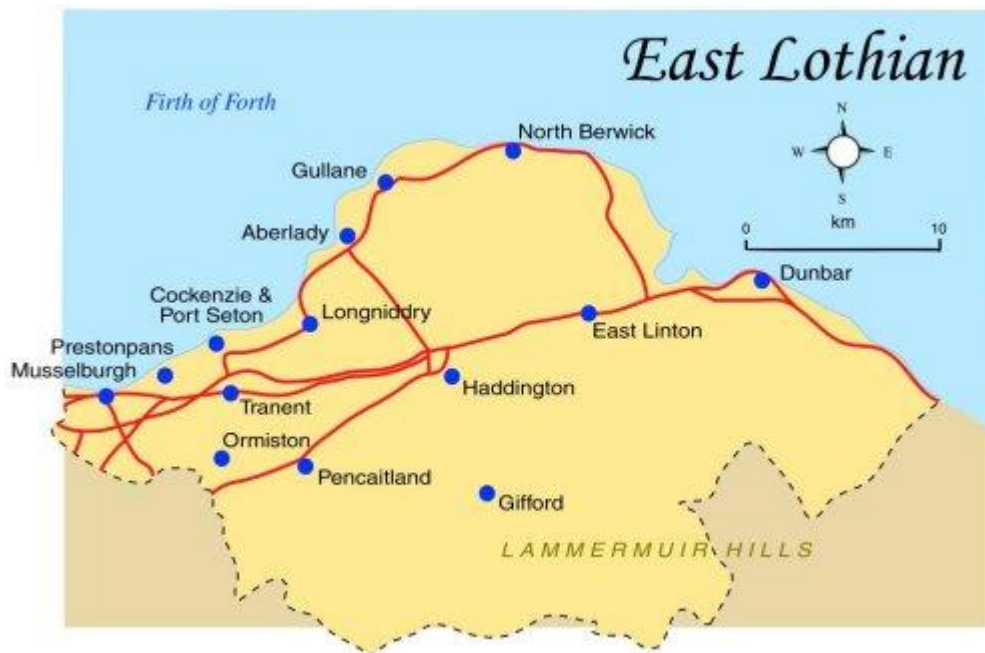


# **East Lothian Licensing Board Statement of Licensing Policy**

**In accordance with Licensing (Scotland) Act  
2005**

**25 10 2018 – 27 10 2022**

**DRAFT 8.2**



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# **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 any 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 below.

### **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 comprises six members, all of whom are, elected members of East Lothian Council. 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 98,000 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, 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 [www.eastlothianlicensingforum.co.uk](http://www.eastlothianlicensingforum.co.uk)

### **5.0 Statement of Licensing Policy**

- 5.1 Every five years Licensing Boards require to publish a statement , of their policy on the exercise of their 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 2022. 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.

## **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 under represented categories;
  - the relevant Health Board; and
  - 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). The consultation took place from February 2018 to June 2018. A list of the parties consulted is contained in Appendix 1 to this policy statement. 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 which can be viewed at

[http://www.eastlothian.gov.uk/downloads/file/12273/east\\_lothian\\_council\\_equality\\_plan\\_2017-21](http://www.eastlothian.gov.uk/downloads/file/12273/east_lothian_council_equality_plan_2017-21) .

Applicants for premises licences will be, expected to demonstrate in their operating plans how they intend to support this policy.

- 7.4 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 a copy of the MELDAP Delivery Plan for 2015 - 2018 is available on the Board's webpage.

## **8.0 Tourism, planning and building standards**

- 8.1 The Licensing 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 their 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 with planning consent for the property concerned.

## **9.0 Planning Public Events**

- 9.1 The Licensing 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. 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.
- 9.3 East Lothian Council chairs the Strategic Safety Advisory Group (SSAG) for events planned within its area. Organisers of public events should contact the SSAG without delay by emailing [events@eastlothian.gov.uk](mailto:events@eastlothian.gov.uk) and completing the notification form

[https://www.eastlothian.gov.uk/forms/form/211/notification\\_of\\_a\\_proposed\\_public\\_event](https://www.eastlothian.gov.uk/forms/form/211/notification_of_a_proposed_public_event)



## **PART 2**

### **PROMOTION OF THE LICENSING OBJECTIVES**

#### **10.0 Overview**

10.1 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.

10.2 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.

Because of the wide variety of premises and activities to which this policy statement applies these lists are not exhaustive but representative only. 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.

10.3 The Board considers 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 commends 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 make licensees open to review that they are not fit and proper persons to operate licensed premises and hold a premises licence.

10.4 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.

#### **10.5 BYOB on licensed premises**

10.6 It is the Licensing Board's preference that any unlicensed Restaurant/Café/Commercial premises that allows customers to BYOB (bring your own bottle), should in fact apply for a premises licence.

10.7 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'.

10.8 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.

10.9 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 outwith the licensed hours granted by the Licensing Board is illegal without the grant of an extended

hours licence.

## **11.0 Preventing Crime and Disorder**

11.1 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.

11.2 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.

11.3 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 the byelaws, however, they are currently under review and are due to be renewed in June 2018. Please check to see if there are any byelaws in your area which may impact on the planning of an event –

[http://www.eastlothian.gov.uk/downloads/download/895/alcohol\\_prohibition\\_zones](http://www.eastlothian.gov.uk/downloads/download/895/alcohol_prohibition_zones)

11.4 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

11.5 Suggested control measures include:-

- implementation of a crime prevention strategy
- 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: -

[http://emppc.org.uk/file/Child\\_Protection/EMPPC - Inter-agency Guidance on Child Sexual Exploitation - 23-03-16 v1.pdf](http://emppc.org.uk/file/Child_Protection/EMPPC_-_Inter-agency_Guidance_on_Child_Sexual_Exploitation_-_23-03-16_v1.pdf)

- acceptance of accredited proof of age card schemes
- provision of effective and well maintained CCTV in and around the premises. All licence holders and 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 on written request.
- 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 such as the designated driver scheme
- choice of size of measures, particularly for wine
- introduction of a sales refusals book
- calling last orders earlier than the daily terminal hour.
- keeping of 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.

11.6 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.

## **12.0 Securing Public Safety**

12.1 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.

12.2 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
- 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

12.3 Suggested control measures include: -

- carrying out risk assessments
- 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
- 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
- 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.
- appropriate first aid facilities, including having defibrillation equipment at hand and available to suitably trained staff to deal with medical emergencies.
- proof of regular testing and, where appropriate, certification of procedures, relating to electrical, gas, heating and like appliances and safety systems
- informing the police 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.

## **13.0 Preventing Public Nuisance**

- 13.1 The Board believes that 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.
- 13.2 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.
- 13.3 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.
- 13.4 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

#### 13.5 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
- 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 overconsumption.
- an effective policy on controlling noise and movement of patrons using outdoor areas, including areas used by smokers
- a litter and waste management policy, including a plan for the disposal of cans, glass bottles 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
- 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 due to patrons loitering in the vicinity of the premises, particularly after closing. This would include liaison with public transport and taxi providers.
- efficient cooking and extraction systems to prevent nuisance from odour and noise.
- 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.

13.6 **Antisocial Behaviour** – victims of noise nuisance, should contact the police on 101 or report the problem through the anti-social behaviour helpline on 08456018518.

13.7 **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 must give a minimum of 14 days' notice of these events to the Police Licensing Officer and the Licensing Standards Officer. Good practice would also be for Licensees to additionally notify any immediate neighbours or those who live along obvious dispersal routes of such parties.

#### 14.0 **Protecting and Improving Public Health**

14.1 The Board wishes to see responsibly managed licensed premises thriving in East Lothian but not at the expense of patrons' health and wellbeing. One of the Board's priorities will therefore be the protection and improvement of the health and wellbeing of patrons of licensed premises. The Board will have regard to the views of any other bodies responsible for, or having an interest in, public health.

14.2 Applicants and licence holders should be able to demonstrate the measures, which will be, or have been, put in place to protect public health.

14.3 Suggested control measures include: -

- displaying material discouraging drink driving.
- promotion of designated driver schemes.
- making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines.
- 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. No alcohol must be left at premises if the occupier 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.

- 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.
- consider using plastic or toughened glassware at relevant events particularly those where children and young persons are present and ensure compliance with local conditions.
- Having defibrillation equipment at hand and available to suitably trained staff to deal with medical emergencies. More information can be obtained <http://www.scottishambulance.com/YourCommunity/defibrillators.aspx>

14.4 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.

## **15.0 Protecting Children and Young Persons from Harm**

15.1 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. 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 also have responsibilities. In determining any such application, the need to protect children 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.

15.2 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 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.

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.
- 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.
- there is a serious element of gambling within the premises.
- 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 dealing on the premises.

15.4 The Board also takes very seriously the issue of underage drinking and wishes to remind 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 of, alcohol to children and young persons unless with a meal as allowed by law.

15.5 Applicants and licence holders should therefore be able to demonstrate the measures, which will be, or have been, put in place to protect children and young persons from harm.

15.6 Suggested control measures include

- appropriate instruction, training and supervision of staff in accordance with recognised standards
- risk assessments for all areas to which children and young persons have access.
- 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 the law. No alcohol must be left at the delivery address if the occupier or a responsible adult is not present. Applicants for licences that 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.

- develop a Policy on recognising and dealing with the sexual exploitation of children and young persons. Guidance on this can be found at [http://emppc.org.uk/file/Child\\_Protection/EMPPC - Inter-agency Guidance on Child Sexual Exploitation - 23-03-16\\_v1.pdf](http://emppc.org.uk/file/Child_Protection/EMPPC_-_Inter-agency_Guidance_on_Child_Sexual_Exploitation_-_23-03-16_v1.pdf)
- where possible, a separate servery accessible to children and young persons should be used for the sale and supply of soft drinks and foodstuffs.
- 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 must 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)
- appropriate disclosure checks of staff who will be working in premises where children and young persons will be present
- 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.
- 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 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.

15.7 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.

15.8 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.

## **PART 3**

### **LICENSED HOURS**

#### **16.0 Off Sales**

- 16.1 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.

#### **17.0 On Sales**

- 17.1 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

- 17.2 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.
- 17.3 Each application for a premises licence will be assessed on its own merits, against the general on sale policy hours and the appropriateness of the type of activity for which a licence is being sought. 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 of granting such a licence will have on the area.
- 17.4 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.
- 17.5 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.  
<http://www.legislation.gov.uk/ssi/2007/336/contents/made>

- 17.6 The Board has an existing practice of permitting longer licensed hours over the Christmas/New Year festive period. The Board will make an annual announcement, if it decides to do so, with any longer licensing hours they have agreed to permit to on-sales only. This will be announced, publically at the meeting of the Board held in October of each year and advertised on the Licensing section of East Lothian Council website.

The Board may allow longer licensed hours over the festive period. This only applies to ON-SALES premises. The Board's policy is to allow an extension of up to 1 hour on existing licensed hours in the festive period for 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.

## **18.0 Extended Hours Applications**

- 18.1 The Board may extend the licensing hours in respect of premises by 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.

- 18.2 Each extended hours application will be assessed on its own merits. When the extended hours sought, in respect of on sale premises, fall outwith the on sale 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 applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. 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 sale policy hours appropriate to the applicant premises.

The Board discourages any applications for early drinking prior to sporting events.

## 19.0 Occasional Licences

19.1 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-profitmaking 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. Section 56 of the Act contains details in relation to the number of applications that can be made by voluntary organisations.

19.2 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 appendix** attached to the application form.

19.3 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 event is due to take place. 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.

19.4 Fast tracking of late occasional licence applications, where there is insufficient time for the normal processing procedures to take place, is illegal and will not be entertained. The only exception to this rule, as approved by delegated authority of the Board, is when an application for a funeral purvey is submitted 48 hours in advance of the event.

19.5 Applicants should be aware that they might also require a public entertainment and/or a late night catering licence issued by East Lothian Council under the Civic Government (Scotland) Act 1982. 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 [http://www.eastlothian.gov.uk/info/760/events\\_and\\_festivals/1694/advice\\_and\\_support\\_for\\_planning\\_public\\_events](http://www.eastlothian.gov.uk/info/760/events_and_festivals/1694/advice_and_support_for_planning_public_events)

19.6 It is the view of the Licensing Board that events which 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.

19.7 Although an Operating Plan is not required when applying for an Occasional Licence, the Board still expects holders of an Occasional Licence to have and to observe an age identification policy, when operating under the Occasional Licence. 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, in respect of the policy for those individuals who will be responsible for the sale of alcohol.

## **20.0 Repeated Occasional Licence Applications**

20.1 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 to be 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 generally expected, that the premises in question should consider an application for a Premises Licence.

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 particularly 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.

