



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

**THURSDAY 23 AUGUST 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Henderson
Councillor J Goodfellow
Councillor J McMillan

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Mrs F Stewart, Committees Officer

Apologies:

Councillor C McGinn

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 28 JUNE 2018

The Clerk advised an amendment to Item 4 (paragraph 6), replacing CREST data with CRESH data. Otherwise, the minutes of the East Lothian Licensing Board meeting of 28 June 2018 were approved as a true record.

2 PROVISIONAL PREMISES LICENCE
The Bothy, 4 South Crescent, East Saltoun

The Clerk advised that the Bothy village shop/café was requesting a licence for on sales 11am to 9pm and off sales from 10am to 9pm. The applicant also wished to offer outdoor drinking facilities during core licensed hours.

There was no-one present to represent the applicant.

The Clerk stated that no objections had been received to the grant of this licence. However, Police Scotland had requested that the use of the outdoor drinking area ceased at 8pm due to the close proximity of residential properties.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence subject to the following condition:

- i. The outdoor area will not be used after 8pm

3 MAJOR VARIATION
3a Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland

David Hossack, Manager and Mary Colgan, Brand Manager, were present to represent the applicant.

The Clerk advised that the application seeks to change the capacity from 140 to 230, representing an increase of 50 in the Visitor Centre and an addition of 25 in the warehouse area.

Mr Hossack, Manager, stated that the Distillery was a major tourist attraction in the area, reflecting the success of whisky tourism throughout Scotland. The additional capacity was being requested to meet the increasing demand for tours of the Distillery.

In response to a question from Councillor Henderson, Mr Hossack replied that the Visitor Centre was principally used as a visitor attraction, rather than for special events.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence.

3b Macmerry Bowling Club, West Bank Road, Macmerry

Mr David Dickson, Premises Manager, was present to represent the applicant.

The Clerk advised that the applicant was seeking to vary the Bowling Club premises licence to open status and to amend the seasonal period of operation (April to October) to open all year. The Club was also seeking to increase the terminal hour from 12 midnight on Fridays and Saturday to 1am. The Clerk advised that one public objection had been received to this application.

Mr Dickson stated that the reason for the changes requested was to encourage as many people as possible to visit the bowling club and to increase the membership of the club, which had been in decline. Addressing the public objection, Mr Dickson advised Members of the measures in place to mitigate against noise.

Councillor Goodfellow enquired why the Club wanted to increase the terminal hour and Mr Dickson replied that Club members had requested the change. He advised that most functions finished earlier than 1am but an increase in revenue at the bar would contribute to the upkeep of the Club. Councillor Goodfellow asked if the Club had proposed to monitor the behaviour of patrons leaving the Club should the later terminal hour be granted and Mr Dickson replied that patrons would not be allowed to stand outside after 10pm, a Club official would be in attendance at the front door and patrons would be asked to consider the neighbours on departure. This policy had so far proved to be successful.

The Chair asked when children and young people would have access to the Club and Mr Dickson replied that children were at school during weekday practise sessions. At weekends, young people were not allowed on the premises without supervision. All signage and legal aspects were observed.

Councillor Henderson enquired if the Club would host 18th and 21st birthday celebrations and Mr Dickson replied that the Club did not take bookings for 18th and 21st birthday parties, only for funeral teas.

Police Scotland had no objection to the grant of the licence.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence subject to the following condition:

- i. The Club must not host 18th or 21st birthday parties

3c North Berwick Rugby Club, Recreation Park, Dunbar Road, North Berwick

There was no-one present to represent the applicant.

The Clerk advised that the applicant was seeking to change status to an open premises licence. The application also sought an extension to the decking/patio outside drinking area and a new door on the south side of the pavilion. The variation also included a marquee to be erected on approximately three occasions per year.

Inspector Harborow referred to the Police Scotland letter dated 27 June 2018 which requested the Board to consider three conditions if the application was granted; CCTV to be installed and maintained covering inside and outside the premises, the outside licensed area not be used after 22.00 hours and for plastic glasses to be used within the marquee. PC Bowsher advised that the applicant was happy to comply with these conditions.

The Licensing Standards Officer was disappointed that no-one from the Club had attended today's meeting. He stated that significant changes were in progress at this Club; it was no longer only a rugby club, as it was being used by other sports clubs and had become a community hub. The Licensing Standards Officer was not aware of any complaints and had no concerns regarding noise. He was therefore supportive of the application and supported the conditions requested by Police Scotland.

Ward Members, Councillor Henderson and Councillor Goodfellow, had no objection to the grant of this licence but suggested that a condition could be applied in respect of certain special events.

The Licensing Standards Officer highlighted that CCTV equipment needed to be of an acceptable quality.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variation to the premise licence subject to the following conditions:

- i. CCTV systems, approved in advance by the Licensing Standards Officer and Police Scotland, to be installed covering inside and outside the premises within 3 months of the date of today's meeting, 23 August 2018, and maintained going forward;
- ii. The outside licensed area, including the marquee, not be used after 22.00 hours;
- iii. Plastic glasses to be used within the marquee;
- iv. No music or entertainment in the outside area; and
- v. Police Scotland and the Licensing Standards Officer to be given a minimum of 14 days' notice of 18th and 21st birthday parties

4 OCCASIONAL LICENCE APPLICATIONS

4a Occ311/18 – Broxmouth Park, Dunbar

4b Occ404/18 – Broxmouth Park, Dunbar

4c Occ405/18 – Broxmouth Park, Dunbar

4d Occ406/18 – Broxmouth Park, Dunbar

Mr A D Williams, WS, was present to represent the applicant. Mr S Flame, premises owner, was also present.

The Clerk advised that no objections to the four applications had been received from members of the public or the Licensing Standards Officer.

Mr Williams updated the Committee on progress with the applications since his appearance at the Board meeting on 26 April 2018. He advised that an out of date brochure had been forwarded to the Planning Officer in his submission for the required planning consent. This brochure showed a room in the mansion house available for wedding receptions and this information conflicted with information submitted with an earlier application. Mr Williams stated that a new brochure was prepared which did not include a room for wedding receptions within the mansion house. A copy of this brochure was forwarded to the Planning Officer on 13 June 2018. Subsequently, the Planning Statement was amended and resubmitted on 6 July 2018. Mr Williams advised that the Planning Officer now had all the information she required and she anticipated that she would be in a position to issue her report within one month.

Mr Williams confirmed to Members that two wedding ceremonies (and not receptions) had taken place in the mansion house during the summer as the weather conditions had not been suitable for the marquee.

The Clerk confirmed to Members that the licence applications were solely for the marquee.

The Police Inspector recommended that the premises had an established premise licence rather than repeated occasional licences.

Decision

East Lothian Licensing Board unanimously agreed to grant the four occasional licences.

**5 GRANT OF PERSONAL LICENCE
Mr I Ross**

This application was withdrawn.

**6 PERSONAL LICENCE – NOTICE OF CONVICTION
Mr J Scott**

The applicant was not present.

Decision

East Lothian Licensing Board agreed to continue this application to the meeting of the Board in September.

7 CHIEF CONSTABLE'S REPORT TO THE EAST LOTHIAN LICENSING BOARD, 1 APRIL 2017 – 31 MARCH 2018

Inspector Harborw, Police Scotland, presented the report, stating that it had been a very positive year in respect of licensing issues in East Lothian. From his report, he highlighted that there had been a marked increase in call volume to the Police but stated that there was evidence this increase was due to a marked increase in theft from off-licences. Removing those statistics, there was a significant reduction in calls from licensed premises. He also stated that having two dedicated Police Licensing Officers had made a very positive difference. Inspector Harborow added that there had been numerous examples of good practise and highlighted the success of the Best Bar None and Pub Watch initiatives. He also advised that 67 premises had been visited for test purchasing of alcohol (to those under age) and, of those, there had been only 4 fails.

Inspector Harborow thanked PC Bowsher for her positive relationship with the Council's Licensing Team and thanked the Board for their support.

In response to questions from Members, PC Bowsher explained the distinction between children and young people in terms of the Licensing (Scotland) Act 2005 and explained how repeat offences were recorded. She also advised that there had been no common link between the four test purchase failures.

Councillor Henderson enquired if the Board could support the Police in any way in respect of the increase in thefts from off-licence premises and Inspector Harborow made a number of recommendations to the Board.

The Chair thanked Inspector Harborow for his report, stating that it was a testament to all the hard work done and demonstrated what can be achieved by working together.

Decision

East Lothian Licensing Board agreed to note the report.

**8 DEPARTMENT OF DIGITAL, CULTURE, MEDIA & SPORT (DCMS):
CONSULTATION ON SOCIETY LOTTERY REFORM**

The Clerk stated that, since the introduction of the Gambling Act 2005, there had been significant changes in the lottery sector. She advised that there were two types of

lottery; larger lotteries like the National Lottery and smaller society lotteries, both established to raise funds for good causes across the UK. The larger lotteries were registered and monitored by the Gambling Commission and the smaller lotteries were registered with Local Authorities.

The Clerk stated that the Consultation document was recommending that Local Authorities raised the limit for annual sales and individual draw sales. The questions in the paper asked if the sales thresholds for small society lotteries (£20,000 for an individual draw, and a £250,000 annual sales limit) should be raised, requesting a yes or no response. If the response was yes, a further question asked for an indication of an appropriate level for the individual per draw sales limit and for an annual sales limit.

Councillor McMillan had concerns about the potential impact on families of increased limits, particularly where players gambled unwisely to an excessive degree. He suggested that a briefing for Members on gambling issues in general would be helpful.

The Clerk agreed to arrange such a briefing for Board Members.

ANY OTHER BUSINESS

Inspector Harborow raised a concern on personal licences, stating that an application for a personal licence to work in East Lothian does not at present need to come before the Board. He stated that there was a general acceptance that applicants should apply to the Board of the local authority where they choose to work and asked if this view could be shared with the appropriate Officers at the Scottish Government. At present applicants for a licence in East Lothian can be refused a licence, apply to another local authority, and be granted a licence which allows them to work in East Lothian. He recommended that the law in this regard should be changed.

The Clerk understood that the theory behind the present policy was that it allowed workers to move from area to area.

Inspector Harborow pointed out that legislation required taxi drivers to apply to the local authority in the area in which they intended to work. PC Bowsler added that, if an applicant is refused a licence in one local authority, there should be a statutory time period before they are permitted to apply to another local authority.

Members were supportive of the Police recommendations.

The Clerk agreed to communicate Inspector Harborow's views to the Licensing Sub-Group of the Law Society and the SOLAR Licensing Group.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

EAST LOTHIAN

Meeting 27 September 2018 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 THE BONNIE BADGER MAIN STREET GULLANE EAST LOTHIAN EH31 2AB	KINBURN (206) LIMITED C/O TLT LLP - EDINBURGH HOBART HOUSE 80 HANOVER STREET EDINBURGH EH2 1EL	27 July 2018	Change of name to be The Bonnie Badger Addition of Off Sales 10am to 10pm Variation of Seasonal Variations Addition of Conference Facilities, Theatre, Films, Indoor/Outdoor Sports. Change description to Restaurant with Rooms. Other activities pr

sent out to all dep's.
31/7/18

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) Change of name to be The Bonnie Badger

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0179

2(b) Name and Address of Premises

Golf Inn & Restaurant (To be known as The Bonnie Badger)
 Golf Hotel
 Main Street
 Gullane
 East Lothian

Post Code	EH31 2AB	Phone No.	
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2(c) Full Name and Address of Current Licence Holder

Kinburn (206) Limited
 13 Melville Street
 Edinburgh

Post Code	EH3 7PE	Phone No.	
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SECTION 3: NATURE OF VARIATION

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

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

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

N/A

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

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

Addition of off sales hours from 10.00am to 10.00pm
Amendment to wording of Seasonal Variations
Amendment to activities
Amendment to statement re activities
Addition of Conference Facilities; Theatre; Films; Indoor/Outdoor sports
Addition of a statement in relation to the activities that are to be provided for in Qu 5(f)
Amendment to Children and Young Persons
Remove capacity breakdown and replace with a capacity figure (No change to capacity)

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.

Amendment to layout plan due to the recent refurbishment

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)

Change to the description - Restaurant with rooms
Change of name from The Golf Inn & Restaurant to The Bonnie Badger

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

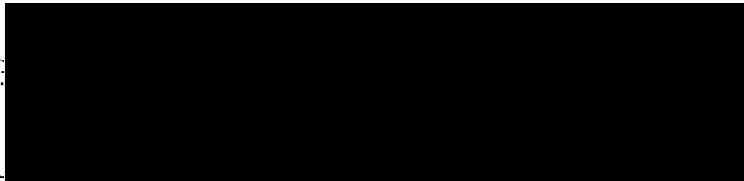
DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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 25.07.18

.....

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

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

TLT LLP
Hobart House, 3rd Floor
80 Hanover Street
Edinburgh
EH2 1EL
Tel: 0333 006 1405
Email: Caroline.loudon@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

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

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Golf Inn & Restaurant, Golf Hotel, Main Street, Gullane, East Lothian, EH31 2AB
To be known as The Bonnie Badger

OPERATING PLAN

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

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	23:00
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	23:00
<i>Thursday</i>	11:00	01:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	12 Midnight

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	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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**If YES – provide details*

Additional festive hours (Christmas/New Year) plus any additional hours as per Licensing Board may declare and allow.

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	YES	YES	YES
Conference facilities	YES	YES	YES
Restaurant facilities	YES	YES	YES
Bar meals	YES	YES	YES
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.	YES	YES	YES
Club or other group meetings etc.	YES	YES	YES
5(c) Activity Entertainment 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
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	YES	YES	NO
Dance facilities	YES	YES	NO
Theatre	YES	YES	YES
Films	YES	YES	YES
Gaming	NO	NO	NO
Indoor/outdoor sports	YES	YES	YES
Televised sport	YES	YES	YES

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

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

Accommodation will be used 24 hours.

Conference Facilities/Club and Other Group Meetings/Receptions/Indoor & Outdoor Sports may commence earlier than Core Hours but not before 9am.

Restaurant/Bar Meals/Recorded music may commence earlier than Core Hours but not before 6am.

Films and televised sport may be shown at any time.

Outdoor drinking: breakfasts/coffee may be served outside from 7am.

