, no alcoholic drink can be sold at a cost of less than 50p per unit. This is in accordance with Scottish Government policy, which targets high strength alcohol, sold at low prices.

16.5.2 MUP is implemented by way of adding a condition to all licences in Scotland, so failure to adhere to the policy is a breach of your conditions and a criminal offence. Adherence to the conditions is the responsibility of the licence holder, premises manager, and staff working at the point of sale.

16.5.3 Licence Holders should ensure that all staff are aware of the MUP requirements by including this as part of their mandatory staff training.

16.5.4 As with all licensing conditions, MUP will be enforced by our Licensing Standards Officer. They will seek to provide assistance to any licence holder looking for guidance regarding implementation of MUP. Licence holders should be aware however, that they are ultimately responsible for compliance with their conditions and may be subject to enforcement action in the event of non-compliance.

16.5.5 Detailed information and guidance on MUP can be found at [mygov.scot](#). This is being reviewed by Scottish Government and the Board expects all premises to comply with any changes.

### 16.6 Irresponsible Drinks Promotions and Price Changes

16.6.1 The 2005 Act prohibits the variation of prices within a 72-hour period of a prior change and includes mandatory conditions to tackle irresponsible promotions such as “happy hours”. These are contained within the [mandatory conditions](#) attached to all premises.

16.6.2 “Drinks Promotion” means in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises. Promotions can occur in relation to on and off sales

- 16.6.3 An irresponsible drinks promotion must not be carried on in or in connection with any premises. Irresponsible drinks promotions will be considered individually against the legislative criteria to assess if the promotion is irresponsible in terms of the Act.
- 16.6.4 The board considers promotions on social media pages and online content linked to the premises that is publicly available to be connected with the premises.
- 16.6.5 Initially, complaints will be dealt with at a local level by the LSO. In most cases, it is hoped that these cases can be resolved in discussion between the LSO and the Licence holder without any sanctions being applied by the Board.
- 16.6.6 Where the Board feels that further action is appropriate, it will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.
- 16.6.7 Information given by the [Advertising Standards Authority \(ASA\)](#) should be considered by licence holders.
- 16.6.8 The below examples are potentially in breach of the legislation.

Irresponsible Promotion	Example
All-inclusive offers	A party night where the purchase of a ticket or payment of an admission charge entitles the purchaser to a free bar. This would be the supply of unlimited alcohol for a fixed charge – Schedule 3 paragraph 8(2) (d) applies
Alcohol as a prize to be consumed on the premises	A quiz night or competition where alcohol is offered for consumption on the premises as a prize for winning or taking part - Schedule 3 paragraph 8(2) (h) applies
Double up	Premises offers customers the chance to double up by offering a double measure for an extra 50p (in addition to price of single measure). This promotion offers an extra measure of alcohol at a reduced price on the purchase of a measure of alcohol – Schedule 3 paragraph 8(2) (c) applies
4 drinks for £10	Offering 4 of a specific drink for £10 when the individual sale of the drink is £3 – Schedule 3 paragraph 8(2) (b) applies

Price Variation	Example
Cheaper drinks throughout the week	A promotion where the cost of drinks is reduced from Sunday until Thursday and then increased to full price on Friday-Saturday. This constitutes two variations to pricing. The second variation is for less than 72 hours (Friday and Saturday). A variation in pricing cannot occur except at the beginning of the licensed period and the variation must last a minimum of 72 hours.
Best before discount	Offering cans of beer with a best before date that has expired while selling cans of the same brand and size within the date range at the same price. The same products must be sold at the same price

## 17.0 Protecting Children and Young Persons from Harm

- 17.1 The Board wishes family friendly premises to thrive in East Lothian, it welcomes premises licence applications from those who wish to operate licensed premises which accommodate children and young persons. In terms of the Act, children are aged under 16 and young persons are aged 16 or 17. The Board understands that additional responsibilities will be placed on such applicants whilst at the same time recognising that parents and other adults accompanying children and young persons also have responsibilities. In determining any such application, the need to protect children and young persons from harm will be a major consideration and the Board therefore wishes to ensure that such premises are run in a way that is suitable for children and young persons.
- 17.2 Each application for children and young person's access will be judged on its own merits and the Board may limit the hours that children and young persons are permitted to remain on the premises. Where there are no identified issues during the normal course of business children will only be allowed to remain on licensed premises until 22:00 hours. However, if any child is attending a pre-arranged function they may remain on the premises until the end of the function.
- 17.3 The Board will not normally grant a premises licence in respect of children's access where:
- children under the age of 12 have unsupervised access to pool tables, dart boards or areas where category C or above gaming machines are located.
  - the premises are of unsuitable character or atmosphere.
  - parts of the premises are very small, enclosed and unable to provide a family-friendly environment.
  - the premises have very few suitable facilities for children, including toilet provision.

- the premises have a history for underage drinking. i.e. underage persons often target these premises using fake identification to gain entry.
- there is a serious element of gambling within the premises, which does not make separate provision for children's' activities or family orientated events e.g. the premises are used by persons to watch betting sports, and or prepare their bets which are taken to nearby betting shops.
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided.
- there has been a known association with drug taking or drug dealing on the premises.

17.4 **The Board also takes very seriously the issue of underage drinking.** Licence holders that they and their staff **must** comply with all legislation in relation to children and young persons, including not selling, or allowing the sale for consumption of alcohol to children and young persons unless with a meal as allowed by law.

17.5 A written age verification policy **MUST** be kept on every premises signed by all staff authorised to make sales of alcohol.

17.6 A refusal log **MUST** be kept on every premises and made available to Police and the Licensing standards Officer on request.

17.7 Fake Identification is now readily available to order online. The Board encourages licence holders and premises managers to alert and train staff in relation to the use of fake ID and to be vigilant in checking. Guidance can be found at [Gov.uk](https://www.gov.uk).

17.8 Applicants and licence holders must be able to demonstrate the measures, which will be, or have been, put in place to protect children and young persons from harm.

17.9 In order to meet this licensing objective the Board has set out the following suggested control measures and advises the licence holder to consider and implement these. Suggested control measures include:-

- appropriate instruction, training and supervision of staff in accordance with recognised standards
- employers will make careful checks where premises or entertainment is specifically targeted towards children, to ensure all persons employed or involved with their supervision or management, are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a Disclosure Scotland check to the appropriate standard.

Licence holders are reminded that they and their staff **must** comply with all other legislation in relation to children and young persons.

- risk assessments for all areas to which children and young persons have access.
- responsible retailing practices in cases of premises selling other goods as well as alcohol such as:
  - Not displaying alcohol alongside confectionary or other goods likely to be of interest to children
  - Not having alcohol displayed at places within the premises where it is likely to trigger impulse purchases by customers who would not have otherwise purchased alcohol, for example at the end of aisles and near check outs or till points.

Where deliveries of alcohol are made to households or other premises, delivery staff must be trained to the same level as those involved in the sale or supply of alcohol from licensed premises. Challenge 25 checks must be made and the mandatory delivery records must be kept in accordance with statutory regulations and made available to Police and the LSO on request. No alcohol must be left at premises if the occupier is under 18 or a responsible adult is not present. Applicants for licences, which include delivery of alcohol, will be required to give details of how they are going to enforce Challenge 25, training of staff and record-keeping requirements when making deliveries. These measures will help protect the health of the young and the vulnerable. Where licensees use a courier service to make their deliveries, the licensee will ensure that the delivery service is compliant with the Board's required checks and standards of delivery.