20.2 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 each event and those attending. A list of approved local conditions is shown at Appendix ‘4’

## **PART 4**

### **OVERPROVISION**

- 21.1 Section 7 of the Act requires each Licensing Board's Statement of Policy to include a statement as to the extent to which the Board considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the Board's area.
- 21.2 The Board considered data on the rates of alcohol related police incidents, alcohol related hospital admissions and deaths. It also considered information, regarding the number, type, and capacity of licensed premises in all localities within East Lothian, and having regard to the evidence of a correlation between the density of outlets and alcohol related problems, has concerns about the level of provision across East Lothian as a whole but in particular those localities where the evidence shows that they are above the East Lothian average for such harm. The Board also used the local knowledge of its members who represent the local communities as Councillors and who regularly attend meetings of local organisations such as Community Councils, Area Partnerships and Parent Teacher Councils
- 21.3 The Board agrees with Police Scotland, the NHS and the Local Licensing Forum that there is no evidence to support a finding that East Lothian is over provided in relation to on sales premises. There is evidence from Alcohol Focus and academic research that shows that more than 70% of alcohol is purchased from off sales premises. On sales premises are well regulated and there is little evidence to link them to the established harms. The board recognises that the price gap between on and off sales has also widened over the years meaning that there is no reason to consider that there is over provision of on sales premises
- 21.4 Particular localities have above average rates of alcohol related hospital admissions and deaths when compared to the East Lothian average. The Board has considered the fact that people living in East Lothian generally have reasonable access to licensed off sales premises throughout the Board's area. The Board has considered that it may not be reasonable to assume that residents of particular localities are purchasing alcohol only in that locality. However taking that factor into account, the Board nevertheless is of the view that those areas that are above the East Lothian average for alcohol related deaths and hospital admissions should be considered as over provided for off sales premises. The Board therefore considers that there should be a rebuttable presumption against the grant of an application for a new premises licence in respect of off-sales or any variation to increase display capacity of an existing premises licence beyond 15 square metres in the following localities..... The Board is willing to accept that an exception to this policy might arise in new build developments, and in that limited exception the upper limit of display capacity could apply.
- 21.5 Each application still requires to be determined on its own merits and there may be exceptional cases where an applicant can demonstrate that the grant of an application or the variation of an existing licence to increase capacity within one of these localities would not undermine the licensing objectives. The Board expects applicants to provide strong and reliable evidence to support their application to

demonstrate that the grant of their application would outweigh the presumption against grant in terms of this Overprovision Statement. The Board expects to be addressed on each of the Licensing Objectives in those circumstances.

- 21.6 If an existing licence in any of the relevant localities ceases to exist, this will not necessarily mean that there is capacity for a new licence in that locality. The localities identified are currently subject to overprovision and this may continue to be the case should a number of existing licences reduce. Each application will be considered in the context of the statistics available to the Board at the time of the application.
- 21.7 The term 'exceptional', referred to in this Part, is subjective. Therefore, it will be for Board members to determine, on a case by case basis, whether the application before them merits being considered as being sufficiently exceptional to deviate from its policy.



## **PART 5**

### **MISCELLANEOUS**

#### **22.0 Board Business**

- 22.1 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, make representations or lodge objections. Whilst Board staff will give advice, they will not complete applications or operating plans or give legal advice.
- 22.2 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.
- 22.3 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.
- 22.4 The Board will generally meet in the Council Chambers, Town House, Haddington. In terms of Schedule 1 to the Act, Board meetings will be held in public.
- 22.5 The Board will attempt to make Hearings as informal as possible consistent it carrying out its quasi judicial function. All actings of the Board will follow best practice and will be proportionate, accountable, consistent, transparent and targeted.
- 22.6 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each application other than a Minor Variation, applicants must complete the **supplementary information appendix** attached to the application form (see appendix 5). The Licensing Board reserves the right to return incomplete application forms unprocessed.
- 22.7 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 acknowledgement and confirmation will be given that the application and list of 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.
- 22.8 Applications will be deemed to have been granted if the determination period has expired and no extension has been granted by a Sheriff.
- 22.9 The Board will prepare and publish a 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.

- 22.10 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 which may be, made by the Clerk of the Board and other specified Board officers and is set out in Appendix 3 to this policy statement.

## **23.0 Annual Fees**

- 23.1 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 before or on the due date. Due to the number of licence holders who pay the annual fee after the due date of 1 October and to encourage prompt payment, 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 and 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 a 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.

## **24.0 Licensing Standards Officer**

- 24.1 A licensing standards officer (LSO) is employed by East Lothian Council to exercise the functions set out in the Act. The LSO's role will involve guidance, mediation and compliance. The LSO will work with the public and licensees in the promotion of the licensing objectives and in ensuring 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.

- 24.2 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.

24.3 Whilst the LSO is not in a position to give legal advice or 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.

24.4 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.

24.5 The LSO will be a member of East Lothian Licensing Forum.

## **25.0 Members Clubs**

25.1 The Board has agreed to attach 2 local conditions to premises licences for members clubs, which is defined by regulation at <http://www.legislation.gov.uk/ssi/2007/76/regulation/2/made> . 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

25.2 Club licences will be open to review for failure to comply with the above conditions.

## **26.0 Excluded Premises**

26.1 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 petrol/derv filling stations.

26.2 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 petrol/derv or groceries.

## **27.0 Outdoor Areas**

27.1 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 the licensing objectives, particularly those relating to preventing crime and disorder and preventing public nuisance. 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.

27.2 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.

27.3 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.

- 27.4 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.
- 27.5 The Board may make conditions relating to outdoor seating areas to prevent nuisance and for the protection of public safety.
- 27.6 Applicants are advised to 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.
- 27.7 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.

## **28.0 Smoking**

- 28.1 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.
- 28.2 The Board 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 also 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.

## **29.0 Management of Premises**

- 29.1 All licensed premises (other than those premises that hold non-profitmaking 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.
- 29.2 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.
- 29.3 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.

### **30.0 Duty to Trade**

- 30.1 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. Whilst the Board will not treat occasional instances of such restricted trading as a breach of the terms of the Operating Plan, it would urge licence holders to keep their trading hours under review. If it becomes apparent that premises are regularly trading on a restricted basis, an application should be made for a variation to the Operating Plan to reflect the actual trading hours.

### **31.0 Premises that have ceased to be used for the sale of alcohol**

- 31.1 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 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 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.

### **31.2 Licence Holders - Dissolved/Insolvent Companies or Individuals**

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.

### **32.0 Deliveries**

- 32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records. (ref. Section 119 L(S)A 2005)
- 32.2 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, 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.
- 32.3 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 therefore 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.

- 32.4 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

### 33.0 Layout Plans

- 33.1 Layout plans will be on the scale of 1:100 millimetres on A3 sized paper 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 submissions of layout plans is preferred** otherwise applicants will require to submit 7 copies of paper plans.
- 33.2 Security of stock. Theft of alcohol is a serious problem for off-sales premises, especially large supermarkets. The Board will 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 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.

## **APPENDIX 1**

### **LIST OF CONSULTEES**

East Lothian Local Licensing Forum

The Licensing Standards Officer

East Lothian Council in respect of Planning, Building Standards, Environmental Heath, Adult & Children's Services, Area Partnerships, Education/Schools, Event Planning and other service areas

Community Councils

Police Scotland

Scottish Fire & Rescue Service

Scottish Beer & Pub Association

Queen Margaret University Students Association

NHS Lothian

Integrated Joint Board

East Lothian Tenants and Residents Panel

MELDAP

Youth Bank Scotland

Scottish Youth Parliament

The public generally through East Lothian Council's website

## **APPENDIX 2**

### **SCHEME OF DELEGATION**

#### **1.0 INTRODUCTION**

- 1.1 This scheme of delegation sets out the powers under the Licensing (Scotland) Act 2005 delegated by East Lothian Licensing Board to the Clerk and Depute Clerks.
- 1.2 In any particular case where powers are delegated to an officer under this scheme of delegation, if it appears to them that it is appropriate for the power to be exercised by the Board itself then they shall be entitled to refer the case to the Board for the exercise of the power.

#### **2.0 POWERS DELEGATED UNDER THE LICENSING (SCOTLAND) ACT 2005**

- 2.1 The following powers are delegated to and exercisable by the Clerk or Depute Clerks: -
- Determining a premises licence variation application where the variation sought is a minor variation.
  - Determining an application for the transfer of a premises licence where the applicant has not been convicted of a relevant offence or a foreign offence.
  - Determining a personal licence application or a personal licence renewal application where the applicant has not been convicted of a relevant offence or a foreign offence.
  - Granting an application for confirmation of a provisional premises licence with no variation of licence conditions.
  - Determining an application for extended hours where no competent objections or representations are received or where such objections or representations have been withdrawn following discussion between the applicant and the party making the objection or representation.
  - Determining an application for an occasional licence where no competent objections or representations are received or where such objections or representations have been withdrawn following discussion between the applicant and the party making the objection or representation.
  - Determining an application for a variation of a premises licence under section 54(6) – no longer any premises manager specified in the licence.
  - Deciding whether or not to accept an application for a Review of a Premises Licence.



## APPENDIX 3

# OVERPROVISION STATISTICS

## Alcohol harm in East Lothian



**73%** of all alcohol sold in Scotland is from off-sales.

In Scotland, **1 in 4** people drink above the low-risk drinking guidelines.<sup>1</sup>

In Lothian, more than **1 in 3 men (40%)** and **1 in 5 women (19%)** are drinking at hazardous/harmful levels.<sup>2</sup>

**412 alcohol-related hospital stays** in East Lothian last year.<sup>iii</sup>

**14 alcohol-related deaths** in East Lothian last year.<sup>iv</sup>

**17 child protection cases** in Mid and East Lothian where parental alcohol or drug misuse was involved.<sup>v</sup>

**271 premises licences** in force in East Lothian.<sup>vi</sup>

East Lothian has an alcohol outlet availability lower than Scotland as a whole, but has **pockets of high availability**.<sup>vii</sup>

**£26.7m annual cost** of alcohol harm to East Lothian (health, social care, crime and productive capacity) – **£275 per person**.<sup>3</sup>

[For more information](#)

Alcohol Focus Scotland, 166 Buchanan St, Glasgow, G1 2LW 0141 572 6700 | [enquiries@alcohol-focus-scotland.org.uk](mailto:enquiries@alcohol-focus-scotland.org.uk) | [www.alcohol-focus-scotland.org.uk](http://www.alcohol-focus-scotland.org.uk) @AlcoholFocus

<sup>1</sup> Scottish Health Survey 2015, Scottish Government, 2016

<sup>2</sup> Scottish Health Survey 2015 Health Board Results, Scottish Government, 2016 <sup>iii</sup> Alcohol-related hospital statistics Scotland 2015/16, NHS National Services Scotland, 2016 <sup>iv</sup> Alcohol-related deaths 2015, National Records of Scotland, 2016 <sup>v</sup> Children's Social Work Statistics, ScotPHO Alcohol Profile, 2015 <sup>vi</sup> Scottish liquor licensing statistics 2015/16, Scottish Government, 2016 <sup>vii</sup> Alcohol outlets and health in Scotland, CRESH, 2014

<sup>3</sup> Local cost of alcohol profile, Alcohol Focus Scotland, 2012

## **Police Scotland Data –**

### Alcohol Related Crime and Anti-Social Behaviour on Licensed Premises – East Lothian (2015/16 & 2016/17)

**2015-2016** – 93 crimes occurred on licensed premises of which 53% involved alcohol. Musselburgh had the highest number of incidents in the area of the town centre. Peak days for calls were Friday, Saturday and Sunday and peak times were from 21:00 to 01:00 hours. Threatening and abusive behaviour were the most prominent, totalling 36 out of the 93 offences recorded. Assault totalling 26 cases formed most prevalent of the remaining number.

**2016-2017** – 93 alcohol related crimes occurred within licensed premises. Only 34 of these had an alcohol marker against it representing 37% of calls. In addition, there were 7 identified drug related crimes. Again Musselburgh town centre recorded the majority of the offences. Peak days were Fridays, significantly Saturdays, and Sundays. Peak times were 20:00 to 24:00 hours.

The reduction in alcohol related offences 53% to 34% can in part be attributed to adjusted policing plans for the night time economy and good proactive work by officer.

The majority of repeat calls to premises over both periods tended to relate to club premises, premises catering for supporters watching Old Firm football matches or associated with Musselburgh Racecourse.