There will be no sale of alcohol outwith core 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.

The premises offer a range of other activities including: private dining experiences; tastings; educational tours and learning experiences; promotional and media activities; fine dining experiences; television and filming.

Corporate events; private hire; community events; charity events; auctions.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children when accompanied by parents/guardians or adults with parental responsibility

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

0-17 Years

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

Non-resident children attending a function are allowed access until 11pm
Young Persons will be allowed access until the end of the function or core licensed hours.

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

All public areas

Question 7

CAPACITY OF PREMISES

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

378

Question 8

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

Personal details

8(a) *Name*

Jack Robert Dunlop

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

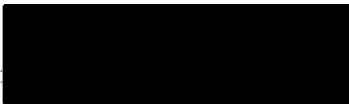
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
4 May 2017	East Lothian Licensing Board	EL1394

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  * (see note below)

Date 25.07.18

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

Telephone number and email address of signatory Tel: 0333 006 1405

Email: Caroline.Loudon@TLTsolicitors.com

*** 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.

Date 8th August 2018

Your Ref: EL0179

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

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

Iain Livingstone QPM
Deputy Chief Constable Designate

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
GOLF INN & RESTAURANT, MAIN STREET, GULLANE, EAST LoTHIAN,
EH31 2AB.
KINBURN (206) LIMITED, 13 MELVILLE STREET, EDINBURGH**

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

The variation requested consists of a change of name for the premises, addition of 'off sales' hours, amendments to the operating plan and layout plan.

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

Yours faithfully

Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 20 Aug. 18

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION)

**Golf Inn & Restaurant (To be known as The Bonnie Badger) , Main Street, Gullane,
East Lothian EH31 2AB**

I refer to the above subject and can confirm that the LSO and Police Licensing Officer have visited the above premises and met with the Mr Kinburn, new owner, in relation to this application.

The Inn, up until closure, was a very popular and well run venue. There have not been any complaints concerning the operation of the premises since 2nd July 2014 when a complaint was received from a neighbouring resident that there had been noise from persons in the rear garden at 00:45 hours. This matter was resolved through liaison with the former management, when agreement was reached that the garden would not be used after 22:00 hours, to prevent potential disturbance to neighbours.

I am satisfied that the Operating and Layout Plans are in accordance with the Act and, therefore, have no objections to the grant of this application.

R. Fruzynski
Licensing Standards Officer

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ground floor plan

0 1m 2m 3m 4m 5m

0 1m 2m 3m 4m 5m

location plan 1/1250



emergency lighting key

- Emergency lighting
- Emergency exit
- Emergency exit door
- Emergency exit door lock
- Emergency exit door handle
- Emergency exit door push bar
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- Emergency exit door push button
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fire alarm key

- Fire alarm
- Fire alarm call point
- Fire alarm control panel
- Fire alarm control panel lock
- Fire alarm control panel handle
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fire extinguisher key

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Project No.	2624	Rev.	40	Client	the kitchen group
Date	April 19	Scale	1/1000 A1	Project	the kitchen
Drawn by	Stephan Jackson	Checked		Project Manager	Griffiths & Sub
				Project Director	ground floor kitchen zone

EAST LOTHIAN

Meeting 27 September 2018 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant

Date Received

Comments

2 JOSEPH WILSON SCOTT

12 July 2018

Winter, Maree

From: [REDACTED]
Sent: 09 July 2018 11:16
To: Licensing
Subject: Re: Informing licensing board

Hi

I would like to update you with my conviction

I received a 21 month ban and a £675 fine

Regards
Joe Scott

Sent from my iPhone

Our Reference: KMacNmjw/EN/L/PL
Your Reference:

Date: 25th July 2018

Private & Confidential

Joseph Scott



Kirstie MacNeill
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE NO EL1193**

I refer to your email received on 9th July 2018, advising East Lothian Licensing Board that you have been convicted of a relevant offence. Enclosed is a copy of a letter dated 12th July 2018, from Police Scotland confirming this.

In terms of S83(7) of the above Act, the Board must hold a hearing. That hearing will take place on 23rd August 2018 at 10am in the Council Chambers, Town House, 56 High Street, Haddington, East Lothian .

You are advised to attend the above meeting where you will be given an opportunity to be heard regarding the notification of conviction.

Yours faithfully

KIRSTIE MACNEILL
Clerk to the Licensing Board

Direct Dial: 01620 827867 (Maree Winter)
Email: licensing@eastlothian.gov.uk

12/07/2018

Your Ref:

Our Ref: PL/

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



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Deputy Chief Constable Designate

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

FOR THE ATTENTION OF EAST LOTHIAN BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - PERSONAL LICENCE APPLICANT'S
DUTY TO NOTIFY LICENSING BOARD OF CONVICTIONS**

JOSEPH SCOTT, [REDACTED]

I refer to the above and your correspondence. In terms of Section 75(6)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
02/07/2018	Selkirk Sheriff Court	[1] S.5(1)(a) Road Traffic Act 1988 (Drink driving)	[1] Disqualification 21 months & £450 fine.
		[2] S.170 (2) & (4) Road Traffic Act 1988 (Failure to stop at scene of accident)	[2] £225 fine.

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

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 0131 561 6141.

COPY

Our Reference: KMacNmjw/EN/L/PL
Your Reference:

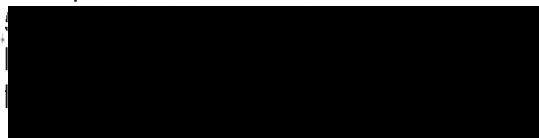
Date: 27th August 2018

Private & Confidential



Kirstie MacNeill
CLERK OF THE LICENSING BOARD

Joseph Scott



John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE NO EL1193**

I refer to my letter of 25th July 2018, concerning your notification of a conviction of a relevant offence.

Due to your non-attendance of the meeting of the Licensing Board on the 23rd August 2018, the Licensing Board agreed to continue your application for further consideration to their next meeting. This will be held on **Thursday 27th September 2018, at 10.00 a.m. within Council Chambers, Town House, 56 High Street, Haddington.**

You are therefore advised to attend the above meeting where you will be given an opportunity to be heard regarding the notification of conviction.

If you fail to attend this meeting, the board may make the decision in your absence to endorse, suspend or revoke your personal licence.

Yours faithfully

KIRSTIE MACNEILL
Clerk to the Licensing Board

Direct Dial: 01620 827867 (Maree Winter)
Email: licensing@eastlothian.gov.uk

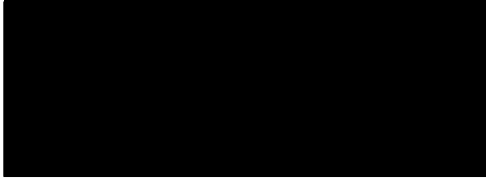
Our Reference: KMacN/gh/EN/L/PL/EL747

Your Reference:

Date: 11 September 2018

4

Private & Confidential



Dear Sir

**Licensing (Scotland) Act 2005 – Section 84a
Personal Licence Review Request
Personal Licence : Edinburgh 343427**

I enclose a copy of a letter of 5th September 2018, received from Police Scotland requesting East Lothian Licensing Board (as the 'relevant Board' in terms of S84A of the above Act) to consider whether there are grounds for finding that your recent behaviour has contravened the Licensing Objectives of Preventing Crime and Disorder and Securing Public Safety.

In terms of S84A of the above Act, the Board must hold a hearing into this matter. That hearing will take place at the Licensing Board Meeting on Thursday 27th September 2018 at 10am in the Council Chambers, Town House, Haddington.

You are hereby cited to attend and/or be represented at the above meeting where you will be given an opportunity to be heard regarding the matters raised in the letter from the police.

An agenda will follow in due course.

Yours faithfully

KIRSTIE MACNEILL
Clerk to the Licensing Board

c.c. Macdonald Licensing – A Macdonald

**Direct Dial: 01620 827867/827217/820114
Direct Fax: 01620 827253**

Date 5th September 2018

Your Ref: EL337

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Chief Constable

Local Area Commander
The Lothian and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: ZOHAI B ZULFIQAR MALIK**

LICENCE NO: EDINBURGH 343427

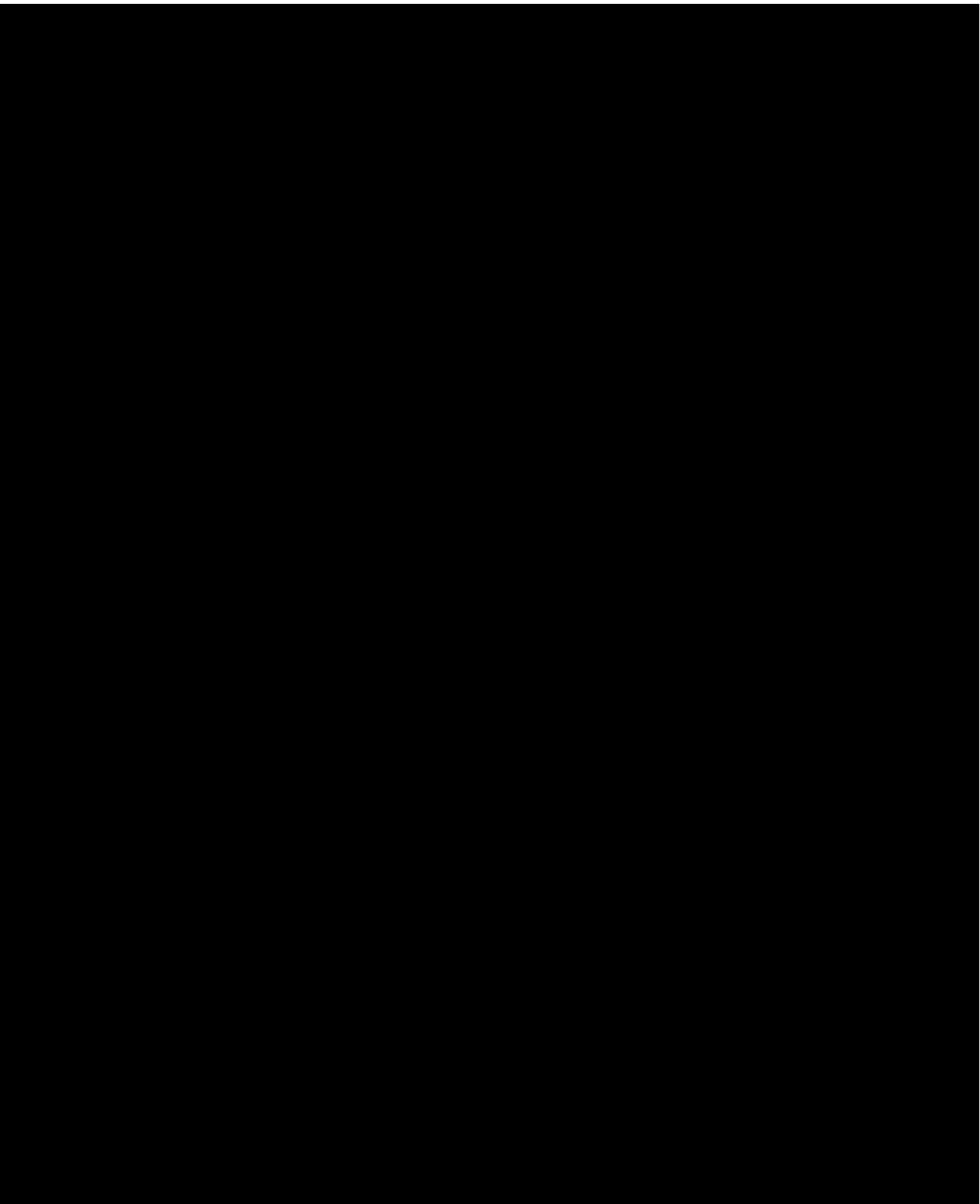
The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Zohaib Malik, has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety

Mr Malik is a Personal Licence Holder, granted by the Edinburgh Board on 8th November 2016. He is currently the Premises Licence Holder and Designated Premises Manager of North News, 179 North High Street, Musselburgh.

The following information is provided for the Board's consideration.

On Friday 11th May 2018 at 1903 hours two calls were received by the police regarding a male causing a disturbance at the Lowcost Supermarket, 119-121 North High Street, Musselburgh. On police arrival, officers spoke with Mr Malik, who was pointed out to them as being responsible.



The licensing officer was not made aware of this incident at the time and it has only come to light in the last couple of weeks.

Following the licensing officer being made aware of this incident some checks were carried out and a further call to the Mr Malik's own shop at 179 North High Street, Musselburgh was discovered. This time, it was a call from a concerned member of the public stating that she had entered the shop around 2100 hours on Wednesday 18th July 2018 to purchase something and there was nobody within the shop. The shutters were up and the door open but there were no members of staff within the premises. She went to get a friend who was nearby and they both

re-entered the shop, shouting for the shop keeper. Whilst within the shop, 3 males entered the store, looked around, then, stole alcohol and money from the till. A short time later the caller informed the police that the shop keeper had returned.

The following morning police made a call to the shop premises and spoke to a member of staff who stated that he had opened the shop this morning and the shop was in a mess and that there was money missing from the till along with other things. He stated that he had tried to get in touch with Mr Malik (his boss)

[REDACTED]

[REDACTED] he had returned later that night and locked the shop up. He was aware that the police needed to speak to him about the theft of money which was eventually reported as being approx. £600.

The above two incidents are very concerning and not conduct which is expected of a Personal Licence Holder. There are serious concerns about the violence shown in the above incident and Mr Malik's threats to another and his overall ability to operate a licensed premises.

Whilst I appreciate that the first case is still 'pending' at court, it was felt that these two incidents be brought to the Board's attention, sooner rather than later, due to the concerns for the licensing objectives, namely preventing crime & disorder and securing public safety.

The Chief Constables view is that a revocation of Zohaib Malik's Personal Licence is appropriate in these circumstances.

In signing this report, I confirm that this report is made under the authority of the Chief Constable of Police Service of Scotland:

Signed:

[REDACTED]

Iain Livingstone QPM
Chief Constable

Date: 30/08/2018

For enquiries please contact the Licensing Department on 01620 826147.