- Develop a Policy on recognising and dealing with the sexual exploitation of children and young persons. Guidance on this can be found at [EMPCC](#).
- where possible, a separate servery accessible to children and young persons should be used for the sale and supply of soft drinks and foodstuffs.
- It is preferable that alcohol aisles in supermarkets should be segregated from other goods, with greater separation between alcohol and commodities popular with children and young persons i.e. soft drinks.
- all electrical sockets in public areas of the licensed premises must have safety appliances fitted. Likewise, fixed fireguards should be fitted to all open fires and mobile heaters should not be used when young children are on the premises.
- non glass drinking containers must be available for children on request.

- appropriate measures to ensure that children and young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of section 105(5) of the Act)
- exclusion of children from areas in which gambling is taking place such as casino, poker or race nights and areas where category C or above gaming machines are available for use.
- acceptance of accredited proof of age card schemes are available at [Challenge25](#).
- measures to ensure that children are not exposed to strong language, violence or disorder.
- where children under five years are permitted on the premises, baby-changing facilities must, in accordance with a mandatory condition of the licence, be provided which are accessible to persons of either gender.
- high chair facilities must be available for use by young children.
- children’s menus should be provided where food is served on the premises.

17.10 It should be noted, that the Board has imposed a Local Condition that in the interests of public safety, children must be excluded from an area of **1.5 metres** from any bar servery in the premises. An exception to this rule is where a child is passing through the excluded area from one part of the premises to another and there being no other convenient way.

17.11 The Licensing Board may approve adult entertainment facilities. Each application will be given due consideration on its own merits. Conditions may be imposed to protect the vulnerable from harm. Included in any conditions will be that such entertainment will be for adult consumption only and children and young persons will not be permitted access to any part of the premises at times when adult entertainment is being provided.

Adult Entertainment is defined as *“The performance in a public place of any activity that a reasonable person would, in all the circumstances, consider to be for the purpose of providing sexual gratification and/or titillation”*.

Sexual Entertainment Venues should refer to the East Lothian Council Sexual Entertainment Policy

17.12 The following link to information regarding Alcohol and Young People is available at [Alcohol Focus Scotland](#).

## 18.0 Local Conditions

- 18.1 The 2005 Act provides a power for Boards to impose additional licence conditions to the mandatory conditions discussed above. This power could be used in circumstances where additional conditions were needed for the purposes of achieving any of the five licensing objectives established by the 2005 Act and where some other form of activity not covered by schedule 3 was being undertaken on the premises. However, the legislation also provides that a Board may only impose additional licence conditions which do not run counter to the effect of national conditions, and which do not attempt to alter or add to those conditions to make them more onerous or restrictive.
- 18.2 The Board will impose the conditions detailed in Appendix 1 as it sees fit.

## PART 3

### LICENSED HOURS

#### 19.0 Off Sales

- 19.1 Board recognises the national shift in drinking habits from on sales to off sales as detailed in section 5.6. This will be kept under review in line with the on sales hours detailed below.
- 19.2 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am and after 10.00 pm. The Board's policy is that maximum available licensed hours of 10.00 am to 10.00 pm each day are generally appropriate for off sales. However, each off sales application will be assessed on its own merits against these licensed hours and the Board will wish to ensure that the licensing objectives are being promoted in such applications. If this is not demonstrated to the Board, the Board may grant reduced hours for off sales.

#### 20.0 On Sales

- 20.1 For applications relating to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for consumption on the premises is: -

11.00 am to 11.00 pm Monday to Wednesday (inclusive)

11.00 am to 1.00 am Thursday to Saturday (inclusive)

11.00 am to 12.00 midnight on Sunday

Outside areas

11.00 am to 10.00 pm Monday to Sunday (inclusive)

- 20.2 In formulating the on sale policy hours, the Board has taken account of the licensing objectives, Scottish Government Guidance under the Act and the provisions of the Act itself. The Board recognises that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night time local economies, which are important for investment, employment and tourism. The Board considers that the on sale policy hours are appropriate for East Lothian and represent a balance between the interests of the public, residents, licensed businesses and patrons of licensed premises.
- 20.3 The Scottish Government Section 142 Guidance advises the Board "considers flexibility and pragmatism in decision-making and sensitivity to the wider economic situation should be at the forefront of how a board decides to operate" **Each application for a premises licence will be assessed on its own merits**, against the general on sale policy hours, the appropriateness of the type of activity for which a licence is being sought against the licensing objectives. Where an application received is requesting licensed hours exceeding 14 hours, the Board will require further information for the consideration of such applications and the Board will take into

account the effect the granting of such a licence will have on the area and the licensing objectives.

- 20.4 Should an application be received in respect of opening earlier than 11am, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.
- 20.5 Applicants seeking licensed hours, which extend after 1.00 am should note that mandatory conditions will be imposed on the licence. These mandatory conditions are set out in regulations under the Act. The Board will also expect the applicant to justify their request and demonstrate measures that promote the five [licensing objectives for late openings](#). Additional local conditions may be applied by the board.
- 20.6 The Board has an existing practice of allowing longer licensed hours over the festive period. This only applies to ON-SALES premises. The Board's policy is to allow an extension to **2am** during the festive period on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day.

The Board may also, from time to time, make other such declarations in recognition of events of local or national significance, as these arise.

General Extensions will be publicised on [East Lothian Council's website](#).

## 21.0 Extended Hours Applications

- 21.1 The Board may extend the licensed hours in respect of premises for a period not exceeding one month. The Board may do so in connection with; -
- a special event or occasion to be catered for on the premises; or
  - a special event of local or national significance.
- 21.2 Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall out with the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application, the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protecting and improving public health.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- the hours sought
- a description of the special event or occasion
- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.

The Board will not normally grant applications for early drinking prior to travelling to sporting events.

21.3 Extended hours applications can only be submitted by a premises licence holder. Should a premises licence holder wish a member of staff to act as an agent in order to submit extended hours applications, all applications must be accompanied by a letter verifying that the person is authorised to act on the premises licence holder's behalf.

21.4 It was suggested during consultation that the Board considers what constituted an event of national significance and/or what information the Board would expect applicants to provide in support of events hosted on premises where extended hours are applied for.

21.5 Accordingly the Board has now added the following:

Applications for Extended Hours can be considered by the Board in respect of (i) a special event or occasion to be catered for on the premises and (ii) a special event of local or national significance.

Festive extensions will be considered by the Board on a yearly basis normally in Oct and published thereafter.

In addition to the above, when considering applications made in connection with special events or occasions to be catered for on the premises and special events of local or national significance the Board provides the following as indicative of the type of events which are generally considered by the Board to be examples of such events:-

- i) Special events of occasions to be catered for on the premises:-
  - Weddings and other celebratory occasions
- ii) Special events of local or national significance
  - Burns Night
  - St Andrew's Day, St Patrick's Day
  - Televised Major sporting Events where coverage is provided beyond normal licensed hours, such as Football and Rugby World Cups, Olympics, Superbowl.

21.6 The above list is indicative only and the Board will continue to consider individual applications for Extended Hours on their merits.

- 21.7 Applicants are encouraged to provide as much notice as possible. The Board would expect submission of applications at least **28 days** in advance. As with applications for occasional licences as set out below the Board recognises that the Act allows for applications for extended hours to be dealt with on a shortened timescale, where the Board is satisfied that the application requires to be dealt with quickly. Where applicants wish to apply on this basis, the Board would expect applicants to provide a written submission as to why the shortened timescale should be agreed. The Board expects that applicants seeking the relaxation of the timescale requirement would be able to demonstrate that there are exceptional reasons for doing so. Consideration of the reasons will be dealt with by the Clerk of the Board.
- 21.8 It has been an issue of concern to the Board in the past that a number of premises were applying for extended hours on a regular basis and that the board's general policy on licensed hours, and the licensing objectives that it seeks to promote were being undermined. The Board considers it necessary and appropriate in order to protect its policy on the licensed hours and licensing objectives to place a restriction on the number of extended hours which will be granted to individual premises each calendar year.
- 21.9 Generally, the Licensing Board considers that it would not be appropriate to grant licensed premises extended hours on more than 8 days in a 12 month period on a pro rata basis in respect of new premises.
- 21.10 The maximum 8 days is in addition to any extended hours covered by the festive period extensions referred to in section 20.6 or any general extension of licensed hours granted by the Board under section 67 of the Act.

