

**EAST LOTHIAN**

**Meeting 27 August 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

<b>New Grant(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	ARCHERFIELD WATERFRONT EVENT CENTRE ARCHERFIELD GOLF COURSE DIRLETON EH39 5HQ	CALEDONIAN HERITABLE LIMITED C/O CALEDONIAN HERITABLE LTD. 4 HOPE STREET EDINBURGH EH2 4DB	19 June 2015	



AR



**POLICE  
SCOTLAND**

Keeping people safe

**2(i)**

Date: 1<sup>st</sup> July 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**Licensing (Scotland) Act 2005 - Representation  
Application for the Grant of New Premises Licence  
Premises: Archerfield Waterfront Event Centre, Archerfield Golf Course,  
Dirleton**

I refer to the above application and in terms of Section 21 (4) (a) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connect persons have been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence, committed out with the United Kingdom, in respect of the applicant or any connected persons.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005:

I note that the applicant has requested an opening time for 'on sales' as 10am – 7 days a week. This is out with the current Board Policy of 11am and as such I would request that this be changed to an 11am commencement for 'on sales'.

I also note that the applicant has requested children and young persons access at 'all times' and would request that this is clarified in relation to 'when attending private functions'.

I appreciate that this would appear to be an event centre and the likely hood is that most of these events will be private affairs but for clarity children and young persons should vacate the premises by 2200 hours unless they are attending a private function when they can remain for the duration.

It is pertinent to point out that this new application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer

## Winter, Maree

---

**From:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk  
**Sent:** 20 July 2015 11:48  
**To:** Winter, Maree  
**Subject:** RE: Letter Reply - New Premises Licence - Archerfield waterfront event centre.

This message contains unscannable attachments that could not be verified virus free. Open only if you were expecting this message.  
Thanks Maree

H

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

**From:** Winter, Maree [mailto:mwinter@eastlothian.gcsx.gov.uk]  
**Sent:** 20 July 2015 09:09  
**To:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi  
**Subject:** FW: Letter Reply - New Premises Licence - Archerfield waterfront event centre.

[Routed via PSN Network]  
Hi,

Please find for your info.

Regards  
Maree.

---

**From:** Nyssa Barron [redacted]  
**Sent:** 20 July 2015 09:06  
**To:** Winter, Maree  
**Subject:** RE: Letter Reply - New Premises Licence - Archerfield waterfront event centre.

Good Morning Maree

I confirm we accept these changes –

- On sales commencement to 11am
- C & YP to vacate at 10pm unless attending a private function

Regards  
Nyssa

---

**From:** Winter, Maree [mailto:mwinter@eastlothian.gov.uk]  
**Sent:** 10 July 2015 14:26  
**To:** Nyssa Barron  
**Subject:** Letter Reply - New Premises Licence - Archerfield waterfront event centre.

Hi Nyssa,

Police find attached police representation, could I please have your comments.

Regards  
Maree  
Licensing, Administration & Democratic Services  
East Lothian Council  
01620 827867

# EAST LoTHIAN COUNCIL

## LICENSING, ADMINISTRATION & DEMOCRATIC SERVICES

**From: R. Fruzynski**  
Licensing Standards Officer

**To: K. MacNeill**  
Clerk to the Licensing Board

---

Date: 27 July 2015

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION – June 2015**

**Archerfield Waterfront Event Centre, Archerfield Golf Course, Dirleton, East Lothian**  
**EH 39 5HQ**

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence.

For over two years now the premises have been operating under Occasional Licences, mainly as a corporate events, exhibition and wedding venue. There have been no complaints or problems associated with the use of these premises functioning under an alcohol licence.

Since these premises are operated as a profit making business, Caledonian Heritable Ltd was encouraged, under the Board's policy, to apply for a full premises licence.

### ***18.0 Repeated Occasional Licence Applications***

*18.1 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.*

This application is outwith the policy on over provision, however, I have no objection to the granting of this application.

R. Fruzynski  
Licensing Standards Officer

CALEDONIAN  
HERITABLE  
— Ltd. —

Ref: Let/26422/NB

22nd June 2015

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

Dear Sir/Madam

NEW LICENCE APPLICATION - ARCHERFIELD WATERFRONT EVENT CENTRE

We have lodged a new Premises Licence application for the above outlet and make the below comments in relation to overprovision in the East Lothian area:

- **General:**

The event centre is situated in the private grounds of the Archerfield estate and is part of the overall offering which includes the Golf Club, Mansion House, Spa, lodges etc which have created hundreds of jobs not only in the running of these premises but the construction also. There are many prestigious events held here which brings custom to the local area. The event centre is used for private events only and is therefore not open as a general bar to the public to frequent on a day to day basis.
- **Preventing Crime & Disorder:**
  - We have a zero tolerance drug policy.
  - There is CCTV in operation.
  - We maintain an incident book.
  - Staff training will include preventing crime and disorder and conflict management.
  - We make regular toilet checks.
  - Glassware and bottles are collected regularly.
  - There is provision of adequate lighting outside the premises for people arriving or leaving safely.
- **Preventing Public Nuisance:**
  - Risk assessments to be maintained and regularly reviewed.
  - Ensure sufficient number of staff on duty to secure the safety of the premises and its patrons.
  - Appropriate instruction, training and supervision of staff.
  - Checks as appropriate to ensure that customers do not remove glasses and opened bottles from the premises.

Continued..

- **Securing Public Safety:**
  - The premises has in place procedures for:
    - entry and egress control
    - evacuation procedure
    - accident/incident reporting
  - The premises operate with emergency lighting, fire extinguishers, smoke detectors, fully automated fire alarm system, all of which are regularly checked and serviced.
  - Provide instruction, training and supervision to staff to assist in securing the safety of patrons.
  - CCTV is in use at the premises.
  - Ensure a safe operating capacity for the premises at all times.
  - Daily inspections of the premises to address, in particular, all exit routes and signage and the removal of any obstructions to such exit routes.
  
- **Protecting & Improving Public Health:**
  - Staff trained to be vigilant to the risks of excessive consumption of alcohol.
  - A wide selection of non-alcoholic drinks, tea and coffee are available.
  - First aid facilities will be readily available, with sufficient staff trained to administer.
  
- **Protecting Children from Harm:**
  - Only children and young persons accompanied by an adult will be allowed on the premises.
  - High chairs will be available for use by young children.
  - All electrical sockets in those parts of the premises to which children have access will have safety appliances fitted.
  - All heating appliances in those parts of the premises to which children have access will be adequately protected.
  - Appropriate and effective measures to check the age of persons in order to prevent alcohol being served to those under the age of 18 (except so far as is permitted in terms of section 105 (5) of the Act). Only a passport or European Union photo card driving licence will be accepted.
  - A record will be kept of all refusals to serve alcohol to persons considered to be under the age of 18.
  - Baby change facilities are available.

At Caledonian Heritable Ltd we pride ourselves on having well managed premises, providing a safe and welcoming environment for all patrons.

Yours sincerely



R G Arnott  
DIRECTOR



EEL329

**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR PREMISES LICENCE/~~PROVISIONAL PREMISES LICENCE~~\***

\*Delete as appropriate

**EAST LoTHIAN COUNCIL  
LICENSING**

**Licensing (Scotland) Act 2005, section 20**

**19 JUN 2015**

**RECEIVED**

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

**Question 1**

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

<p><b>Archerfield Waterfront Event Centre</b></p> <p><b>Archerfield Golf Course</b></p> <p><b>Dirleton</b></p> <p><b>EH39 5HQ</b></p>
---

**Question 2**

*Particulars of applicant*

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

------------------------------

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

------------------------------

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

**Caledonian Heritable Ltd**

**4 Hope Street**

**Edinburgh**

**EH2 4DB Reg: SC076552**

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

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

**See attached**

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

**Question 3**

*Previous applications*

3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? ~~YES~~ **NO\***

*If YES – provide full details*

--

**Question 4**

*Previous convictions*

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	<del>YES</del> <b>NO*</b>
--	---------------------------

*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

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

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

**Question 5**

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

Purpose built single storey events centre within the grounds of Archerfield estate. The property comprises of a main hall area with bar servery, male & female toilets and separate kitchen area.

**Question 6**

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

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

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

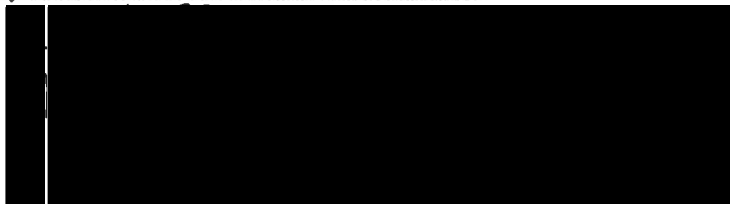
The contents of this Application are true to the best of my knowledge and belief.

Signature [Signature] \* (see note below)

Date 18/06/2015

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

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



<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input checked="" type="checkbox"/>
<i>Building standards certificate</i>	<input checked="" type="checkbox"/>
<i>Food hygiene certificate</i>	<input checked="" type="checkbox"/>

**\* Data Protection Act 1998**

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

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

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

## OPERATING PLAN

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

#### Question 1

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

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

#### Question 2

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

Day	ON Consumption	
	Opening time	Terminal Hour
Monday	10.00	23.00
Tuesday	10.00	23.00
Wednesday	10.00	23.00
Thursday	10.00	01.00
Friday	10.00	01.00
Saturday	10.00	01.00
Sunday	10.00	12 Midnight

**Question 3**

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

Day	OFF Consumption	
	Opening time	Terminal Hour
Monday	10.00	22.00
Tuesday	10.00	22.00
Wednesday	10.00	22.00
Thursday	10.00	22.00
Friday	10.00	22.00
Saturday	10.00	22.00
Sunday	10.00	22.00

**Question 4**

SEASONAL VARIATIONS

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

\*if YES – provide details

We shall apply for, or take grant of extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with the East Lothian Licensing Board's policies/guidelines.

We may also apply for extensions for special events i.e. sporting events, functions, charity evenings etc.



**Question 5**

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

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

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

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

Conference Facilities - may start or end outwith the core hours but not normally before 0800 hours and not normally later than 0100 hours.

Restaurant Facilities and Bar Meals – may also be available (e.g. for breakfasts) outwith the core hours but not normally before 0800 hours and not normally later than 0100 hours.

Receptions including:- weddings, funerals, birthdays, retirements, anniversaries, party nights, or other social functions may start or end outwith the core hours but not normally before 0800 hours and not normally later than 0100 hours.

Club or Group Meetings – may start or end outwith the core hours but not normally before 0800 hours and not normally later than 0000 hours.

Recorded Music – background music is normally played at all times while the premises are open, but not normally before 0800 hours and not normally after 0100 hours.

Live Performances - social and business events may have live bands/musicians/entertainers/DJs, as required by members, and may start or end outwith the core hours, but not normally before 0800 hours and not normally after 0100 hours.

Dance Facilities – may start or end outwith the core hours, but not normally before 0800 hours and not normally after 0100 hours.

Theatre, Films Gaming & Indoor/Outdoor Sports – may start or end outwith the core hours but not normally before 0800 hours and not normally after 0100 hours.

Televised Sports – may be available outwith the core hours, but not normally before 0800 hours and not normally after 0000 hours.

Outdoor Drinking Facility – The veranda is used by members, as needed as ancillary facilities to the premises for food, drink and meeting places and for such related activities, but not normally before 0800 hours and not normally after 0100 hours.

5 (f) any other activities

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

Private Dining – members' only BBQ's	Product Launches Comedy
---	----------------------------

5 (g) Late night premises opening after 1.00am

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

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

CHILDREN AND YOUNG PERSONS

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

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

Children and Young Persons will only be allowed access to these premises whilst accompanied by a responsible adult.

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

Children – Birth to 15 years  
Young Persons – 16 & 17 year olds

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

Children and Young Persons will have access to these premises at all times when the premises are open.

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

Children and Young Persons will have access to all public parts of the premises.

**Question 7**

CAPACITY OF PREMISES


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

300 persons

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

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

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

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

Date 18/06/2015 .....

Capacity ..... ~~AGENT~~ APPLICANT

**\* Data Protection Act 1998**

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



**EAST LoTHIAN**

**Meeting 27 August 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

<b>Provisional(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
2	THE CO-OPERATIVE FOOD NORTHFIELDS MID ROAD PRESTONPANS EH32 9ER	THE CO-OPERATIVE GROUP FOOD LTD C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	30 June 2015	





3 (i)



**POLICE  
SCOTLAND**

Keeping people safe

Date: 31<sup>st</sup> July 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION  
APPLICATION FOR PROVISIONAL PREMISES LICENCE – SECTION 20  
APPLICANT: THE CO-OPERATIVE GROUP FOOD LIMITED  
PREMISES: THE CO-OPERATIVE FOOD, NORTHFIELDS, MID ROAD,  
PRESTONPANS**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed new premises licence.

I note the applicant is wishing to open a new premises situated on the Mid Road in Prestonpans operating an 'off sale' Monday - Sunday.

This application is out with Board Policy with regards to the Overprovision Statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the Overprovision Statement.

There are already several 'off sale' premises within the town of Prestonpans, nine in total and several more on the outskirts of the town.

In November 2013 when the East Lothian Licensing Board Statement of Licensing Policy was published, Prestonpans was one of the areas highlighted in the health and police stats as being over provided for when it came to alcohol outlets.

More recently Police Scotland carried out a series of test purchasing operations in East Lothian resulting in an 'off sale' located in Prestonpans failing. More relevant to this application, a Co Op in Ormiston also failed a test purchase on the 27<sup>th</sup> March 2015.

Police Scotland feels that there are more than enough outlets for persons to access alcohol in and around Prestonpans and that the grant of this licence would be surplus to requirements and as such there should be a rebuttable presumption against the grant of this licence, unless the applicant can provide robust and reliable evidence to support this application sufficient to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the Overprovision Statement.

Submitted for your attention in consideration of this application.

Yours faithfully

Insp Harborow

# **EAST LOTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

**Date: 31 July 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATION – June 2015**

**The Co-operative Food, Northfields, Mid Road, Prestonpans, East Lothian EH23 9ER**

This application is outwith policy on overprovision however, I have no objection to the grant of same.