REPORT TO: East Lothian Licensing Board

MEETING DATE: 27 September 2018

BY: Clerk of the Licensing Board

SUBJECT: Statement of Licensing Policy

1 PURPOSE

- 1.1 To determine the Statement of Policy for East Lothian Licensing Board from November 2018 to November 2023

2 RECOMMENDATIONS

- 2.1 That the Board notes the outcome of the consultation and adopts the Statement of Licensing Policy for the period November 2018 to November 2023

3 BACKGROUND

- 3.1 The Licensing (Scotland) Act 2005 as amended (“the Act”) requires the Board to publish a Statement of its Licensing Policy (“the Policy”) explaining how it will exercise its functions under the Act. The current Policy was originally to cover the period from November 2013 to November 2016 but it was extended by the Air Weapons and Licensing (Scotland) Act s.42 up to the date falling eighteen months after the local government election. The period of the new Policy will be from November 2018 to November 2023.
- 3.2 In preparing its Policy the Board must promote the five licensing objectives. It must also consult with the Licensing Forum, various other groups if they are not represented on the Forum and any other persons that the Board thinks appropriate. The submission received from the

Forum is contained in Appendix 5 to the Policy and a list of all those consulted is Shown in Appendix 1.

- 3.3 A multi-agency stakeholder working Group was formed to consider development of the new Policy and it has met several times and evidence has been gathered from Police and Health statistics. Alcohol Focus has provided detailed information about East Lothian in its CRESH report and a mapping exercise has been carried out to demonstrate the density of licensed premises within East Lothian and their proximity to schools. This information is detailed in Appendix 6 to the Policy.
- 3.4 The Board must include within its Policy its view based on the evidence available as to the extent to which the Board considers there to be overprovision of licensed premises or those of a particular description in any locality within the Board's area. The overprovision statement is contained in Part 4 of the Policy. While recognising the harm that can be caused by alcohol and acknowledging the submission from the Forum, it concludes that there is no evidence from which it can conclude that East Lothian is overprovided with licenced premises at this time.

4 POLICY IMPLICATIONS

- 4.1 The Policy details the role of the Board and the obligations of licensees and gives recommendations as to how these can be adhered to. The multi-agency approach to licensing in East Lothian should ensure that the objectives of the Act are achieved. The Board will have regard to the terms of this policy when reaching its decisions.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None. The costs of developing and implementing the Policy can be met from within existing budgets
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

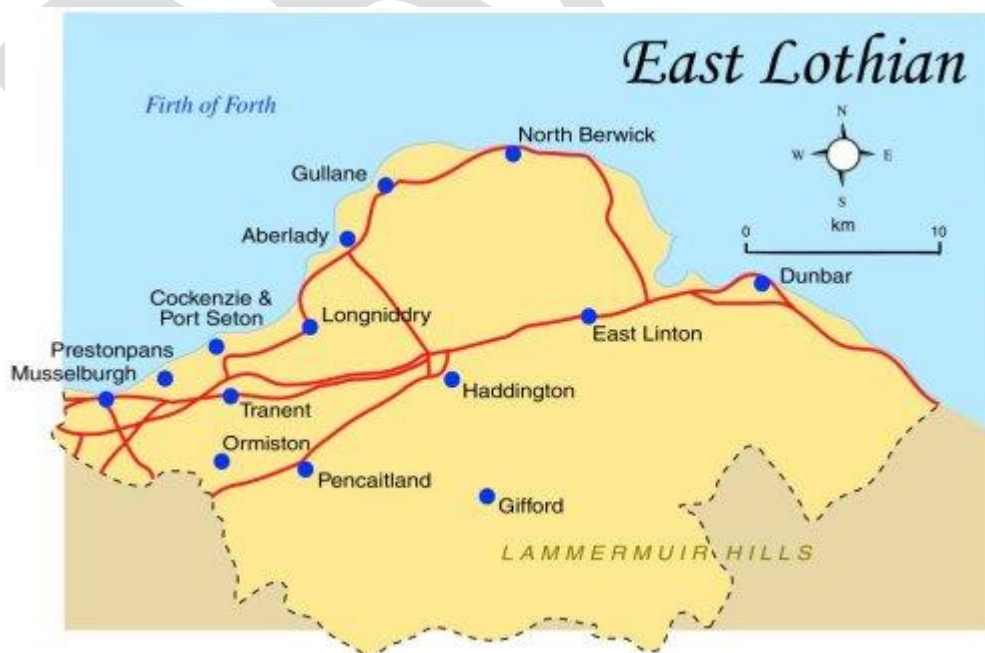
- 7.1 East Lothian Licensing Board Statement of Licensing Policy 1 November 2013 to 31 October 2016

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Clerk of the Licensing Board
CONTACT INFO	01620 827164 kmacneill@eastlothian.gov.uk
DATE	18 September 2018

East Lothian Licensing Board Statement of Licensing Policy

In accordance with Licensing (Scotland) Act
2005

November 2018 – November 2023



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- 3.0 East Lothian Licensing Board
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- 5.0 Statement of Licensing Policy
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DRAFT

PART 1

INTRODUCTION

1.0 The Licensing (Scotland) Act 2005

1.1 The Licensing (Scotland) Act 2005 as amended (“the Act”) makes provision for regulating the sale of alcohol, and for regulating licensed premises and other premises on which alcohol is sold.

1.2 Under the Act, Licensing Boards are responsible for considering applications for:-

- premises licences
- occasional licences
- provisional licences
- temporary licences
- personal licences
- transfer of premises licences
- variation of premises licences
- extensions of licensing hours

in respect of:

- the sale of alcohol by retail; and
- the supply of alcohol in member’s clubs

2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusing an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on one or more of the licensing objectives.

2.3 In exercising its functions under the Act, the Board must have regard to the licensing objectives. Details of how the Board will seek to promote the licensing objectives are set out in Part 2 below.

3.0 East Lothian Licensing Board

3.1 East Lothian Licensing Board (“the Board”) is the licensing authority for the local government area of East Lothian for the purposes of the Act. The Board comprises six members, all of whom are, elected members of East Lothian Council. The Board is responsible for the functions set out in paragraph 1.2 above within East Lothian.

3.2 East Lothian shares borders with the City of Edinburgh, Midlothian and Scottish Borders Councils and covers around 680 square kilometres with 82km of coastline. Around 98,000 people live within the area, which stretches from the former mining parishes of Tranent and Prestonpans, and Musselburgh in the west to the fishing community of Dunbar in the east and from the tourist resorts, such as North Berwick on the Firth of Forth to the farming lands of Garvald and Whittinghame on the border with Berwickshire. The main administrative centre for East Lothian is based in Haddington.

4.0 Local Licensing Forum

4.1 The East Lothian Licensing Forum’s role is to keep under review the operation of the Licensing Act in the East Lothian area and to give advice and make recommendations to the Board in relation to those matters the Forum considers appropriate. The Forum is the community's voice on alcohol licensing issues. This will be mainly at a policy level as the Forum cannot comment on individual cases. The Forum meets at least four times a year, at quarterly intervals, and will have at least one joint meeting with the Board each year. Forum meetings are open to the press and public. Further details of the Forum’s activities can be found on its website at www.eastlothianlicensingforum.co.uk

5.0 Statement of Licensing Policy

5.1 Every five years each Licensing Board is required to publish a statement, of its policy on the exercise of its functions. Each licensing policy statement must include a statement as to the extent to which the Board considers there is overprovision of:

- licensed premises, or
- licensed premises of a particular description,

in any locality within the Board’s area.

- 5.2 The Board has published this policy statement in fulfilment of the requirements of sections 6 and 7 of the Act. Section 6(3)(a) of the Act also requires a Licensing Board, in preparing a licensing policy statement, to ensure that the policy set out in the statement seeks to promote the licensing objectives.
- 5.3 This policy statement shall be effective until 2023. It will be kept under review during that period and the Board has the power under section 6(2) of the Act to publish a supplementary policy statement.
- 5.4 In preparing this policy statement, the Board has had due regard to the guidance issued by the Scottish Government.
- 5.5 This policy statement covers a wide variety of issues. However, it cannot cover every eventuality and it seeks to detail those factors that will influence the achievement of the licensing objectives. If matters arise that are not covered by this policy statement, the Board may publish a supplementary policy statement to cover such matters.
- 5.6 Section 6(4) of the Act requires the Board, in exercising its functions under the Act, to have regard to this policy statement. However, the Board will consider all applications on their own individual merits and it is open to an applicant to seek a decision from the Board, which is inconsistent with the terms of this policy statement. Further, this policy statement will not override the right of any person to make representations on any application or seek a review of a premises licence where permitted to do so under the Act. Where persons seek a decision from the Board which is inconsistent with the terms of this policy statement, the Board expects them to fully address the issue of why the policy statement should not be followed. The applicant will therefore be required to demonstrate, by means of evidence, good reason for doing so, and in particular, evidence how a departure will comply with, and promote, any or all of the five licensing objectives.
- 5.7 This policy statement should be read in conjunction with the Act and all regulations made thereunder. It is designed to be a strategic policy statement, not an operational guide to the legislation.
- 6.0 **Consultation on Statement of Policy**
- 6.1 Section 6(3) (b) of the Act states that in preparing this statement of policy the Board must consult the following: -
- East Lothian Local Licensing Forum;
 - if the membership of the Forum is not representative of all of the various membership categories, such persons as appear to the Board to be representative of the under represented categories;
 - such other persons as the Board thinks appropriate.
- 6.2 The Board has consulted widely on this statement of policy in fulfilment of the requirements of section 6(3)(b). The consultation took place from January 2018 to June 2018. A list of the parties consulted is contained in Appendix 1 to this policy

statement. In finalising this policy statement, appropriate weight has been given to the views of those who responded to the consultation.

7.0 Links to Other Policies and Strategies

7.1 The Board values and celebrates the diversity that exists within East Lothian, and would like to ensure that everyone can fully participate in the social, cultural, political and economic life of the County.

7.2 The Board opposes all forms of unlawful discrimination including discrimination on the grounds of race, ethnicity, gender, sexual orientation, age, religion and disability and recognises that discrimination creates barriers to achieving equality for all people.

7.3 The Board will, at all times, have due regard to the Equality Act 2010 and any subsequent and similar legislation and to the need to: -

- eliminate unlawful discrimination, and
- promote equality of opportunity.

East Lothian Licensing Board has an Equalities Policy which promotes access, for disabled people, to services and facilities that can be viewed at

https://www.eastlothian.gov.uk/downloads/file/22879/east_lothian_council_equality_plan_2017-21

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

7.4 The Board acknowledges the work undertaken by the voluntary sector in addressing the impact of alcohol misuse. It considers the work undertaken by the Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP) to be of particular significance in this area and a copy of the MELDAP Delivery Plan for 2015 - 2018 is available at the following link:-

<http://www.meldap.co.uk/>

7.5 Links with other Strategies

The Board acknowledges that the new policy references relevant locality plans and the strategic plan of the Health and Social Care Partnership (HSCP) as follows:-

https://eastlothianconsultations.co.uk/policy-partnerships/v2-health-and-social-care/supporting_documents/Strategic%20Plan%2020152025%20A%20First%20Consultation%20Draft.pdf

As alcohol licensing is the responsibility of the Board, it is essential that the Board identifies where it shares similar objectives to Community Planning Partners, and how best they support each other, it is therefore important to the Board that this policy aligns with the Community Planning Local Outcome Improvement Plans (LOIPs).

https://www.eastlothian.gov.uk/downloads/download/12766/ward_profiles

8.0 **Tourism, planning and building standards**

8.1 The Licensing Board will arrange to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in its considerations. New or extended license applications relating to a recognised tourist attraction must show that the granting of the licence will have no serious impact on the Licensing Objectives.

8.2 Planning, building standards and licensing regimes will be properly managed to avoid duplication and inefficiency. An application for a premises licence must be from a business that holds planning consent for the property concerned.

9.0 **Planning Public Events**

9.1 The Licensing Board will consider applications for the licensing of the sale and supply of alcohol at public events. However, it must be made clear that organisers have a responsibility to ensure that they check and apply for other types of licence or permit that may be required under other legislation in relation to the activity they intend to hold.

9.2 Organisers of a public event need to be aware that a great deal of planning and organisation is required to run an event successfully. The safety of all involved and the compliance with a wide range of legislation must be considered. As an organiser, it must be remembered that, at all times, you are responsible for all aspects of the event under your control.

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

https://www.eastlothian.gov.uk/forms/form/10214/en/notification_of_a_proposed_public_event

PART 2

PROMOTION OF THE LICENSING OBJECTIVES

10.0 Overview

10.1 Part 2 sets out the Board's general approach to the promotion of the licensing objectives. In relation to each licensing objective, the Board has set out the general policy it will pursue in seeking to promote that objective.

10.2 In respect of each licensing objective, the Board has: -

- defined its intended outcome; and
- listed factors that, in its view, have an impact on the achievement of that objective.

Because of the wide variety of premises and activities to which this policy statement applies these lists are not exhaustive, but representative only. Applicants and licence holders will know their own premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking, or have obtained, authorisation.

10.3 The Board considers that effective and responsible management of licensed premises is key to securing consistency with the licensing objectives. In respect of each licensing objective, the Board has specified a list of measures ("control measures") which it commends to applicants and licence holders as worthy of consideration in seeking to secure consistency with that objective. These lists are, intended to assist applicants and licence holders but, again, are not exhaustive. Some control measures apply to more than one licensing objective. Failure to implement these measures may put licensees at risk of review on the basis that they are not fit and proper persons to operate licensed premises and hold a premises licence.

10.4 The Board, in assessing applications for licensed premises, may attach conditions as considered necessary, in order to promote any of the licensing objectives.

10.5 Additional measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature.

10.6 BYOB on licensed premises

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

10.8 Should a licence holder allow a BYOB event to take place on their licensed premises, they must state this in the 'activities' part of their 'operating plan'.

10.9 Licensees should also understand that by permitting BYOB they will still be responsible for the conduct of persons within their premises and have a duty to control what and how much alcohol persons are consuming.

10.10 It should be clear that the use of BYOB facilities cannot be used to extend drinking time before or after core hours, as consumption of alcohol out with the licensed hours granted by the Licensing Board is illegal without the grant of an extended hours licence.

11.0 Preventing Crime and Disorder

11.1 In carrying out its functions under the Act, the Board will have regard to the likely impact licensed premises may have on crime and disorder.