## PART 4

### OCCASIONAL LICENCES

#### 22.0 Occasional Licences

22.1 The Licensing board considers that as Occasional Licences authorise the sale of alcohol for a period of up to 14 days without the need to go through the more detailed requirements associated with a Premises Licence, it is important to set out the terms on which such application will be granted.

22.2 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises that are not licensed premises. This may be made by:

- the holder of a premises licence,
- the holder of a personal licence; or
- a representative of any voluntary organisation including a non-profit making members club.

An occasional licence lasts up to a maximum of 14 days. The holders of a premises licence or a personal licence may make unlimited applications.

Where the application is from a voluntary organisation, the applicant will be required to demonstrate that the event is connected with the organisation's activities. Section 56 of the Act contains details in relation to the number of applications that can be made by voluntary organisations. In any 12 month period, the Board may not issue more than 4 licences each lasting 4 days or more, and not more than 12 licences each lasting less than 4 days; and during that period the total number of days on which occasional licences have effect must not exceed 56.

22.3 Personal licence applicants holding a personal licence out with East Lothian Licensing Board will be required to produce a copy of their current personal licence on application accompanied by Annexes A-C with every application.

22.4 The Act does not provide a definition of what constitutes a voluntary organisation. The Board feel it useful to set a definition to assist applicants in assessing their organisation's status.

22.5 The definition which will now be applied by the Board in considering occasional licence applications is as follows:

**“A group of people who have decided to work together to accomplish a common agreed non-commercial purpose. Voluntary organisations are formally constituted, non-profit making bodies which consist of a group of volunteers who do not get paid or employ staff. The main aim of a voluntary organisation is to deliver social benefit in a variety of forms, rather than to generate profit for distribution to its members.”**

- 22.6 In order to be satisfied that the applicant meets the above definition in all cases the application must be accompanied by:
- A copy of the organisations constitution
  - A letter from the Chair or Secretary confirming that the applicant is authorised to make the application
- 22.7 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each occasional licence application, applicants must complete the **supplementary information form** with application form available on the council website.
- 22.8 Although a layout plan is not required under legislation the Board will require a layout for external/outside areas to ascertain the area to be included in the licence. If no layout plan of external/outside areas is received the Board will assume it is only the building/structure of the premises that is to be licensed.
- 22.9 Where the capacity of the alcohol licensed area is for 500 persons or more, an alcohol management plan (AMP) and layout plan should be submitted along with the occasional licence application. Guidance is available on what the Board expects to be in the AMP and layout plan on the council website.
- 22.10 To allow time to consult the Police and the Licensing Standards Officer, and for a hearing to be convened if any objections are received, applications should be submitted not later than **42 days** before the date or starting date of the event/licensed period. . Where an application is submitted later than this, applicants are warned that it may not be possible to fully process and/or determine the application in time for the planned event. To be clear, where an application is lodged late, and accepted for processing, applicants cannot be assured that their application will be processed in time, therefore, applicants lodge them at their own risk.
- 22.11 The Board considers that applications which require to be dealt with quickly in terms of section 57(4) of the Act, will generally only be considered appropriate in relation to funeral functions when the application is submitted at least 48 hours in advance.
- 22.12 Applications for occasional licences should be within the on-sale hours stated in this policy or that of the associated premises. Any applications for times out with this will not be granted on delegated powers and will be required to be heard at a licensing board hearing for determination. Applicants will be required to provide a clear and detailed justification as to why hours out with policy have been requested. Applicants should be mindful of section 22.10 above as applications submitted no later than 42 day may not be processed in time for a Board hearing before the event.
- 22.13 Occasional licence holders are not exempt from the requirements to hold a Public Entertainment Licence under the Civic government (Scotland) Act 1982. Applicants may require a public entertainment, market operator, and/or a late night catering licence issued by East Lothian Council under the Civic Government (Scotland) Act 1982 as per the resolution Other

forms of licence may also be required and it is the responsibility of the applicant to check and apply for these licences as appropriate. If a public event is planned, the [Council should be separately notified](#).

22.14 It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

22.15 Holders of an Occasional Licence must have and observe an age identification policy, when operating under the Occasional Licence as per the mandatory condition. This policy should incorporate the following: -

- identification policy, for example to require ID if a customer appears under 25. This should also include clear signage to leave customers in no doubt as to the policy,
- provisions to ensure that staff comply with the policy; and
- training conforming to the requirements of the Act and on the policy for those individuals who will be responsible for the sale of alcohol.

## 23.0 Repeated Occasional Licence Applications

23.1 Repeated applications for Occasional Licences for the same premises and which are: -

- not for specific events; and/or
- for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months will not generally be considered suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events. It is largely expected that the premises in question should consider an application for a Premises Licence.

23.2 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include “that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives”. These licensing objectives include: -

- Securing public safety.
- Protecting and improving public health
- Protecting Children and Young Persons from harm

The scrutiny given to an application for a Premises Licence is not available where premises operate under a series of consecutive Occasional Licences. In the interests of securing public safety, and/or, for protecting and improving public health, the Board, considers that it is not appropriate for a premises to operate on a series of consecutive Occasional Licences, rather than apply for a Premises Licence. The Board will require an applicant to explain at a Hearing why an application for a Premises Licence is not being made unless the Clerk of the Board is satisfied that there are good reasons that prevent such an application, that are not within the control of the applicant.

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will be referred to the Board for consideration in the first instance.

- 23.3 Mandatory conditions are automatically applied to occasional licences by virtue of the licensing legislation. Local conditions are applied by authority of the Licensing Board based on the type of event and those attending. A list of approved local conditions is shown at Appendix 1

## **24.0 Occasional Licences and Provisional Premises Licences**

- 24.1 A provisional premises licence is considered to be for a premises that are yet to be, or in the course of being constructed or converted for use as a licence premises. Justification will be required to be submitted for this type of application as to why a provisional premises licence 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.
- 24.2 Premises granted a provisional premises licence will only be permitted to sell alcohol when granted an occasional licence. Applications for occasional licences where there is a provisional premises licence, will be granted on delegated powers for a duration of 12 months. Following this period if the licence has not been confirmed the occasional applications will be required to be heard by the Licensing board and the applicant is expected to give an update on progress and an indication as to when the provisional premises licence will be confirmed. Should a report be received from the Licensing Standards Officer or Police at any time, the occasional licence application(s) will not be granted on delegated powers and will be required to be heard by the Licensing Board.
- 24.3 The Board recognises that holders of provisional premises licences are legally entitled to apply for occasional licences for the premises to which the provisional licence applies. In recent years, this mechanism has increasingly been used by provisional licence holders as a means of enabling them to open their premises for the sale of alcohol before they are ready to apply for confirmation of the provisional licence.
- 24.4 The Board is concerned that in circumstances where the provisional licence holder is not yet in a position to apply for confirmation, this may strongly indicate that the condition of the premises themselves is such that they are not yet suitable for use for the sale of alcohol. This

in turn may raise issues of public safety for patrons frequenting the premises to consume alcohol or buy alcohol to take away.