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN LICENSING BOARD**

**APPLICATION FOR PROVISIONAL PREMISES LICENCE**

**Licensing (Scotland) Act 2005, section 20**

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

**Question 1**

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

The Co-operative Food Northfields Mid Road Prestonpans EH23 9ER
---

**Question 2**

*Particulars of applicant*

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

--

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

--

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

The Co-operative Group Food Limited, 1 Angel Square, Manchester, M60 0AG  
26715R

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

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

Steve Bailey, 1 Angel Square, Manchester, M60 0AG, DOB: 2/9/62, POB: Hillingdon  
Sean Peter Toal, 1 Angel Square, Manchester, M60 0AG, DOB: 8/3/70, POB: Bristol  
Steve Murrells, 1 Angel Square, Manchester, M60 0AG, DOB: 3/8/65, POB: Colchester

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

**Question 3**

*Previous applications*

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? NO*

*If YES – provide full details*

--

**Question 4**

*Previous convictions*

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	NO
--	----

*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

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

**Question 5**

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

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

Small convenience store, part of a national chain, selling a broad range of products for consumption off the premises.

**Question 6**


6 To be completed by members' clubs only

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	YES/NO*
<i>* Delete as appropriate</i>	

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

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

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

Signature  \* (see note below)

Date ...29 June 2015.....

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

Telephone number and email address of signatory .....Audrey Junner, Hill Brown Licensing, 3 Newton Place, Glasgow G3 7PU

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	X
<i>Layout plan</i>	X
<i>Planning certificate</i>	X
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

**\* Data Protection Act 1998**

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

The Co-operative Food, Northfields, Mid Road, Prestonpans EH32 9ER

**OPERATING PLAN**

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

**Question 1**

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

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

**Question 2**

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

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



**Question 3**

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

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

**Question 4**

*SEASONAL VARIATIONS*

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

*\*If YES – provide details*

**Question 5**

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

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

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

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

Recorded background music may be played within and outwith core hours, inaudible in surrounding properties.

*5(f) any other activities*

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

Products other than alcohol will be sold and ancillary consumer services will be provided within and outwith licensed hours

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

**Not applicable**

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

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

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

**Not applicable**

*CHILDREN AND YOUNG PERSONS*

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

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

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

6(d) Provide statement regarding the **TIMES** during which children and young

*persons will be allowed entry*

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

**Question 7**

*CAPACITY OF PREMISES*

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

Total display area: 26.8 square metres  
Main alcohol display: 22.6 square metres  
Kiosk: 4.2 square metres

**Question 8**

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

*Personal details*

8(a) *Name*

To be advised
---------------

8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address*

licensing@hillbrown.co.uk (Agent)
-----------------------------------

8(e) *Personal licence*

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

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

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

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

Signature ..... (see note below)

**AUDREY A JUNNER  
HILL BROWN LICENSING  
3 NEWTON PLACE  
GLASGOW  
G3 7PU**

Date: 29 June 2015

Capacity: AGENT

Telephone number and email address of signatory: Tel: 0141 333 0636 Email: [licensing@hillbrown.co.uk](mailto:licensing@hillbrown.co.uk)

**\* Data Protection Act 1998**

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

**EAST LOTHIAN**

**Meeting 27 August 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
3 EVENT SPACE ARCHIBALD HOPE HOUSE ESKMILLS PARK STATION ROAD INVERESK MUSSELBURGH	ISERTAL LIMITED	11 May 2015	To include an outdoor drinking area
4 LIDL UK GMBH (STORE 1144) OLIVEBANK INDUSTRIAL ESTATE NEWHAILES ROAD NEWHAILES MUSSELBURGH EAST LOTHIAN	LIDL UK GMBH	18 May 2015	Increase capacity from length 21.69m height 1.8m (total 39.04m <sup>2</sup> ) to length 25.09m height 1.8m (total 45.16m <sup>2</sup> )
5 LIDL UK GMBH (STORE: 721) MERCAT HOUSE 6 HIGH STREET PRESTONPANS EAST LOTHIAN EH32 9AN	LIDL UK GMBH	18 May 2015	



**EAST LOTHIAN**

**Meeting 27 August 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
6 MCCOLLS 61 HIGH STREET HADDINGTON EAST LOTHIAN EH41 3ED	MARTIN MCCOLL LIMITED C/O LOCKETT & CO LOCKETT HOUSE 13 CHURCH STREET KIDDERMINSTER WORCESTERSHIRE	18 May 2015	Increase capacity from 7.6m2 to 8.5m2. Additional shelving has been added. Continued from June 2015 Board Meeting.
7 RAILWAY HOTEL 70 COURT STREET HADDINGTON EAST LOTHIAN EH41 3AF	GREENE KING BREWING & RETAILING LTD. C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	15 June 2015	Amend terms in which children and young persons are allowed entry - to also allow children and young persons to remain on the premises until the end of a function.

4 (i)

EAST LoTHIAN COUNCIL  
LICENSING

Date: 19<sup>th</sup> May 2015

27 MAY 2015

Your Ref:

RECEIVED

Our Ref: J/LIC/3705/HB



**POLICE  
SCOTLAND**

Keeping people safe

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

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

Tel: +44 (0)131 663 2855  
Fax: +44 (0)131 654 5507  
Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)  
Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: ISERTAL LIMITED  
PREMISES: EVENT SPACE, ARCHIBALD HOPE HOUSE, ESKMILLS PARK,  
STATION ROAD, MUSSELBURGH**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

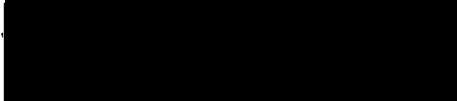
I note that the applicant is requesting to licence an outside area as highlighted in the layout plan provided. It is requested that the applicant clarify if the public have right of access through this area and indeed who owns it. I am aware of the area in question and was of the opinion that members of the public can walk across this area as a means to accessing the car parks at either side.

It is pertinent to note that any increase in licensed area/capacity is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

Should the Board be minded to grant this variation, I would request that the outside area be clearly delineated to ensure no alcohol is taken from this area. I would also request that a terminal hour for use of this area is 2200 hours (at the latest), due to the close proximity to residential properties. Consideration should also be given to utilising plastic glasses in the outside area.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

A solid black rectangular box used to redact the signature of the Divisional Licensing Officer.

Divisional Licensing Officer

## Winter, Maree

---

**From:** Adam Davies [e [REDACTED]]  
**Sent:** 20 May 2015 12:37  
**To:** Winter, Maree  
**Subject:** RE: Major Variation application - Event Space

Good Afternoon,

Thank you for sending this through. In response to the questions:

- \* The area is owned by our landlords Isatel Ltd but included in our lease agreement
- \* The area has a path running along the side of it that gives access to both carparks. The area we wish to serve drinks is the grass/cobbled area
- \* The intention is that this area is used for wedding drinks receptions and not as an outside bar area.
- \* I am more than happy with the recommendation of 2200 as a cut off time

If you need any further information please do not hesitate to get in touch.

Kind regards,

Adam.

Adam Davies  
Operations Manager

0131 273 5254  
[REDACTED]

EDINBURGH: 0131 273 5243  
Eskmills Venue  
Station Rd, Stuart House  
Musselburgh EH21 7PQ  
ABERDEEN: 01224 402 227  
3rd Floor, Riverside House,  
Riverside Drive,  
Aberdeen AB11 7LH

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

**From:** Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]  
**Sent:** 20 May 2015 10:37  
**To:** Adam Davies  
**Subject:** FW: Major Variation application - Event Space  
**Importance:** High

# **EAST LOTHIAN COUNCIL**

## **ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

**Date: 15 June 15**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – MAY 2015**

I refer to the above subject and can confirm that the undernoted premises have been assessed in relation to application for a Premises Licence variation.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act.

I would recommend that the terminal time for use of the outdoor be no later than 22:00 hours to prevent disturbance to residents in the locality.

I have no objections to the granting of this application.

Premises:

**Event Space, Archibald Hope House, Eskmills Park, Station Road, Musselburgh, EH21 7PQ**

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

---

**Date: 25<sup>th</sup> May 2015**

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Event Space, Archibald Hope House Eskmills Park, Station Road, Musselburgh

**Application type:** Variation other than a minor variation

I have concerns that the variation applied for in the application forms with regards to the above premise will be used as an outdoor drinking area.

I can confirm that there are no records of a grant of planning permission for the use of a beer garden / external drinking area within the grounds of the premise.

Please note that it is the responsibility of the licensee to confirm what planning permission is in place for this use or demonstrate that planning permission is not required for it. Otherwise I would advise that a planning application is sought for the change of use of this area of land to form a beer garden/external drinking area in accordance with the area of land outlined in red on the submitted 'Site Layout Plan'.

## Winter, Maree

---

**From:** Millar, Neil  
**Sent:** 11 August 2015 13:29  
**To:** adam@gheventcatering.com  
**Cc:** Winter, Maree  
**Subject:** Event Space, Archibald Hope House Eskmills Park, Station Road, Musselburgh

Dear Mr Davies

As a consultee to your recent licensing application I note that the submitted information and drawings included an external drinking area. As the Council, as Planning Authority, do not have any records of planning permission having been sought nor granted for the use of a beer garden/external drinking area within the grounds of the proposed licensed premise, it is advised that you submit a planning application retrospectively for the use of land as a beer garden/external drinking area for this premise. Otherwise, without planning permission having been granted for it, the existing external drinking area remains unauthorised development that may be the subject of formal investigation by the Council's Enforcement Officer.

Please note that the planning application forms and guidance notes can be downloaded from the Councils website and submitted on-line at [http://www.eastlothian.gov.uk/info/200192/planning\\_online](http://www.eastlothian.gov.uk/info/200192/planning_online).

Regards

Neil

Neil Millar, Planner  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA  
phone: 01620 827383  
ext: 7383  
email: [nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk)

## Winter, Maree

---

From: Herkes, Gillian on behalf of Licensing  
Sent: 15 June 2015 15:03  
To: Winter, Maree  
Subject: FW: Re

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

From: Adam Davies [REDACTED]  
Sent: 15 June 2015 15:02  
To: Licensing  
Subject: Re

Hello,

Thanks for getting back to me. Can I ask what is you actually need my comments on so as to ensure I get the correct information across to you?

~~I am afraid I have not had a notice on display. When I first started this process I called the licencing board to find out what was required. They advised that I simply had to fill out a major variation form and include copies of the site plan. There was no mention or a requirement to display a public notice and nor was this mentioned in the major variation form?~~

It is not a new licence I am looking for but simply to extend the area our current licence covers to include the outdoor area. This outdoor space is not to be used as a bar or anything in that nature. It is simply so reception drinks can be served after people have been married in this space.

Kind regards,

Adam

Adam Davies  
Operations Manager

0131 273 5254  
[REDACTED]

EDINBURGH: 0131 273 5243  
Eskmills Venue  
Station Rd, Stuart House  
Musselburgh EH21 7PQ  
ABERDEEN: 01224 402 227  
3rd Floor, Riverside House,  
Riverside Drive,



EAST LOTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

East Lothian Council  
Licensing

11 MAY 2015

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL293

Received

2(b) Name and Address of Premises

EVENT SPACE  
ARCHIBALD HOPE HOUSE ESKMILLS PARK  
STATION ROAD  
MUSSELBURGH

Post Code

EH21 7PQ

Phone No.

031273 5243

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

1Serial Ltd  
15 Atholl Crescent  
Edinburgh  
East Lothian

Post Code

EH3 8HA

Phone No.

### SECTION 3: NATURE OF VARIATION

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

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

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

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

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

Wish to include outdoor Area.  
Plans indicating the area included with  
application.

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

Wish to include outdoor Area.  
Plans indicating the area included  
with application.

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

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

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

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

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature

[Redacted Signature]

..... (See note 5 below)

Date

23/4/15

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

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

ADAM DAVIES

[Redacted Address]

Eskmills Venue, Strath  
House, Musselburgh EH21 7PA

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

**Data Protection Act 1998**

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

Contact Us:

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

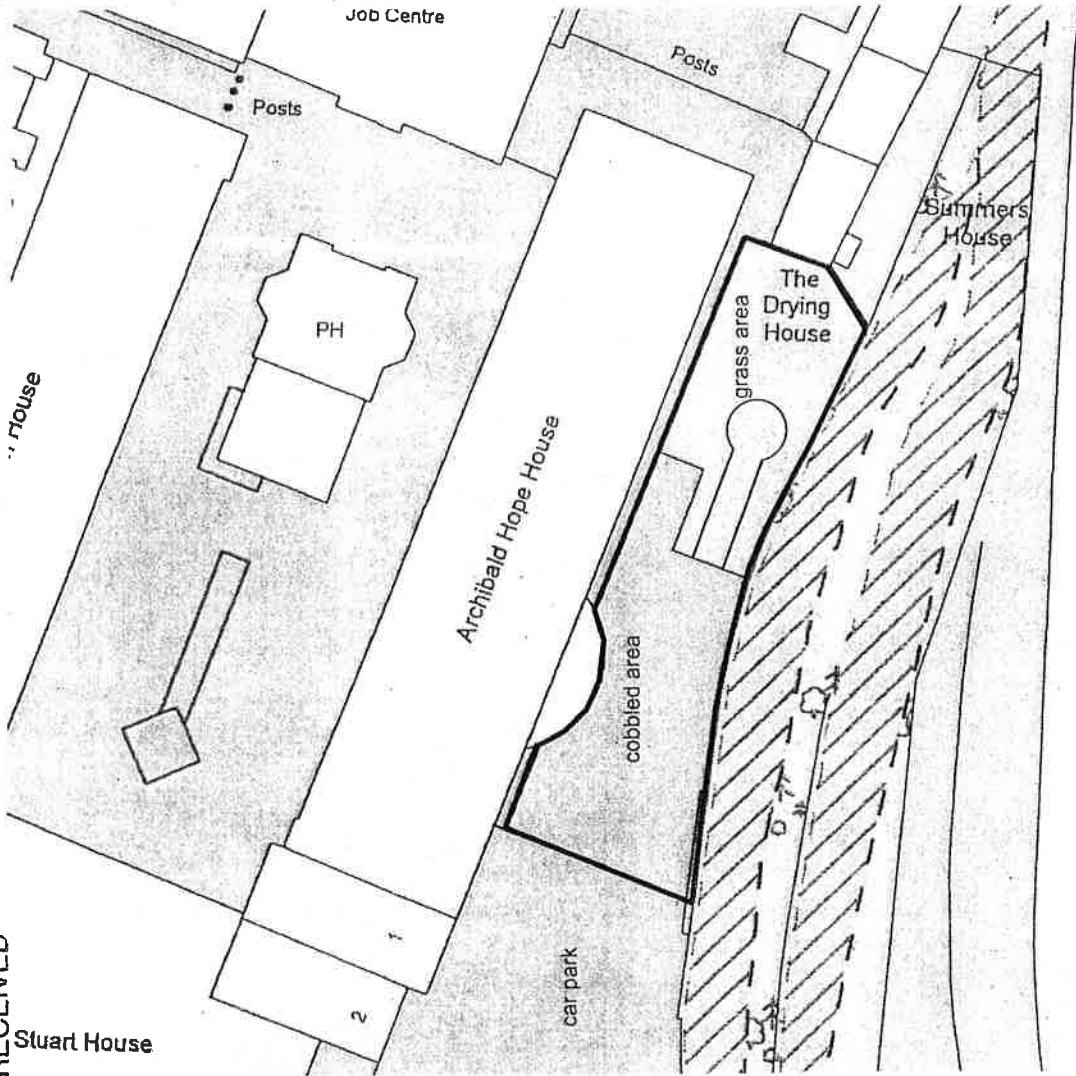
**Phone:** 01620 827217 / 827867 / 820114  
**Fax:** 01620 827253  
**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