## **NHS Statistics –**

### **Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS)**

<http://www.healthscotland.scot/publications/mesas-monitoring-report-2017>

### **Changing Scotland's relationship with alcohol: a framework for action (March 2009)**

“Scotland is drinking too much. We believe excessive consumption directly causes harm and that legislative action is needed urgently to reduce overall consumption in the Scottish population, by making alcohol less easily accessible and, given its potential to be a harmful product, through controlling its promotion by retailers.” (paragraph 31)

#### **Rationale for Public Health involvement**

Greater outlet density is associated with higher alcohol consumption and harms such as illness, injuries, crime and violence

Controlling availability is part of a larger strategy that includes price control, prevention and treatment

World Health Organisation -main contributors to levels of alcohol consumption on a population level are:

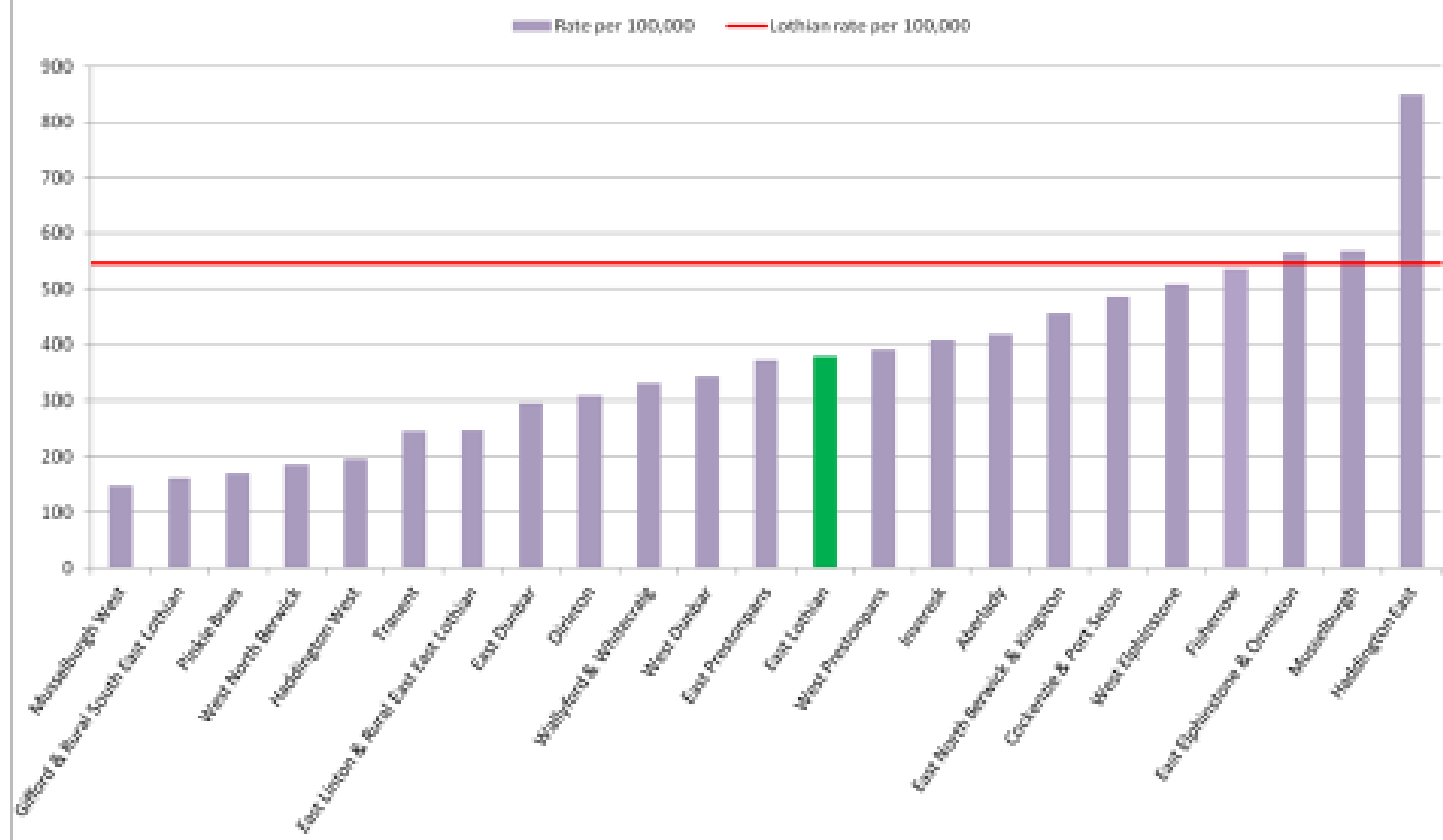
- availability,
- affordability and
- acceptability (e.g. advertising and marketing, culture and norms).

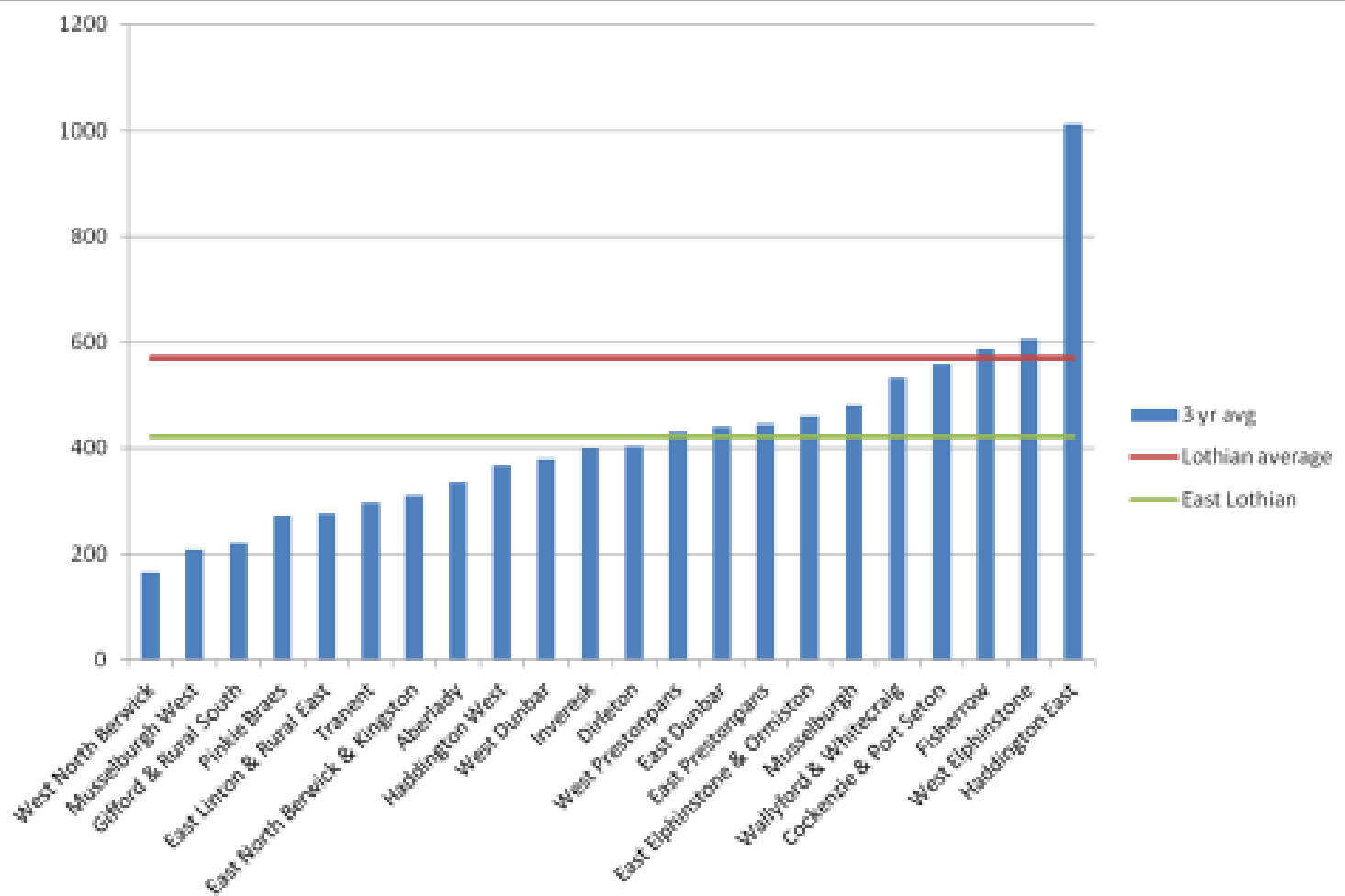
Effective interventions include drink-driving legislation and measures to control price and availability (including outlet density and hours).

## Intermediate zones in East Lothian

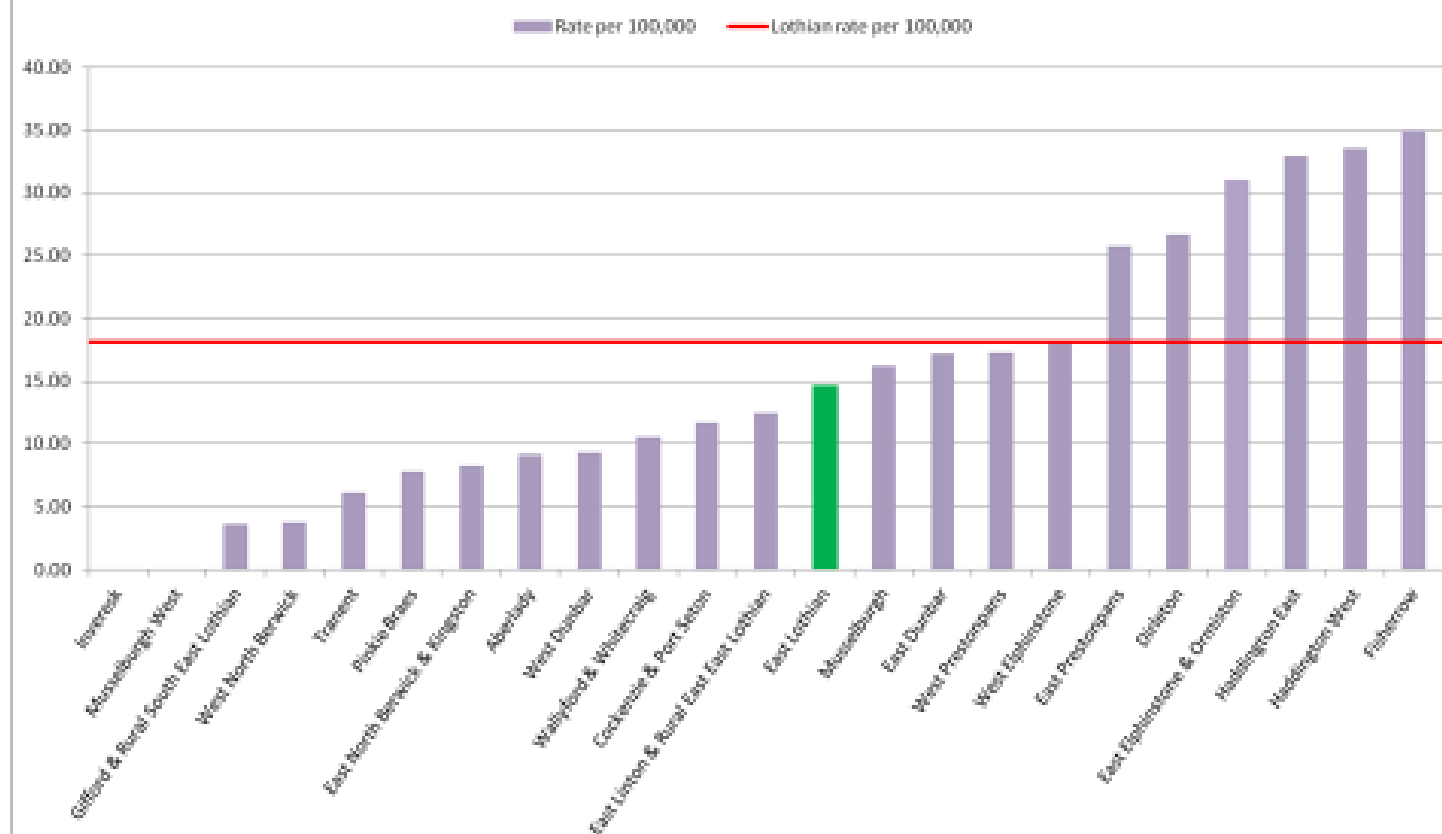


### Age/Sex standardised rate per 1,000 population of alcohol related hospital admissions by intermediate zone in 2016/17