- 24.5 Consequently, and in order to verify that there is no risk to public safety as a result of the condition of the premises, the Board will require any holder of a provisional licence who applies for an occasional licence for the premises to which the provisional licence applies to submit, with their application for the occasional licence, either a building standards certificate containing the information prescribed in Section 50(6) of the 2005 Act, or a permission for the temporary occupation or use of the premises granted under Section 21(3) of the Building (Scotland) Act 2003.
- 24.6 It is recognised that in all cases where an occasional licence is sought the Board must satisfy itself, amongst other things that the condition of the premises is such that they are suitable for the sale of alcohol and there is no risk to public safety. The Board would normally rely on Police Scotland and the Licensing Standards Officer to verify this when they are consulted on the application. However, for the reasons given above, it is considered appropriate and reasonable that this additional form of verification (submission of a building standards certificate or a permission for temporary occupation or use) is provided by the applicants in the case of premises with a provisional licence but not yet ready for confirmation of the provisional licence.

## PART 5

### 25.0 OVERPROVISION

- 25.1 [Changing Scotland's relationship with alcohol](#) – a framework for action identifies that Scotland is drinking too much and this causes excessive harm. Action is stated to be urgently required to reduce overall consumption by making alcohol less easily accessible. This is, as already identified, the rationale for the protecting and improving public health objective and control of availability is a large part of this strategy which also seeks to include price control, prevention and treatment.
- 25.2 Section 7 of the Licensing (Scotland) Act 2005 requires Licensing Boards to include in their statement of licensing policy a statement to the extent to which the Boards consider there to be overprovision of licensed premises generally, or licensed premises of a particular description, in any locality within the relevant Board's area. In determining whether or not there is overprovision Boards must have regard to the number and capacity of licensed premises within the locality (although member's clubs are discounted) and may have regard to such other matters as Boards think fit including the licensed hours of premises in the locality.
- 25.3 In considering whether there is overprovision, the Board must consult the Chief Constable and NHS. It must also consult persons as appear to the Board to be representative of the interest of holders of premises licences in respect of premises within the locality, persons resident in the locality, and such other persons as the Board thinks fit. As with the whole of the Board's Policy Statement, the overprovision Statement must seek to promote the Licensing Objectives.
- 25.4 The Scottish Government Statutory Guidance to Licensing Authorities in relation to overprovision makes it clear that if there is to be finding of overprovision there must be robust and reliable evidence, which indicates that:
1. A saturation point has been reached or is close to being reached and
  2. A causal link must be identified between that evidence and the operation of licensed premises in that locality.
- 25.5 The Board in preparing its overprovision statement has consulted widely. It consulted the Chief Constable of Police Scotland and a report was produced and submitted to the Board.
- 25.6 Board consulted the NHS and a detailed report was produced by the Public Health and Health Policy Directorate of NHS Lothian.
- 25.7 A short survey was conducted on the previous policy and overprovision via the East Lothian Council Consultation Hub in November – December 2022. A longer consultation on this updated policy was held between July – August 2023. Intimation of the consultation was circulated via the East Lothian Council website, East Lothian Courier and East Lothian Council social media.

25.8 The Board is grateful to all respondents of the various consultations conducted, especially to East Lothian Licensing Forum, which set up a policy working group and provided the Board with a substantial report and recommendations.

25.9 The Board also considered information from the Centre for Research on Environment, Society and Health (CRESH) and Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) reports, which provided both local and national data relating to alcohol related death rates, hospitalisations and crime statistics. The Board is also grateful to Alcohol Focus Scotland for their report offering views on the general policy direction and emerging issues relevant to alcohol licensing. Suggestions about aspects of licensing policy that may warrant particular scrutiny at this time have been considered.

25.10 In considering the question of whether the Board should identify any specific localities as overprovided the following points were considered:

- The NHS and Police felt that premises were generally well run and did not pose any significant problems in relation to promotion of the Licensing Objectives in any part of East Lothian.
- As of 31st March 2023 East Lothian had 283 alcohol outlets (54 on sales premises, 90 off sales premises and 139 on & off sales) which means there is approximately one outlet for every 285 residents aged 18 and over and roughly one outlet for every 71 'harmful' drinkers in the region (consuming over 14 units a week).
- Only one application for alcohol sales licenses in East Lothian was refused in the 5 years between 01 April 2017 and 31 March 2022. Over the same period, 82 applications were approved.
  - Work looking at the association between alcohol outlet density and alcohol related harm in East Lothian was completed in 2018 by Alcohol Focus Scotland and the Centre for Research on Environment, Society and Health (CRESH) in 2020. The local profile showed East Lothian, as a local authority was ranked quite low for alcohol availability, however over 20% of neighbourhoods had higher availability than the Scottish average. Taken in perspective, East Lothian as a whole has an alcohol outlet availability lower than the Scottish average.
- 85% of all alcohol purchased in Scotland was from off-sale outlets<sup>2</sup>.
- In East Lothian 25% of people drink above the Chief Medical Officers' low-risk guidelines. This includes 21% of women and 31% of men. This compares to 24% of people in Scotland who drink above the guidelines<sup>3</sup>.

<sup>2</sup> [Place and recovery from alcohol dependence: A journey through photovoice - PubMed \(nih.gov\)](#)

<sup>3</sup> [East Lothian LAP May 2023 \(alcohol-focus-scotland.org.uk\)](#)

- Parental drinking was a concern identified for 14% of children on the child protection register in East Lothian<sup>4</sup>.
- The Scottish Burden of Disease study estimates the total impact of alcohol use on years of healthy life lost. For males in East Lothian alcohol use is the sixth leading cause of years of healthy life lost, and in 2019 was estimated to be directly associated with 212 years of healthy life lost (corresponding to a rate of 417 years per 100,000 population). Meanwhile for females, alcohol use wasn't in the top 25 causes<sup>5</sup>.
- Relatively small numbers are recorded for alcohol related attendance at A&E by East Lothian residents for 2022. Approximately 173 attended over the year and were coded with any of the following ICD 10 diagnosis codes, Alcohol intoxication, Alcohol dependence syndrome; Alcohol Withdrawal syndrome; Alcohol withdrawal seizure. Data excludes the Western General Hospital as ICD diagnosis codes for A&E attendances are recorded only at Royal Infirmary of Edinburgh and St John's Hospital. There were 522 alcohol-related hospital admissions in 2021 – 2022. This was lower than the overall rate for Scotland.
- Around half of the admissions to general acute hospitals for East Lothian in 2020/ 21 were for patients that were admitted for the first time for alcohol-related conditions.
- In East Lothian 12 people died from conditions solely cause by alcohol<sup>6</sup>. The rate was similar to Scotland as a whole.
- Excessive drinking over a period of years may lead to a condition known as alcohol-related brain damage (ARBD). Although current numbers of individuals with ARBD are likely to be low in East Lothian, the impact of increasing rates of alcohol consumption at harmful levels can increase the risk to individuals. Nationally and locally there are people currently undiagnosed and therefore not known to services or being counted.
- Alcohol specific deaths in Scotland increased by 17% in 2020 and a further 5% in 2021. In 2022 there were 19 alcohol specific deaths in East Lothian an increase of 7 from the previous year.
- The rates of alcohol specific deaths vary significantly across East Lothian between the most deprived communities (SIMD 1) and the least deprived communities (SIMD 5).

<sup>4</sup> [East Lothian LAP May 2023 \(alcohol-focus-scotland.org.uk\)](https://alcohol-focus-scotland.org.uk)

<sup>5</sup> <https://scotland.shinyapps.io/phs-local-trends-scottish-burden-diseases/>

<sup>6</sup> [East Lothian LAP May 2023 \(alcohol-focus-scotland.org.uk\)](https://alcohol-focus-scotland.org.uk)

- A recent Scottish study stated that alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Key messages from the study were that<sup>7</sup>:
  - Off sale alcohol outlets accounted for 47% of children’s exposure.
  - Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
  - Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
  - Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
  - Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

25.11 East Lothian average neighbourhood crime rate is 218.7 alcohol related crimes per 10,000 populations, which is 34% lower than the Scottish average of 331.2.