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

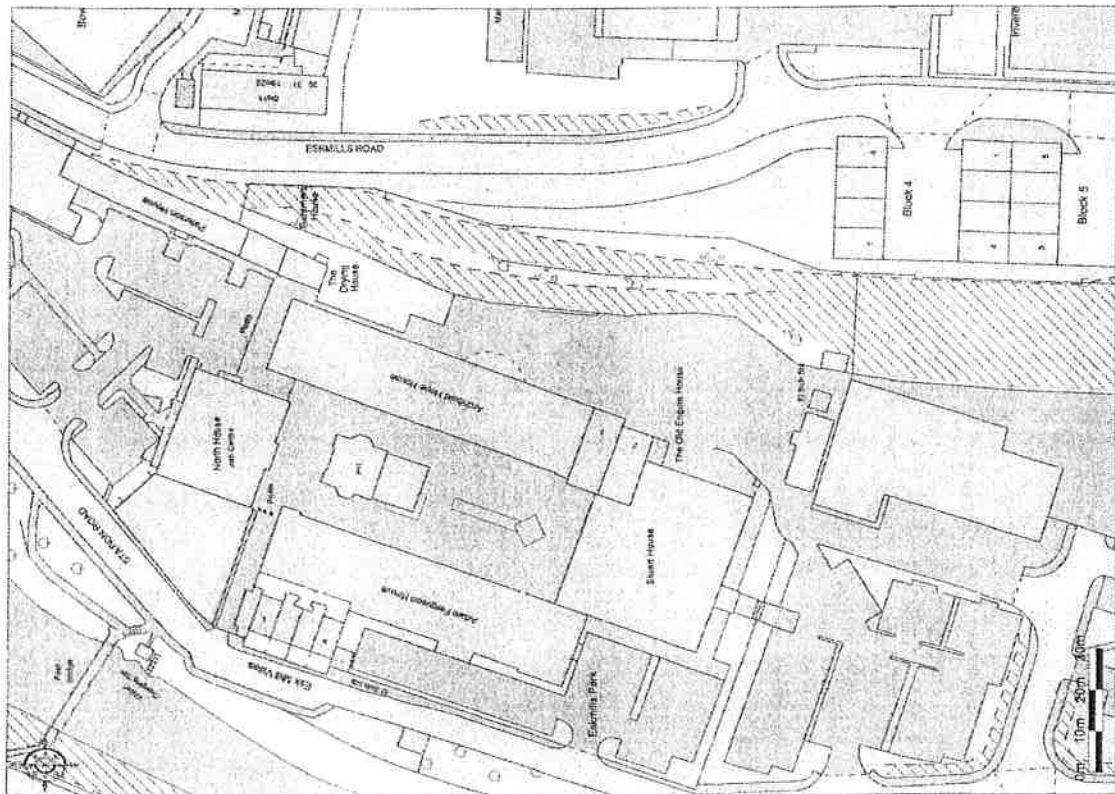
20 APR 2015

RECEIVED

Stuart House



Site Layout Plan 1:500



Promap

Site Location Plan 1:1250

4 (ii)



**POLICE  
SCOTLAND**

Keeping people safe

Date: 24<sup>th</sup> June 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: LIDL U.K. GMBH  
PREMISES: LIDL, OLIVEBANK INDUSTRIAL ESTATE, NEWHAILES ROAD,  
MUSSELBURGH**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the display area for alcohol from 39.04 square metres to 45.16 square metres.

Any increase in licensed area is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer

# **EAST LoTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION & DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

**Date: 27 July 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – June 2015**

**Lidl UK, Newhailes Road, Musselburgh, East Lothian EH 21 6QD**

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence variation.

The increase in alcohol display area, relevant to this application, is 6.122m<sup>2</sup>.

The application is outwith policy, however, I have no objection to the granting of this application.

R. Fruzynski  
Licensing Standards Officer



**Licensing (Scotland) Act 2005 – Application for Variation  
Lidl UK GmbH, Newhailes Road, Musselburgh  
Licence Number: EL0126**

**Statement in Support of Non-Minor Variation of Premises Licence**

In this application, Lidl UK GmbH ("Lidl") are applying to vary the premises licence to increase their off sale capacity from 39.04m<sup>2</sup> to 45.16m<sup>2</sup>.

The application seeks to create an additional off sale display area in the display shelves opposite the existing alcohol display area and immediately adjacent to the customer till area. The location of the area allows full supervision of the display area by management and staff of the premises.

The purpose of the application is to allow Lidl to display additional wines during forthcoming international theme weeks. The international theme weeks will be "store wide" and not restricted to alcohol. Therefore an Italian theme week will be presented both in respect of wine (in this additional display area if granted) and Italian grocery being showcased to customers for the period of the theme. Lidl envisage running themes for the food and drink of the nations, including Germany and France.

Following the completion of the international theme weeks, the area shall ordinarily be used for display of premium wines.. It is anticipated that this display shall ordinarily be reserved for Lidl's Award Winning Wines. A list of just some of the Award Winning Wines can be seen at: <http://www.lidl.co.uk/en/6318.htm> - NB: this link shows Award Winning spirits as well – these would not be displayed in this area.

It is Lidl's submission that the grant of this additional display area will not result in overprovision of off sale display area in this locality and in particular, the grant of this variation is not inconsistent with the licensing objectives.

Lidl are a very responsible operator, who prides itself on its diligence and training of staff in all aspects of their work but with particular attention to the sale of age restricted products.

Furthermore, and with a view to meeting the licensing objectives in store, Lidl adopt the following policies:

**Protecting and Improving Public Health**

- All Lidl stores merchandise the alcohol section as the furthest area from the customer entrance. As well as assisting with security, it also ensures that it is not necessary for customers to walk past the section in order to reach different areas of the store or reach the till counters. This reduces the likelihood of customers 'impulse purchasing' alcohol.
- Lidl were the first major retailer in the UK to remove the sale of tobacco in all stores.
- Lidl were the first major retailer in the UK to remove confectionary from the checkout / till area to reduce impulse buying of unhealthy items. Instead, Lidl display healthier alternatives.

- Lidl operate a converted 'Health Bus' which visits schools across Scotland with the aim of promoting healthy eating and active lifestyles: <http://www.lidlhealthfactor.co.uk>.
- Lidl participates in the Department of Health's fruit and vegetable Responsibility Deal.
- Alcohol sold by Lidl focuses on quality not price. Lidl do not stock low price, high volume fortified wines or super-strength beers/lagers or any other products that might be more readily associated with problem drinkers.
- The Lidl till system cannot process alcoholic items either before 10am or after 10pm. This makes it impossible for licensing hours not to be adhered to.

### **Protecting Children / Young People From Harm**

- Lidl follow our 'Think 25' procedure which requires all customers who appear to be under the age of 25 to provide valid proof of age documents should they wish to purchase an age restricted product.
- Lidl's tills automatically prompt the cashier that an age restricted item has been scanned and will not allow the sale to continue unless the cashier confirms the Think 25 procedure has been followed.
- The Lidl ID procedure also supports this objective as the senior manager on duty (a personal licence holder) must authorise all ID verification as required through the Think 25 procedure before a sale can be authorised. The existence of two members of staff completing the age verification process mitigates against under age sales and separately acts as a deterrent to underage persons attempting purchases.
- Lidl does not merchandise any sweets etc near the alcohol section; this reduces the likelihood for children / young people being near alcoholic products.

### **Preventing Crime and Disorder**

- Lidl have installed EAS tagging systems in all stores with high theft risk items, including some alcohol lines. This acts as both deterrent and detection method for potential theft.
- Lidl employs stringent training practices which develop staff to be aware of potential issues and how to manage difficult circumstances should they arise.
- No member of Lidl staff is permitted to undertake checkout duties until all relevant training has been completed.
- Lidl are an approved provider of SCPLH training and therefore all training and refresher training is undertaken within the company. Lidl are graded by the BII as "Grade 1", which is the highest grading that can be achieved.
- Lidl contract SIA accredited Security companies to supply SIA accredited Guards in stores which are deemed to require support to manage any crime or disorder issues.
- Lidl install state of the art CCTV systems in all stores. Images are retained and may be available as required by the police or licensing standards officer.

### **Securing Public Safety**

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above.
- Lidl undertake daily, weekly and biannual health & safety, trading law and maintenance checks in all stores, to ensure compliance. Our compliance procedures and policies are regularly reviewed.

### **Preventing Public Nuisance**

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above
- Waste receptacles for customers are provided for disposal of litter.
- All by-products of our premises are responsibly disposed of, and where possible, recycled.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0126

2(b) Name and Address of Premises

Lidl U.K. GmbH  
Olivebank Industrial Estate  
Newhailes Road  
Newhailes  
Musselburgh

Post Code	EH21 6RE	Phone No.	
-----------	----------	-----------	--

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

Lidl U.K. GmbH  
19 Worple Road  
Wimbledon  
London

Post Code	SW19 4JS	Phone No.	
-----------	----------	-----------	--

**SECTION 3: NATURE OF VARIATION**

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

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

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

N/A

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

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

Question 7 Capacity of Premises

Increase in Capacity from Length 21.69m Height 1.8m (total 39.04m<sup>2</sup>) to Length 25.09m Height 1.8m (total 45.16m<sup>2</sup>)

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

Increase in alcohol area to coincide with our 'theme' weeks i.e. Italian, French, German etc. we are looking to merchandise our international wines at the endcap closest to the existing alcohol section. Outwith our 'theme' weeks, we would be merchandising our premium international wines.

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

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

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

Does the appropriate Premises Licence accompany this application?

- YES                       NO

If the answer is NO, please provide an explanation.

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

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

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

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

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

Signature



Licensing Manager

..... (See note 5 below)

Date

13/5/15

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

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

Andrew Wilkins, Lidl U.K. GmbH, Licensing Department, Locking Castle Business Park, West Wick, Weston Super Mare, BS24 7TG, TEL: 01934 523121, Email: Licensing@lidl.co.uk

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

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

**Fax:** 01620 827253

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

**FOR OFFICE USE ONLY**

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

SCHEDULE 5

Regulation 6

**OPERATING PLAN**

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

**Question 1**

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

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

**Question 2**

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

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



**Question 3**

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	<b>10:00</b>	<b>22:00</b>
<i>Tuesday</i>	<b>10:00</b>	<b>22:00</b>
<i>Wednesday</i>	<b>10:00</b>	<b>22:00</b>
<i>Thursday</i>	<b>10:00</b>	<b>22:00</b>
<i>Friday</i>	<b>10:00</b>	<b>22:00</b>
<i>Saturday</i>	<b>10:00</b>	<b>22:00</b>
<i>Sunday</i>	<b>10:00</b>	<b>22:00</b>

**Question 4**

SEASONAL VARIATIONS

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

*\*If YES - provide details*

**Question 5**

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

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

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

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

5(f) any other activities

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

**The premises operate as a supermarket. The premises may open outwith the core hours for this purpose. No alcohol is sold outwith core hours. The premises will not open earlier than 6am on any day**

5(g) Late night premises opening after 1.00am

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

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

*CHILDREN AND YOUNG PERSONS*

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

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

N/A
-----

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

N/A

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

N/A

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

N/A

**Question 7**

*CAPACITY OF PREMISES*

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

Length 25.09m x Height 1.8m = Total Capacity 45.16m<sup>2</sup>

**Question 8**

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

*Personal details*

8(a) Name

Kelly Hughes

8(b) Date of birth

16.07.1990

8(c) Contact address

171/3 Dalkeith Road  
Edinburgh

EH16 5BY

8(d) Email address

8(e) *Personal licence*

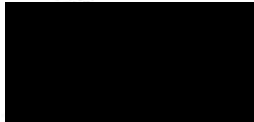
<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
31.08.2011	East Lothian	EL 767

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

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

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

Signature



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

Date

Capacity

National Licensing Manager

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

Telephone number and email address of signatory  
Please address all correspondence to :

01934 523120 licensing@lidl.co.uk  
Lidl Uk GmbH (Licensing Department)  
Locking Castle Business Park  
West Wick  
Weston-super-Mare  
BS24 7TG

**\* Data Protection Act 1998**

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



**POLICE  
SCOTLAND**

Keeping people safe

Date: 24<sup>th</sup> June 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: LIDL U.K. GMBH  
PREMISES: LIDL, MERCAT HOUSE, 6 HIGH STREET, PRESTONPANS**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the display area for alcohol from 40.5 square metres to 46.62 square metres.