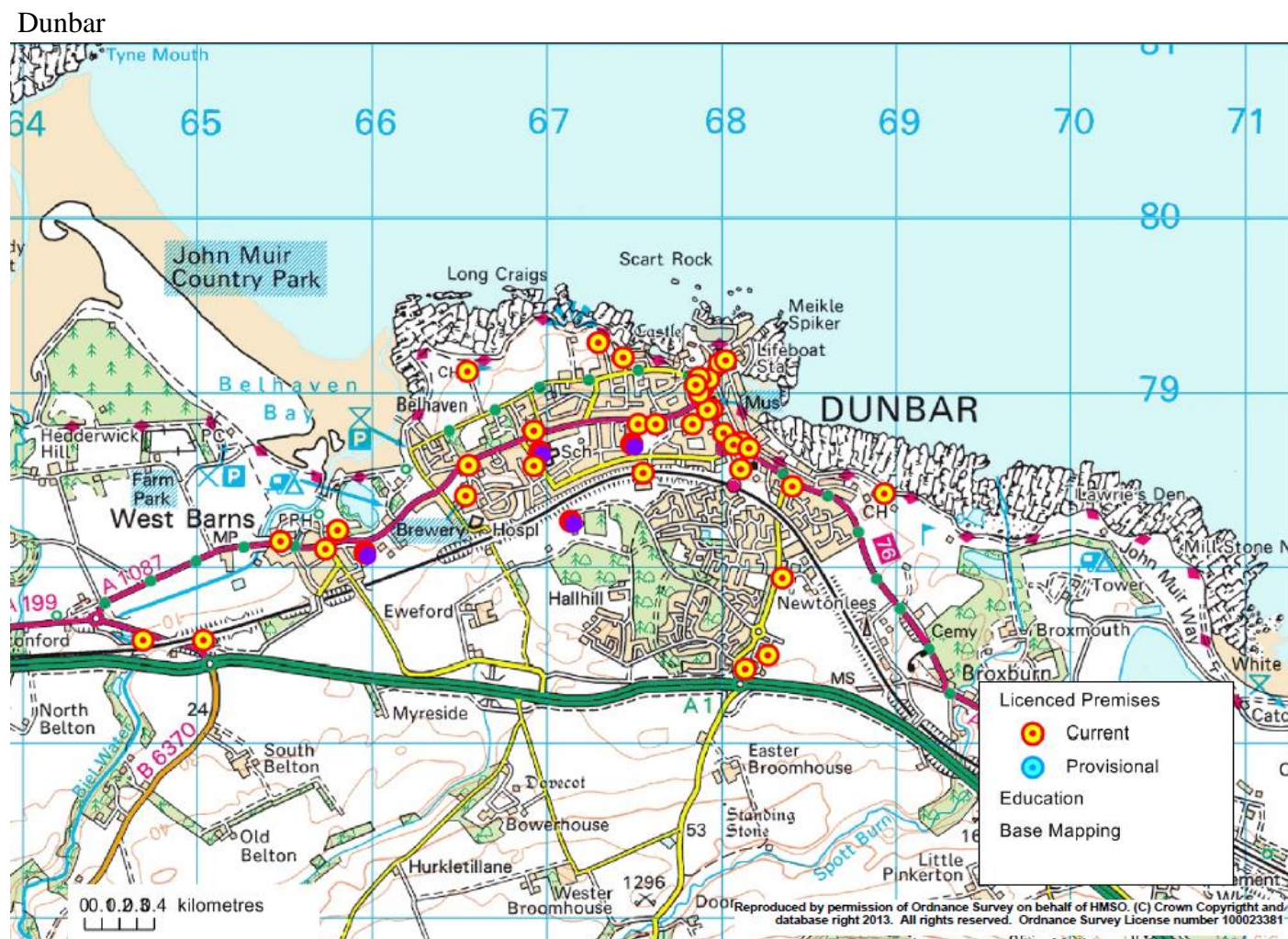




# Age/Sex standardised rate per 100,000 population of alcohol related mortality by intermediate zone in 2012-2016 (5yr aggregates)

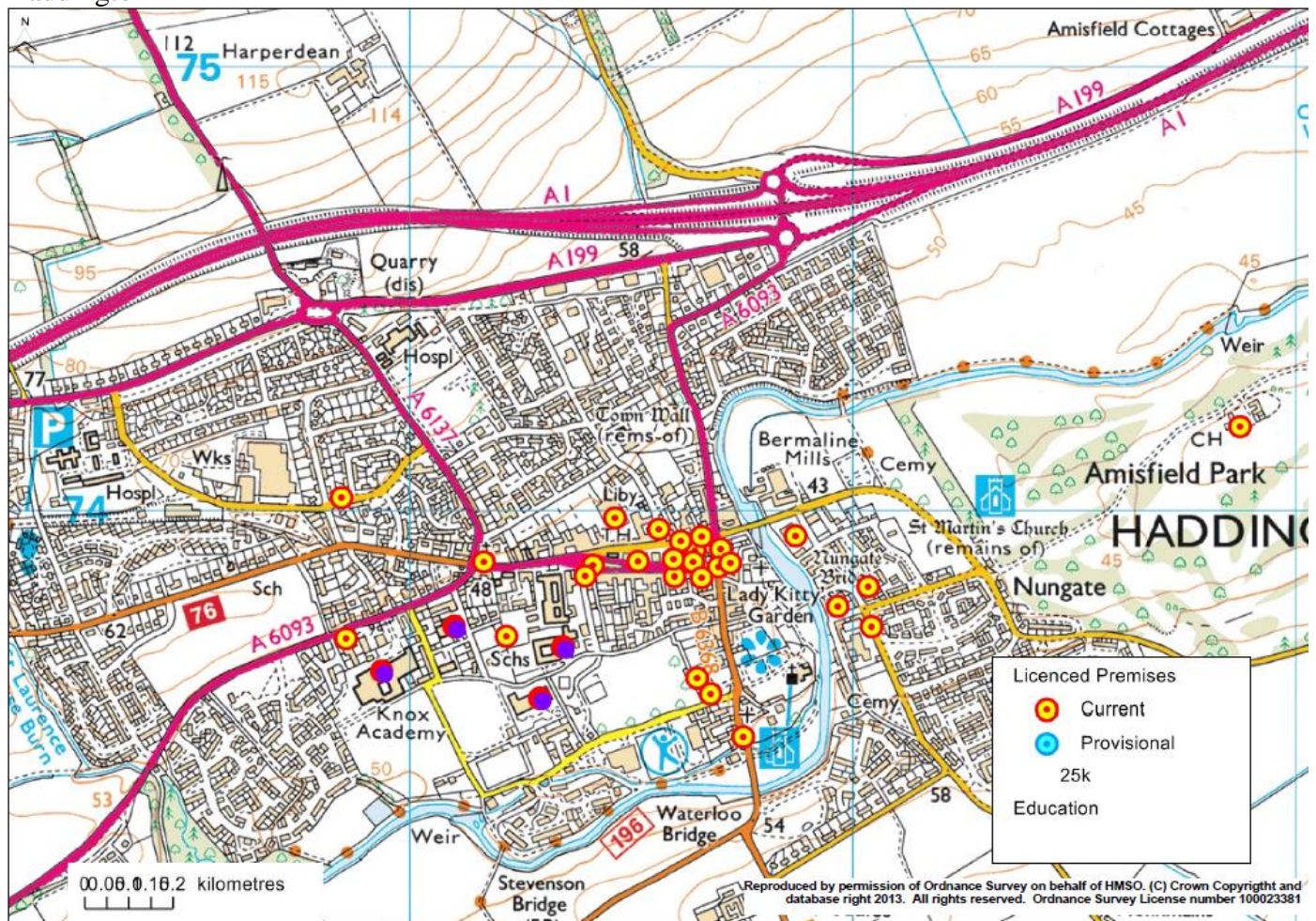


# Mapping of Licensed Premises in Localities Above the East Lothian Average for Alcohol Related Deaths or Hospital Admissions