25.12 The significance of the above data is not wholly that East Lothian has had a decrease in numbers of outlet availability or lower averages than the national picture. There are nevertheless still deaths, hospitalisations and crime being caused by alcohol related problems. Research has found that the greater the availability of alcohol the more problems there are in those areas with highest density of outlets. This is no exception in East Lothian where there are pockets of higher availability and greater harm compared to others. Despite alcohol specific death rates decreasing in numbers, the significant variation still exists, with alcohol specific death rates in the most deprived communities compared to the least deprived communities. Hospitalisation cases were double in the areas with greater number of outlets and crime figures were double in areas of greatest number of on-sales premises and higher in areas of neighbourhoods with greater numbers of off-sales outlets. These relationships were found even though other factors such as income deprivation, urban/rural status, age and gender were taken into account.

25.13 As can be identified from these findings there are pockets of problems across the county and these problems relate to availability density rather than demographics or geographical location. Some respondents to the previous policy were of the opinion that East Lothian is too large and diverse a county to be classed as a single locality and were minded to consider each area and rural village as individual localities. Conversely, many respondents, including the Licensing Forum and NHS, felt that East Lothian is a place where if alcohol cannot be found in one area then people would happily travel to an adjoining area or further afield to purchase it. Therefore, their view was that dividing East Lothian up into smaller localities would have little impact on preventing harm to health or reducing crime and that the whole of East Lothian should be considered as one locality.

<sup>7</sup>[Young people experiencing harms from alcohol and drugs: literature and evidence review - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2015/06/Young_people_experiencing_harms_from_alcohol_and_drugs_literature_and_evidence_review.pdf)

- 25.14 The Board has considered the consultation contributions. It has decided that given the fact that people living in East Lothian generally have reasonable access to both on and off-sales licensed premises throughout the Board's area, it is unreasonable to assume that residents across the county are purchasing alcohol only in their immediate locality. Indeed, people can obtain alcohol from outlets anywhere in the county or beyond due to ease of travel, online availability, home deliver and their preferred shopping options. Therefore, the Board considers that East Lothian should be treated as one locality rather than specifying those areas where there are above average alcohol related deaths and hospital admissions.
- 25.15 When considering overprovision, the Board agrees that there are still significant health and crime problems in our communities that should not be ignored and need to be addressed. Clearly access to alcohol is a key issue and the majority of alcohol (85%) obtained is through off-sales. Local knowledge of the trends associated with drinking recognises that much of the alcohol purchased in off-sales outlets is consumed at home or prior to going out later in the evenings to on-sales premises where one or two drinks can result in overconsumption. Alcohol and drugs can make existing domestic abuse worse, or be a catalyst for an attack, but they do not cause domestic abuse.
- 25.16 The cost of alcohol harm in East Lothian was assessed at £26.77m per annum in terms of health, social care, crime, and productivity capacity, meaning a cost of £275 per person.
- 25.17 Consumption of alcohol by young people has been found to be obtained from home or purchased for them by family or friends.
- 25.18 When comparing figures with pre-covid rates with that of 2021/2022 there has been a reductions in police recorded incidents at licensed premises.
- 25.19 Of the 907 recorded crimes of violence for 2021-2022, a total of 206 had an alcohol marker attached to the report. Of that 117 were in residential locations leaving 89 acts of violence in a public space.

## 26.0 Summary

- 26.1 The evidence available provides no causal links to any specific licensed premises but does corroborate that there is an overall link to problems associated with availability of alcohol via off-sale premises.
- 26.2 Given consideration to all the contributions and responses received during the consultation period, the Board has determined that the harm caused by alcohol in East Lothian is not a direct and sole consequence of the number of premises, but is a result of a wider, complex set of factors. Placing a limit on the number of licensed premises, or premises of a particular kind, would not in the Board's view, at this point in time, serve to promote any of the five licensing objectives. However, with a view to controlling availability of access to alcohol and preventing harm to health and reducing crime, the Board intends to consider closely all applications for

new off-sales licences. The Board acknowledges that East Lothian is one of Scotland's fastest growing areas in terms of population and has many new build developments. The Board recognises that applications for new licences are to be expected for areas where there is particular growth in the population.

- 26.3 Each application requires to be determined on its own merits the Board expects applicants to address each of the Licensing Objectives within the application and also at a hearing.
- 26.4 If an existing licence in any area ceases to exist, this will not necessarily mean that there is capacity for a new licence in that area.
- 26.5 Each application will be considered in the context of information available to the Board at the time of the application. The Board in its consideration will also look at the number, capacity and type of licensed premises within an 800 metre radius of applicants' premises.

## PART 6

### MISCELLANEOUS

#### 27.0 Board Business

- 27.1 The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, to make representations or to lodge objections. Whilst Licensing Officers will give practical advice and assistance, they will not complete applications or operating plans or give legal advice.
- 27.2 Application forms are available on the [East Lothian Council website](#).
- 27.3 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance will therefore be available on request for those who require special arrangements to access any part of the process.
- 27.4 To address increasing postal costs, The Board will, wherever practical, take steps to reduce such costs by communicating with licensees, legal and licensing agents and all other interested parties by way of email. It is therefore, in the best interests of licensees that they keep the Board informed of their current email address, telephone number and preferred means of communication.
- 27.5 The Board will facilitate, where possible, a hybrid meeting in the Council Chambers, Town House, Haddington and using an online platform. In terms of Schedule 1 to the Act, Board meetings will be held in public.
- 27.6 The Board will attempt to make Hearings as informal as possible, consistent with it carrying out its quasi-judicial function. All actions of the Board will follow best practice and will be proportionate, accountable, consistent, transparent and targeted.
- 27.7 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each application other than for a Minor Variation, applicants must complete the **supplementary information appendix** attached to the application available on the council website. The Licensing Board reserves the right to return incomplete application forms unprocessed.
- 27.8 Processing applications will be dealt with as quickly as possible and within timescales set out by statute. When the Board receives a properly completed application, it will be acknowledged, and confirmation will be given that the application and any accompanying documents meets the prescribed requirements, and will be dealt with within an approximate period of time. This period will be no later than 9 months from the date of acceptance (“the determination period”). This period can only be extended if the Board makes an application to a Sheriff showing there is good reason to do so and where no previous extension has been granted.

- 27.9 Incomplete or incorrect applications will be refused and returned to the applicant for amendment.
- 27.10 Applications will be deemed to have been granted if the determination period has expired and no extension has been granted by a Sheriff.
- 27.11 The Board will prepare and publish a Functions Report, no later than 3 months after the end of each financial year, explaining how the Board has had regard to the licensing objectives and its statement of licensing policy during the course of the preceding year. In addition, the Board will similarly publish and prepare an Annual Financial Report. This will include a breakdown of the relevant income received, during the preceding financial year, in connection with the exercise of the Board's functions associated with the various Licensing Acts and regulations. It will detail the amount of expenditure during that period, along with an explanation of how the amounts were calculated.
- 27.12 The Board's aim is to provide a speedy, efficient and cost effective service to all parties involved in the licensing process. To this end, the Board has adopted a Scheme of Delegation to officers. The Scheme sets out those decisions that may be made by the Clerk of the Board and other specified Board officers.

## 28.0 Annual Fees

- 28.1 Payment of the Annual Fee is a mandatory condition attached to every Premises Licence and failure to pay may be treated as a breach of the terms of the licence.