11.2 The Board supports a strategy aimed at making East Lothian a safe place to live in and visit. The Board is committed to further improving the quality of life of people in East Lothian by playing its part in ensuring that licensed premises are run in such a way as not to contribute to crime and disorder.

11.3 Byelaws – In East Lothian there are Byelaws prohibiting the consumption of alcohol in designated public places. These restrictions were, introduced to prevent crime and disorder, and anti-social behaviour. At present, not all areas are covered by Byelaws, however, these are currently under review and are due to be renewed in 2018. Please check to see if there are any byelaws in your area which may impact on the planning of an event –

https://www.eastlothian.gov.uk/downloads/download/12782/alcohol_prohibition_zones

If it is proposed to hold an event at which alcohol is to be sold in an area that is subject to one of these Byelaws then an occasional licence would be required.

11.4 Applicants and licence holders should be able to demonstrate that all factors, which impact on crime and disorder, have been considered. These include but are not restricted to: -

- underage drinking, including agent purchases
- drunkenness on or around the premises
- illegal possession and/or use of drugs
- violent behaviour/public disorder
- sexual exploitation of children and young persons
- antisocial behaviour
- drink driving
- litter

11.5 Suggested control measures include: -

- implementation of a crime prevention strategy

- appropriate instruction, training and supervision of staff to include conflict management; protection of the vulnerable; raising awareness of what child sexual exploitation is, who is involved and actions to be taken; and general procedures to prevent crime and disorder. Guidance on how to recognise and deal with sexual exploitation of children and young persons can be found at: -

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

- acceptance of accredited proof of age card schemes
- provision of effective and well maintained CCTV in and around the premises. All licence holders and staff must be able to operate the system. Images should be kept, for at least one month. For operational purposes in the investigation of crime and disorder, police officers should be shown footage of any images held in respect of incidents on or about licensed premises. Viewing of images must also be made available to the Licensing Standards Officer. If copies of images are required for evidence purposes by Police Scotland, this should be accommodated on written request.
- display of prominent notices which set out the management's policy on illegal substances
- security policies and regular toilet checks
- employment, when necessary, of Security Industry Authority (SIA) licensed door staff
- proper management of people entering and leaving the premises
- active membership of Pub Watch or a similar scheme
- provision of litter bins and lighting outside the premises
- prominent display of material discouraging drink driving
- promoting awareness of schemes such as the designated driver scheme
- choice of size of measures, particularly for wine
- introduction of a sales refusals book
- calling last orders earlier than the daily terminal hour.
- keeping an incident book and daily register which lists complaints, incidents and actions taken by staff and management, including type of entertainment provided and approximate number of patrons in attendance. Other items of interest are details of official visitors to the premises i.e. LSO, Police and other officials, the time premises are cleared of patrons and street cleared at closing time.

11.6 Notification of Incidents – Licence Holders and their staff are expected to contact and co-operate with the Police when incidents of a violent, anti-social or otherwise criminal nature occur. This type of communication will be seen as a positive sign of good management. This also allows for the effective use of Exclusion Orders.

12.0 **Securing Public Safety**

12.1 The Board is committed to ensuring that the safety of any person visiting or working in, or in the vicinity of, licensed premises is not compromised.

12.2 Applicants and licence holders should be able to demonstrate that all factors which impact on public safety have been considered. These may include: -

- the occupancy capacity of the premises
- mandatory fire risk assessment of the premises
- the age, design and layout of the premises, including means of escape
- the nature of the activities on the premises
- the hours of operation
- customer profile (e.g. age, disability)
- having a glass policy in place covering the collection and use of glass and the risk to patrons and employees from glass
- having a risk policy concerning the use of special effects such as lasers, pyrotechnics, foam and smoke machines
- having a risk policy concerning cleaning and housekeeping processes, deliveries and property maintenance.
- first aid facilities

12.3 Suggested control measures include: -

- carrying out risk assessments
- effective and responsible management of the premises
- provision of effective and properly maintained CCTV in and around the premises. The Board supports the use of such systems and particularly encourage licensees to use them.

- active membership of Pub Watch or a similar scheme
- employment of adequate numbers of suitably trained staff
- discourage 'vertical' drinking and encourage patrons to be seated
- having a written policy on how to deal with customers and any other person on the premises who may have become incapacitated or vulnerable through drink or drugs
- empty bottles and glasses are regularly cleared from tables and public areas without undue delay
- all furniture and barriers included in an approved outdoor area that forms part of a public footpath or roadway, must be taken out of use at the designated closing time.
- outdoor areas located on a public footway should only be used for the consumption of alcohol by those seated in the area. No vertical drinking should be permitted on a footway. This practice would not apply to a beer garden in the enclosed area of private grounds unless otherwise directed in a condition imposed by the Board to control nuisance.
- appropriate first aid facilities. Consideration may also be given to having defibrillation equipment at hand and available to staff to deal with medical emergencies. If installation of defibrillation equipment is not practical (some premises work together to obtain these facilities for the community) then finding out and briefing staff as to where any local facilities are and how they can be accessed.
- proof of regular testing and, where appropriate, certification of procedures, relating to electrical, gas, heating and like appliances and safety systems
- informing the police of any special event that is to take place on the premises or of any incident or issues that relate to public safety
- employment, when necessary, of Security Industry Authority licensed door staff and implementation of a crowd management policy
- ensuring that premises, both internally and externally, are maintained in good, clean and tidy condition at all times, this includes public footways directly outside licensed premises. At no time should litter of any description, be swept and left beyond the perimeter of premises or into the gutter for others to clean up.

13.0 Preventing Public Nuisance

13.1 The Board believes that licensed premises can potentially have an adverse impact on communities, as a result of public nuisance arising from their operation. The Board aims to protect and maintain the amenity of residents and occupiers of other business premises from any adverse consequences of the operation of

licensed premises whilst also recognising the valuable cultural, social and business importance that such premises provide.

13.2 The Board, in assessing applications for licensed premises, may attach conditions as considered necessary, in order to prevent or control any potential detrimental impact of the premises in relation to issues of public nuisance.

13.3 Although interpretation is ultimately a matter for the courts, the Board intends to interpret “public nuisance” widely to include such issues as noise, light, odour, litter and antisocial behaviour where these have an impact on the local community.

13.4 Applicants and licence holders should be able to demonstrate that all factors, which might contribute to public nuisance, have been considered, these include: -

- the location of the premises and the type of neighbouring premises
- the hours of opening
- the nature of the activities to be provided on the premises
- the occupancy capacity of the premises

13.5 Suggested control measures include: -

- adherence to any local conditions imposed by the Licensing Board and Planning Department.
- appropriate instruction, training and supervision of staff to prevent incidents of public nuisance
- proper management of people entering and leaving the premises
- implementing a terminal hour dispersal policy including the placement of notices to request customers to leave the premises quietly
- using the wind down time between the end of licensable activities and the closure of the premises to indicate to customers that it is time to leave.
- implementing a policy of last admission time to manage safe capacity, prevent disorder and overconsumption.
- an effective policy on controlling noise and movement of patrons using outdoor areas, including areas used by smokers
- a litter and waste management policy should be in place, provisions should be made for the recycling of cans, glass bottles, plastic glasses and rubbish in appropriate receptacles at responsible times between 9am and 9pm, which will not affect nearby residents. The policy should detail management arrangements for the collection and disposal of waste and empty bottles.
- the Board is aware of the public concern of the disposal/misuse of plastics

and licence holders are encouraged to consider using safe alternatives such as Type 5 (polypropylene). Plastic glasses made from polypropylene are translucent, flexible, shatter and crack resistant. Modern polypropylene is almost as clear as PET (Polyethylene terephthalate). Polypropylene plastic glasses are an excellent clean source of plastic and would be readily accepted for recycling.

- installation of sound proofing and sound limiting devices.
- sound tests to ensure that noise from equipment used in providing live or amplified music, non-amplified music, singing and speech sourced from licensed premises is not intrusive in any adjoining or nearby residential property.
- reduction of volume of amplified music and live entertainment to protect health and prevent neighbour nuisance.
- consideration of sufficient provision of transport for patrons leaving premises, to prevent nuisance caused by patrons loitering in the vicinity of the premises, particularly after closing. This would include liaison with public transport and taxi providers. Drivers of vehicles dropping off or uplifting should be discouraged from sitting with engines running or idling. This could be publicised by clear signage and /or advice given by door staff.
- efficient cooking and extraction systems to prevent nuisance from odour and noise.
- installation of a well maintained air conditioning system to provide adequate cooling of public areas of premises during hot weather. This will negate the need to open windows and doors, and therefore prevent noise breakout.
- active membership of Pub Watch or a similar scheme.
- provision of effective and properly maintained CCTV in and around the premises. The Board supports the use of such systems and particularly encourages licensees to use them.
- employment, when necessary, of Security Industry Authority (SIA) licensed door staff.

13.6 **Antisocial Behaviour** – victims of noise nuisance, should contact the police on 101 or report the problem through the anti-social behaviour helpline on 01875 824307.

13.7 **18th or 21st birthday parties** - All premises hosting 18th or 21st birthday parties must give a minimum of 14 days' notice of these events to the Police Licensing Officer and the Licensing Standards Officer. This is so that appropriate advice can be offered on the proper management of such events. Good practice would also be for Licensees to additionally notify any immediate neighbours or those who live along obvious dispersal routes of such parties.

14.0 **Protecting and Improving Public Health**

- 14.1 The Board is concerned about the link between alcohol consumption and public health. The Board wishes to see responsibly managed licensed premises thriving in East Lothian but not at the expense of the public's health and wellbeing. One of the Board's priorities will therefore be the protection and improvement of the health and wellbeing of the population of East Lothian and visitors to East Lothian. The Board will have regard to the views of any other bodies responsible for, or having an interest in, public health.
- 14.2 Applicants and licence holders should be able to demonstrate the measures, which will be, or have been, put in place to protect public health.
- 14.3 Suggested control measures include: -
- displaying material discouraging drink driving.
 - promotion of designated driver schemes.
 - making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines.
 - The UK Chief Medical Officers' guideline for both men and women is that to keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis. Guidance can be found on:-
<https://www.drinkaware.co.uk/alcohol-facts/alcoholic-drinks-units/alcohol-limits-unit-guidelines/>
 - having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises.
 - ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small, medium and large measures should be available.
 - ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer.
 - Where deliveries of alcohol are made to households or other premises, delivery staff must be trained to the same level as those involved in the sale or supply of alcohol from licensed premises. Challenge 25 checks must be made and the mandatory delivery records must be kept in accordance with statutory regulations. No alcohol must be left at premises if the occupier is under 18 or a responsible adult is not present. Applicants for licences, which include delivery of alcohol, will be required to give details of how they are going to enforce Challenge 25, training of staff and record-keeping requirements when making deliveries. These measures will help protect the health of the young and the vulnerable. Where licensees use a courier service to make their deliveries, the licensee will ensure that the delivery service is compliant with the Board's required checks and standards of delivery.

- availability of low alcohol and alcohol free alternatives.
- provision of tap water that is fit for drinking free of charge on request. Other non-alcoholic drinks must be available at a reasonable price.
- licence holders are encouraged to provide food or a selection of reasonably priced snacks to encourage patrons to eat at the same time as consuming alcohol.
- providing contact details of where assistance for alcohol related problems may be sought.
- compliance with the law on alcohol pricing and irresponsible drinks promotions.
- having in place a policy/practice to deal with patrons who have consumed excessive alcohol.
- reduction of volume of amplified music and live entertainment to protect the health of patrons and staff and prevent neighbour nuisance.
- consider using plastic or toughened glassware at relevant events particularly those where children and young persons are present and ensure compliance with local conditions.
- Having defibrillation equipment at hand and available to staff to deal with medical emergencies. If provision of such equipment is not practical, then (some licensees work together to provide these facilities for the local community) it is good practice to find out where the nearest facilities are and how they can be accessed. More information can be obtained <http://www.scottishambulance.com/YourCommunity/defibrillators.aspx>
- <https://www.bhf.org.uk/how-you-can-help/how-to-save-a-life/defibrillators/applying-for-a-public-access-defibrillator>
- NHS Inform is the best website in Scotland for impartial health advice. More information can be obtained <https://www.nhsinform.scot/healthy-living/alcohol>

14.4 Licence holders should have a clear understanding that it is illegal to sell alcohol to a person who appears drunk or to allow drunkenness on the premises.

14.5 **Minimum Unit Pricing**

14.6 As of 1 May 2018, by law no alcoholic drink can be sold at a cost of less than 50p per unit. This is in accordance with Scottish Government policy, which targets high strength alcohol, sold at low prices.

14.7 MUP is implemented by way of adding a condition to all licences in Scotland, so failure to adhere to the policy is a breach of your conditions and a criminal offence. Adherence to the conditions is the responsibility of the licence holder, premises manager, and staff working at the point of sale.

14.8 Licence Holders should ensure that all staff are aware of the MUP requirements

by including this as part of their mandatory staff training.

14.9 As with all licensing conditions, MUP will be enforced by our Licensing Standards Officer. He will seek to provide assistance to any licence holder looking for guidance regarding implementation of MUP. Licence holders should be aware however, that they are ultimately responsible for compliance with their conditions and may be subject to enforcement action in the event of non-compliance.

14.10 Detailed information and guidance on MUP can be found:-

<https://www.mygov.scot/minimum-unit-pricing/information-for-retailers/>

14.11 **Irresponsible Drinks Promotions**

14.12 The 2005 Act prohibits the variation of prices within a 72-hour period of a prior change and includes mandatory conditions to tackle irresponsible promotions such as “happy hours”. These are contained within the mandatory conditions attaching to all premises, which can be viewed here

https://www.eastlothian.gov.uk/downloads/download/12771/premises_licence_information

14.13 The Board will require evidence linking the sale of alcohol to an inducement to the consumer to drink to excess before a promotion will be considered as potentially irresponsible.

14.14 Initially, complaints will be dealt with at a local level by the LSO. In most cases, it is hoped that these cases can be resolved in discussion between the LSO and the Licence holder without any sanctions being applied by the Board.

14.15 However, where the Board feels that further action is appropriate, it will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.