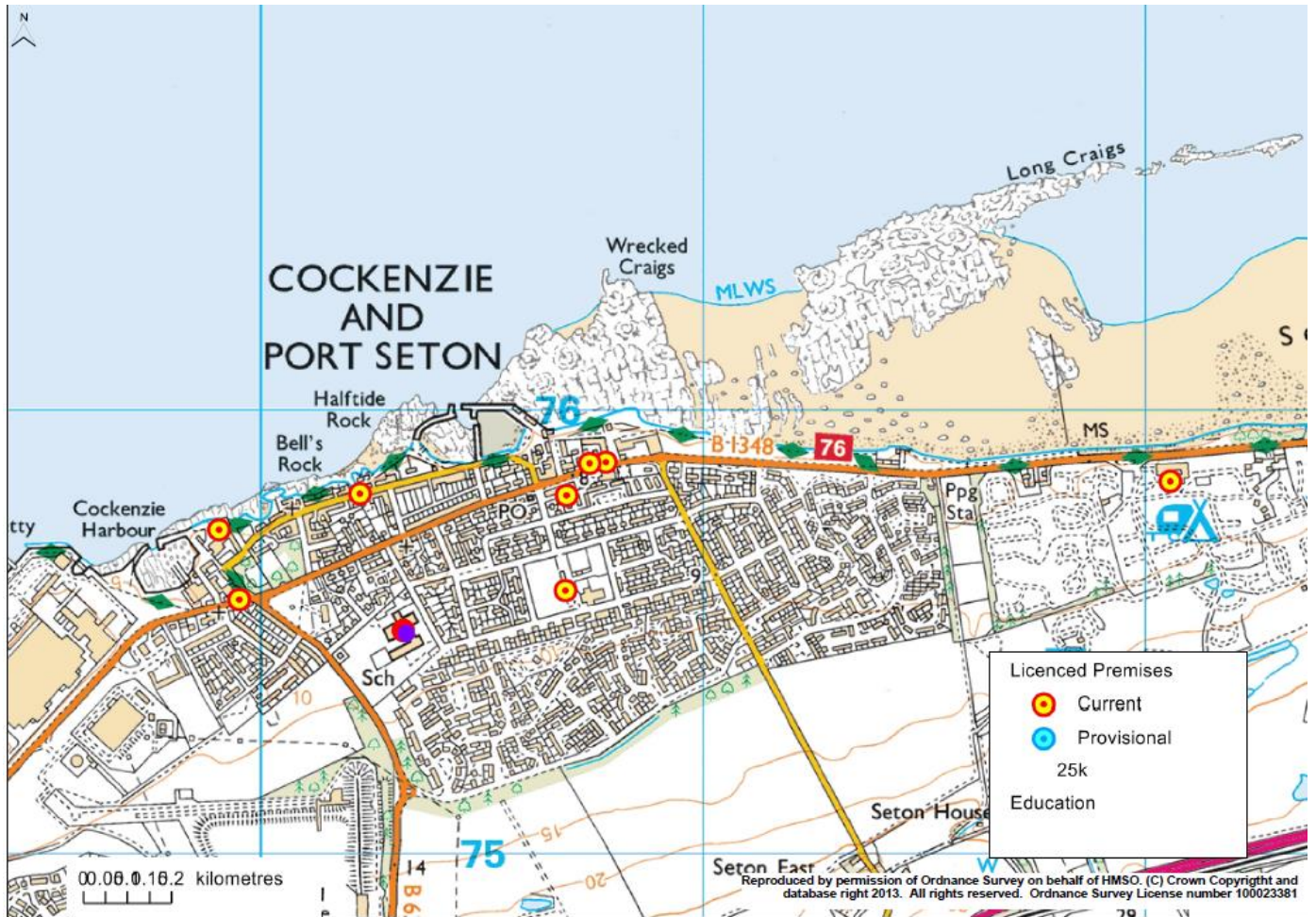




## Haddington

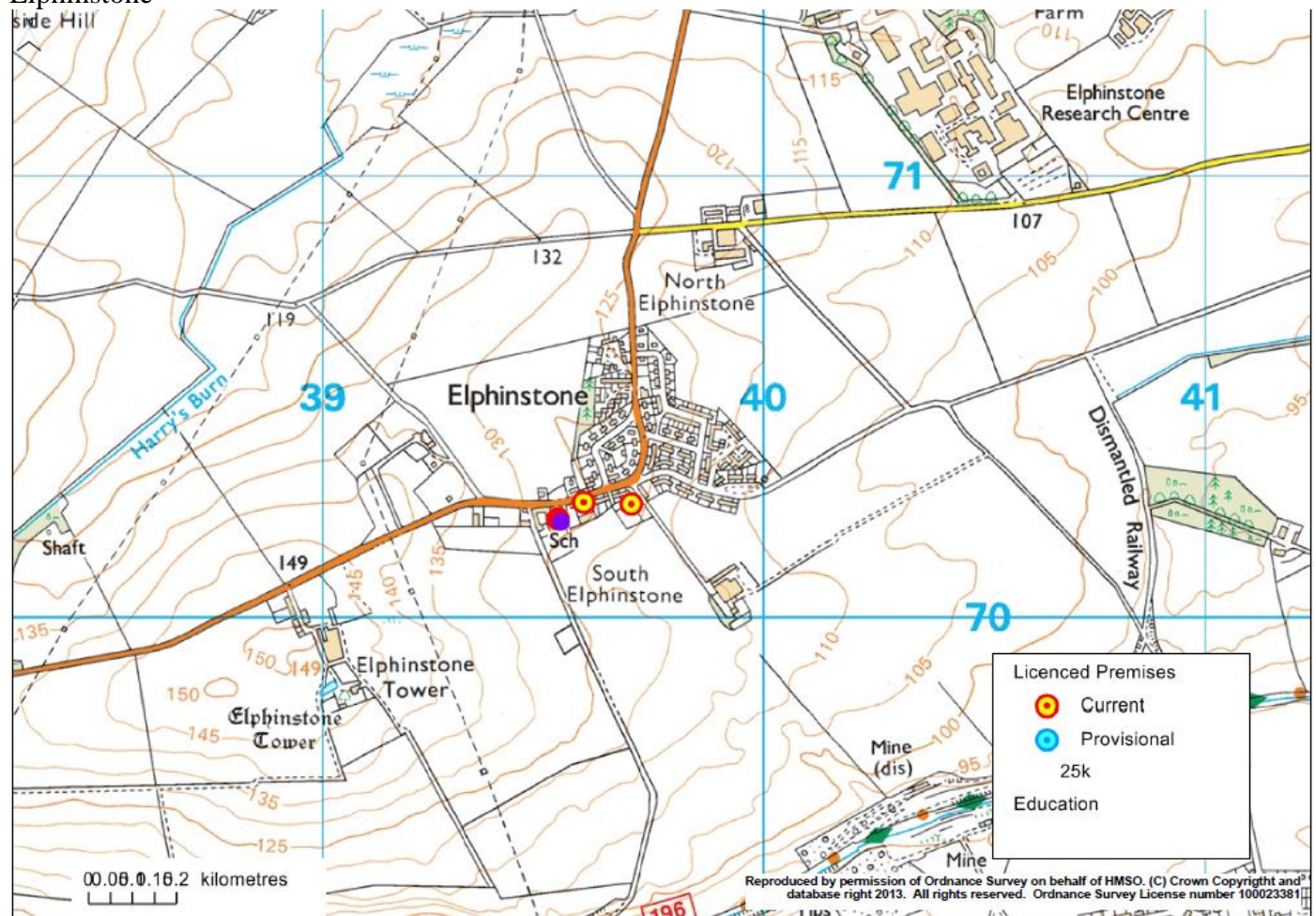


## Cockenzie and Port Seton

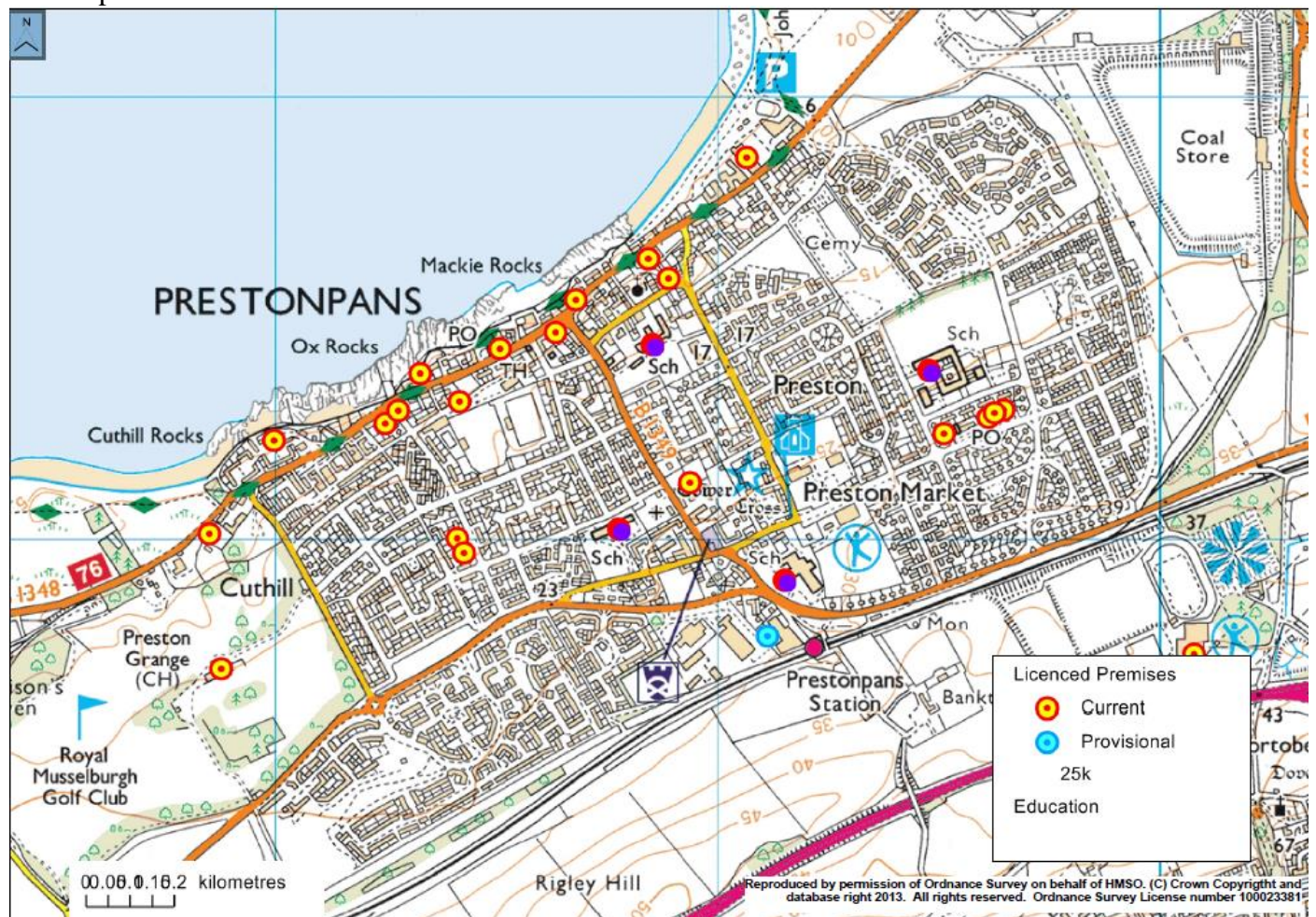




# Elphinstone

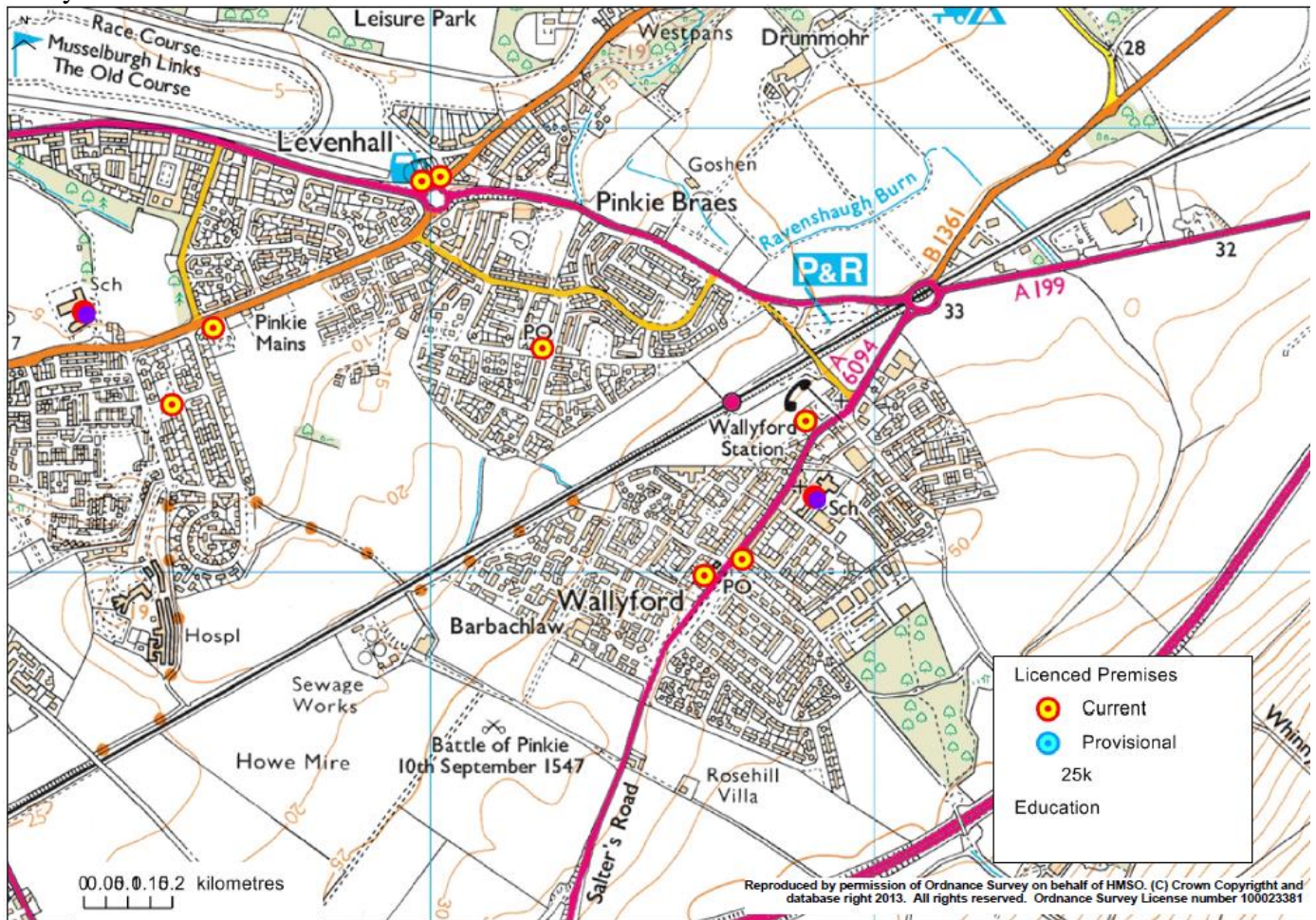


## Prestonpans

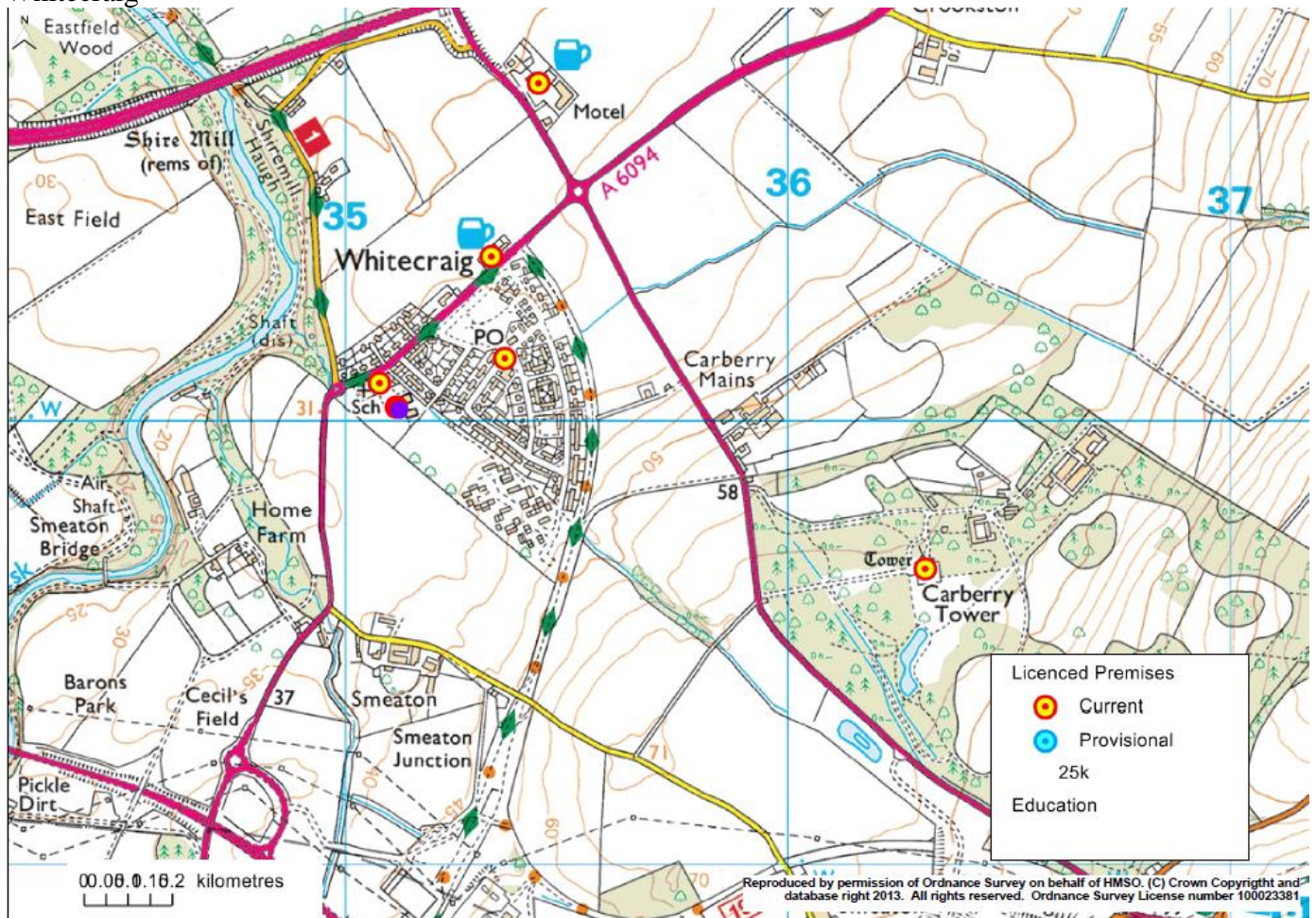




## Wallyford

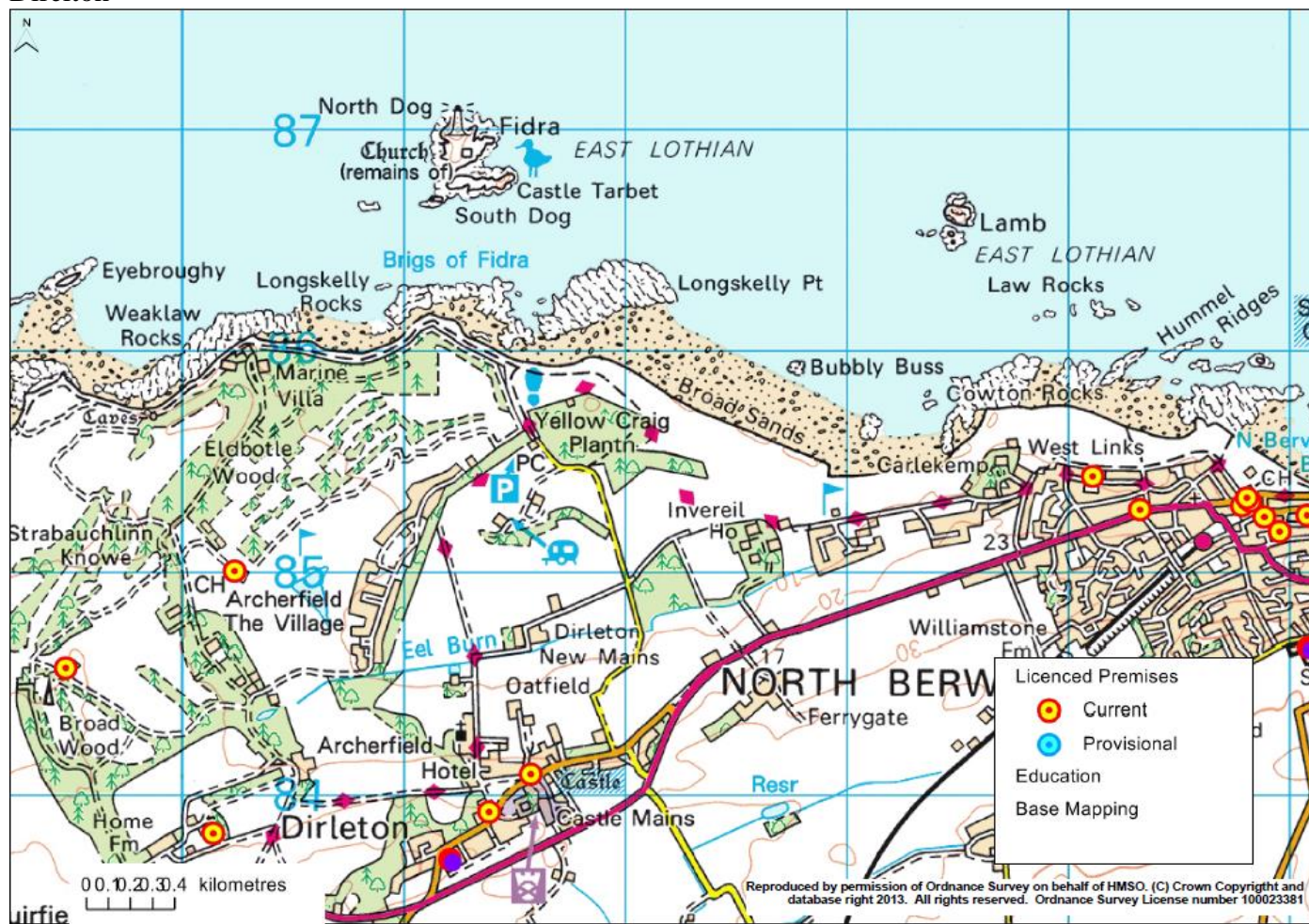


## Whitecraig

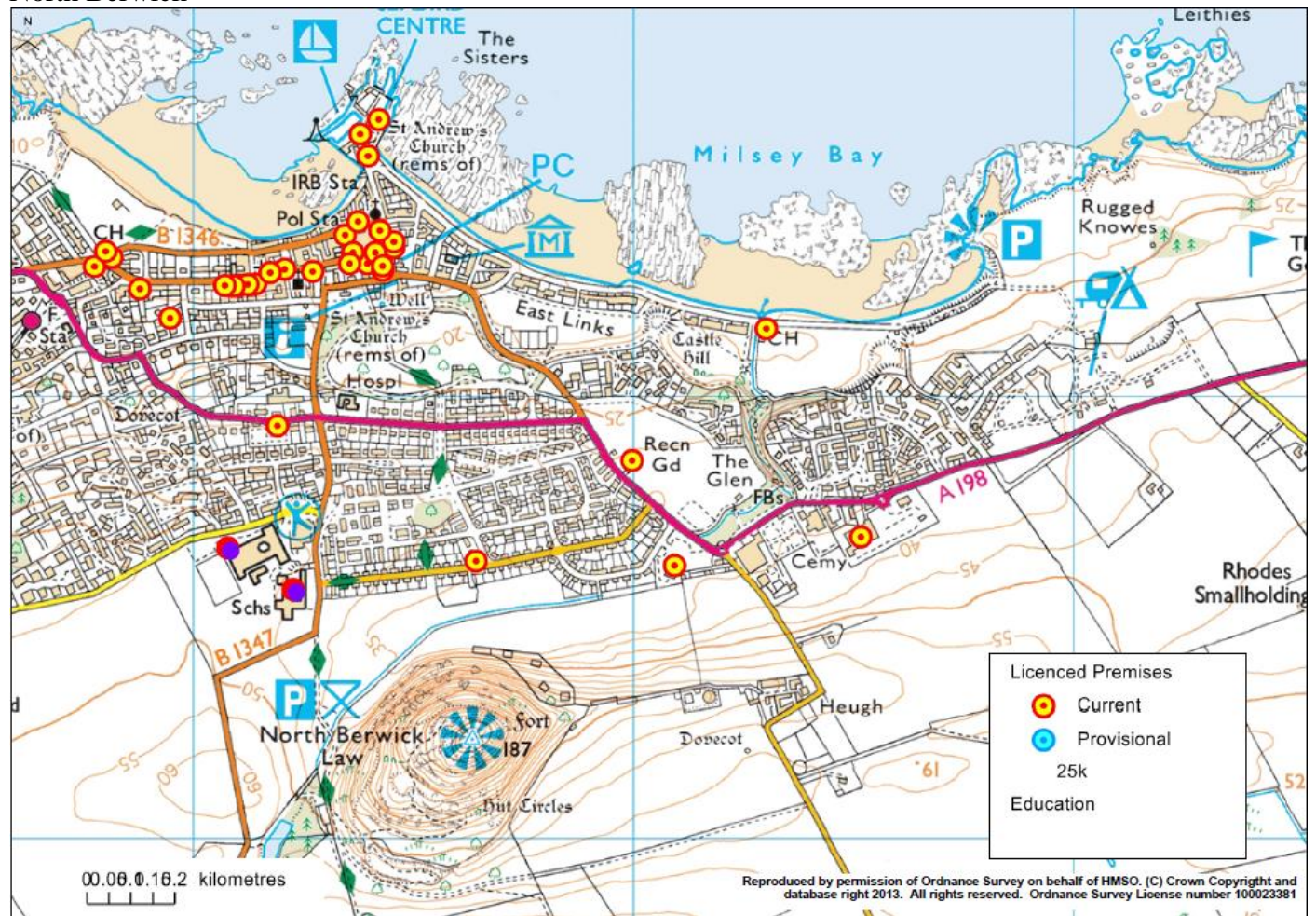




# Direlton



# North Berwick





## APPENDIX 4

### List of Approved Local Conditions that can be attached to Premises Licences / Occasional Licences where required

- 1 Disposable glasses must be used unless washing up sinks with hot and cold, or warm, water supplies are provided in accordance with Regulation (EC) No. 852/2004 on the hygiene of foodstuffs.
- 2 Hand washing facilities must be provided at all bars for the use of bar staff in accordance with Regulation (EC) No. 852/2004 on the hygiene of foodstuffs.
- 3 Where it is proposed to sell draught beer and cider in plastic glasses, the applicant must seek guidance from Environmental Health and Trading Standards Services of East Lothian Council on the type of plastic glass to be used, prior to the issue of a licence.
- 4 Any noise associated with the event including noise from amplified music, plant and/or equipment be suitably controlled to ensure that no disturbance is caused to residents living nearby. Where a function is to be held in a Marquee, all music must cease no later than 12.00 midnight.
- 5 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.
- 6 A Risk Assessment must be prepared to ensure the health and safety of staff members, volunteers, visitors and members of the public attending the event. Copies of the documented risk assessments must be available for inspection by authorised officers from the Council during the event.
- 7 Where food and/or drinks are to be prepared, served or sold, the food safety management system must be documented and the controls to ensure food safety recorded before and during the event. The documentation, monitoring and other records must be available for inspection during the event and retained by the applicant for not less than one month after the event.
- 8 Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and relevant conditions of the licence. Signage should clearly identify
  - a) A sign prohibiting sale or supply of alcohol to persons Under 18 to be clearly displayed at any bar servery.
  - b) Challenge 25 policy and signage must be used.
  - c) A sign stating that no children are permitted within 1.5 metres of any bar servery to be clearly displayed.

- d) The specific opening and closing times of the bar.
  - e) Responsible drinking message.
  - f) No smoking signs.
- 9 Positive measures of entry control should be introduced to prevent uninvited persons gaining access to the event. Note on Stewarding Organisers of events should note that 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 consult the following website – <https://www.sia.homeoffice.gov.uk/Pages/home.aspx> .
- 10 All drinks should be served in approved plastic containers.

### **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 clearly identify:
  - a. No under 18's served alcohol
  - b. Persons who appear to be under the age of 25 will be asked to provide identification