Any increase in licensed area is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.



# **EAST LOTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION & DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

Date: 27 July 2015

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – May 2015**

**Lidl UK, Mercat House, 6 High Street, Prestonpans, East Lothian EH 32 9AN**

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence variation.

The increase in alcohol display area, relevant to this application, is 6.12m<sup>2</sup>.

The application is outwith policy, however, I have no objection to the granting of this application.

R. Fruzynski  
Licensing Standards Officer

**Licensing (Scotland) Act 2005 – Application for Variation**  
**Lidl UK GmbH, 6 High Street, Prestonpans**  
**Licence Number: EL0127**

**Statement in Support of Non-Minor Variation of Premises Licence**

In this application, Lidl UK GmbH (“Lidl”) are applying to vary the premises licence to increase their off sale capacity from 40.5m<sup>2</sup> to 46.62m<sup>2</sup>.

The application seeks to create an additional off sale display area in the display shelves opposite the existing alcohol display area and immediately adjacent to the customer till area. The location of the area allows full supervision of the display area by management and staff of the premises.

The purpose of the application is to allow Lidl to display additional wines during forthcoming international theme weeks. The international theme weeks will be “store wide” and not restricted to alcohol. Therefore an Italian theme week will be presented both in respect of wine (in this additional display area if granted) and Italian grocery being showcased to customers for the period of the theme. Lidl envisage running themes for the food and drink of the nations, including Germany and France.

Following the completion of the international theme weeks, the area shall ordinarily be used for display of premium wines.. It is anticipated that this display shall ordinarily be reserved for Lidl's Award Winning Wines. A list of just some of the Award Winning Wines can be seen at: <http://www.lidl.co.uk/en/6318.htm> - NB: this link shows Award Winning spirits as well – these would not be displayed in this area.

It is Lidl's submission that the grant of this additional display area will not result in overprovision of off sale display area in this locality and in particular, the grant of this variation is not inconsistent with the licensing objectives.

Lidl are a very responsible operator, who prides itself on its diligence and training of staff in all aspects of their work but with particular attention to the sale of age restricted products.

Furthermore, and with a view to meeting the licensing objectives in store, Lidl adopt the following policies:

**Protecting and Improving Public Health**

- All Lidl stores merchandise the alcohol section as the furthest area from the customer entrance. As well as assisting with security, it also ensures that it is not necessary for customers to walk past the section in order to reach different areas of the store or reach the till counters. This reduces the likelihood of customers ‘impulse purchasing’ alcohol.
- Lidl were the first major retailer in the UK to remove the sale of tobacco in all stores.
- Lidl were the first major retailer in the UK to remove confectionary from the checkout / till area to reduce impulse buying of unhealthy items. Instead, Lidl display healthier alternatives.

- Lidl operate a converted 'Health Bus' which visits schools across Scotland with the aim of promoting healthy eating and active lifestyles: <http://www.lidlhealthfactor.co.uk>.
- Lidl participates in the Department of Health's fruit and vegetable Responsibility Deal.
- Alcohol sold by Lidl focuses on quality not price. Lidl do not stock low price, high volume fortified wines or super-strength beers/lagers or any other products that might be more readily associated with problem drinkers.
- The Lidl till system cannot process alcoholic items either before 10am or after 10pm. This makes it impossible for licensing hours not to be adhered to.

### **Protecting Children / Young People From Harm**

- Lidl follow our 'Think 25' procedure which requires all customers who appear to be under the age of 25 to provide valid proof of age documents should they wish to purchase an age restricted product.
- Lidl's tills automatically prompt the cashier that an age restricted item has been scanned and will not allow the sale to continue unless the cashier confirms the Think 25 procedure has been followed.
- The Lidl ID procedure also supports this objective as the senior manager on duty (a personal licence holder) must authorise all ID verification as required through the Think 25 procedure before a sale can be authorised. The existence of two members of staff completing the age verification process mitigates against under age sales and separately acts as a deterrent to underage persons attempting purchases.
- Lidl does not merchandise any sweets etc near the alcohol section; this reduces the likelihood for children / young people being near alcoholic products.

### **Preventing Crime and Disorder**

- Lidl have installed EAS tagging systems in all stores with high theft risk items, including some alcohol lines. This acts as both deterrent and detection method for potential theft.
- Lidl employs stringent training practices which develop staff to be aware of potential issues and how to manage difficult circumstances should they arise.
- No member of Lidl staff is permitted to undertake checkout duties until all relevant training has been completed.
- Lidl are an approved provider of SCPLH training and therefore all training and refresher training is undertaken within the company. Lidl are graded by the BII as "Grade 1", which is the highest grading that can be achieved.
- Lidl contract SIA accredited Security companies to supply SIA accredited Guards in stores which are deemed to require support to manage any crime or disorder issues.
- Lidl install state of the art CCTV systems in all stores. Images are retained and may be available as required by the police or licensing standards officer.

### **Securing Public Safety**

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above.
- Lidl undertake daily, weekly and biannual health & safety, trading law and maintenance checks in all stores, to ensure compliance. Our compliance procedures and policies are regularly reviewed.

### **Preventing Public Nuisance**

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above
- Waste receptacles for customers are provided for disposal of litter.
- All by-products of our premises are responsibly disposed of, and where possible, recycled.

EAST LoTHIAN LICENSING BOARD

ENV  
B/S  
FIRE  
PLANNING  
5/6/15  
RUDI/POICE

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

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

SECTION 1: TYPE OF VARIATION

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

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

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0127

2(b) Name and Address of Premises

Lidl U.K. GmbH  
 Mercat House  
 6 High Street  
 Prestonpans

<b>Post Code</b>	EH32 9AN	<b>Phone No.</b>	
------------------	----------	------------------	--

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

Lidl U.K. GmbH  
 19 Worples Road  
 Wimbledon  
 London

<b>Post Code</b>	SW19 4JS	<b>Phone No.</b>	
------------------	----------	------------------	--

**SECTION 3: NATURE OF VARIATION**

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

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

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

N/A

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

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

Question 7 Capacity of Premises

Increase in Capacity from Length 22.50m Height 1.8m (total 40.5m<sup>2</sup>) to Length 25.90m Height 1.8m (total 46.62m<sup>2</sup>)

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

Increase in alcohol area to coincide with our 'theme' weeks i.e. Italian, French, German etc. we are looking to merchandise our international wines at the endcap closest to the existing alcohol section. Outwith our 'theme' weeks, we would be merchandising our premium international wines.

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

Provide details below of any other variation sought to the Premises Licence

*(e.g. Alteration to the description of the premises contained within the Premises Licence)*

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

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

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

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

.....

**SECTION 5: FEE PAYABLE**

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

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

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

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

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

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

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

Signature



Licensing Manager

(See note 5 below)

Date

13/5/15

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

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

Andrew Wilkins, Lidl U.K. GmbH, Licensing Department, Locking Castle Business Park, West Wick, Weston Super Mare, BS24 7TG, TEL: 01934 523121, Email: [Licensing@lidl.co.uk](mailto:Licensing@lidl.co.uk)

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

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

**Fax:** 01620 827253

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

**FOR OFFICE USE ONLY**

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



SCHEDULE 5

Regulation 6

OPERATING PLAN

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

**Question 1**

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

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

**Question 2**

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

**Question 3**

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	<b>10:00</b>	<b>22:00</b>
<i>Tuesday</i>	<b>10:00</b>	<b>22:00</b>
<i>Wednesday</i>	<b>10:00</b>	<b>22:00</b>
<i>Thursday</i>	<b>10:00</b>	<b>22:00</b>
<i>Friday</i>	<b>10:00</b>	<b>22:00</b>
<i>Saturday</i>	<b>10:00</b>	<b>22:00</b>
<i>Sunday</i>	<b>10:00</b>	<b>22:00</b>

**Question 4**

*SEASONAL VARIATIONS*

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

*\*If YES - provide details*

**Question 5**

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

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

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

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

5(f) any other activities

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

**The premises operate as a supermarket. The premises may open outwith the core hours for this purpose. No alcohol is sold outwith core hours. The premises will not open earlier than 6am on any day for this purpose**

5(g) Late night premises opening after 1.00am

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

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

**CHILDREN AND YOUNG PERSONS**

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

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

N/A
-----

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

N/A

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

N/A

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

N/A

**Question 7**

*CAPACITY OF PREMISES*

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

Length 25.90m x Height 1.8m = Total Capacity 46.62m<sup>2</sup>

**Question 8**

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

*Personal details*

8(a)      *Name*

Harjodh Singh Pelia

8(b)      *Date of birth*

13.11.1981

8(c)      *Contact address*

10 Whitehill Grove  
Dalkeith

EH22 2LJ

8(d)      *Email address*

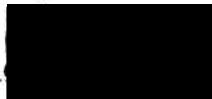
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01.09.09	Edinburgh	258723

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

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

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

Signature  ..... \* (see note below)  
Date 13/05/2015 .....  
Capacity National Licensing Manager ..... ~~APPLICANT/AGENT~~ (delete as appropriate)

Telephone number and email address of signatory 01934 523120 ..... licensing@lidl.co.uk  
Please address all correspondence to : Lidl Uk GmbH (Licensing Department)  
Locking Castle Business Park  
West Wick  
Weston-super-Mare  
BS24 7TG

\* Data Protection Act 1998

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



4 (iv)



**POLICE  
SCOTLAND**

Keeping people safe

Date: 19<sup>th</sup> May 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855  
Fax: +44 (0)131 654 5507  
Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: MARTIN MCCOLL LIMITED  
PREMISES: MCCOLLS, 61 HIGH STREET, HADDINGTON**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the display area for alcohol from 7.6 square metres to 8.5 square metres.

Any increase in licensed area is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.

**EAST LoTHIAN COUNCIL  
LICENSING**

**27 MAY 2015**

Yours faithfully



Divisional Licensing Officer

# **EAST LoTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

Date: 15 June 2015

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – MAY 2015**

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the revised Layout Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

The increase in area applied for is only 0.9 M<sup>2</sup>. This is to fill a small gap in the existing alcohol display.

Premises Inspected:

**McColls, 61 High Street, Haddington, East Lothian EH41 3ED**

R. Fruzynski  
Licensing Standards Officer

**Winter, Maree**

---

**From:** [REDACTED]  
**Sent:** 09 June 2015 21:54  
**To:** Licensing  
**Subject:** Martin Mccoll

Ruth Moncrieff  
Haddington Community Council  
Correspondence Secretary

Dear Madam,

I am writing on behalf of Haddington Community Council, following our meeting this evening. We would like to voice our concerns with the Application for premises Licence from McColls 61 High Street Haddington. The Community Council are of the view that there is a high number of licensed premises in operation already.

Yours Faithfully  
Ruth Moncrieff

## Winter, Maree

---

**From:** Winter, Maree  
**Sent:** 24 June 2015 08:17  
**To:** [REDACTED]  
**Subject:** Martin McColl - Licensing Board Meeting

**Importance:** High

Dear Ms Moncrieff,

I write to advise you that the above application will not be heard at the Board Meeting on the 25<sup>th</sup> June, but has been continued to the August Board meeting, this meeting will take place at 10am on Thursday 27<sup>th</sup> August 2015, at the Council Chambers, Town House, Haddington, when your representation will be heard. An agenda for this meeting will be issued to you in August.

Regards  
Maree  
Licensing, Administration & Democratic Services.  
East Lothian Council  
01620 827867

### **Overprovision Statement and Meeting the Licensing Objectives:**

Premises: McColls, 61 High Street, Haddington, East Lothian, EH41 3ED

The increase sought in the capacity of the premises for alcohol to be displayed and sold (off licence only) is absolutely fractional. The increase is sought as a result of a shoplifting which left this very small gap, which we are simply 'in-filling'. The small extra display area between the combined alcohol unit and Red Wine unit is absolutely fractional and so minor that there is no way that it would lead to any detriment to the Community. On the other hand it would mean that, if granted, the Community would have a properly finished off, well-appointed shop, providing a facility to their needs under the control of a recognised National operator who is hugely experienced in the operation of licensed premises.

Additionally, the fractional increase of capacity will not impact any of the licensing objectives which we already ensure are met by the following:

#### **Preventing Crime & Disorder:**

1. Challenge 25 is implemented at the store, anyone appearing under 25 are required to produce appropriate acceptable ID (Passport/Driving Licence).
2. CCTV is utilised within the premises.

#### **Preventing Public Nuisance:**

1. The operator discourages at all times persons from loitering outside the premises.
2. The operator can make CCTV images available to Police if required.

#### **Securing Public Safety:**

1. Fire extinguishers are maintained in the premises.
2. CCTV is used on the premises.
3. All members of staff are properly trained to assist in securing customer safety at all times.

#### **Protecting and Improving Public Health:**

1. The premises carries out a section of non-alcoholic products and beverages.

#### **Protection of Children from Harm:**

1. As previously mentioned, Challenge 25 is implemented rigorously.
2. An electronic refusal log is kept for all age restricted products.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL324

2(b) Name and Address of Premises

MCCOLLS  
61 HIGH STREET  
HADDINGTON  
EAST LoTHIAN

Post Code

EH41 3ED

Phone No.

01620 823892

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

MARTIN MCCOLL LIMITED  
MARTIN MCCOLL HOUSE  
ASHWELLS ROAD  
BRENTWOOD

<b>ESSEX</b>			
<b>Post Code</b>	CM15 9ST	<b>Phone No.</b>	

**SECTION 3: NATURE OF VARIATION**

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

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

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

N/A

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

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

**THE PROPOSED CAPACITY OF THE PREMISES TO WHICH THE APPLICATION RELATES FOR OFFSALES IS INCREASING FROM 7.6 M2 TO 8.5 M2 AS OUTLINED ON THE ATTACHED PLAN.**

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

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

**THE INTERNAL LAYOUT OF THE PREMISES HAS BEEN CHANGED. AN ADDITIONAL SHELVING UNIT HAS BEEN ADDED BETWEEN THE EXISTING**



**CHILLER WITH ALCOHOL AND THE TWO EXISTING SHELVING UNITS THAT CONTAINED THE AMBINET ALCOHOL. THE EXTRA SHELVING ADDED HAS INCREASING THE CAPACITY FROM 7.6 M2 TO 8.5 M2.**

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

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

N/A

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

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

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

Signature



..... (See note 5 below)

Date 15/05/2015

Capacity: AGENT

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

**LOCKETT & CO, LOCKETT HOUSE, 13 CHURCH STREET KIDDERMINSTER, WORCS, DY10 2AH**

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

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

**FOR OFFICE USE ONLY**

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

4(v)



**POLICE  
SCOTLAND**

Keeping people safe

Date: 30<sup>th</sup> June 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: GREENE KING RETAILING LTD. WESTGATE BREWERY, BURY  
ST EDMONDS, SUFFOLK  
PREMISES: RAILWAY HOTEL, 70 COURT STREET, HADDINGTON**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to allow children to remain on the premises for the duration of a private function.