Licence holders are reminded that it is their responsibility to ensure that the fee is paid each year on or before the due date of 1 October.

Due to the number of licence holders who have historically defaulted by paying their annual fee after the due date, the Board has decided to deal firmly with those licence holders who fail to pay on time.

- The Board will notify licensees in early July of the due date for payment and the amount of the annual fee along with details of how payment can be made. A final email reminder will be issued at the beginning of September.
  
- The Board has determined that all those in default on 1 October will be required to attend a review hearing at the October Licensing Board to explain the breach of this mandatory condition of their licence.
  
- The Board may on review of a licence:
  - (a) issue a written warning to the licence holder,
  - (b) make a variation of the licence,

- (c) suspend the licence for such period as it may determine,
- (d) revoke the licence.

## 29.0 Licensing Standards Officer

- 29.1 A licensing standards officer (LSO) is employed by East Lothian Council to exercise the functions set out in the Act. The LSO's role involves guidance, mediation and compliance. The LSO works with the public and licensees to promote the licensing objectives and to ensure compliance with the Act. The Board recognises that the LSO plays a key role in the licensing regime. The LSO will also bring this policy to the attention of Licence holders and prospective licence holders and will encourage compliance with its terms.
- 29.2 The Board expects that applicants for a grant, transfer or variation of a premises licence will liaise with the Licensing Standards Officer as part of the application process. The Licensing Standards Officer can assist with guidance and information on Board policy and liaison with the Board. Contact should be made with the Licensing Standards Officer as early as possible in the application process.
- 29.3 While the LSO is not in a position to give legal advice or to make applications or objections on behalf of any party, it is expected that the LSO will advise both licence holders and the public on their rights and responsibilities.
- 29.4 The LSO's resources will be targeted at high-risk premises and activities, which require greater attention. Active promotion of policy will be employed in respect of low risk premises, which are well operated.
- 29.5 The LSO will be a member of East Lothian Licensing Forum.

## 30.0 Members Clubs

- 30.1 The Board has agreed to attach two local conditions to premises licences for members clubs, which is defined by regulation at [legislation.gov.uk](http://legislation.gov.uk).

These are:

- The Police and Licensing Board must be notified of any change in office bearers within 14 days of such change.
  - No more than 6 guests may be signed in by any one member
- 30.2 Club licences will be open to review for failure to comply with the above conditions.

## 31.0 Excluded Premises

- 31.1 An application for a premises licence must be refused if the subject premises are 'excluded premises'. Excluded premises are defined as motorway service stations and, with certain qualifications, garage premises or fuel filling stations.
- 31.2 These premises are not excluded if the applicant can demonstrate that local residents are reliant to a significant extent for the premises to be a principal source of fuel or groceries.

## 32.0 Outdoor Areas

- 32.1 Where an applicant proposes providing seating, tables or other facilities in any outdoor area (whether covered or not), the Board will assess the suitability of such area having regard to all the licensing objectives.. The Board reiterates that it considers effective and responsible management to be key in ensuring that such areas operate in a manner consistent with the licensing objectives.
- 32.2 It is the board's preference that outdoor areas are included in the premises licence rather than use through occasional licences. Non-minor variations should be sought for existing premises to add outside areas to the premises licence. Minor variations will not be accepted on the basis that an increase in capacity will have to be provided for as well as a change to the operating plan to include outside drinking.
- 32.3 As per section 21.0 Repeat Occasional Licences, applications for the continuous use of an outside area over 3 months will not be considered suitable for the grant of an occasional licence and will not be granted by the Board under delegated authority, but will require a hearing before the Board. It is largely expected that the premises in question should consider a non-minor variation application to add the outside area to the premises licence. The increase in capacity of adding an outside area to a premises licence will be assessed in line with the overprovision statement and the licensing objective. In particular visibility of alcohol to children and persons in recovery passing by will be considered.
- 32.4 In each individual case where an outdoor area is proposed, the Board will consider whether there should be a physical demarcation of the area, unless such demarcation already exists.
- 32.5 Where there is a physical separation between a licensed premises from which alcohol is sold and a proposed outside area to be licensed for example across a road or footpath, a condition that table service will be required by staff from the premises where alcohol and food will be prepared, will be added to the occasional licence.
- 32.6 The Board's general policy is that there shall be no consumption of alcohol in any outdoor area after 22.00 on any day. As narrated elsewhere in this policy statement, every application will be considered on its own merits.

- 32.7 Licensing Law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are no longer on the licensed premises and beyond the direct control of the individuals, club or business holding the licence concerned. Good practice includes regular checks of outdoor areas to preserve the peace, dissuade anti-social behaviour and identify when there is a need to clean up and deposit litter into a suitable waste receptacle.
- 32.8 The Board may make conditions relating to outdoor drinking/seating areas to uphold the licensing objectives
- 32.9 Applicants must seek consent of the Roads/Transportation Department of the East Lothian Council prior to submitting any application where the proposed area forms part of the public footpath or road. In particular the Board expects applicants applying for outdoor areas to have obtained consent under Section 59 of the Roads (Scotland) Act 1984 and the licence holder will comply with all the conditions that may be attached to that consent. A valid permit from the Roads Department must be submitted with every application.
- 32.10 If an occasional licence is obtained for an event to be held on East Lothian Council land, a permit must also be obtained from the Landscape and Countryside Management service of the Council.
- 32.11 Where the outside drinking area utilises an area of footpath outside the premises the Board may attach the following conditions to the licence:
- The outside area must only be used by persons occupying the seats provided.
  - The outside area must be clearly delineated by means of removable barriers.
  - The barriers, tables and chairs must be removed at the end of the permitted hours for use of the outside area and stored securely in an area off the footpath.
  - The area must be capable of being monitored by staff either physically or via an approved CCTV system.
  - Alcohol supplied to the outside area(s) should be by table service only by a trained staff member.
  - No public entertainment, amplified music, amplified vocals or live music played in the outdoor area to ensure the use does not cause nuisance neighbouring residential properties.
  - The premises licence holder must ensure that the defined area is kept clear of all waste, including cigarette litter, associated with their business.
  - If the outside area is on council land or a road/pavement then a valid permit/authorisation issued from the East Lothian Council Roads Department must be in place in order to use the occasional licence.
  - Access to any public utility plant or fire hydrant in the area must be made available when required.

- An authorised officer of the Council or Police Scotland may temporarily suspend the use of the area for reasons of public safety.

### **33.0 Smoking**

- 33.1 Licence holders have been effective in ensuring that patrons do not smoke within their premises. However, at times other issues can arise in the area around licensed premises such as noise nuisance, litter, disorder, obstruction of footways and smoke drift into neighbouring residences or back into the licensed premises.
- 33.2 The Board appreciates that smokers have a right to smoke in outdoor areas, but expects licence holders to have regard to good practice to ensure that patrons do not create a nuisance or disturbance for neighbouring residents. This includes noise arising as a result of patrons smoking outside the premises, smoke drift and litter becoming a nuisance to members of the public and obstructions that may be caused as a result of patrons standing in public areas. Good practice includes regular checks of outdoor areas to preserve the peace, dissuade anti-social behaviour and identify when there is a need to clean up and deposit litter into a suitable waste receptacle. Cigarette ends and any other rubbish must not be swept into the roadway/gutter. Such practice will be considered a breach of the licensing objective of preventing public nuisance.
- 33.3 The Board expects residents of neighbouring properties to show a degree of tolerance and understanding towards nearby businesses and licensed premises particularly in town centres.