  - c. The specific opening and closing times of the bar
  - d. Responsible drinking message
  - e. No smoking signs
  - f. 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.
  - g. Plastic drinking containers should be used throughout the duration of the event.
  - h. Wrist banding of 18 year olds and above to assist in easily identifying persons who are under 18 years.
  - i. Security Industry Accredited door staff to be used for search purposes and checking ID on entry to the premises.
  - j. 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.

k. All reasonable requests made by the Police are complied with.

**General Occasional Licence Conditions:**

1. The marquee/outside area, must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
2. 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.
3. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
  - a. No under 18's served alcohol
  - b. Persons who appear to be under the age of 25 will be asked to provide identification
  - c. The specific opening and closing times of the bar
  - d. Responsible drinking message
  - e. No smoking signs
4. 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
5. Children and Young Persons (0-17 years) may remain as long as a responsible parent or guardian 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. All reasonable requests made by the police or Licensing Standards Officers are complied with.

### 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

Please describe your business offering.

(extend this box if you require additional space)

#### On/Off Consumption

(a) Please describe the type of business you intend to operate in respect of On consumption.

a)

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

b)

**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:

**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:

**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:

**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:

**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:

**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:

**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. It should be noted that any proposal to allow a BYOB event to take place on your licensed premises, this activity should be stated in the other activities part of the operating plan.

**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 type of baby changing facilities will be provided for children under five years.

**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:**

**Securing Public Safety:**

**Preventing Public Nuisance:**

**Protecting and Improving Public Health:**

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

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

(extend the boxes below if you require additional space)

**Additional Information:**

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

**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 contents of this Application are true to the best of my knowledge and belief.

Signature		Date	
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## Occasional Licence and Supplementary Information Form

## EAST LOTHIAN LICENSING BOARD

## APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

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.