There are no police objections to the grant of this variation.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer

# **EAST LoTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

**Date: 31 July 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – July 2015**

I have no objections to the granting of this application.

**Railway Hotel, 70 Court Street, Haddington, East Lothian EH41 3AF**

R. Fruzynski  
Licensing Standards Officer

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

(Tick all relevant boxes)

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL1096

2(b) Name and Address of Premises

RAILWAY HOTEL  
70 COURT STREET  
HADDINGTON  
EAST LoTHIAN

Post Code EH41 3AF

Phone No.

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

GREENE KING RETAILING LTD  
WESTGATE BREWERY  
BURY ST EDMONDS  
SUFFOLK

Post Code IP33 1QT

Phone No.

**SECTION 3: NATURE OF VARIATION**

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

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

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

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

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

**THE TIMES DURING WHICH CHILDREN AND YOUNG PERSONS ARE ALLOWED ENTRY ARE TO BE AMENDED TO ALLOW THEM TO REMAIN ON THE PREMISES UNTIL THE END OF A FUNCTION THEY ARE ATTENDING.**

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

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

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

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

Does the appropriate Premises Licence accompany this application?

**YES**                       **NO**

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

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

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



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

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

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

**Signature**



..... (See note 5 below)

**Date** 10/06/2015

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

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

Stephen J. McGowan  
Partner - Head of Licensing (Scotland) ...  
TLT LLP  
140 West George Street, Glasgow, G2 2H  
+44 (0)333 006 1203  
Stephen.McGowan@TLTsolicitors.com

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

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

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



**EAST LOTHIAN**

**Meeting 27 August 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

**Personal Licence(s)**

**Applicant**

**Date Received**

**Comments**

8 GRANT DOUGLAS DOWIE  
C/O MACDONALD LICENSING  
LIMITED  
21A RUTLAND SQUARE  
EDINBURGH  
EH1 2BB

4 November 2014 Report from Chief Constable -  
to be tabled.





**POLICE  
SCOTLAND**

Keeping people safe

Date: 10th November 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855  
Fax: +44 (0)131 654 5507  
Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)  
Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 – OBJECTION  
APPLICATION FOR THE GRANT OF A PERSONAL LICENCE  
APPLICANT: GRANT DOWIE, 4 [REDACTED]**

I refer to the above application and in terms of section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to confirm that the applicant has not been convicted of any relevant offence but has a pending case for a relevant offence, details of which are contained within the appendix to this letter.

As a result of the nature of the pending case, the Chief Constable recommends that the application for a personal licence be refused on the grounds of the following licensing objectives.

Preventing crime and disorder  
Securing public safety and  
Preventing public nuisance

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully

[REDACTED]

Inspector Harborow

[scotland.police.uk](http://scotland.police.uk)



@PoliceScotland



PoliceScotland

East Lothian Council  
Licensing

13 NOV 2014

Received

EL1120  
PC 411/4

**East Lothian Licensing Board**

**Application for a personal licence**

**FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)**

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. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1</b>	
<b>TITLE (delete as appropriate):</b> Mr <del>Mrs</del> <del>Miss</del> <del>Ms</del> <del>Other</del> (please state)	
Surname	Dowie
Forenames	Grant Douglas
Date and Place of Birth	██████████ Edinburgh
NI Number	██████████
<b>ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
1 ██████████	
Post town Musselburgh	Post code ██████████
<b>TELEPHONE NUMBERS</b>	
Daytime	
Evening	
Mobile	0 ██████████
<b>FAX NUMBER</b>	
<b>E-mail address (if you would prefer us to correspond with you by e-mail)</b> ██████████	
<b>Address for correspondence associated with this application (if different to the address above)</b>  Macdonald Licensing, 21a Rutland Square	
Post town Edinburgh	Post code EH1 2BB

<b>2. Your licensing qualification</b>		
<b>Read note 2</b>	<b>Please tick</b>	
I hold an accredited qualification	Yes ✓	No
If you have ticked yes please provide a copy of your qualification with your application.		

<b>3. FIRST APPLICATIONS ONLY</b>		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
<b>Note: You may only hold one personal licence at a time</b>	<b>Please tick</b>	
Do you currently hold a personal licence?	Yes	No ✓
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	Yes	No ✓
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No ✓
<b>Licensing Board</b>		
<b>Licence number</b>		
<b>Date of issue</b>		
<b>Date of expiry</b>		
<b>Any further details</b>		


<b>4. RENEWAL ONLY</b>	
This section should be completed only if you are applying for a renewal of your existing licence	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
<b>Details of current personal licence</b>	
<b>Licensing Board</b>	
<b>Licence number</b>	
<b>Date of issue</b>	
<b>Date of expiry</b>	
<b>Any further details</b>	
If you cannot provide your personal licence, provide a statement explaining why	

Other personal licence		
Note: You may only hold one personal licence at a time		Please tick
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes ✓	No

5. CHECKLIST	
I have	Please tick yes
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	✓
• Enclosed a copy of any licensing qualification I hold	✓
• Enclosed my current personal licence (renewal only)	
• Made or enclosed payment of the fee for the application	✓

6. Previous Convictions
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty
NONE			

7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE - read note 5		DATE	022/09/14.



Our Reference: KM/de/EN/L/PL  
Your Reference:

Date: 12<sup>th</sup> August 2015

Mr. Grant Dowie



Dear Sir

**Licensing (Scotland) Act 2005  
Application for Personal Licence**

I write in connection with the Licensing Board meeting held on 26<sup>th</sup> February 2015 and the request from your agent to continue the application until the August Board Meeting. The Board agreed to continue your application.

The meeting date has now been set and your application will be heard in Council Chambers, Town House, Haddington at 10am on Thursday 27<sup>th</sup> August 2015.

An agenda will follow in due course.

Yours faithfully

Kirstie MacNeill  
Clerk to the Licensing Board

c.c MacDonal Licensing – 21a Rutland Square, Edinburgh, EH1 2BB

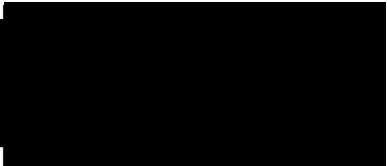
**Direct Dial: 01620 827867 / 827217  
Direct Fax: 01620 827253**

Our Reference: KM/de/EN/L/PL  
Your Reference:

Date: 27<sup>th</sup> February 2015



Mr. Grant Dowie



Kirstie MacNeill  
CLERK OF THE  
LICENSING BOARD

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
Tel 01620 827217  
Fax 01620 827253  
licensing@eastlothian.gov.uk

Dear Sir

**Licensing (Scotland) Act 2005  
Application for Personal Licence**

I write in connection with the Licensing Board meeting held on 26<sup>th</sup> February 2015 and the request from your agent to continue the application until the August Board Meeting. The Board agreed to continue your application.

The meeting date has yet to be set but as soon as it is available, I will let you know.

An agenda will follow in due course.

Yours faithfully

Kirstie MacNeill  
Clerk to the Licensing Board

c.c MacDonald Licensing – 21a Rutland Square, Edinburgh, EH1 2BB

Direct Dial: 01620 827867 / 827217  
Direct Fax: 01620 827253



**REPORT TO:** East Lothian Licensing Board  
**MEETING DATE:** 27 August 2015  
**BY:** Clerk of the Licensing Board  
**SUBJECT:** Air Weapons and Licensing (Scotland) Act 2015

---

6

## **1 PURPOSE**

- 1.1 To advise the Board of the main alcohol licensing provisions of the Air Weapons and Licensing (Scotland) Act 2015 (the Act).
- 1.2 To ascertain the Board's policy on what proof of training will be acceptable with applications for Personal Licences

## **2 RECOMMENDATIONS**

- 2.1 That the Board notes the new alcohol licensing provisions contained in the Act.
- 2.2 That Personal Licence applications will only be accepted where the mandatory training was either undertaken less than five years before the date of the application or where it is accompanied by proof that refresher training has been undertaken within 1 year of the date of the application.
- 2.3 That applications will not be accepted in any circumstances if the mandatory training was undertaken more than 10 years before the date of the application

## **3 BACKGROUND**

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 recently received Royal Assent. It introduces a number of new measures in relation to alcohol licensing.
- 3.2 The Act reintroduces a "Fit and Proper person" test to the granting of licences

- 3.3 It introduces wider power for Boards to refuse applications on the basis of overprovision. Boards will be entitled to determine that an entire locality is overprovided and may have regard to any other matters it sees fit, including the hours of other local licensed premises, so long as they relate to the licensing objectives.
- 3.4 It makes changes to transfer provisions to allow “any person” to apply for the transfer of a licence so long as they have a statement of consent signed by the licence holder or can satisfy the Board that they have taken all reasonable steps to contact the licence holder but have received no response.
- 3.5 It imposes a new duty on Boards to prepare and publish a yearly financial report
- 3.6 It introduces a new provision making it a criminal offence for a person, other than a child or young person, to buy, attempt to buy, give or otherwise make alcohol available to a young person
- 3.7 It includes ‘young persons’ in the fifth Licensing Objective of ‘Protecting Children from Harm’
- 3.8 It gives new powers to the LSO to report any conduct of licence holders which is inconsistent with the licensing objectives to Boards
- 3.9 Members of the Board will recall that it is a requirement Section 87 of the Licensing (Scotland) Act 2005 that personal licence holders require to undertake refresher training within five years of obtaining their personal licence and to exhibit evidence of having done so to the Board. Failure to do either of these things means that there is a mandatory revocation of their personal licence. A personal licence otherwise lasts for ten years.
- 3.10 This Act immediately removes the 5 year ban on reapplying for personal licence holders who have failed to undergo refresher training or failed to notify the licence board of their refresher training. Individuals will now be able to re-apply straight away if their licence is or has been revoked
- 3.11 The effect of the removal of the five year ban could mean that those who failed to undergo refresher training could seek to avoid doing so. The Board is therefore asked to adopt a policy whereby any applicant for a personal licence must demonstrate that they have undertaken refresher training if their mandatory training was undertaken more than five years before the application.
- 3.12 In order to ensure that those being issued with personal licences in East Lothian are adequately trained and that the training is up to date, the Board is asked to adopt a policy that applications will not be accepted if the mandatory training was undertaken more than ten years before the date of the application

#### **4 POLICY IMPLICATIONS**

- 4.1 This will involve a change to the Board's Statement of Policy in relation to personal licence applications

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This Report is not applicable to the wellbeing of equalities groups and Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – the Board will require to prepare and publish an annual financial report
- 6.2 Personnel - None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Report by the Clerk of the Board dated 28<sup>th</sup> August 2014

<b>AUTHOR'S NAME</b>	Kirstie MacNeill
<b>DESIGNATION</b>	Clerk Of the Licensing Board
<b>CONTACT INFO</b>	01620 827217 <a href="mailto:licensing@eastlothian.gov.uk">licensing@eastlothian.gov.uk</a>
<b>DATE</b>	11 <sup>th</sup> August 2015



**REPORT TO:** East Lothian Licensing Board  
**MEETING DATE:** 27<sup>th</sup> August 2015  
**BY:** Clerk of the Licensing Board  
**SUBJECT:** Statement of Principles – Gambling Act 2005

---

7

## **1 PURPOSE**

- 1.1 To present and seek approval of the draft revised Statement of Principles 2016–2019 to the Board and to seek the Board’s agreement to proceed to consultation.

## **2 RECOMMENDATIONS**

- 2.1 That the Board approves the draft Statement of Principles.
- 2.2 That the Board agrees that a consultation exercise should be commenced in accordance with s349(3) of the Gambling Act 2005
- 2.3 That the Board agrees that the Clerk of the Board should collate responses to the consultation and report further to the Board so that the Board can consider those responses.

## **3 BACKGROUND**

- 3.1 Section 349 of the Gambling Act 2005 requires all Licensing Boards to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act during the three year period to which the policy applies.
- 3.2 The Board’s Statement of Principles lasts for a maximum of three years, but can be reviewed and revised by the Board at any time. The Board’s existing statement of Principles 2013-2016 is about to expire and a draft Statement of Principles for 2016-2019 has been prepared and is attached as an appendix to this report.