### **34.0 Management of Premises**

- 34.1 All licensed premises, other than those premises that hold non-profit making members club premises licence status, must have a designated premises manager (DPM), whose details must be shown in the Premises Licence. A DPM must be a personal licence holder and cannot be the DPM for more than one premises.
- 34.2 The Board expects the DPM to have day-to-day responsibility for the running of the premises and to be present on the premises the majority of time when alcohol is being sold. The premises licence holder is expected to ensure that the DPM has experience appropriate for the size, capacity, nature and style of the premises.
- 34.3 Although the legislation does not require the DPM to be on the premises at all times, each sale of alcohol must be authorised (either generally or specifically) by a personal licence holder. The Board suggests that licence holders ensure that, where possible, a personal licence holder is present on the premises to authorise the sale of alcohol at all times during licensed hours.

## **35.0 Duty to Trade**

The Board recognises the need for businesses, particularly in a rural environment, to remain economically viable when faced with a lack of demand. Premises may wish to restrict their opening hours during quieter periods and may, therefore, not be trading to the full extent of the hours set out in their Operating Plan. While the Board will not treat instances of restricted trading as a breach of the terms of the Operating Plan, it would urge licence holders to keep their trading hours under review.

## **36.0 Premises that have Ceased to be Used for the Sale of Alcohol**

- 36.1 Premises that cease trading in the sale or supply of alcohol must notify the Licensing Board of the reason for closure and the timescale for re-opening. The Board may decide to hold a hearing to determine whether in the circumstances the premises licence has ceased to have effect. If premises have been closed or ceased the sale of alcohol for a period of 18 months or more the Board will consider that the premises licence has ceased to have effect. In making a determination on this matter, the Board may hold a hearing and will consider any representations made by the licence holder as to the circumstances in which the premises closed and the likelihood of them reopening for trade.

## **37.0 Licence Holders - Dissolved/Insolvent Companies or Individuals**

- 37.1 It should be noted that the Board takes the view that if any Licence Holder becomes dissolved or insolvent, the licence will no longer exist unless an application for it to be transferred has been made within 28 days.
- 37.2 In the respect of cases of insolvency, nominated trustees, liquidators or administrators should make contact with the Licensing Board as soon as possible should there be a likely delay in the insolvency process that may cause a problem in relation to the 28-day transfer procedure. In the case of dissolution, the Board takes the view that the licence no longer exists, as there is no longer any licence holder.

## **38.0 Deliveries, Online and Remote Sales**

- 38.1 All premises who conduct deliveries online or remote sales must detail these operations as an activity in the operating plan.
- 38.2 Applicants for licences that include any type of alcohol delivery or shipping should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, how deliveries are recorded and age verification procedures in place. Police and the LSO will have access to delivery records. (ref. Section 119 L(S)A 2005).

- 38.3 Applications for deliveries from cafes, restaurants and other food businesses, not considered to be predominantly grocers/supermarkets outlets, may be granted home delivery services, provided the order is ancillary to a meal and/or any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.
- 38.4 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.
- 38.5 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

## 39.0 Layout Plans

- 39.1 The layout plans of premises should adhere to the rules of content as prescribed in the relevant regulations of the Act as per the [Premises Licence \(Scotland\) Regulations 2007](#).
- They should show, among other things, the area where alcohol will be sold, seating arrangements and areas to which children will have access. Each area should be clearly delineated including any beer gardens, outdoor seating areas and smoking areas. Inclusion of any outside areas will avoid any doubts when it comes to byelaws concerning the consumption of alcohol in public places. Where the premises cover more than one floor then there should be a layout plan included for each floor.
- 39.2 Off-sale plans should clearly show all areas where alcohol will be displayed for sale. Off-sale premises are permitted one area of display accessible to the public and one area which is inaccessible to the public. Plans should show the maximum width and height (in metres) of the frontage to be used for each display of alcohol within that area or areas. More information can be found in Section 5 of the regulations, as shown at the above link.
- 39.3 Layout plans will be on the scale of 1:100 millimetres or on such other scale as may be acceptable to the Licensing Board. Alternative scales must be clear and readable and contain all the information required under the Premises Licence (Scotland) Regulations 2007. **The Electronic submission of layout plans is preferred** otherwise applicants will require to submit paper plans. Inadequate plans will be rejected.
- 39.4 Where electronic layout plans are submitted, for ease of distribution and security, applicants are requested to note that wherever possible the format of image used should be .pdf. Other types of specialist application, such as .cad, or general applications prone to manual alteration

should not be used. Electronic formats should be capable of being clearly viewed or printed so they can be read clearly.

39.5 **Security of stock.** Theft of alcohol is recognised as a serious problem for off-sales premises, especially large supermarkets. The Board will therefore have particular interest in the location of alcohol displays and the security that is put in place. The Board may place conditions on licences designed to prevent theft of alcohol. These thefts adversely impact on the health of those who are involved in them or on others to whom the stolen alcohol is passed by sale or otherwise.

In considering the layout of alcohol displays, it is recommended that:

- displays in supermarkets and large retail outlets are covered by CCTV cameras
- displays in smaller shops should be easily visible to counter staff
- particularly in larger stores, that a member of staff should be located in the alcohol display area at all times.
- where the risk of theft in small stores is high, consideration should be given to storing and displaying all alcohol behind the sales counter.
- alcohol aisles in supermarkets be segregated from other goods, with greater separation between commodities popular with children and young persons e.g. soft drinks.

## 40.0 Activities

40.1 Activities that occur on the premises are to be detailed on the operating plan including activities that occur out with core hours. These include and are not limited to:

- Deliveries
- Online/remote sales
- BYOB
- Use of any inflatable structures such as bouncy castles
- Funfairs
- Fireworks
- Markets
- Events to occur on the premises e.g. charity nights, quiz nights, karaoke

40.2 Should a premises licence holder wish to offer a new activity such as above that is not listed on the operating plan, a major variation application should be submitted.

40.3 The Civic Government (Scotland) Act 1982 provides at section 41 that a public entertainment licence shall not be required in respect of licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during the licensed hours within the meaning of the 2005 Act.

The 1982 Act was amended by the Air Weapons and Licensing (Scotland) Act 2015 to the effect that the exemption from Public Entertainment licensing would not apply to premises licensed by means of occasional licences. Organisers of events or persons otherwise seeking to licence temporary use of premises where public entertainment is to be provided, as per the Council's Public Entertainment Resolution will be required to ensure that they obtain a public entertainment licence and do so in sufficient time to permit the Board to consider the application for occasional licence.

- 40.4 Although the above gives exemption from obtaining a public entertainment licence for licensed premises the board expects that all activities relating to public entertainment are detailed in the operating plan.

#### **41.0 Social Media**

- 41.1 The use of social media platforms has increased significantly with most premises utilising one or more platforms. The Board expects all premises continue to promote all the licensing objectives in relation to content on social media.
- 41.2 The Board considers promotions on social media pages and online content linked to the premises that is publically available to be connected with the premises licence holder and designated premises manager. Licence holders should refer to section 15.6 in relation to irresponsible promotions.
- 41.3 The Advertising standards Authority (ASA) is the UK's independent regulator of advertising across all media. They apply Advertising codes, which are written by the Committees of Advertising Practice (CAP). Guidance on advertising can be found [here](#).

## APPENDIX 1 – APPROVED LOCAL CONDITIONS

### LIST OF APPROVED LOCAL CONDITIONS THAT CAN BE ATTACHED TO PREMISES LICENCES

#### MANDATORY

1. In the interest of public safety, children must be excluded from an area of 1.5 metres from any bar servery in the premises.
2. A Risk Assessment must be prepared to ensure the health and safety of staff members, volunteers, visitors and members of the public attending the premises/event. Copies of the documented risk assessments must be available for inspection by authorised officers from the Council.
3. All amplified announcements / music / entertainment noise levels / speech should be controlled so that they are non-intrusive / low level to any neighbouring residential properties.
4. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and relevant conditions of the licence. Signage should include:
  - A sign prohibiting sale or supply of alcohol to persons under 18 to be clearly displayed at any bar servery.
  - Challenge 25 policy and signage must be used and a refusal/incident record must be kept on the premises.
  - A sign stating that no children are permitted within 1.5 metres of any bar servery to be clearly displayed.
  - Responsible drinking message.
  - No smoking signs.
  - A notice advising whether children and young persons are admitted, and the terms of admission is displayed at each point of entry.