<b>1. LICENCE DETAILS (see note 1)</b>
Premises licence number (if applicable)
Personal licence number (if applicable)
Name of voluntary organisation (if applicable)

<b>2. PERSONAL DETAILS</b>						
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)						
Surname						
Forenames						
DATE OF BIRTH		Day	Month			
Year						
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES						
				Post town		Post code
				TELEPHONE NUMBERS		
Daytime						
Evening						
Mobile						
FAX NUMBER						
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)						

**3. THE PREMISES**

Description of premises

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

**4. DURATION OF LICENCE**

From:

To:

**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-\* delete as appropriate**

Times for sale of alcohol for consumption on premises

Times for sale of alcohol for consumption off premises

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

<b>6. CHILDREN (see note 2)</b>	
<b>This section must be completed where alcohol is for sale for consumption on the premises</b>	
<b>Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)</b>	
<b>Ages of children or young persons permitted entry</b>	<b>Times at which children or young persons permitted entry</b>
<b>Parts of premises to which children or young persons permitted entry</b>	

<b>7. CHECKLIST</b>	
<b>I have - Please tick for yes</b>	
<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>	

<b>8. Signature and declaration by applicant (see note 3)</b>		
<b>DECLARATION</b>		
The contents of this Application are true to the best of my knowledge and belief.		
<b>SIGNATURE</b>	<b>DATE</b>	

## 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 1998

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**

<p><b>1. <u>Event</u></b></p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc.)</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)</p>	<p>(a)</p> <p>(b)</p>
<p><b>2. <u>Attendance</u></b></p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input type="checkbox"/> 30 – 50</p> <p><input type="checkbox"/> over 50</p>

<p><b>3.     <u>Stewarding</u></b></p> <p><i>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards.</i></p>	
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at <a href="http://www.the-sia.org.uk/home">http://www.the-sia.org.uk/home</a></p> <p>(a) Please state the number, if any, of stewards to be employed at the event. (a)</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers. (b)</p>	
<p><b>4.     <u>Layout Plans</u></b></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or (a)</p> <p>(b) the premises is a registered club which has been issued with a premises licence; or (b)</p> <p>(c) attach a detailed layout plan of the venue with the application (c)</p>	

**5.Applications Lodged by Voluntary Organisations  
or Registered Clubs Only**

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

**6.** Will alternatives to glass receptacles be provided?

**7.** Where the event is for more than 100 persons, or where the event is relating to a Voluntary Organisation where more than four occasional licences per year are applied for, please give details here of the person trained to personal licence holder standard

Please attach a copy of your training certificate to this application

**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 objective.**

**8.** How will you prevent Crime and Disorder at the event?

**9.** How will you secure Public Safety at the event?

**10.** How will you prevent Public Nuisance at the event?

**11.** How will you promote and protect Public Health at the Event?

<b>12. How will you protect Children from Harm at the Event?</b>	
--	--

SIGNATURE AND DECLARATION BY APPLICANT DECLARATION  <b>IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</b>  (Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))  The contents of this Application are true to the best of my knowledge and belief.			
Signature		Date	

**\*\* You can submit a separate Licensing Objectives Assessment where this is already in place.**



## East Lothian Premises Licences – October 2017

	OFF - SALES PREMISES				
Licence No	Premises Name	Address	Type of Premise	Capacity 1	Capacity_2
EL046	Whitecraig Post Office	Whitecraig	Convenience Store	11.625m2	
EL012	Aldi	Haddington	Supermarket	23.625SQM Permanent Increase by 4.55m2 festive season	
EL015	Rosehall Stores	Haddington	Convenience Store	4 Metres	
EL044	Mach Enterprises	Tranent	Garage	13.64 sq.m	
EL045	Co-operative Group Food Ltd	Tranent	Store	34.2m2	
EL018	Newbigging Newsagents	Musselburgh	Convenience Store	Area 1 - Length 2m x height 2.4	Area 2 - Length 1.2m x height 0.8m
EL062	Lockett Bros	North Berwick	Off-licence	17.5m	
EL049	Asda Store	Dunbar	Supermarket	Frontage for alcohol display - 37.1856 m	Total Area 91.677 sq metres.
EL084	Wallyford Day to Day Supermarket	Wallyford	Supermarket	35.93m2	
EL053	Co-operative Group Food Ltd	Musselburgh	Store	24 Square Metres	
EL063	Londis Aberlady Village Store	Aberlady	Convenience Store	16m2	
EL098	Whitecraig General Store	Whitecraig	Convenience Store	Linear Measurement - 15.08 Metres	
EL054	Cockenzie News	Cockenzie	Convenience Store	51sqm	
EL064	Co-operative Group Food Ltd.	Gullane	Store	19.485m2	
EL066	Co-op	Ormiston	Store	Main alcohol display area: 27.971 m2	inaccessible area 2.1 m2
EL065	The Co-operative Food	Port Seton	Store	46.05m2	
EL089	The Shop - Thurston Manor Holiday Home Park	Dunbar	Convenience Store	Display area 11.04 cubic metres	
EL092	The Village Shop	Macmerry	Convenience Store	25 square metres	
EL094	Tranent Superstore	Tranent	Superstore	Beer section - 1240mm x 740mm x2000mm	Spirits & Wine - 4200mm x2200mm
EL076	Scotmid	Prestonpans	Store	Capacity 42 m2	
EL055	Day to Day	Tranent	Convenience Store	27m2	
EL080	Tesco Store	North Berwick	Supermarket	200 sq m	
EL056	D. J. Malcolm	East Linton	Convenience Store	3.2mx2.3m	
EL087	Home Bargains	Musselburgh	Supermarket	63.6m2	
EL072	Premier Store	Prestonpans	Convenience Store	60 sqm	
EL0274	Devigne Wines	North Berwick	Online sales	Internet no admittance to public	
EL0148	Premier Store	Tranent	Convenience Store	92m2	
EL0156	Tesco Store	Haddington	Supermarket	160 sq metres	
EL0130	Asda	Tranent	Supermarket	39 sq m.	
EL0109	McColls	Dunbar	Convenience Store	13.87 cubic metres	
EL0136	Nisa Loco	North Berwick	Convenience Store	5.25m2	
EL0117	Eskview Wines	Musselburgh	Off-licence	a - 2.65 x 1.8m, b - 6.9 x 2.5m	c - 3.9 x 1.8m, d - 4 x 2.5m
EL0147	Pinkie Foodstore	Musselburgh	Convenience Store	13.7 metres2	
EL0167	Tranent Post Office and Spar	Tranent	Convenience Store	9.9m2	
EL0139	Mini Market	Tranent	Convenience Store	12.57 sq metres	
EL0137	Co-operative Group Food Ltd.	North Berwick	Store	Total 29.235	Floor - 27.135
EL0127	Lidl UK GmbH (Store: 721)	Prestonpans	Supermarket	47.61m2	1 Dec to 2 Jan each year - 66.83m2
EL0126	Lidl Uk GmbH (Store 1144)	Musselburgh	Supermarket	Additional Capacity Seasonal - 12.02m2. Capacity non- seasonal - 46.47	

EL0132	Co-operative Group Food Ltd.	Dunbar	store	27.165m2	
EL0123	Iceland Foods Limited	Musselburgh	Store	6.6m2	
EL0135	Co-operative Food Ltd.	Dunbar	Store	21.0m	
EL0134	Co-operative Group Food Ltd.	East Linton	Store	23.88 m2	
EL0133	Co-op	Longniddry	Store	Main alcohol display 25.75	inaccessible area 4.2
EL0128	Linton Wines	East Linton	Online sales	11m2	
EL0144	Open all Hours	Musselburgh	Convenience Store	19 linear metres	
EL0118	Fair Price Food Store	Prestonpans	Convenience Store	Area 1 -2.42m2	Area 2 -9.86m2
EL0153	Aldi Store	North Berwick	Supermarket	Total 31.5m2	Permanent: 24.75m2
EL0151	Scotmid	Prestonpans	Store	34.2m3	
EL0129	Longniddry Village Shop	Longniddry	Convenience Store	Fridge cabinet - 1000x 680	Shelving - 1200 x 300
EL0171	Haddington Wines & Whiskies	Haddington	Off-licence	80m	
EL0131	Co-operative Group Food Ltd.	Gifford	Store	Main display 23.26 - inaccessible area 3.15	
EL0142	Nicer Foods	North Berwick	Convenience Store	16.6m x 6.8msq =23.4msq	
EL0119	Flowers by Arrangement	Musselburgh	convenience Store	1 x 3 m	
EL0191	Day-Today (formerly Nisa Store)	Prestonpans	Convenience Store	4.415m	
EL0172	Aldi Stores Limited	Musselburgh	Supermarket	Total 30.375	Permanent Display: 25.875
EL0186	Co-operative Group Food Ltd.	Haddington	Store	Main Alcohol Display Area: 26; inaccessible area 4.2	
EL0216	Day Today	Haddington	Convenience Store	Total Area - 79.54	
EL0182	Gullane Mini-market	Gullane	Convenience Store	14.04m	
EL0192	Nungate Mini Market	Haddington	Convenience Store	19sqm	
EL0177	Fenton Tower External Services Building	Fenton, North Berwick	Off-licence	Depth - 2152cm x 1000cm x 227cm	Sq m - 2270
EL0197	McColls	Musselburgh	Convenience Store	54.96m2	
EL0174	Belhaven Smokehouse Ltd.	Hedderwick, Dunbar	Convenience Store	38sm	
EL0198	Scotmid	Prestonpans	Store	Capacity 39.6m2	
EL0202	Spar Shop	Pencaitland	Convenience Store	Public display - 2.61m x 0.66m	display area 2 - 1.68 x 0.41m
EL0188	Lowcost Supermarket	Musselburgh	Convenience Store	34m2	
EL0190	Nicholson News (Keystore)	Longniddry	Convenience Store	8sqm	
EL0283	Little Superstore	Ormiston	Convenience Store	36.05m	
EL0284	Scots Cheer Ltd	Drem	Online sales	330m	
EL285	Looks General Store	Dunbar	Convenience Store	3m2	
EL290	West Barns Shop	West Barns	Convenience Store		
EL291	Town House Fish & Chicken Bar	Haddington	Convenience Store	1.18m3	
EL0295	R. S. McColl	Musselburgh	Convenience Store	31.78m2	
EL296	Tesco Extra	Musselburgh	Supermarket	281.12 square metre	
EL0 298	Grace of India (formerly Sole Kitchen)	Aberlady	Off-licence	A - 1200 x 2000 x 750	B 3000 x 900 x 600
EL299	The Deli @ East Linton	East Linton	Off-licence	1660mm x 1800mm	
EL302	121 High Street	Musselburgh	Convenience Store	12.20 x 2.2m = 28.84	
EL300	The Fine Wine Company Ltd.	Musselburgh	Off-licence	67.5m2	
EL313	Co-operative Group Food Ltd	Prestonpans	Store	37.015 sqm	
EL316	Wallyford Grocers	Wallyford	Convenience Store	10.7m x 0.75m at its widest	
EL317	Seton Sands Holiday Village Temporary Shop	Longniddry	Convenience Store	2.8m2	
EL318	Shop (Musselburgh News)	Musselburgh	Convenience Store	12.06m2/ 34.2 linear metres	
EL320	Pinkie Farm Convenience Store	Musselburgh	Convenience Store	display area accessible - 51.50	inaccessible area - 3.96.
EL324	McColls	Haddington	Convenience Store	8.5m2	
EL325	Aldi	Tranent	Supermarket	39.96m2	
EL 335	Pans Convenience Store	Prestonpans	Convenience Store	Sales floor - 16.8 m2	inaccessible gantry - 1m x 0.5m2