- 3.3 In accordance with s 349(3) of the Act, the final Statement of Principles must be produced following consultation with :
- The Chief Constable
  - One or more persons who appear to the Board to represent the interests of persons carrying on gambling business in the Board's area
  - One or more persons who appear to the Board to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 3.4 The list of persons to be consulted is deliberately wide and this enables the Board to undertake a comprehensive consultation exercise with anyone who may be affected or otherwise have an interest.
- 3.5 The Guidance issued by the Gambling Commission in September 2012 advises that consultation should follow best practice as set out by the Department for Business, Innovation and Skills including allowing 12 weeks for responses to the consultation

#### **4 POLICY IMPLICATIONS**

- 4.1 Once finalised the Statement of Principles will become the policy of the Board

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This Report is not applicable to the wellbeing of equalities groups and Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Statement of Principles 2013 – 2016

<b>AUTHOR'S NAME</b>	Kirstie MacNeill
<b>DESIGNATION</b>	Clerk of the Licensing Board
<b>CONTACT INFO</b>	01620 827217 <a href="mailto:licensing@eastlothian.gov.uk">licensing@eastlothian.gov.uk</a>
<b>DATE</b>	18 <sup>th</sup> August 2015



***GAMBLING ACT 2005***  
***STATEMENT OF PRINCIPLES***  
***DRAFT JANUARY 2016 -2019***

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>4</b>
1.1	Declaration	4
1.2	Geographical Area	4
1.3	Scope – Licensing Functions	5
1.4	The Licensing Objectives	5
1.4.1	Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime .....	5
1.4.2	Ensuring that gambling is conducted in a fair and open way.....	6
1.4.3	Protecting children and other vulnerable persons from being harmed or exploited by gambling. ....	6
1.5	Responsible Authorities	7
1.6	Interested Parties	8
1.7	Consultation	8
<b>2</b>	<b>POLICIES</b>	<b>8</b>
2.1	Relationship between planning permission, building regulations and granting of a premises licence.	8
2.2	Door Supervision	9
<b>3</b>	<b>RISK ASSESSMENTS</b>	<b>9</b>
3.1	General	9
3.2	Locality	10
<b>4</b>	<b>DECISION MAKING</b>	<b>10</b>
4.1	General Principles	10
4.2	Scheme of Delegation	12
4.3	Licensing Reviews	12
4.4	Enforcement	13
4.5	Exchange of Information	14
4.6	Complaints against Licensed Premises	14
<b>5</b>	<b>LICENSABLE PREMISES</b>	<b>14</b>
5.1	Provisional Statements	14
5.2	Casino Premises	15
5.3	Bingo Premises	15
5.4	Betting Premises	16
5.5	Tracks	16
5.6	Adult Gaming Centres	17
5.7	Licensed Family Entertainment Centres	17
<b>6</b>	<b>PERMITS</b>	<b>17</b>
6.1	Unlicensed Family Entertainment Centre Gaming Machine Permits	18
6.2	Club Gaming Permit	18
6.3	Club Machine Permit	19
6.4	Prize Gaming Permit	19
6.5	Alcohol Licensed Premises – Gaming Machine Permit	20
<b>7</b>	<b>Occasional Use Notices</b>	<b>21</b>
<b>8</b>	<b>Temporary Use Notices</b>	<b>21</b>
<b>9</b>	<b>Registration of Small Society Lotteries</b>	<b>21</b>
<b>10</b>	<b>Travelling Fairs</b>	<b>22</b>

<b>APPENDIX 1 -</b>	<b>Responsible Authorities Contact Details</b>	<b>23</b>
<b>APPENDIX 2 -</b>	<b>Categories of Gaming Machines</b>	<b>24</b>
<b>APPENDIX 3 -</b>	<b>Scheme of Delegation</b>	<b>26</b>

GAMBLING ACT 2005  
STATEMENT OF PRINCIPLES  
EAST LOTHIAN LICENSING BOARD

## 1 INTRODUCTION

This is the Statement of Principles (the Policy) that East Lothian Licensing Board (the Board) is required to publish in terms of Section 349(1) of the Gambling Act 2005 (the Act)

The Policy has been prepared having regard to the licensing objectives as detailed in Section 1 of the Act, the Guidance to Licensing Authorities 4th edition September 2012 ('the Guidance') issued by the Gambling Commission ('the Commission') the provisions of the Act itself and subsequent Regulations made under it.

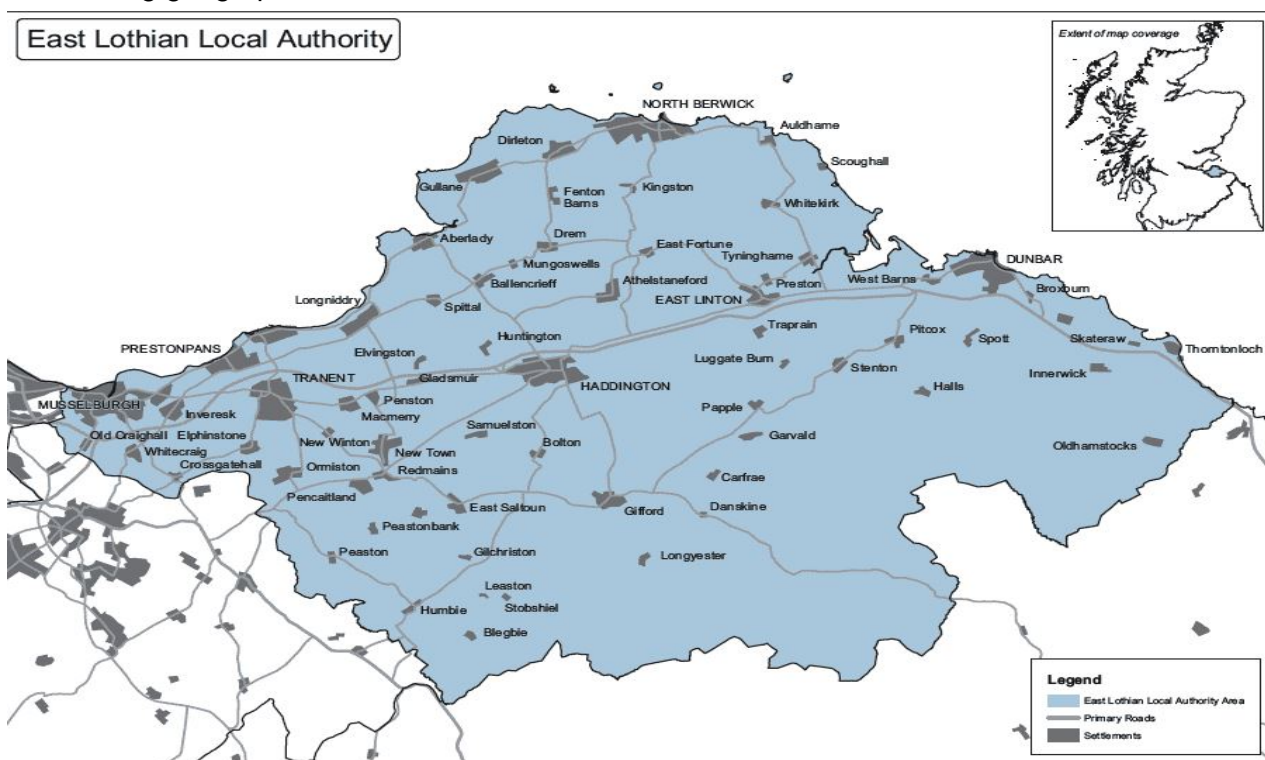
The Policy will come into effect on 31 January 2016 and will remain in place for a maximum period of 3 years to 31 January 2019. The Policy will be reviewed, updated and modified as and when the Board considers it appropriate and at least every three years.

### 1.1 Declaration

In adopting the final Policy the Board has had regard to, the licensing objectives of the Act, the Commission's Guidance and responses from those persons consulted.

### 1.2 Geographical Area

Plan showing geographical extent of East Lothian.



East Lothian had an estimated population of 102,050<sup>1</sup> in 2014 in an area of 682 square kilometres<sup>2</sup>. East Lothian shares borders with the City of Edinburgh, Midlothian and Scottish Borders.

Although the area's biggest town is Musselburgh which lies on the border with the City of Edinburgh, the administrative centre of East Lothian is in Haddington.

<sup>1</sup> The National Records of Scotland Statistics, 2014

<sup>2</sup> The Scottish Office, Scottish Environmental Statistics 1998

### 1.3 Scope – Licensing Functions

This Board will make decisions upon applications or notifications made for:

- premises licences
- temporary use notices
- occasional use notices
- permits as required under the Act and
- registrations as required under the Act

This Policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- casinos
- bingo premises
- betting premises
- tracks
- adult gaming centres
- licensed family entertainment centres
- unlicensed family entertainment centres
- club gaming permits
- prize gaming and prize gaming permits
- occasional use notices
- temporary use notices
- registration of small society lotteries

The Board will not be involved in licensing remote gambling as defined in Section 4 (1) of the Act. Regulation of this function shall be the responsibility of the Commission.

### 1.4 The Licensing Objectives

In exercising its functions under the Act the Board must have regard to the licensing objectives set out in Section 1 of the Act. These are:

#### 1.4.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

The Board will, when determining applications, consider whether the grant of a premises licence will constitute a potential source of crime or disorder or result in an increase in crime and disorder. It will also consider whether the grant of a licence may be used to support crime.

The Board agrees with the Commission's distinction between disorder and nuisance in its Guidance, being: "disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it."

In considering premises licence applications, the Board shall take into account the following:

- The design and layout of the premises;
- Training given to staff in crime prevention measures appropriate to those premises;

- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed; Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem occurring if the licence is granted.

#### 1.4.2 Ensuring that gambling is conducted in a fair and open way

The Board notes that the Commission has stated in its Guidance that it would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence. Both of the foregoing are the responsibility of the Gambling Commission.

However, if the Board suspects that gambling is not being conducted in a fair and open way, the Board notes in particular the Commission's comments in its Guidance that the Board ought to bring this to the attention of the Commission. The Board shall endeavour to do so should said suspicion arise.

#### 1.4.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling.

In its Guidance, the Commission states that this objective relates to preventing children from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in a way that is particularly attractive to them.

##### 1.4.3.1 Protecting Children

In accordance with its obligation under Section 157 (h) of the Act, the Board has designated the East & Midlothian Public Protection Committee as the body competent to advise the Board about the protection of children from harm.

The Board considers this the best body to fulfil this function because its principal function is to safeguard and promote the interests of children and young persons in East Lothian. This high level, multi-agency group has the responsibility for the strategic planning and monitoring of services for the protection of children and young people. It oversees strategic planning and gives strategic direction to support service planning and the allocation of resources to the protection of children and young people across East Lothian.

The Board will consult with the East & Midlothian Public Protection Committee on any application that indicates there may be concerns over access for children or young persons.

The Board will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

##### 1.4.3.2 Access to Licensed Premises

With limited exceptions, the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments.

Significant weight will be given to all matters relating to the protection of children and young persons. An applicant for a premises licence must comply explicitly with the Act regarding the permitted access or exclusion of children and young persons. No children or young person must be permitted to have access to, close observation of, or an invitation to participate in any gambling activities. Where the Board determines that there may be a risk of harm to children in relation to particular premises, it may exclude or limit the access of children to the premises at specific times or when certain activities are taking place.

In pursuance of this licensing objective, the Board may consider appropriate conditions to attach to each premises licence on an individual basis. These may include one or more of the following from this non exhaustive list:

- The configuration of the premises;
- Supervision of entrances;
- The display of clear signage both externally and internally indicating that entrance to the premises is restricted to those aged 18 years and over;
- Clear segregation of gambling and non-gambling areas;
- Supervision of access to gambling areas;
- Supervision of gambling machines;

#### 1.4.3.3 Vulnerable Persons

The Board notes that the term 'vulnerable persons' is not statutorily defined. However, it shall be assumed that this group includes the following:

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, excessive alcohol consumption or drug taking.

Applicants for premises licences, permits and authorisations will be expected to have an awareness that for some people gambling activities can present both potential and actual harm.

Applicants will also be required to comply with any Code of Practice and Guidance issued by the Commission in this regard.

The Board Will consult East & Midlothian Public Protection Committee on any application that indicates that there may be concerns for vulnerable persons.

The Board shall consider, on a case by case basis, whether any special considerations should apply in relation to particular premises to ensure the protection of vulnerable persons.

## 1.5 **Responsible Authorities**

For the purposes of Section 157 of the Act, the following are Responsible Authorities in relation to premises:

- The Gambling Commission
- The Chief Constable, Police Scotland
- The Chief Fire Officer, Scottish Fire and Rescue
- East Lothian Council
- The Planning Authority
- Environmental Health Authority
- East & Midlothian Public Protection Committee
- H.M. Revenue and Customs



## 1.6 Interested Parties

Interested Parties may make representations in writing about licence applications, or apply for a review of an existing licence. In terms of Section 158 of the Act, an Interested Party is a person who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph a) or b)

In determining whether a person is an Interested Party in relation to a particular premise, the Board shall consider each case on its own merits. No uniform rule may attach to the Board's decision making in this regard. The Board also notes the examples in the Commission's Guidance with regards to who may constitute an Interested Party, such as people who are democratically elected, bodies such as trade unions and residents' and tenants' associations.

## 1.7 Consultation

In terms of section 349(3) of the Act the Board has consulted the following parties in the preparation of this Policy:

- East Lothian Council
- The Gambling Commission
- The Chief Constable, Police Scotland
- The Chief Fire Officer, Scottish Fire and Rescue Service
- All Community Councils in East Lothian
- East & Midlothian Public Protection Committee The Musselburgh Joint Racing Committee, Musselburgh Racecourse
- Ladbrokes/William Hill/Scotbet
- East Lothian Licensing Forum
- HMRC
- Mid/East Lothian Drugs & Alcohol Partnership (MELDAP)
- Gamblers Anonymous
- Area Partnerships
- Local M.P.
- Local M.S.P.
- Local Councillors

## 2 POLICIES

### 2.1 Relationship between planning permission, building regulations and granting of a premises licence.

In determining applications, the Board has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters. Irrelevant matters are those not related to gambling and the licensing objectives.

The Board notes that, in accordance with Section 210 of the Act, one such irrelevant matter that it cannot have regard to in determining an application is whether or not a proposal by the applicant is likely to be permitted in accordance with building or planning law.

In accordance with the Commission's Guidance, the Board also notes that, when dealing with a premises licence application for finished buildings, it shall not take into account whether those buildings have complied with necessary planning or building consents. Fire or health and safety risks shall also not form part of the consideration for a premises licence as these issues fall under other statutory regimes.

The Board may, however, consider carefully the impact of planning and/or building control restrictions (if any) on a licence holder's ability to comply with any conditions that may attach to the licence.

## **2.2 Door Supervision**

The Board may consider it appropriate to attach a condition to a premises licence requiring door supervision during opening hours or between specified opening hours.

The Board may also specify the level of door supervision required.

'Door supervision shall have the meaning ascribed to it in Section 178 of the Gambling Act 2005. As per paragraph 33 of the Commission's Guidance, the Board notes that door staff employed by the Operator who are employed at casino or bingo premises do not require to be licensed by the Security Industry Authority

In terms of Section 178 of the Act, the Board notes that if a door supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act authorising him or her to fulfil their functions under that Act, then that requirement shall be treated as if it were a condition of the premises licence by virtue of Section 178.