#### OPTIONAL

5. Positive measures of entry control should be introduced to prevent uninvited persons gaining access to the premises during events. From 1st November 2007, when the relevant provisions of the Private Security Industry Act 2001 came into force, there is mandatory licensing of the private security industry. This means that it is an offence to employ unlicensed door stewards or “bouncers” at events. Volunteers who carry out these roles are exempt from the requirements of the Act but organisers may wish to take independent advice on the legality of their security arrangements at events. For further information, visit the [Security Information Authority](#).
6. The use of outdoor areas will cease by 10.00pm
7. Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board’s statement of licensing policy on deliveries of alcohol, should be complied with.

8. Indoor and external areas should be covered by an effective and properly maintained CCTV system.
9. A member of staff who has charge of the licensed premises must be fully training on the operation of the CCTV and be able to provide footage when requested by Police and any relevant Council Officer.
10. A daily written record to be maintained by staff, to detail refusals and incidents and state circumstances.

#### **LIST OF APPROVED LOCAL CONDITIONS TO BE ATTACHED TO CLUB PREMISES LICENCES**

1. The Police and Licensing Board must be notified of any change in office bearers within 14 days of such change.
2. No more than 6 guests may be signed in by any one member.

#### **LIST OF APPROVED LOCAL CONDITIONS TO BE ATTACHED TO ALL OCCASIONAL LICENCES**

1. Where a function is to be held in a Marquee, all music must cease no later than 12.00 midnight.
2. Any marquee/outside area, must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
3. Where a function is to be held in a building, a marquee or any other temporary structure, it will for the duration of the event, be designated as a No Smoking area:
  - Signs must be displayed in such a way as to make staff, customers and visitors aware that smoking is prohibited. In addition, signage should state the name of the person to whom a complaint may be made by anyone who observes someone smoking
4. A Risk Assessment must be prepared to ensure the health and safety of staff members, volunteers, visitors and members of the public attending the premises/event. Copies of the documented risk assessments must be available for inspection by authorised officers from the Council.
5. Access to the bar area should be restricted to persons of the age of 18 years and over i.e. no children or young persons to be permitted within 1.5 meters of the bar.
6. All amplified announcements / music / entertainment noise levels should be controlled so that they are non-intrusive / low level to any neighbouring residential properties.
7. All reasonable requests made by the police or Licensing Standards Officers are complied with.
8. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should include:
  - No under 18's served alcohol.
  - Persons who appear to be under the age of 25 will be asked to provide identification.

- The specific opening and closing times of the bar.
- Responsible drinking message.
- No smoking signs.
- A notice advising whether children and young persons are admitted, and the terms of admission is displayed at each point of entry.

## LIST OF APPROVED POOL CONDITIONS TO BE ATTACHED TO OCCASIONAL LICENCES

1. There should be a personal licence holder present within the bar area at all times and all staff involved in the sale and/or supply of alcohol should have received the two hours mandatory training, as required under the legislation.
2. All staff employed and or volunteers in a position involving the sale or service of alcohol to undergo a minimum of two hours training prior to commencing duty (as defined in the Licensing (Training of staff) (Scotland) Regulations 2007) with a record of this training being kept at the location and available for inspection by Police or Licensing Standards Officers.
3. Positive measures of entry control should be introduced to prevent uninvited persons gaining access to the premises during events. From 1st November 2007, when the relevant provisions of the Private Security Industry Act 2001 came into force, there is mandatory licensing of the private security industry. This means that it is an offence to employ unlicensed door stewards or “bouncers” at events. Volunteers who carry out these roles are exempt from the requirements of the Act but organisers may wish to take independent advice on the legality of their security arrangements at events. For further information, visit the Security Information Authority.
4. There is a written policy in respect of the management of dispersal.
5. Children and Young Persons (0-17 years) may remain as long as a responsible parent or guardian over 25 years old is present.
6. Children (0-15 years) may remain until \*\*\*\* hours. The hours will be stipulated by the police or Licensing Standards Officer.
7. Young Persons (16 & 17 years) may remain until \*\*\*\*\* hours but only if supervised by a responsible parent or guardian over the age of 25 years. The hours will be stipulated by the police or Licensing Standards Officer.
8. No glass or cans permitted. All drinks should be served in alternative containers such as plastic or a reusable alternative.

9. For safety purposes, adequate transport must be considered for patrons attending events in isolated areas.
10. The Alcohol and Drug Management Plan, Medical Plan, Event Plan and Stewarding Plan submitted prior to the event will be adhered to for the duration of the event.
11. Should any person be refused entry, found within or ejected from the event due to alcohol intoxication or heavily under the influence of other substances, appropriate provisions and care must be provided through first aid services and/or emergency services. Such persons are not to be left unattended.

### **Voluntary Organisations (no personal Licence holder)**

1. The serving of alcohol by all staff must be undertaken in a responsible and safe manner.

### **Occasional Licence Conditions - 18th and 21st Birthday Parties:**

1. Access to the bar area should be restricted to persons of the age of 18 years and over i.e. no children or young persons to be permitted within 1.5 meters of the bar.
2. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should include:
  - No under 18's served alcohol.
  - Persons who appear to be under the age of 25 will be asked to provide identification.
  - The specific opening and closing times of the bar.
  - Responsible drinking message
  - No smoking signs.
3. The organiser should obtain a guest list, which will be made available to the police for inspection in the event of an incident. There should be a personal licence holder present within the bar area at all times and all staff involved in the sale and/or supply of alcohol should have received the two hours mandatory training, as required under the legislation.
4. No glass or cans permitted. All drinks should be served in alternative containers such as plastic or a reusable alternative.
5. Wrist banding of 18 year olds and above to assist in easily identifying persons who are under 18 years.
6. Security Industry Accredited door staff to be used for search purposes and checking ID on entry to the premises.

7. Children and Young Persons (0 – 17 years) may only gain entry to the event if accompanied by a responsible parent or guardian over the age of 25 years.
8. All reasonable requests made by the Police are complied with.

**Outdoor Areas:**

1. The outside area must only be used by persons occupying the seats provided by the premises.
2. The outside area must be clearly delineated by means of removable barriers.
3. The barriers, tables and chairs must be removed at the end of the permitted hours for use of the outside area and stored securely in an area off the footpath.
4. The area must be capable of being monitored by staff either physically or via an efficient and functioning CCTV system.
5. Alcohol supplied to the outside area(s) should be by table service only by a trained staff member.
6. No public entertainment, amplified music, amplified vocals or live music played in the outdoor area to ensure the use does not cause nuisance neighbouring residential properties.
7. The premises licence holder must ensure that the defined area and neighbouring areas are kept clear of all waste, including cigarette litter, associated with their business and that may have been dropped.
8. If the outside area is on council land or a road/pavement then a valid permit/authorisation issued from the East Lothian Council Roads Department must be in place in order to use the occasional licence.
9. Access to any public utility plant or fire hydrant in the area must be made available at all times.
10. An authorised officer of the Council or Police Scotland may suspend the use of the area for reasons of public safety.

Please note that the above lists are not exhaustive and the Board will have the right to amend or adapt conditions that tailor to the premises specific requirements or attach other conditions as they consider appropriate.