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

15.1 The Board wishes family friendly premises to thrive in East Lothian and welcomes premises licence applications from those who wish to operate licensed premises, which accommodate children and young persons. In terms of the Act Children are aged under 16 and young persons are aged 16 or 17. The Board understands that additional responsibilities will be placed on such applicants whilst at the same time recognising that parents and other adults accompanying children and young persons also have responsibilities. In determining any such application, the need to protect children and young persons from harm will be a major consideration and the Board therefore wishes to ensure that such premises are run in a way that is suitable for children and young persons.

15.2 Each application for children and young person’s access will be judged on its own merits and the Board may limit the hours that children and young persons are permitted to remain on the premises. Where there are no identified issues during the normal course of business children will only be allowed to remain on licensed premises until 22:00 hours. However, if any child is attending a pre-arranged function they may remain on the premises until the end of the function.

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

- children under the age of 12 have unsupervised access to pool tables, dart boards or areas where category C or above gaming machines are located.
- the premises are of unsuitable character or atmosphere.
- parts of the premises are very small, enclosed and unable to provide a family-friendly environment.
- the premises have very few suitable facilities for children, including toilet provision.
- the premises have a history for underage drinking. i.e. underage persons often target these premises using fake identification to gain entry.
- there is a serious element of gambling within the premises, which does not make separate provision for children's activities or family orientated events. e.g. the premises are used by persons to watch betting sports, prepare their bets which are taken to nearby betting shops.
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided.
- there has been a known association with drug taking or dealing on the premises.

15.4 The Board also takes very seriously the issue of underage drinking and wishes to remind licence holders that they and their staff must comply with all legislation in relation to children and young persons, including not selling, or allowing the sale of for consumption of alcohol to children and young persons unless with a meal as allowed by law.

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

15.6 Suggested control measures include

- appropriate instruction, training and supervision of staff in accordance with recognised standards
- employers will make careful checks where premises or entertainment is specifically targeted towards children, to ensure all persons employed or involved with their supervision or management, are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a Disclosure Scotland check to the appropriate standard.

Licence holders are reminded that they and their staff **must** comply with all other legislation in relation to children and young persons.

- risk assessments for all areas to which children and young persons have access.

- responsible retailing practices in cases of premises selling other goods as well as alcohol such as:
 - Not displaying alcohol alongside confectionary or other goods likely to be of interest to children
 - Not having alcohol displayed at places within the premises where it is likely to trigger impulse purchases by customers who would not have otherwise purchased alcohol, for example at the end of aisles and near check outs or till points.
- where deliveries of alcohol are made to households or other premises, delivery staff must be trained to the same level as those involved in the sale or supply of alcohol from licensed premises. Challenge 25 checks must be made and the mandatory delivery records must be kept in accordance with the law. No alcohol must be left at the delivery address if the occupier or a responsible adult is not present. Applicants for licences that include delivery of alcohol will be required to give details of how they are going to enforce Challenge 25, training of staff in accordance with the Act and record-keeping requirements. Where licensees use a courier service to make their deliveries, the licensee will ensure that the delivery service is compliant with the Board's required checks and standards of delivery.
- develop a Policy on recognising and dealing with the sexual exploitation of children and young persons. Guidance on this can be found at [http://emppc.org.uk/file/Child_Protection/EMPPC - Inter-agency_Guidance_on_Child_Sexual_Exploitation - 23-03-16_v1.pdf](http://emppc.org.uk/file/Child_Protection/EMPPC_-_Inter-agency_Guidance_on_Child_Sexual_Exploitation_-_23-03-16_v1.pdf)
- where possible, a separate servery accessible to children and young persons should be used for the sale and supply of soft drinks and foodstuffs.
- It is preferable that alcohol aisles in supermarkets should be segregated from other goods, with greater separation between alcohol and commodities popular with children and young persons i.e. soft drinks.
- all electrical sockets in public areas of the licensed premises must have safety appliances fitted. Likewise, fixed fireguards should be fitted to all open fires and mobile heaters should not be used when young children are on the premises.
- non glass drinking containers must be available for children on request.
- appropriate measures to ensure that children and young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of section 105(5) of the Act)
- exclusion of children from areas in which gambling is taking place such as casino, poker or race nights and areas where category C or above gaming machines are available for use.

- acceptance of accredited proof of age card schemes as below: -

www.challenge25.co.uk

- measures to ensure that children are not exposed to strong language, violence or disorder.
- where children under five years are permitted on the premises, baby-changing facilities must, in accordance with a mandatory condition of the licence, be provided which are accessible to persons of either gender.
- high chair facilities must be available for use by young children.
- children's menus should be provided where food is served on the premises.

15.7 It should be noted, that the Board has imposed a Local Condition that in the interests of public safety, children must be excluded from an area of 1.5 metres from any bar servery in the premises. An exception to this rule is where a child is passing through the excluded area from one part of the premises to another there being no other convenient way.

15.8 The Licensing Board may approve adult entertainment facilities. Each application will be given due consideration on its own merits. Conditions may be imposed to protect the vulnerable from harm. Included in any conditions will be that such entertainment will be for adult consumption only and children and young persons will not be permitted access to any part of the premises at times when adult entertainment is being provided.

Adult Entertainment is defined as "*The performance in a public place of any activity that a reasonable person would, in all the circumstances, consider to be for the purpose of providing sexual gratification and/or titillation*".

15.9 The following link to information regarding Alcohol and Young People is as follows: -

<https://www.alcohol-focus-scotland.org.uk/media/60109/Alcohol-and-young-people-factsheet.pdf>

PART 3

LICENSED HOURS

16.0 Off Sales

16.1 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am and after 10.00 pm. The Board's policy is that maximum available licensed hours of 10.00 am to 10.00 pm each day are generally appropriate for off sales. However, each off sales application will be assessed on its own merits against these licensed hours and the Board will wish to ensure that the licensing objectives are being promoted in such applications. If this is not demonstrated to the Board, the Board may grant reduced hours for off sales.

17.0 On Sales

17.1 For applications relating to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for consumption on the premises is: -

11.00 am to 11.00 pm Monday to Wednesday (inclusive)

11.00 am to 1.00 am Thursday to Saturday (inclusive)

11.00 am to 12.00 midnight on Sunday

17.2 In formulating the on sale policy hours, the Board has taken account of the licensing objectives, Scottish Government Guidance under the Act and the provisions of the Act itself. The Board recognises that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night time local economies, which are important for investment, employment and tourism. The Board considers that the on sale policy hours are appropriate for East Lothian and represent a balance between the interests of the public, residents, licensed businesses and patrons of licensed premises.

17.3 Each application for a premises licence will be assessed on its own merits, against the general on sale policy hours and the appropriateness of the type of activity for which a licence is being sought. Where an application received is requesting licensed hours exceeding 14 hours, the Board will require further information for the consideration of such applications and the Board will take into account the effect the granting of such a licence will have on the area.

17.4 Should an application be received in respect of opening earlier than 11am, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.

- 17.5 Applicants seeking licensed hours, which extend after 1.00 am should note that mandatory conditions will be imposed on the licence. These mandatory conditions are set out in regulations under the Act. The Board will also expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives

<http://www.legislation.gov.uk/ssi/2007/336/contents/made>

- 17.6 The Board has an existing practice of allowing longer licensed hours over the festive period. This only applies to ON-SALES premises. The Board's policy is to allow an extension to **2am** during the festive period on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. The Board will make an annual announcement in this regard at its meeting in October.

The Board may also, from time to time, make other such declarations in recognition of events of local or national significance, as these arise.

General Extensions will be publicised on East Lothian Council's website at the following link:

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/6

18.0 **Extended Hours Applications**

- 18.1 The Board may extend the licensed hours in respect of premises for a period not exceeding one month. The Board may do so in connection with; -

- a special event or occasion to be catered for on the premises; or
- a special event of local or national significance.

- 18.2 Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall outwith the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protection of public health licensing.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- the hours sought
- a description of the special event or occasion

- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.

The Board will not normally grant applications for early drinking prior to travelling to sporting events.

19.0 Occasional Licences

19.1 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises that are not licensed premises. This may be made by: -

- the holder of a premises licence,
- the holder of a personal licence; or
- a representative of any voluntary organisation including a non-profitmaking members club.

An occasional licence lasts up to a maximum of 14 days. The holders of a premises licence or a personal licence may make unlimited applications. Section 56 of the Act contains details in relation to the number of applications that can be made by voluntary organisations.

19.2 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each occasional licence application, applicants must complete the **supplementary information - appendix 9**, attached to the application form.

19.3 To allow time to consult the Police and the Licensing Standards Officer, and for a hearing to be convened if any objections are received, applications should be submitted not later than 42 days before the event is due to take place. Where an application is submitted later than this, applicants are warned that it may not be possible to fully process and/or determine the application in time for the planned event. To be clear, where an application is lodged late, and accepted for processing, applicants cannot be assured that their application will be processed in time, therefore, applicants lodge them at their own risk.

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

19.5 Applicants should be aware that they might also require a public entertainment and/or a late night catering licence issued by East Lothian Council under the Civic Government (Scotland) Act 1982. Other forms of licence may also be required and it is the responsibility of the applicant to check and apply for these licences as

appropriate. If a public event is planned, the Council should be separately notified http://www.eastlothian.gov.uk/info/760/events_and_festivals/1694/advice_and_support_for_planning_public_events

19.6 It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

19.7 Although an Operating Plan is not required when applying for an Occasional Licence, the Board still expects holders of an Occasional Licence to have and to observe an age identification policy, when operating under the Occasional Licence. This policy should incorporate the following: -

- identification policy, for example to require ID if a customer appears under 25. This should also include clear signage to leave customers in no doubt as to the policy;
- provisions to ensure that staff comply with the policy; and
- training conforming to the requirements of the Act and on the policy for those individuals who will be responsible for the sale of alcohol.

20.0 Repeated Occasional Licence Applications

20.1 Repeated applications for Occasional Licences for the same premises and which are: -

- not for specific events; and/or
- for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months will not generally be considered suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. It is largely expected, that the premises in question should consider an application for a Premises Licence.

20.2 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include “that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives”. These licensing objectives include: -

- Securing public safety.
- Protecting and improving public health
- Protecting Children and Young Persons from harm

The scrutiny given to an application for a Premises Licence is not available where premises operate under a series of consecutive Occasional Licences. In the interests of securing public safety, and/or, for protecting and improving public health, the Board, considers that it is not appropriate for a premises to operate on

a series of consecutive Occasional Licences, rather than apply for a Premises Licence. The Board will require an applicant to explain at a Hearing why an application for a Premises Licence is not being made unless the Clerk of the Board is satisfied that there are good reasons that prevent such an application that are not within the control of the applicant.

- 20.3 Mandatory conditions are automatically applied to occasional licences by virtue of the licensing legislation. Local conditions are applied by authority of the Licensing Board based on the type of event and those attending. A list of approved local conditions is shown at Appendix '9'

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PART 4

21.0 OVERPROVISION

- 21.1 Section 7 of the Licensing (Scotland) Act 2005 requires Licensing Boards to include in their statement of licensing policy a statement to the extent to which the Boards consider there to be overprovision of licensed premises generally, or licensed premises of a particular description, in any locality within the relevant Board's area. In determining whether or not there is overprovision Board must have regard to the number and capacity of licensed premises within the locality (although member's clubs are discounted) and may have regard to such other matters as Boards think fit including the licensed hours of premises in the locality.
- 21.2 In considering whether there is overprovision, the Board must consult the Chief Constable and NHS. It must also consult persons as appear to the Board to be representative of the interest of holders of premises licences in respect of premises within the locality, persons resident in the locality, and such other persons as the Board thinks fit. As with the whole of the Board's Policy Statement, the overprovision Statement must seek to promote the Licensing Objectives.
- 21.3 The Scottish Government Statutory Guidance to Licensing Authorities in relation to overprovision makes it clear that if there is to be finding of overprovision there must be robust and reliable evidence, which indicates that:
1. A saturation point has been reached or is close to being reached and
 2. A causal link must be identified between that evidence and the operation of licensed premises in that locality.
- 21.4 The Board in preparing its overprovision statement has consulted widely as can be seen in the list shown on page 38. It has consulted the Chief Constable and the local crime data is shown on page 71. The NHS has also been consulted and provided a presentation to the Board. NHS data relating to the East Lothian area is shown on pages 72-76. A short life survey was conducted on overprovision via the East Lothian Council Consultation Hub in January 2018 and a longer consultation was held between March and the end of June 2018. Intimation of the survey was circulated all to households and business premises in the county via the Living East Lothian newspaper. The results of these surveys is shown at <..\Data Evidence Reports\Public REVIEW OF STATEMENT OF LICENSING POLICY Survey results August 2018..pdf>
- 21.5 The Board is grateful to all respondents of the various consultations conducted, especially to East Lothian Licensing Forum, which set up a policy working group and provided the Board with a substantial report and recommendations. The Forum's report is shown at pages 48-53.
- 21.6 The Board also considered information from the recent CRESH and MESAS reports, which provided both local and national data relating to alcohol related death rates, hospitalisations and crime statistics. Parts of these reports, including graphical mappings, can be found in appendix 6. The Board is also grateful to Alcohol Focus Scotland for their presentation to the Board on the CRESH report

findings.

In considering the question of whether the Board should could identify any specific localities as overprovided the following points were considered:

21.7 The Licensing Forum, NHS, Police and the Public felt that on-consumption premises were generally well run and did not pose any significant problems in relation to promotion of the Licensing Objectives in any part of East Lothian.

21.8 Data in relation to East Lothian shows that the county has 23% of its neighbourhoods with higher than the Scottish average outlet availability. This relates to 21% of the area higher in respect of on-sales and 24% of the area higher for off-sales. Taken in perspective, East Lothian as a whole has an alcohol outlet availability lower than the Scottish average.

73% of all alcohol purchased in Scotland is from off-sale outlets.

21.9 In East Lothian over the period 2012 -2016 on-sales outlets decreased by 18 and off-sales increased by 1. This is significantly less than the national average where on-sales outlets increased by 1.5% and off-sales increased by 6.4%. In terms of outlet availability per 10,000 populations, East Lothian shows a decrease availability of 12.5% for on-sales and decrease of 2.7% for off-sales.

Data in relation to harm shows that there is 14.8 alcohol related deaths per annum in East Lothian, which is 33% lower than the Scottish average of 21.8 deaths per 100,000 populations.