## **3 Risk Assessments**

### **3.1 General**

The Board is entitled to request such information from operators as it requires to make effective licensing decisions. Whilst the 2005 Act requires that an application must be accompanied by a minimum level of information, the Board agrees with the Gambling Commission's view that this does not preclude reasonable requests from the Board for additional information to satisfy themselves that their licensing decision is reasonably consistent with the licensing objectives and the Commission's codes. That information may include, for example, a suitable business plan or the operator's own assessment of risk to the licensing objectives locally.

The Board welcomes the implementation, from 6 April 2016, of the Social Responsibility Code provision 10.1.1 (which must be followed and has the force of a licence condition) which will require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the Board's Policy.

Licensees will be required to undertake these local risk assessments when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in the Board's policy statement
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The Board also welcomes the implementation, from 6 April 2016, of the Ordinary Code provision 10.1.2 which encourages licensees to share their risk assessment with the Board's when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of Board. The Board will expect this provision to be followed unless equally effective alternative arrangements are in place.

### **3.2 Locality**

This policy statement is the Board's mandate for managing local Gambling provision and sets out how the Board views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

Whilst the Board does not currently have a Local Area Profile as referenced in the Gambling Commission's Guidance to Local Authorities, nonetheless its clear priority is to ensure that children and vulnerable persons are not harmed by gambling. To this end the licensing authority will expect applicants to research and understand the local environment in which they wish to operate and to demonstrate that they have effective and robust measures in place to promote this licensing objective and mitigate any risks related to it. The Board will not hesitate to take appropriate enforcement action where this does not appear to be the case.

Applicants should note that the Board may develop a Local Area Profile setting out the local issues, local data, local risks and the expectations that the Board has of operators who either currently offer gambling facilities or wish to do so in the future.

In the absence of a Local Area Profile when considering applications for premises licences, permits and other permissions, and when determining whether to review a licence, the Board will consider each application on its merits and relevant considerations are likely to include the type of gambling proposed and the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children.

An applicant for a premises licence will be expected to demonstrate how it proposes to overcome licensing objective concerns which the licensing authority will take that into account in its decision making.

## **4 DECISION MAKING**

### **4.1 General Principles**

- 4.1.1 Every application received shall be dealt with fairly and shall be seen to be dealt with fairly and shall be considered on its own merits.
- 4.1.2 In considering an application for a premises licence, no regard shall be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.
- 4.1.3 The Board is aware that considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. A decision by the Board shall not be based on a dislike of gambling by any member, nor of a general notion that it is undesirable to allow gambling premises in an area. This notion may be subject to the invocation of a Section 166 Resolution.
- 4.1.4 In determining whether the location of proposed gambling premises is acceptable to the Board in light of the licensing objectives, the Board shall consider very carefully the proximity

of those proposed premises in relation to the following factors in the following non exhaustive list:

- a) a school or other educational facility;
- b) a centre for gambling addicts or other vulnerable persons;
- c) a centre for children and young persons and
- d) a residential area with a high concentration of families with children.

- 4.1.5 The Board shall aim to permit the use of premises for gambling in so far as the Board think it:
- a) is in accordance with any relevant Code of Practice issued by the Commission under Section 24 of the Act,
  - b) is in accordance with any relevant Guidance issued by the Commission under Section 25 of the Act,
  - c) is reasonably consistent with the licensing objectives (subject to paragraphs a) and b) above and d) is in accordance with this Policy.
- 4.1.6 Premises Licences shall be subject to the statutory requirements of the Act and associated Regulations, as well as mandatory conditions. The Board may exclude default conditions and attach additional conditions where appropriate.
- 4.1.7 Premises Licence holders shall comply with relevant Codes of Practice issued by the Commission and the Commission's Guidance where relevant. The following may also be of assistance: 'The Commission's 'Licence Conditions and Codes of Practice' ('LCCP') February 2015 for further information. This document may be found on the following link: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
- 4.1.8 The Board shall avoid so far as possible duplication with other regulatory and legislative regimes.
- 4.1.9 In the Act, 'premises' is defined as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any place. However, the Board notes that the Commission's Guidance indicates that the proper application of Section 152 means that different premises licences cannot apply in respect of single premises at different times. There is therefore no temporal element to a premises licence. Premises therefore cannot, for example, be licensed as a bingo club on week days and a betting shop at weekends.
- 4.1.10 The Board also notes that the Commission's Guidance indicates that there is no reason in principle why a single building cannot be subject to more than one premises licence, provided that those licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. The Board shall also pay particular attention with regard to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between these premises are adhered to.
- 4.1.11 The Board takes note of the Commission's Guidance that in most cases the expectation will be that a single building or plot will be the subject of an application for a licence. This does not, however, mean that the single building or plot cannot be the subject of separate premises licences for example for the basement and ground floor. However, the Board agrees with the Commission that areas of a building that are artificially or temporarily separated (for examples by ropes or moveable partitions) cannot properly be regarded as different premises.
- 4.1.12 The Board also agrees with the Commission that whilst different configurations may be appropriate under different circumstances in determining whether a single building may be regarded as different premises, the crux of the matter shall be whether the proposed

premises may be regarded as being genuinely separate premises that merit having their own licence and are not an artificially created part of what is readily identifiable as a single premises.

4.1.13 Consideration as to whether different parts of a building may be regarded as being different premises shall be one of fact and degree and the Board shall determine each case on an individual, case by case basis.

4.1.14 However, in determining whether two or more proposed premises may be regarded as truly separate, the Board may consider the following factors from the following non exhaustive list:

- a) the location of the premises;
- b) whether there is separate registration for business rates in place for the premises;
- c) whether each of the premises may be accessed from the street or a public passageway
- d) whether the premises may be only accessed from other gambling premises.
- e) whether the premises' neighbouring premises are owned by the same person or someone else.

4.1.15 In considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other non gambling purposes, the Board shall consider the following factors from the following non exhaustive list:

- a) the third licensing objective which seeks to protect children from being harmed by gambling. This means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Premises should therefore be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- b) Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- c) Customers ought to be able to participate in the activity named on the premises licence.

## 4.2 Scheme of Delegation

In terms of Section 155 of the Act, the Board may arrange for the discharge of some of its functions by a Committee of the Board, member or members of the Board, the Clerk to the Board or any person appointed to assist the Clerk.

The Board cannot delegate all of its functions. The scheme of delegation is attached in Appendix 3. The Board reserves the right, to determine all applications and relevant matters under the Act.

## 4.3 Licensing Reviews

Section 200 of the Act provides that the Board may review any matter connected to the use made of the premises if it has reason to suspect that a licensing condition is not being observed, or for any other reason which gives it cause to believe that a review may be appropriate.

The Board may carry out a review of a premises licence in accordance with Section 197 of the Act where it has received a formal application for review.

The Board may reject an application for a review under Section 198 if it thinks that the grounds on which the review is sought:

- a) do not raise an issue relevant to the principles to be applied in accordance with Section 153 of the Act;
- b) are frivolous;
- c) are vexatious;
- d) will certainly not cause the authority to wish to take action of a kind specified in Section 202 (1) of the Act;
- e) are substantially the same as the grounds specified in an earlier application under Section 197 of the Act in respect of the premises licence; or
- f) are substantially the same as representations made under Section 161 of the Act in relation to the application for the premises licence.

In terms of action following a review, the Board may:

- a) revoke the licence;
- b) suspend the licence for a specified period not exceeding three months;
- c) exclude a condition attached to the licence under Section 168 of the Act or remove or amend an exclusion;
- d) Add, remove or amend a condition under Section 169 of the Act.

#### 4.4 Enforcement

In exercising its functions under Part 15 of the Act with regard to the inspection of premises, the Board shall be guided by the Commission's Guidance and its approach shall endeavour to be:

- proportionate – regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- accountable – regulators must be able to justify decisions, and be subject to public scrutiny
- consistent – rules and standards must be joined up and implemented fairly
- transparent – regulators should be open, and keep regulations simple and user friendly
- targeted – regulation should be focused on the problem, and minimise side effects.

The Board shall adopt a local risk based approach whereby the main determinant shall be the risk posed to the three licensing objectives by premises. A risk based inspection programme shall also be implemented whereby premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risk posed by the premises.

Those premises considered to pose a greater risk will be subject to more frequent inspections than those that are considered to pose a lower risk.

When determining risk, consideration will be given to:

- the nature of the gambling activities carried out on the premises
- the location of the premises in relation to schools, vulnerable adult centres or residential areas where there may be high concentrations of families with children.
- the number of complaints received (if any) in relation to particular premises
- the procedures put in place by management of the premises to ensure compliance with the licensing objectives

In determining whether to undertake an inspection of premises, the Board or delegated officer shall determine each case on its own merits.

The Board notes that its main enforcement and compliance role in terms of the Act is to ensure compliance with premises licences and associated conditions and other issues relating to the premises themselves. The Board in particular notes that the enforcement body for personal and operating licences is the Commission.

#### **4.5 Exchange of Information**

If so required by the Commission under Section 29 of the Act, the Board shall exchange any information it receives through the application process with the Commission and other regulatory bodies in accordance with its obligations and functions under the Act. The Board notes that said information must form part of its register and must be in its possession prior to disclosure. This obligation is also subject to data protection and freedom of information legislation.

The Board shall maintain a register of all premises licences and permits issued by it and shall ensure that this register is available for public inspection at all reasonable times.

#### **4.6 Complaints against Licensed Premises**

The Board may investigate complaints against licensed premises in relation to matters relating to the licensing objectives

Any complaints received in relation to particular premises or a class of premises may affect the general risk rating of those premises. Complaints received by the Board in relation to particular or a class of premises may also initiate the Board's right of review under Section 200 of the Act.

### **5 LICENSABLE PREMISES**

#### **5.1 Provisional Statements**

In terms of Section 204 of the Act, a person may make an application for a provisional statement in respect of premises that:

- they expect to be constructed;
- they expect to be altered, or
- they expect to acquire a right to occupy.

The Board notes the Commission's Guidance which states that:

'Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence'

Whilst applicants for a premises licence must fulfil certain criteria, these restrictions do not apply to applicants for provisional statements. An applicant for a provisional statement does not require to hold an operating licence nor do they need to have acquired a right to occupy the premises to which the application relates.

If a provisional statement is granted by the Board, the Board is aware that it is constrained in the matters it may consider when an application for a premises licence is subsequently made in relation to the same premises. In terms of any representations made in relation to the application for the premises licence, the Board shall disregard said representations unless it thinks that those representations:

- address matters that could not have been addressed in representations in relation to the application for the provisional statement, or

- reflect a change in the applicant's circumstances.

In considering an application for a provisional statement, the Board shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

The Board may refuse the premises licence application (or grant it on terms or conditions not included in the provisional statement), only by reference to matters:

- which could not have been addressed in representations at the provisional statement stage
- which, in the Board's opinion, reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

In determining whether premises have been constructed in accordance with the plan, the Board notes that the Commission in its Guidance advises that there must be a substantial change to the plan. In this regard, the Board will endeavour to discuss any concerns that it has with the applicant before making a decision.

## 5.2 Casino Premises

In terms of Section 166 of the Act, currently the Board has no resolution prohibiting the issue of casino licences in the Board's area. The Board reserves its right to review this at any time in the future and shall update this Policy as appropriate.

## 5.3 Bingo Premises

The Board notes that there is no statutory definition of 'bingo' in terms of the Act other than it means 'any version of the game irrespective of by what means it is described'. A bingo premises licence holder may generally be able to offer any type of bingo game, whether it be cash bingo or prize bingo.

The Board notes that it will need to satisfy itself that bingo can be played in any bingo premises for which it issues a premises licence. This shall be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

The Board also notes the Commission's Guidance at paragraph 18.8 with regard to the unusual circumstance whereby an existing bingo premises covered by one premises licence applies to vary the licence to split the premises into one or more separate licensed premises. The Board notes the Commission's position that it is not permissible to locate 16 category B3 gaming machines in one of the resulting premise with none in the other one, as the maximum entitlement of eight gaming machines for that premises would be exceeded. A maximum of eight gaming machines in category B3 or B4 shall therefore be permitted in each resulting premise.

Children and young persons are permitted into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are permitted.

In accordance with the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling', the Board may require an applicant to prove that sufficient measures are in place to prevent children, young persons and vulnerable persons from having access to Category B and C machines.



## 5.4 Betting Premises

The Act contains a single class of licence for betting premises. However, within this single class of licence there are different types of premises which require licensing. This part of the Policy alludes to betting that takes place other than at a track (previously known as a licensed betting office).

No children and young persons (those under 18 years of age) shall be allowed entry to premises with a betting premises licence at any time. Special rules apply to tracks.

## 5.5 Tracks

Tracks are premises which include horse racecourses, dog tracks or other tracks where sporting events may take place. The Act does not define what may constitute a sporting event or race and the Board notes the Commission's comment in its Guidance that the Board may determine what constitutes such on a case by case basis.

A track premises licence permits the premises to be used for the provision of facilities for betting. If the licence holder wishes to provide a casino, bingo or other type of gambling on the track, a separate premises licence will be required. Tracks may therefore be subject to more than one premises licence.

If the Operator wishes to use the premises temporarily for gambling and there is no premises licence in effect, the Board may issue a temporary use notice.

Where there is betting on a track on eight days or less in a calendar year, an occasional use notice may be issued by the Board to permit betting on the premises.

An applicant for a premises licence need not hold an operating licence as the betting that is provided on the track is provided by third party operators. Third party operators require to hold an operating licence issued by the Commission. However, each individual operator coming onto the track on race days does not require to hold a premises licence as they are covered by the premises licence held by the track premises licence holder.

As children and young persons are allowed to be present on a track whilst betting is taking place, the Board will consider carefully, before issuing additional premises licences for a track, any potential impact an accumulation of premises licences may have on the third licensing objective.