ELO337	179 North High Street	Musselburgh	Convenience Store	8.65m	
EL330	The Co-operative Food	Prestonpans	Store	25.585m2	
	<b>ON -SALES</b>				
<b>Licence No.</b>	<b>Premises Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Capacity (No of Persons)</b>	
EL025	Hole in the Wa'	Musselburgh	Public House	100	
EL024	Riverside Bar	Musselburgh	Public House	60	
EL023	Gurkha Bar & Restaurant	Musselburgh	Restaurant	60	
ELO001	Old Aberlady Inn	Aberlady	Restaurant/Inn	242	
EL002	Craigielaw Golf Club	Aberlady	Club	310	
EL003	No5 Duke Street (formerly West Barns Inn)	West Barns	Restaurant/Bar	264	
EL005	Umberto's	Dunbar	Restaurant	52	
EL0008	The Castle	Dirleton	Hotel	200	
EL007	The Crown Hotel	East Linton	Hotel	110	
EL009	Garvald Inn	Garvald	Hotel	59	
EL010	Mallard Hotel	Gullane Golf Club	Hotel	150	
EL011	Gardeners Arms	Haddington	Public House	116	
EL016	The Craig House	Inveresk	Hotel	260	
EL019	Caprice Restaurant	Musselburgh	Restaurant	90	
EL029	Ravelstone House Hotel	Musselburgh	Hotel/Restaurant	653	
EL022	The Stand	Musselburgh	Public House	60	
EL028	Levenhall Arms	Musselburgh	Public House	60	
EL030	Coach and Horses	Musselburgh	Public House	114	
EL031	Zitto's Italian Wine Bar	North Berwick	Restaurant	240	
EL032	Lucky House Cantonese Restaurant	North Berwick	Restaurant	40	
EL034	Herringbone (formerly The Quarterdeck)	North Berwick	Bar/Restaurant	140	
EL035	Nether Abbey Hotel	North Berwick	Hotel	286	
EL038	Auld Hoose	North Berwick	Public House	170	
EL039	The Westgate Gallery	North Berwick	Café/Restaurant	36	
EL036	County Hotel	North Berwick	Hotel	200	
EL040	Ship Inn	North Berwick	Public House	222	
EL041	Golfers Rest	North Berwick	Public House	268	
EL042	The Gothenburg	Prestonpans	Distillery/Restaurant	230	
EL017	Brunton Theatre	Musselburgh	Theatre	1000	
EL293	Event Space	Inveresk	Function	400	
EL073	Queen Margaret University (Sports & Student Union Building)	Musselburgh	Bar	398	
EL081	The Brig Inn	Tranent	Bar		
EL060	Kashmir Valley Restaurant	Tranent	Restaurant	96	
EL093	Tower Inn	Tranent	Bar	156	
EL095	Way Inn	Prestonpans	Restaurant	70	
EL096	Wemyss House Hotel	Port Seton	Hotel	660	
EL100	Winton House	Pencaitland	Events	218	
EL078	Springfield Guest House	Dunbar	Guest House	15	
EL097	Whispers	Tranent	Bar	120	
EL086	The Grange	North Berwick	Restaurant	42	
EL077	Scottish Seabird Centre	North Berwick	Tourist Attraction	100	
EL088	The New Plough	Tranent	Bar	210	
EL048	Archerfield Golf Clubhouse	Dirleton	Clubhouse	518	
EL068	Maitlandfield House Hotel	Haddington	Hotel	480	
EL052	Castle Park Golf Club	Gifford	Golf Club	60	
EL082	The Dasher	Prestonpans	Bar	268	
EL051	Bella Italia	North Berwick	Restaurant	60	
EL090	The Tollbooth Cafe Restaurant	Musselburgh	Restaurant	30	
EL099	Winton Arms	Pencaitland	Bar	254	
EL074	Railway Tavern	Prestonpans	Bar	320	
EL069	Marine Hotel	North Berwick	Hotel	800	
EL058	Hallhill Healthy Living Centre	Dunbar	sports club		

EL0143	North Berwick Diner and Fry	North Berwick	Restaurant	72	
EL0116	Eden Hotel	Dunbar	Hotel	60	
EL0165	The Volunteer Arms (Staggs)	Musselburgh	Bar	130	
EL0124	Kilspindie House Hotel	Aberlady	Restaurant/Bar	230	
EL0157	Anchor Bar	Musselburgh	Public House	100	
EL0145	Osteria	North Berwick	Restaurant	31	
EL0122	Horseshoe Tavern	Musselburgh	Public House	170	
EL0108	China Garden	Haddington	Restaurant	44	
EL0120	Glenkinchie Distillery Visitor Centre	Pencaitland	Distillery	140	
EL0105	Habaneros	Musselburgh	Restaurant/Café	178	
EL0107	Castle Hotel	Dunbar	Hotel	96	
EL0150	Dunmuir Hotel	Dunbar	Hotel	224	
EL0154	Sportsman's Bar	Musselburgh	Public House	96	
EL0149	Golden Chopsticks	Musselburgh	Restaurant	80	
EL0114	Eagle Inn	Dunbar	Public House	106	
EL0158	The Coalgate	Ormiston	Public House	338	
EL050	New Bayswell Hotel	Dunbar	Hotel	210	
EL0166	Tiger Coast	North Berwick	Restaurant	70	
EL0110	The Mercat Grill (Formerly Dolphin Inn)	Musselburgh	Public House/Restaurant	226	
EL0112	Dragon Way	Musselburgh	Restaurant	40	
EL0104	Black Bull	Dunbar	Public Bar	60	
EL0164	The Volunteer Arms	Dunbar	Public Bar	65	
EL0106	Carberry Tower	Musselburgh	Events	320	
EL0115	Eastern Eye Indian Restaurant	Haddington	Restaurant	62	
EL0161	Crollas Italian (formerly The Bird Cage)	Inveresk	Restaurant	100	
EL0102	Royal MacIntosh Hotel	Dunbar	Hotel	250	
EL0160	The Folly Hotel	North Berwick	Hotel	38	
EL0101	Auld Brig Tavern	Musselburgh	Public Bar	60	
EL0162	The Open Arms Hotel	Dirleton	Hotel	207	
EL0168	Tweeddale Arms Hotel	Gifford	Hotel	315	
EL0113	Dynasty	Musselburgh	Restaurant	35	
EL0159	The Creel Restaurant	Dunbar	Restaurant	36	
EL0155	Sung Sing	Haddington	Restaurant	42	
EL0185	Longniddry Inn	Longniddry	Restaurant	548	
EL0195	Quayside Leisure Centre	Musselburgh	Leisure Centre	600	
EL0175	Gifford Golf Club	Gifford	Club	40	
EL0208	The Old Clubhouse	Gullane	Club	130	
EL0178	Goblin Ha Hotel	Gifford	Hotel	364	
EL0189	Mercat Hotel	Haddington	Hotel	250	
EL0181	The Main Course	Gullane	Restaurant/Bar	53	
EL0196	The Bell	Haddington	Restaurant/Bar	351	
EL215	Victoria Inn & Avenue Restaurant	Haddington	Restaurant with Rooms	167	
EL0210	The Rocks Bar and Restaurant	Dunbar	Restaurant/Bar	170	
EL0180	Greywalls	Gullane	Hotel	298	
EL0184	La Potiniere	Gullane	Restaurant	35	
EL0211	The Ship Inn	Musselburgh	Public Bar	280	
EL0206	The Keepers Arms	Tranent	Public Bar	170	
EL0212	The Thorntree	Prestonpans	Public Bar	234	
EL0173	Belhaven Fruit Farm	Dunbar	Events Shed	300	
EL0179	Golf Inn & Restaurant	Gullane	Hotel/Restaurant	378	
EL0214	Tyneside Tavern	Haddington	Bar/Restaurant	100	
EL0183	King's Palace Chinese Restaurant	Dunbar	Restaurant	162	
EL0213	Golf Tavern (Formerly The Toll Bridge Hotel)	Haddington	Bar/Restaurant	218	
EL0207	Waterside Bistro (formerly The Laffin Duck)	Haddington	Restaurant	274	
EL0205	The Golden Grain	Haddington	Restaurant/Café	60	
EL0194	Poonthai's	North Berwick	Restaurant	56	
EL217	David Macbeth Moir	Musselburgh	Public House	480	
EL0204	The Dragon Way	Port Seton	Restaurant	50	
EL0199	Shish Mahal Restaurant	Musselburgh	Restaurant	34	

EL0273	Seton Sands Holiday Village	Seton Sands	Holiday Venue	1000	
EL0246	Macmerry Miners Welfare & Social Club	Macmerry	Club	250	
EL0265	Tantallon Golf Club	North Berwick	Club	60	
EL0245	Luffness New Golf Club	Gullane	Club	250	
EL0224	East Linton Bowling Club	East Linton	Club	120	
EL0234	Haddington Bowling Club	Haddington	Club	80	
EL0250	Musselburgh Old Course Golf Club	Musselburgh	Club	60	
EL0266	The Glen Golf Club	North Berwick	Club	200	
EL0247	Musselburgh Miners Charitable Society (Incorporating Royal Musselburgh Prestonpans Royal British Legion Club (Scotland)	Prestonpans	Club	1063	
EL0259		Prestonpans	Club	290	
EL0230	Fisherrow Yacht Club Social Club	Musselburgh	Club	60	
EL0223	Dunbar Golf Club	Dunbar	Club	150	
EL0229	Eskmills Bowling Club	Musselburgh	Club	215	
EL0270	Wallyford Miners Welfare and Social Club	Wallyford	Club	384	
EL0243	Longniddry Golf Clubhouse	Longniddry	Club	150	
EL0240	Lodge Nisbet No. 1112 Social Club	Tranent	Club	170	
EL0241	Lodge St John Fisherrow No. 112	Musselburgh	Club	200	
EL0244	Longniddry Royal British Legion	Longniddry	Club	294	
EL239	Kilspindie Golf Club	Aberlady	Club	125	
EL0233	Gullane Golf Club, Members Clubhouse	Gullane	Club	280	
EL0232	Gullane Golf Club	Gullane	Club	100	
EL0218	Aberlady Bowling Club	Aberlady	Club	100	
EL0 255	North Berwick Rugby Football Club	North Berwick	Club	250	
ELO225	East Lothian Coop Employees Bowling Club	Tranent	Club	160	
EL0271	West Barns and District Bowling Club	West Barns	Club	130	
EL0263	The Royal British Legion (Scotland)	Dunbar	Club	240	
EL0260	Ross High Rugby Football Club	Tranent	Club	220	
EL0254	North Berwick Masonic Social Club	North Berwick	Club	60	
EL0237	Haddington Rugby Football Club	Haddington	Club	170	
EL0258	Prestonpans Labour Party Social Club	Prestonpans	Club	250	
EL0221	Dunbar Bowling Club	Dunbar	Club	80	
EL0227	East Lothian Yacht Club	North Berwick	Club	160	
EL0222	Dunbar Castle Social Club	Dunbar	Club	120	
EL0267	The Honourable Company of Edinburgh Golfers	Gullane	Club	400	
EL0253	North Berwick Golf Club	North Berwick	Club		
ELO257	Preston Lodge RFC Clubrooms	Prestonpans	Club	192	
EL0269	The Clubhouse Thurston Manor Leisure Park	Innerwick	Club	760	
EL0249	The Musselburgh Bowling Club	Musselburgh	Club	80	
EL0251	Musselburgh Rugby Football Club	Musselburgh	Club	240	
EL231	Gifford Bowling & Sports Club	Gifford	Club	100	
EL0219	Castlepark Bowling Club	Prestonpans	Club	140	
EL0235	Haddington Conservative Club	Haddington	Club	90	
EL0264	Stenton Bowling Club	Stenton	Club	75	
EL0236	Haddington Golf Club	Haddington	Club	200	
EL0242	Lodge St John Kilwinning No. 57	Haddington	Club	100	
EL0272	Wiremill Social Club	Musselburgh	Club	250	
EL0261	Royal British Legion, Cockenzie	Cockenzie	Club	400	
EL0220	Cockenzie & Port Seton Bowling & Recreation Club	Port Seton	Club	290	
EL0256	Polson Park Bowling Association	Tranent	Club	60	
EL0226	East Lothian Indoor Bowling Club	Tranent	Club	250	
EL0268	The Musselburgh Golf Club	Musselburgh	Club	400	
EL0248	Musselburgh and Fisherrow Welfare & Social Club	Musselburgh	Club	290	
EL0228	Elphinstone Miners' Welfare Society and Social Club	Elphinstone, Tranent	Club	250	
EL0275	Shapla Tandoori	Dunbar	Restaurant	56	
EL0279	Plough Tavern	Haddington	Hotel	139	

EL0282	Winterfield Golf and Sports Club	Dunbar	Club	130	
EL0276	Hillside Hotel	Dunbar	Club	50	
EL297	Musselburgh Racecourse	Musselburgh	Race Course	9500	
EL0280	Queen Margaret University Academic Building	Musselburgh	Bar	5470	
EL0277	Lodge Thorntree 1038	Prestonpans	Club	60	
EL0278	Signals Bistro	North Berwick	Restaurant	85	
EL287	Belhaven Brewery	Belhaven, Dunbar	Brewery	232	
EL286	Masons Arms	Dunbar	Public House	66	
EL289	The Linton Hotel & Steakhouse	East Linton	Hotel	90	
EL333	Dunbar Garden Centre	Dunbar	Restaurant/shop	180	
EL0294	JP's Deli & Cafe (formerly Bunneys)	North Berwick	Restaurant	25	
EL306	Dunglass Estate	Cockburnspath	Events	300	
EL303	Falko	Gullane	Restaurant	40	
EL308	Rocketeer Restaurant (formerly Coastguard Station)	North Berwick	Restaurant	40	
EL310	The Pine Marten	Dunbar	Restaurant/Hotel	354	
EL312	Lobster Shack (mobile unit situated in North Berwick harbour)	North Berwick	Café	30	
EL314	Archerfield Alehouse & Gardens	Dirleton	Events	3070	
EL319	Renaissance new Golf Club	Dirleton	Club	500	
ELO 332	Jo's Kitchen	Haddington	Restaurant	50	
EL338	Cucina Amore	North Berwick	Restaurant	60	
ELO 342	Del Patino	Musselburgh	Restaurant	35	
EL343	Lanna Thai	Musselburgh	Restaurant	38	
EL328	Giancarlo's	Tranent	Restaurant	70	
EL329	Archerfield Waterfront Event Centre	Dirleton	Events	300	
EL0340	Macmerry Bowling Club	Macmerry	Club	120	