Alcohol related hospitalisation figures for neighbourhoods show 66.6 cases, which is lower than the average for Scotland of 100.

East Lothian average neighbourhood crime rate is 218.7 alcohol related crimes per 10,000 populations, which is 34% lower than the Scottish average of 331.2.

21.10 The significance of the above data is not wholly that East Lothian has had a decrease in numbers of outlet availability or lower averages than the national picture. There are nevertheless still deaths, hospitalisations and crime being caused by alcohol related problems. Research has found that the greater the availability of alcohol the more problems there are in those areas with highest density of outlets. This is no exception in East Lothian where there are pockets of higher availability and greater harm compared to others, as shown in the maps in appendix 5. In summary, the areas of East Lothian with the most alcohol on-sales availability had death rates 3.4 times greater than the least and for off-sales 2.1 times greater than neighbourhoods with the least. Hospitalisation cases were double in the areas with greater number of outlets and crime figures were double in areas of greatest number of on-sales premises and 2.4 times higher in areas of neighbourhoods with greater numbers of off-sales outlets. These relationships were found even although other factors such as income deprivation, urban/rural status, age and gender were taken into account. .

21.11 As can be identified from these findings there are pockets of problems across the county and these problems relate to availability density rather than demographics or geographical location. Some respondents were of the opinion that East Lothian is too large and diverse a county to be classed as a single locality and were minded to consider each area and rural village as individual localities. Conversely,

many respondents, including the Licensing Forum and NHS, felt that East Lothian is a place where if alcohol cannot be found in one area then people would happily travel to an adjoining area or further afield to purchase it. Therefore, their view was that dividing East Lothian up into smaller localities would have little impact on preventing harm to health or reducing crime and that the whole of East Lothian should be considered as one locality.

- 21.12 The Board has considered the survey contributions. It has decided that given the fact that people living in East Lothian generally have reasonable access to both on and off-sales licensed premises throughout the Board's area, it is unreasonable to assume that residents across the county are purchasing alcohol only in their immediate locality. Indeed, people can obtain alcohol from outlets anywhere in the county or beyond due to ease of travel and their preferred shopping options. Therefore, the Board considers that East Lothian should be treated as one locality rather than specifying those areas where there are above average alcohol related deaths and hospital admissions.
- 21.13 The cost of alcohol harm in East Lothian was assessed at £26.7m annual per annum in terms of health, social care, crime, and productivity capacity, meaning a cost of £275 per person.
- 21.14 Changing Scotland's relationship with alcohol – a framework for action identifies that Scotland is drinking too much and this causes excessive harm. Action is stated to be urgently required to reduce overall consumption by making alcohol less easily accessible. This is, as already identified, the rationale for the protecting and improving public health objective and control of availability is a large part of this strategy which also seeks to include price control, prevention and treatment
- 21.15 When considering overprovision, the Board agrees that the available data shows, despite the decrease in the number of licensed premises since the introduction of the new licensing regime in 2009, there are still significant health and crime problems in our communities that should not be ignored and need to be addressed. Clearly access to alcohol is a key issue and the majority of alcohol (73%) obtained is through off-sales. Local knowledge of the trends associated with drinking recognises that much of the alcohol purchased in off-sales outlets is consumed prior to going out later in the evenings to on-sales premises where one or two drinks can result in overconsumption. This can lead to anti-social behaviour in public places and domestic abuse to women and children from those returning home drunk.
- 21.16 Consumption of alcohol by young people has been found to be on the decline with much of the alcohol actually being consumed by the youth sector being obtained from home or purchased for them by family or friends. Theft of alcohol is on the increase from off-sales premises.

The evidence available provides no causal links to any specific licensed premises, but does corroborate that there is an overall link to problems associated with availability of alcohol via off-sale premises.

- 21.17 Given consideration to all the contributions and responses received during the consultation period, the Board has determined that the harm caused by alcohol in East Lothian is not a direct and sole consequence of the number of premises, but

is a result of a wider, complex set of factors. Placing a limit on the number of licensed premises, or premises of a particular kind, would not in the Board's view at this point in time serve to promote any of the five licensing objectives. However, with a view to controlling availability of access to alcohol and preventing harm to health and reducing crime, the Board intends to consider closely all applications for new off-sales licences. The Board acknowledges that East Lothian is one of Scotland's fastest growing areas in terms of population and has many new build developments. The Board recognises that applications for new licences are to be expected for areas where there is particular growth in the population.

21.18 Each application requires to be determined on its own merits The Board expects to be addressed on each of the Licensing Objectives.

21.19 If an existing licence in any area ceases to exist, this will not necessarily mean that there is capacity for a new licence in that area. Each application will be considered in the context of statistics available to the Board at the time of the application. The Board in its consideration will also look at the number, capacity and type of licensed premises within an 800 metre radius of applicants' premises.

PART 5

MISCELLANEOUS

22.0 Board Business

22.1 The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, to make representations or to lodge objections. Whilst Board staff will give practical advice and assistance, they will not complete applications or operating plans or give legal advice.

22.2 Application forms are available on the East Lothian Council website at the following link:

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/3

22.3 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance will therefore be available on request for those who require special arrangements to access any part of the process.

22.4 To address increasing postal costs, The Board will, wherever practical, take steps to reduce such costs by communicating with licensees, legal and licensing agents and all other interested parties by way of email. It is therefore, in the best interests of licensees that they keep the Board informed of their current email address, telephone number and preferred means of communication.

22.5 The Board will generally meet in the Council Chambers, Town House, Haddington. In terms of Schedule 1 to the Act, Board meetings will be held in public.

- 22.5 The Board will attempt to make Hearings as informal as possible consistent with it carrying out its quasi-judicial function. All actings of the Board will follow best practice and will be proportionate, accountable, consistent, transparent and targeted.
- 22.7 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each application other than for a Minor Variation, applicants must complete the **supplementary information appendix** attached to the application form (see appendix 8). The Licensing Board reserves the right to return incomplete application forms unprocessed.
- 22.8 Processing applications will be dealt with as quickly as possible and within timescales set out by statute. When the Board receives a properly completed application, it will be acknowledged, and confirmation will be given that the application and any accompanying documents meets the prescribed requirements, and will be dealt with within an approximate period of time. This period will be no later than 9 months from the date of acceptance (“the determination period”). This period can only be extended if the Board makes an application to a Sheriff showing there is good reason to do so and where no previous extension has been granted.
- 22.9 Applications will be deemed to have been granted if the determination period has expired and no extension has been granted by a Sheriff.
- 22.10 The Board will prepare and publish a Functions Report, no later than 3 months after the end of each financial year, explaining how the Board has had regard to the licensing objectives and its statement of licensing policy during the course of the preceding year. In addition, the Board will similarly publish and prepare an Annual Financial Report. This will include a breakdown of the relevant income received, during the preceding financial year, in connection with the exercise of the Board’s functions associated with the various Licensing Acts and regulations. It will detail the amount of expenditure during that period, along with an explanation of how the amounts were calculated.
- 22.11 The Board’s aim is to provide a speedy, efficient and cost effective service to all parties involved in the licensing process. To this end, the Board has adopted a Scheme of Delegation to officers. The Scheme sets out those decisions that may be made by the Clerk of the Board and other specified Board officers, and is set out in Appendix 2 to this policy statement.
- 22.12 Information on the conduct of hearings and requesting a review of a Premises Licence / Personal Licence can be found at Appendix 3

23.0 Annual Fees

- 23.1 Payment of the Annual Fee is a mandatory condition attached to every Premises Licence and failure to pay may be treated as a breach of the terms of the licence.

Licence holders are reminded that it is their responsibility to ensure that the fee is paid each year on or before the due date of 1 October.

Due to the number of licence holders who have historically defaulted by paying their annual fee after the due date, the Board has decided to deal firmly with those

licence holders who fail to pay on time.

- The Board will notify licensees in early July of the due date for payment and the amount of the annual fee along with details of how payment can be made. A final email reminder will be issued at the beginning of September.
- The Board has determined that all those in default on 1 October will be required to attend a review hearing at the October Licensing Board to explain the breach of this mandatory condition of their licence.
- The Board may on review of a licence
 - (a) issue a written warning to the licence holder,
 - (b) make a variation of the licence,
 - (c) suspend the licence for such period as it may determine,
 - (d) revoke the licence.

24.0 **Licensing Standards Officer**

24.1 A licensing standards officer (LSO) is employed by East Lothian Council to exercise the functions set out in the Act. The LSO's role involves guidance, mediation and compliance. The LSO works with the public and licensees to promote the licensing objectives and to ensure compliance with the Act. The Board recognises that the LSO plays a key role in the licensing regime. The LSO will also bring this policy to the attention of Licence holders and prospective licence holders and will encourage compliance with its terms.

24.2 The Board expects that applicants for a grant, transfer or variation of a premises licence will liaise with the Licensing Standards Officer as part of the application process. The Licensing Standards Officer can assist with guidance and information on Board policy and liaison with the Board. Contact should be made with the Licensing Standards Officer as early as possible in the application process.

24.3 While the LSO is not in a position to give legal advice or to make applications or objections on behalf of any party, it is expected that the LSO will advise both licence holders and the public on their rights and responsibilities.

24.4 The LSO's resources will be targeted at high-risk premises and activities, which require greater attention. Active promotion of policy will be employed in respect of low risk premises, which are well operated.

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

25.0 **Members Clubs**

25.1 The Board has agreed to attach two local conditions to premises licences for members clubs, which is defined by regulation at

<http://www.legislation.gov.uk/ssi/2007/76/regulation/2/made> . These are:

- The Police and Licensing Board must be notified of any change in office bearers within 14 days of such change.

- No more than 6 guests may be signed in by any one member

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

26.0 Excluded Premises

26.1 An application for a premises licence must be refused if the subject premises are 'excluded premises'. Excluded premises are defined as motorway service stations and, with certain qualifications, garage premises or petrol/derv filling stations.

26.2 These premises are not excluded if the applicant can demonstrate that local residents are reliant to a significant extent for the premises to be a principal source of petrol/derv or groceries.

27.0 Outdoor Areas

27.1 Where an applicant proposes providing seating, tables or other facilities in any outdoor area (whether covered or not), the Board will assess the suitability of such area having regard to the licensing objectives, particularly those relating to preventing crime and disorder and preventing public nuisance. The Board reiterates that it considers effective and responsible management to be key in ensuring that such areas operate in a manner consistent with the licensing objectives.

27.2 In each individual case where an outdoor area is proposed, the Board will consider whether there should be a physical demarcation of the area, unless such demarcation already exists.

27.3 The Board's general policy is that there shall be no consumption of alcohol in any outdoor area after 22.00 on any day. As narrated elsewhere in this policy statement, every application will be considered on its own merits.

27.4 Licensing Law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are no longer on the licensed premises and beyond the direct control of the individuals, club or business holding the licence concerned. Good practice includes regular checks of outdoor areas to preserve the peace, dissuade anti-social behaviour and identify when there is a need to clean up and deposit litter into a suitable waste receptacle.

27.5 The Board may make conditions relating to outdoor seating areas to prevent nuisance and for the protection of public safety.

27.6 Applicants are advised to seek consent of the Roads/Transportation Department of the East Lothian Council prior to submitting any application where the proposed area forms part of the public footpath or road.

27.7 If an occasional licence is obtained for an event to be held on East Lothian Council land, a permit must also be obtained from the Landscape and Countryside Management service of the Council.

27.8 Where the outside drinking area utilises an area of footpath outside the premises the Board may attach the following conditions to the licence:

- The outside area must only be used by persons occupying the seats provided.
- The outside area must be clearly delineated by means of removable barriers.
- The barriers, tables and chairs must be removed at the end of the permitted hours for use of the outside area and stored securely in an area off the footpath.
- The area must be capable of being monitored by staff either physically or via an approved CCTV system.
- No amplified music shall be permitted outside the premises.
- The premises licence holder must ensure that the defined area is kept clear of all waste, including cigarette litter, associated with their business.
- Access to any public utility plant or fire hydrant in the area must be made available when required.
- An authorised officer of the Council or Police Scotland may temporarily suspend the use of the area for reasons of public safety.

28.0 **Smoking**

28.1 Licence holders have been effective in ensuring that patrons do not smoke within their premises. However, at times other issues can arise in the area around licensed premises such as noise nuisance, litter, disorder, obstruction of footways and smoke drift into neighbouring residences or back into the licensed premises.

28.2 The Board expects licence holders to have regard to good practice to ensure that patrons do not create a nuisance or disturbance for neighbouring residents. This includes noise arising as a result of patrons smoking outside the premises, smoke drift and litter becoming a nuisance to members of the public and obstructions that may be caused as a result of patrons standing in public areas. Good practice includes regular checks of outdoor areas to preserve the peace, dissuade anti-social behaviour and also identify when there is a need to clean up and deposit litter into a suitable waste receptacle. Cigarette ends and any other rubbish must not be swept into the roadway/gutter. Such practice will be considered a breach of the licensing objective of preventing public nuisance.

28.3 The Board expects residents of neighbouring properties to show a degree of tolerance and understanding towards nearby businesses and licensed premises particularly in town centres.

29.0 **Management of Premises**

29.1 All licensed premises other than those premises that hold non-profitmaking members club premises licence status, must have a designated premises manager (DPM), whose details must be shown in the Premises Licence. A DPM must be a personal licence holder and cannot be the DPM for more than one premises.

29.2 The Board expects the DPM to have day-to-day responsibility for the running of the premises and to be present on them the majority of time when alcohol is being sold. The premises licence holder is expected to ensure that the DPM has experience appropriate for the size, capacity, nature and style of the premises.

29.3 Although the legislation does not require the DPM to be on the premises at all times, each sale of alcohol must be authorised (either generally or specifically) by a personal licence holder. The Board suggests that licence holders ensure that, where possible, a personal licence holder is present on the premises to authorise the sale of alcohol at all times during licensed hours.

30.0 **Duty to Trade**

30.1 The Board recognises the need for businesses, particularly in a rural environment, to remain economically viable when faced with a lack of demand. Premises may wish to restrict their opening hours during quieter periods and may, therefore, not be trading to the full extent of the hours set out in their Operating Plan. While the Board will not treat occasional instances of such restricted trading as a breach of the terms of the Operating Plan, it would urge licence holders to keep their trading hours under review. If it becomes apparent that premises are regularly trading on a restricted basis, an application should be made for a variation to the Operating Plan to reflect the actual trading hours.