An applicant for a track premises licence requires to submit detailed plans of the premises to the Board. Whilst the Board agrees with the Commission in its Guidance that it is sometimes difficult to define the precise location of betting areas on tracks, the Board shall require the following from an applicant:

a detailed plan defining the site, any area to be used for temporary "oncourse" betting facilities and, in the case of dog tracks and horse racecourses, any mobile pool betting facilities as well as any other proposed gambling facilities.

In determining whether a track is fit for the provision of gambling facilities, the Board notes the general principles for consideration as per the Commission's Guidance. Whilst each application may be considered on a case by case basis, the Board shall require each applicant to demonstrate that they have measures in place to safeguard the achievement of all three licensing objectives.

## 5.6 Adult Gaming Centres

An Adult Gaming Centre premises licence authorises the licence holder to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of an adult gaming centre premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines.

For further information on categorisation of machines, see Appendix 2.

Where two separate Adult Gaming Centres have been created adjacent to each other by splitting pre-existing premises, it is not permissible to locate eight category B3 machines in one of the resulting premises with none in the other one as the gaming machine entitlement for that premises would be exceeded.

No persons under the age of 18 years shall be permitted to enter an Adult Gaming Centre. The Board shall have particular regard to the location of, and entry to, an Adult Gaming Centre to ensure that opportunities for children to have access are minimised. In this regard the Board will expect applicants to offer their own measures to promote, in particular, the third licensing objective.

Examples of appropriate measure or licence conditions that may be attached to protect children and young persons are;

- proof of age scheme;
- the provision of CCTV;
- supervision of entrances;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- the display of notices and signage
- members of staff appropriately trained;

## 5.7 Licensed Family Entertainment Centres

A Licensed Family Entertainment Centre is a premises for which a licence is granted to provide any number of category C and D gaming machines. Whilst persons under 18 years of age are permitted entry to the premises, no persons under 18 years of age may be permitted access to those areas of the premises where category C gaming machines are situated. The Board shall require that category C machines be situated in a separate area to ensure the segregation and supervision of machines that may only be played by those over 18 years of age. For categorisation of gaming machines, see Appendix 2.

## 6 PERMITS

The Act provides that a licensing authority may prepare a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular, this statement may specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. This power is also mirrored in the Commission's Guidance.

Subject to the above considerations, the Board currently have not adopted any further statement of Principles. Should it do so at any time in the future, the Board shall update this Policy as appropriate.

## 6.1 **Unlicensed Family Entertainment Centre Gaming Machine Permits**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Board for a Gaming Machine permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

Unlicensed Family Entertainment Centres are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

The Board may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally or in writing or both.

The Board may also only grant an application for a permit if it is satisfied that the applicant intends to use the premises as an unlicensed family entertainment centre and the Board has consulted the Chief Constable on the application. The Board notes that it may grant or refuse a permit but cannot attach conditions.

The Board notes in particular the Commission's suggestion in its Guidance that, given that these premises may appeal to young persons and children in particular, the Board may wish to give weight to matters relating to child protection issues when determining the suitability of an applicant. In this regard, the Board may consider asking applicants to demonstrate:

- the suitability of the applicant;
- that s/he has no relevant offences as per Schedule 7 of the Act;
- the s/he has a full understanding of the maximum stakes and prizes permissible;
- evidence that employees are appropriately trained and have a full understanding of the maximum stakes and prizes permissible;
- evidence that there are appropriate policy and procedures in place to protect children and young persons from harm;

The Board will give significant weight to all issues relating to the protection of children and young persons in pursuance of the third licensing objective.

## 6.2 **Club Gaming Permit**

A Club Gaming Permit authorises Members' Clubs (but not Commercial Clubs as defined in the Act) to provide, subject to certain restrictions, no more than 3 gaming machines of categories B, C or D, equal chance gaming and other games of chance as prescribed in regulations (see Appendix 2 for machine categorisation).

The Club Gaming Permit also allows a Club to provide facilities for gambling provided the gambling meets a number of conditions. The Board may grant or refuse a permit. The Board may refuse an application for a permit only on one or more of the following statutory grounds:

- that the applicant is not, in the case of an application for a club gaming permit, a members' club or a miners' welfare institute, or
- that the applicant is not, in the case of an application for a club machine permit, a members' club, a commercial club or a miners' welfare institute;

- that the applicant's premises are used wholly or mainly by persons under the age of eighteen;
- that an offence or a breach of a condition of a permit has been committed in the course of gaming activities carried on by the applicant;
- that a permit held by the applicant has been cancelled in the last ten years ending with the date of the application; or
- an objection to the application has been made by the Gambling Commission and/or the Chief Constable.

Whilst the Board cannot attach any conditions to a Club Gaming Permit, The Code of Practice on Gaming Machine Permits (available from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)) sets out conditions that attach to both gaming permits and club machine permits. This document also contains best practice guidelines that the Commission considers should be implemented by permit holders. The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice and to follow the best practice guidelines in that document.

By virtue of Section 273 of the Act, a club gaming permit shall be subject to the condition that no child or young person may use a category B or C gaming machine on the club's or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.

### 6.3 Club Machine Permit

If a Members' Club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming, they may apply to the Board for a club machine permit.

A club machine permit allows the holder to have up to 3 gaming machines of categories B3A, B4, C and D) (see Appendix 2 for machine categorisation). The Board may grant or refuse a permit, but it may not attach any conditions.

However, by virtue of Section 273 of the Act, a club machine permit shall be subject to the condition that no child or young person may use a category B or C gaming machine on the club's or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.

The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)) and to follow the best practice guidelines in that document.

The Board may only refuse an application on the same grounds as a club gaming permit (see paragraph 5.2 above).

### 6.4 Prize Gaming Permit

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

A prize gaming permit is a permit issued by the Board authorising a person to provide facilities for gaming with prizes on specified premises.

However, Section 293 of the Act sets out four conditions with which permit holders must comply to lawfully offer prize gaming. These are:

- the limits on participation fees, as set out in The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
  - the prize for which the game is played must not exceed the amount set out in The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007 (if a money prize), or the prescribed value (if a non-monetary prize)
  - participation in the gaming must not entitle the player to take part in any other gambling
- The Board may grant a permit only if it has consulted the Chief Constable about the application.

The Board may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally or in writing or both.

## 6.5 Alcohol Licensed Premises – Gaming Machine Permit

On written notification to the Board, premises licensed to sell alcohol for consumption on the premises have an automatic entitlement to 2 gaming machines of category C or D under Section 282 of the Act. (see appendix 2 for machine categorisation)

The Board has no discretion to consider the notification or refuse it. However, upon the giving of at least 21 days' notice to the licensee, the Board may remove this automatic entitlement if it thinks that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act – for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- the premises are mainly used for gaming
- an offence under the Gambling Act 2005 has been committed on the premises

An Alcohol Licensed Premises Gaming Machine Permit is required if more than 2 gaming machines are sought. The issue of such a permit will replace and not be in addition to the automatic entitlement to 2 gaming machines. The Board may issue licensed premises gaming machine permits for any number of category C or D machines.

The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) ) and to follow the best practice guidelines in that document.

The Board will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. These may include:

- a plan showing the location and category of gaming machine being sought; and
  - evidence of measures in place to prevent persons under the age of eighteen years from using any category of gaming machine
- The Board may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions.

## 7 **OCCASIONAL USE NOTICES**

Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice without the need for a full premises licence. The calendar year will commence on 1 January.

In considering an application for an occasional use notice the Board will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. A notice must be given in writing to the Board and be copied to the Chief Constable. The notice must be given only by a person who is responsible for the administration of events on the track, or by an occupier of the track. The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall statutory limit of 8 days is not exceeded in a calendar year.

The Board shall maintain a record of the number of notices served in relation to each track in a calendar year to ensure that the statutory limit of 8 days is not exceeded.

## 8 **TEMPORARY USE NOTICES**

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that may be suitable for a temporary use notice could include hotels, conference centres and sporting venues.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

A set of premises may not be the subject of a Temporary Use Notice for more than 21 days in a period of 12 months but may be the subject of several notices provided that the total does not exceed 21 days. In determining what may constitute a set of premises for the purposes of a Temporary Use Notice, the Board notes the Commission's Guidance that this will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a set of premises, the Board shall look at, amongst other things, the ownership/occupation and control of the premises.

An application for a Temporary Use Notice must be submitted to the Board not less than 3 months and one day before the day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- The Gambling Commission
- The Chief Constable
- H M Revenue and Customs

The person who is giving the temporary use notice must ensure that the notice and the copies are with the recipients within seven days of the date of the notice. Each application for the grant of a Temporary Use Notice will be considered and determined on its individual merits.

## 9 **REGISTRATION OF SMALL SOCIETY LOTTERIES**

Small society lotteries are non-commercial societies which are established and conducted:

- for charitable purposes
- for the purpose of enabling or participation in, or supporting., sport, athletics or a cultural activity;  
or
- for any other non-commercial purpose other than private gain.

Small Society Lotteries whose principal office is located within the East Lothian area require to register with the Board.

All applications for registration must be made in the form specified by Scottish Ministers, and accompanied by all necessary documents specified by Scottish Ministers or required by the Board.

When considering an application for registration the Board may request further information from an applicant such as:

- evidence that the application is on behalf of a bona fide non-commercial society (e.g.: a copy of the terms and conditions of the non-commercial society's constitution);
- evidence that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- details of the purpose of the Society and the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have the authority to sign and complete the required financial returns.

If the Board is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

## 10 **TRAVELLING FAIRS**

Travelling Fairs wholly or principally provide amusements and must be on a site that has been used for fairs for no more than 27 days per calendar year. The Board will consider whether the applicant falls within the statutory definition of a travelling fair and that the facilities for gambling amount to no more than an ancillary amusement. The Board will monitor and keep a record of the number of days a piece of land is used as a fair to ensure the maximum statutory 27 days is not exceeded in a calendar year.

## **Appendix One – Responsible Authorities Contact Details.**

- The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- The Chief Constable, Police Scotland, Fettes Avenue, Edinburgh, EH4 1AQ
- The Chief Fire Officer, Scottish Fire and Rescue Service, Lauriston Place, Edinburgh, EH3 9DE
- East & Midlothian Public Protection Committee, East Lothian Council, F28-29 Brunton Hall, Ladywell Way, Musselburgh, EH21 6AP
- East Lothian Council as a council constituted under the Local Government etc (Scotland) Act 1994, John Muir House, Haddington, EH41 3HA
- East Lothian Council as Planning Authority, John Muir House, Haddington, EH41 3HA
- East Lothian Council as Environmental Health Authority, John Muir House, Haddington, EH41 3HA
- H.M. Revenue and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ



## Appendix Two – Categories of Gaming Machines

The Gambling Act 2005 introduces new classes of gaming machines, as shown in figure 1 below.

Fig.1

<b>Machine category</b>	<b>Maximum stake (from June 2009)</b>	<b>Maximum prize (from June 2009)</b>
<b>A</b>	Unlimited	Unlimited
<b>B1</b>	£2	£4,000
<b>B2</b>	£100 (in multiples of £10)	£500
<b>B3</b>	£1	£500
<b>B3A</b>	£1	£500
<b>B4</b>	£1	£250
<b>C</b>	£1	£70
<b>D non-money prize (other than crane grab machine)</b>	30p	£8
<b>D non-money prize (crane grab machine)</b>	£1	£50
<b>D money prize</b>	10p	£5
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	10p	£15 (of which no more than £8 may be a money prize)

## Number and Category of Gaming Machines Allowed

Premises Type	Permissions
Large Casino (table/machine ratio of 5-1 up to maximum)	Maximum of 150 machines. Any combination of machines in categories <b>B to D</b> , (except B3A machines) within the total limit of 150 (subject to table ratio)
Small Casino (table/machine ratio of 2-1 up to maximum)	Maximum of 80 machines. Any combination of machines in categories <b>B to D</b> , (except B3A machines) within the total limit of 80 (subject to table ratio)
Pre 2005 Act Casinos (no table/machine ratio)	Maximum of 20 machines, categories <b>B to D</b> or <b>C</b> or <b>D</b> (except B3A machines) <b>machines</b> instead
Betting premises and tracks occupied by Pool Betting	Maximum of 4 machines, categories <b>B2 to D</b>
Bingo Premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises, categories <b>B3</b> or <b>B4</b> .** No limit on <b>C</b> or <b>D machines</b>
Adult Gaming Centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises,, categories <b>B3</b> or <b>B4</b> .** No limit on <b>C</b> or <b>D machines</b>
Family Entertainment Centre (with premise licence)	No limit on category <b>C</b> or <b>D machines</b>
Family Entertainment Centre (with permit)	No limit on category <b>D machines</b>
Clubs or Miners' Institutes with permits	Maximum of 3 machines in categories B3A or <b>B4 to D</b> *
Qualifying Alcohol Licensed Premises	1 or 2 machines of category <b>C</b> or <b>D</b> automatic upon notification
Qualifying Alcohol Licensed Premises with Gaming Machine Permits	Number of category C-D machines are specified on permit.
Travelling Fair	No limit on category <b>D Machines</b>

\*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in Categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in Categories B4 to D

\*\* Adult gaming centre and bingo premises are entitled to make available a number category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises . Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre) or eight (bingo premises) category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

## **APPENDIX 3**

### **SCHEME OF DELEGATION**

#### **1.0 INTRODUCTION**

- 1.1 This scheme of delegation sets out the powers under the Gambling Act 2005 delegated by East Lothian Licensing Board to the Clerk and Depute Clerk.
- 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 GAMBLING ACT 2005**

- 2.1 The following powers are delegated to and exercisable by the Clerk or Depute Clerk:-
- Determining an application premises licence application where no objection or representation has been received.
  - Determining an application for the transfer of a premises licence where no objection or representation has been received.
  - Determining an application for a variation of a Premises Licence where no objection or representation has been received.
  - Determining an application for a Provisional Statement where no objection or representation has been received.
  - Decision as to whether or not a request for a review can be rejected in terms of the regulations.
  - Determining a Gaming Machine Permit in premises that hold an alcohol licence where no objection or representation has been received.
  - Determining a Family Entertainment Centre Gaming Machine Permit where no objection or representation has been received