31.0 **Premises that have Ceased to be Used for the Sale of Alcohol**

31.1 Premises that cease trading in the sale or supply of alcohol must notify the Licensing Board of the reason for closure and the timescale for re-opening. The Board may decide to hold a hearing to determine whether in the circumstances the premises licence has ceased to have effect. If premises have been closed for a period of 18 months or more the Board will consider that the premises licence has ceased to have effect. In making a determination on this matter, the Board hold a hearing and will consider any representations made by the licence holder as to the circumstances in which the premises closed and the likelihood of them reopening for trade.

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

It should be noted that the Board takes the view that if any Licence Holder becomes dissolved or insolvent, the licence will no longer exist unless an application for it to be transferred has been made within 28 days.

31.3 In the respect of cases of insolvency, nominated trustees, liquidators or administrators should make contact with the Licensing Board as soon as possible should there be a likely delay in the insolvency process that may cause a problem in relation to the 28-day transfer procedure. In the case of dissolution the Board took the view that the licence no longer exists as there is no longer any licence holder.

32.0 **Deliveries**

32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This

should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records. (ref. Section 119 L(S)A 2005)

32.2 Applications for deliveries from cafes, restaurants and other food businesses, not considered to be predominantly grocers/supermarkets outlets, may be granted home delivery services, provided the order is ancillary to a meal and, any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.

32.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.

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

33.0 **Layout Plans**

33.1 The layout plans of premises should adhere to the rules of content as prescribed in the relevant regulations of the Act as per the following link http://www.legislation.gov.uk/ssi/2007/452/pdfs/ssi_20070452_en.pdf They should show, among other things, the area where alcohol will be sold, seating arrangements and areas to which children will have access. Each area should be clearly delineated including any beer gardens, outdoor seating areas and smoking areas. Inclusion of any outside areas will avoid any doubts when it comes to byelaws concerning the consumption of alcohol in public places. Where the premises cover more than one floor then there should be a layout plan included for each floor.

33.2 Off-sale plans should clearly show all areas where alcohol will be displayed for sale. Off-sale premises are permitted one area of display accessible to the public and one area which is inaccessible to the public. Plans should show the maximum width and height (in metres) of the frontage to be used for each display of alcohol within that area or areas. More information can be found in Section 5 of the regulations, as shown at the above link.

33.3 Layout plans will be on the scale of 1:100 millimetres on A3 sized paper or on such other scale as may be acceptable to the Licensing Board. Alternative scales must be clear and readable and contain all the information required under the Premises Licence (Scotland) Regulations 2007. **The Electronic submission of layout plans is preferred** otherwise applicants will require to submit 7 copies of paper plans. Inadequate plans will be rejected.

33.4 Where electronic layout plans are submitted, for ease of distribution and security, applicants are requested to note that wherever possible the format of image used should be .pdf. Other types of specialist application, such as cad, or general applications prone to manual alteration should not be used.. Electronic formats

should be capable of being clearly viewed or printed so they can be read clearly.

33.5 **Security of stock.** Theft of alcohol is recognised as a serious problem for off-sales premises, especially large supermarkets. The Board will therefore have particular interest in the location of alcohol displays and the security that is put in place. The Board may place conditions on licences designed to prevent theft of alcohol. These thefts adversely impact on the health of those who are involved in them or on others to whom the stolen alcohol is passed by sale or otherwise.

In considering the layout of alcohol displays, it is recommended that:

- displays in supermarkets and large retail outlets are covered by CCTV cameras
- displays in smaller shops should be easily visible to counter staff
- particularly in larger stores, that a member of staff should be located in the alcohol display area at all times.
- where the risk of theft in small stores is high, consideration should be given to storing and displaying all alcohol behind the sales counter.
- alcohol aisles in supermarkets be segregated from other goods, with greater separation between commodities popular with children and young persons e.g. soft drinks.

APPENDIX 1

Licensing Policy 2018 – 2023 List of Consultees

East Lothian Local Licensing Forum

The Licensing Standards Officer

East Lothian Council Planning, Building Standards, Environmental Health, Adult & Children's Services, Landscape and Countryside Services, Area Partnerships, Education/Schools, Event Planning and other service areas

Community Councils

Police Scotland

Scottish Fire & Rescue Service

Scottish Beer & Pub Association

Education and Schools

Adult and Area Partnerships

Queen Margaret University Students Association

NHS Lothian

Public Protection Office

Integrated Services Joint Board

East Lothian Tenants and Residents Panel

MELDAP

Youth Bank Scotland

Scottish Youth Parliament

Parent Councils

East Lothian Councillors

Safer Communities Team including East Lothian Community Wardens, Anti-social Behaviour Team and Environmental Protection Night Time Noise Team

Scottish Licensing Law Practice

Scottish Licensing Trade News

TLT Licensing Solicitors

Pub Chains

All East Lothian Households and Businesses through the Living East Lothian Newspaper

The public generally through East Lothian Council's website Consultation Huub and the

Independent East Lothian Licensing Forum website

APPENDIX 2

SCHEME OF DELEGATION

1.0 INTRODUCTION

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

2.0 POWERS DELEGATED UNDER THE LICENSING (SCOTLAND) ACT 2005

- 2.1 The following powers are delegated to and exercisable by the Clerk or Depute Clerks of the Licensing Board: -
- determining a premises licence variation application where the variation sought is a minor variation.
 - determining an application for the transfer of a premises licence where the applicant has not been convicted of a relevant offence or a foreign offence.
 - determining a personal licence application or a personal licence renewal application where the applicant has not been convicted of a relevant offence or a foreign offence.
 - granting an application for confirmation of a provisional premises licence with no variation of licence conditions.
 - determining an application for extended hours where no competent objections or representations are received or where such objections or representations have been withdrawn following discussion between the applicant and the party making the objection or representation.
 - determining an application for an occasional licence where no competent objections or representations are received or where such objections or representations have been withdrawn following discussion between the applicant and the party making the objection or representation.
 - variation of a premises licence under section 54(6) to show that there is no longer any premises manager specified in the licence if none has been intimated within 6 weeks of an event specified in s54(2).
 - deciding whether or not to accept an application for a Review of a Premises Licence.

APPENDIX 3

Procedures for Applications, Objections and Reviews

- 1.1 The Board gives notice of applications for premises licences and non-minor (commonly referred to as major) variations to –
- each person defined by the 2005 Act to be a neighbour;
 - any Community Council within whose area the premises are situated;
 - The Licensing Standards Officer
 - East Lothian Council's Building Standards Manager, Development Control Manager;
 - Environmental Health & Trading Standards Manager;
 - Police Scotland;
 - Scottish Fire and Rescue Service;
 - the local Health Board.

The Board is required to advertise these applications on its website for 21 days and in addition, applicants are obliged to display site notices at the premises for 21 days from the date that the applications are advertised.

- 1.2 Any person may submit an objection or representation to the Board regarding an application for:
- a premises licence
 - a variation to a premises licence
 - an occasional licence – (occasional licence applications are only notified to the Police and the LSO and are only advertised on the Board's website for 7 days)
 - an Extended Hours application – (extended hours applications are only notified to the police and LSO, there is no requirement to advertise these applications).
- 1.3 The extent to which the Board may take an objection and/or representation into account is governed by the 2005 Act and is, in general, subject to:
- receipt of the objection and/or representation within a prescribed timescale;
 - whether the content of the objection and/or representation addresses one of more of the licensing objectives; and
 - with regard to its nature, whether the Board considers the objection or representation to be frivolous or vexatious.

Persons wishing to make an objection or representation on any particular application should read the guidance notes on the Council's alcohol licensing webpage. They should also attend the Board hearing set to determine the application in order to speak to their objection or representation if they can. Notice of the Board meeting will be sent to all those who have made an objection or a representation. If they cannot attend, they will be given the opportunity to nominate someone to attend on their behalf

- 1.4 Any person may apply to the board for review of a premises licence.

The grounds on which any such application, can be made, are that one or more of the conditions attached to a licence has been breached and/or that there is a ground related to one or more of the licensing objectives. Detail must be provided in the application for a review

Whether the Board can receive and consider any application for review is, in general, subject to:

- whether, with regard to its content, the application discloses any matter relevant to any ground for review; and
- whether, with regard to its nature, the Board considers the application to be frivolous or vexatious.

The Board encourages any member of the public wishing to make a premises licence review application to use the form which has been prepared to assist applicants that can be found at the following link:

[Guidance Notes on Applying For Premises Licence Review 2018.docx](#)

The Board recognises that it has the power to recover expenses from an applicant for a premises licence review if it considers the application to be frivolous, or vexatious. However, it wishes to make clear that it will not consider using that power unless there is information before it to suggest that the application was deliberately frivolous or vexatious and not submitted on the basis of a genuine misunderstanding of the licensing system.

The Board may also decide to hold a review on its own initiative.

The Board wishes to emphasise the seriousness of review proceedings for both premises and personal licence holders because of the potential consequences they can have, should the Board find grounds for review established and decide to exercise any of the powers available to it.

If applications for review are granted the Board will hold a hearing. It is therefore of important, that the licence holder is fully prepared to present their case and they might be advised to obtain legal representation.

APPENDIX 4

Attending a Licensing Board Hearing General Information and Procedures

1.0 Procedures for Hearings

1.1 Communication

Normally, communications will be accepted and sent out by post or e-mail.

All correspondence should be addressed to “The Clerk of the Licensing Board” John Muir House, Court Street, Haddington, East Lothian EH41 3HA. Emails should be sent, to licensing@eastlothian.gov.uk . To save on the postage costs the Board prefers to communicate by email if possible.

1.2 Hearings

Licensing Board meetings are open to the public.

Meetings are normally scheduled to take place on the last Thursday of each month in the Council Chambers, Town House, 57 High Street, Haddington, East Lothian EH41 3EN, telephone 01620 827 485. These premises have disabled people’s access and facilities.

Parking in the area is currently available on street, with a restriction of 90 minutes. Tesco Car Park is located behind Marker Street and is limited to 3 hours. The adjacent long stay car park is currently free, but has limited spaces, which, are usually occupied early morning.

1.3 Board Room layout and Facilities

On entry to the Town House, the Council Chamber is to the immediate left of the entrance. The layout of the room is set out with tables and chairs in a square, in boardroom style. The six Board members and the Clerk of the Board sit on the far side from the door, with applicants, their solicitors and any objectors sitting facing opposite when their case is called for discussion. The Police, the NHS, the Licensing Standards Officer, Licensing Officers and Committee Officer sit on the other sides of the square and provide input as directed by the Convener.

When waiting for their case to be called, respondents and legal agents sit on the seats around the perimeter of the room. Likewise, the general public will also be able to occupy these seats and observe proceedings.

Press Reporters frequently attended hearings and sit at a reserved table in the corner of the room.

1.4 Meeting Business

Hearings are called to make decisions on the following matters:

The table below lists the relevant sections of the Act, whether the Board must or may hold a hearing and the time limit for doing as set out in the legislation.

<u>Section</u>	<u>Type of Application</u>	<u>Hearing</u>	<u>Time limit</u>
Section 23(2)	Consideration of premises licence	MUST	119 days after last day on which objections can be lodged
Sections 29 – 30	Consideration of major variation of premises licence	MUST	119 days after last day on which objections can be lodged
Section 33	Transfer of licence where there are relevant convictions	MUST	42 days after the date on which Board received Section 33(6)(b) notice
Section 38	Review of Premises licence by Board or application to review premises licence	MUST	42 days after the date on which the Board made the Section 38(1)(a) proposal or received the Section 38(1)(b) application.
Section 38 and 44	Consideration of relevant conviction on part of the Licence Holder	MUST	42 days after the date on which the Board received notice of the relevant conviction
Section 59	Application for occasional licence with representations by Police/LSO or written objections made	MAY	42 days after the date on which the Board received the occasional licence application
Section 68	Application for extended hours for a special event	MAY	42 days after the date on which the Board received the application
Section 97 & 100	Consideration of Closure Order	As per Regulations	As per Regulations

1.5 Personal Licence Applications and Reviews

Applications for Personal Licences will only be accepted if

- The applicant is aged 18 or over;
- The applicant possesses an accredited licensing qualification; and
- No personal licence previously held by the applicant, has been revoked, within the period of 5 years, ending with the day on which the application was received.

The table below lists the relevant sections of the Act, whether the Board must or may hold a hearing and the time limit for doing as set out in the legislation

<u>Section</u>	<u>Type of Application</u>	<u>Hearing</u>	<u>Time limit</u>
Sections 73 & 75	Consideration of application where Chief Constable has specified relevant offence	MUST	42 days after the date on which Chief Constable notifies relevant offence
Section 83	Consideration where Chief Constable notifies relevant offence after grant of personal licence	MUST	42 days after the date on which the Board received the notice in terms of Section 83(4)(b).

<u>Section</u>	<u>Type of Application</u>	<u>Hearing</u>	<u>Time limit</u>
Sections 84 & 84A	Review of personal licence where licence holder acted in manner inconsistent with licensing objectives	MUST	Within time limit listed above for review of personal licence
Section 86	3 endorsements on licence	MUST	As required

1.6 Notice of Hearings

The Board will give notice of any hearing in relation to applications or licences issued in terms of the Licensing (Scotland) Act 2005.

A notice will specify:

- The date, time and place at which the Hearing, Adjourned Hearing or Additional Hearing (as the case may be), is to take place.
- That the Board will make available the documents relevant to the Hearing to any person that has made representations (unless the representations are considered by the Board to be vexatious or frivolous.)
- That the Board may consider the matter in the absence of any party, should that party fail to attend the Hearing

The notice will be issued by email or ordinary post. The Board will endeavour to ensure that it is received by relevant parties at least 14 days in advance of a meeting and not later than 10 working days* before the first day on which the Hearing is to be held.

** Periods are subject to the issue of further Regulations*

1.7 Information and Documents to Accompany a Notice of Hearing

The Notice of Hearing will be, accompanied by, a copy of this document. Copies of this document will be available to Board Members at Hearings.

1.8 Prior to the Hearing

Each party should, as far as possible, notify other parties and the Clerk of the evidence that they intend to rely on at the Hearing, including full details of that evidence and copies of any documents (defined in its widest sense) to be produced.

The Board will not generally permit the leading of evidence by witnesses at a Hearing.

Notification including, where relevant, copy documents should be sent, to other parties and the Clerk not later than **10 days** before the Hearing. Where evidence is lodged after this date, the Board may call and then adjourn the Hearing to an alternative date to allow all relevant parties time to review the evidence submitted and prepare their case accordingly.

1.9 Attendance at the Hearing

Parties should attend or be represented at the Hearing and should notify the Clerk of their intention to attend no later than **7 days** prior to the Hearing. Details of any representative should be included in the notification.

Regulation 14 of the Licensing Procedure (Scotland) Regulations 2007 provides that a party may be, represented by another person at a Hearing. However, the Board may decide not to hear from the representative where they cannot produce evidence, in the form of a written authority, confirming

his standing to appear for the party.

Where a party fails to appear, or be, represented, the Board will then decide whether to proceed with the Hearing in the absence of that party or continue the Hearing to another date. Each matter will be, considered on its own merits. However, in general:

1. If a party has indicated an intention to appear but fails to do so, the Hearing may proceed in their absence;
2. If a party has given no indication about appearing and there is no apparent reason for the failure, then the Hearing will proceed and the Board will make such decision as it thinks fit in the absence of that party;
3. If a party leaves a Hearing in circumstances such that it can reasonably be inferred that they do not wish to take any further part, then the Hearing will proceed and the Board will make such decision as it thinks fit in the absence of that party;

A Hearing will normally only be continued on one occasion.

Where a Hearing proceeds in the absence of any party, the Board will consider the application or any representations made by that party that are not considered, by the Board to be vexatious or frivolous.

1.10 Power to Postpone

The Board may, at any time postpone a Hearing to a specified date. Each case for postponement will be considered on its own merits.

1.11 Conduct of Hearings

- 1.12 The Board wishes to create, as far as possible, a less formal and more relaxed atmosphere so as not to intimidate parties.

The Board will always endeavor to ensure that the rules of natural justice are observed.

Hearings will be conducted in public; however, the Board may retire to consider matters in private. All decisions will be taken in public.

In general, a Hearing will take the form of a discussion led by the Convenor of the Board.

Each party will have the opportunity to address the Board and present evidence.

1.13 Conducting a Hearing

The agenda is circulated by the Council's Committees Team in advance of the hearing, and items will normally be called in order as they appear on the agenda

Generally speaking, the running order will be as follows:

1. The applicant will be asked to present their case.
2. Any party that has made representations on the application will be invited to present their case;
3. The applicant will then have an opportunity to respond to any points raised;

- Presentation of a case may be through the use of documents (which must be provided to all parties prior to the start of the Hearing), oral or written submissions or a combination thereof;
 - Cross-examination will not generally be permitted.
 - Hearsay evidence is admissible.
4. Board members may ask questions of any party
 5. Parties will be asked to sum up (in reverse order) No new evidence to be led at this stage.
 6. The Board may request legal advice from the Clerk. The Board may also retire to deliberate.
 7. The Convenor will deliver the Board's decision and may ask individual Board members to comment for the record their views on the case and decision made.

The Board retains a general discretion, where considered appropriate, to depart from the foregoing and/or disregard procedural errors and/or remedy prejudice to any party.

In relation to consideration of complaints or requests for review of premises or personal licences, the procedure will be as follows:

1. The complainer or person requesting review will be invited, to attend any hearing. If they decide to attend, they will be asked to present their case.
2. Any party that has been consulted and has provided information on the matter at hand, may be invited to attend the hearing and may be invited to answer Board member's questions.
3. The Licence Holder will then have an opportunity to respond to the Complaint/Request for Review and any points raised in the representations relating thereto;
 - Presentation of a case may be through the use of documents (which must be provided to all parties prior to the start of the Hearing), oral or written submissions or a combination thereof;
 - Cross-examination will not generally be permitted.
 - Hearsay evidence is admissible.
4. Members may ask questions of any party
5. Parties will be asked to sum up (in reverse order) No new evidence to be led at this stage.
6. The Board may request legal advice from the Clerk. The Board may also retire to deliberate.
7. The Convenor will deliver the Board's decision and may ask individual Board members to comment for the record their views on the case and decision made.

The Board retains a general discretion, where considered appropriate, to depart from the foregoing and/or disregard procedural errors and/or remedy prejudice to any party.

1.14 Exclusion of Disruptive Persons

The Board may require any person attending the Hearing who, in their opinion, is behaving in a disruptive manner to leave the Hearing and may

- Refuse to permit him to return; or
- Permit him to return but only on such conditions as the Board may specify.

Where a person is required to leave the Hearing, the Board will instead:

- Permit him to submit in writing, before the end of the Hearing, any information which he would have been entitled to give orally had he not been required to leave; and
- Take into account that information in reaching a determination.

1.15 Procedure Where a Hearing is Not to Take Place.

Where it has been decided, that a matter can be determined without a Hearing (with or without the consent of the parties) the Board will, as soon as is reasonably practicable –

- Notify all parties that the hearing has been dispensed with; and
- Determine the application or review.

Where the Board does not hold a hearing, where there is an option to hold a hearing, the Board will make sure that all relevant parties have the opportunity to state their case, in particular, the applicant will have a chance to respond to any observations made by the Police or the Licensing Standards Officer.

1.16 Record of Proceedings

The Board will ensure that a minute of the Hearing is taken, in a permanent and intelligible form. However, Hearings will not be recorded and a transcript will not be available. The minutes will be retained in the East Lothian Council archive.

1.17 Irregularities

The Board may disregard any irregularity resulting from a failure to comply with this policy, or with a procedure where an irregularity comes to its attention before it makes a decision on the matter at hand.

If the Board considers that any person may have been prejudiced by any irregularity, it will take such steps that it considers necessary to remedy the consequences of the irregularity, before reaching its decision.

APPENDIX 5

East Lothian Licensing Forum New Statement of Licensing Policy – review and recommendations

This paper outlines the role of East Lothian Licensing Forum, comments on the existing East Lothian Licensing Policy and operation of the Alcohol Licensing (Scotland) Act 2005, and makes sixteen recommendations to the East Lothian Licensing Policy Group and Licensing Board for the development of the new Statement of Licensing Policy 2018-23.

BACKGROUND

1.0 Role of the Local Licensing Forum

Under the Alcohol Licensing (Scotland) Act 2005 the Local Licensing Forum has the following general functions: -

- (a) keeping under review
 - (i) the operation of this Act in the Forum's area, and,
 - (ii) in particular, the exercise by the relevant Licensing Board or Boards of their functions, and
- (b) giving such advice and making such recommendations to that or any of those Boards in relation to those matters as the Forum considers appropriate.

Under the Act, A Licensing Board must—

- (a) in exercising any function, have regard to any advice given, or recommendation made, to them in relation to the function by a Local Licensing Forum, and
- (b) where the Board decides not to follow the advice or recommendation, give the Forum reasons for the decision.

In preparing a licensing policy statement or a supplementary licensing policy statement, a Licensing Board must

- (a) ensure that the policy stated in the statement seeks to promote the licensing objectives, and consult the Local Licensing Forum for the Board's area.

1.1 REVIEW OF THE OPERATION OF THE ACT IN THE FORUM'S AREA

The Forum's view is that the current Statement of Licensing Policy 2013-16 has not been very influential in the actual decisions of the Board during the period of

its application. There is a perception that the economy and jobs have been a prime concern of some Board members although they are not one of the five licensing objectives, and that there may also have been party political aspects to the voting (please see recommendation 14).

1.2 Overprovision

The Forum has considered the overprovision statement, in particular the whole area aspect of the statement. There has been a lack of clarity around whether the whole area overprovision statement was contrary to the law at the time. However, it is clear now under an amendment to the Act that this is lawful.

The pros and cons of an overprovision statement for the whole area have been debated. Advantages identified are that it creates a presumption of rebuttal; therefore, further information is required to be submitted with licensing applications, which is recognised as being very useful in giving a comprehensive picture to inform decision-making. It also avoids certain council areas being stigmatised as 'problem' areas, and takes into account that some people may travel to purchase alcohol. Disadvantages are that it becomes meaningless if the majority of licenses continue to be granted. To the Forum's knowledge, only one application has been refused without challenge in the last four years, which was for an extension to display area of a supermarket prior to opening. It has been suggested that there may have been some reluctance to 'take on' larger operators.

It is acknowledged that members are representing their own communities as being Board members. Consistency in decisions and conditions is important, for example between size and type of outlet.

1.3 ISSUES TO BE CONSIDERED AND RECOMMENDATIONS

Forum members have built up a degree of expertise in the licensing area and have noted a number of issues that they feel the new policy should consider. The Forum has discussed these issues thoroughly, drawing on a variety of sources of evidence – available data on alcohol e.g. health and police statistics and outlet densityⁱ, local knowledge of alcohol-related issues e.g. availability, cultural factors, and the published evidence around causes of alcohol-related behaviour e.g. consumption and best practice in addressing alcohol-related harm.

The Forum respectfully reminds the Board that the promotion of the five licensing objectives is intended to form the basis of the policy and licensing decisions. The main issues the Forum brings to the attention of the Policy Group and Licensing Board are outlined as follows,

1.4 Protecting Children and Young People from Harm

Protecting Children and Young People from Harm (amended under the Air Weapons and Licensing Act to include young people) is a licensing objective the Forum takes particularly seriously. There are a number of elements to consider.

1.5 Granting of occasional licenses.

The Forum does not consider it appropriate for occasional licenses to be granted for events that are primarily child or family-orientated, where the majority of attendees will be children, young people and families. The Forum has concerns over the exposure of children and young people to alcohol and the 'normalisation' of alcohol, its effects and behaviour associated with consumption and intoxicationⁱⁱ.

Recommendation 1: Occasional licenses are not granted for events that are primarily child or family-orientated, where the majority of attendees will be children, young people and families.

Recommendation 2: Where licenses are granted, there is a requirement in the Statement of Licensing Policy that applications include a justification for why alcohol is required to be served and for a risk assessment to be conducted, including items on security.

Recommendation 3: Where licenses are granted, there is a requirement for separate areas for the serving of alcoholic and soft drinks for occasional licensees where children and young people will be present.

1.6 On-sales premises.

Recommendation 4: The Forum recommends that the Statement of Licensing Policy states that access for children and young people will only be granted for on-sales premises when a meal is to be consumed e.g. restaurants, pubs serving food, i.e. not vertical drinking establishments, or for organised events e.g. sports.

1.7 Deliveries.

The Forum suggests that the new policy incorporates steps to reduce the potential for children and young people to access alcohol via online sales and deliveries, e.g. Challenge 25, checks and records being in place, personal licenses and training requirements for all delivery drivers.

Recommendation 5: Applicants could be asked to make explicit what measures they are going to take to prevent children and young people getting access to alcohol, which would include details of how they are going to enforce Challenge 25, training and record-keeping.

These measures would support all the licensing objectives but in particular those of protecting children and young people from harm, and protecting and improving public health by reducing access by children and young people and levels of consumption, by and around children and young people.

1.8 Seasonal/festive extensions.

The Forum recommends that the seasonal extension each year, which premises

can use providing they have stated this in their operating plan, be extended hours until to 2am for three days over Christmas (Christmas Eve, Christmas Day and Boxing Day), and two days over New Year (Hogmanay and New Year's Day) for on-sales only.

This would reduce the increases in volume of workload for both the licensing team and the police by reducing the need to apply for occasional licenses but without the Police having to plan for additional capacity, especially when it has been observed locally that the number of premises that took advantage of the extension beyond these proposed main holiday dates was considered to be quite small.

These measures would support all the licensing objectives but in particular those of protecting and improving public health, prevention of crime and disorder, securing public safety and preventing public nuisance by reducing the levels of consumption over the festive period.

1.9 Overprovision

It is noted that overprovision can be considered in terms of number and density of premises, type of premises (e.g. restaurants, pubs, supermarkets, small independent retailers), hours of sale, display capacity. The Forum has considered the issue of overprovision at length. In particular the evidence linking the availability of alcohol and alcohol-related harmⁱⁱⁱ and the figures around the volume of sales from off and on-sales premises^{iv}.

Whole area versus locality. As outlined already, the pros and cons of the current overprovision statement for the whole area have been considered. In general, the whole area approach is supported. The Forum has paid close attention to the evidence base that nearly three-quarters of alcohol sales in Scotland is purchased from off-sales.

Recommendation 6: The Forum recommends that the whole of East Lothian is declared overprovided for by off-sales. The exception to this would be in areas of new build development where the availability of local amenities is important for new communities. In these instances, an upper limit of display capacity would apply.

Recommendation 7: In the exceptional circumstance of new build developments where off-sales licenses are granted, display capacity should not exceed 15 square metres.

Off-sales hours.

Recommendation 8: The Forum recommends that the commencement of off-sales is raised to 12pm. The impact of the availability of alcohol from 10am on public health was considered, particularly amongst problem drinkers and other substance use^v.

On-sales hours.

Recommendation 9: The Forum recommends keeping the existing on-sales hours of 11.00 am start to 11.00 pm Monday to Wednesday (inclusive), 11.00 am to 1.00 am Thursday to Saturday (inclusive) and

11.00 am to 12.00 midnight on Sunday.

A reasonable exception to these times would be if a nightclub were to apply for a license in East Lothian.

1.10 Display capacity.

Recommendation 10: The Forum recommends that the Statement of Licensing Policy restrict any more increases in capacity of existing off-sales premises in East Lothian.

The above components of an overprovision statement would support all the licensing objectives by reducing the ease by which alcohol can be accessed in East Lothian and therefore associated alcohol-related harms.

1.11 Layout of premises; height of shelves, security.

The Forum considers it important that recognition is made in the new licensing policy of the influence the layout of shops (including fixtures and fittings) has in the ability of off-sales premises to monitor and regulate alcohol sales (e.g. segregated aisles, height of shelves around alcohol areas). The policy should clearly state that layout plans will be under scrutiny by the Board. The Forum notes that in many off-sales premises soft drinks and alcohol are often displayed side by side or in adjacent aisles.

Recommendation 11: The Forum recommends that alcohol aisles be segregated in supermarkets, with greater separation between commodities popular with children and young people (e.g. soft drinks) and alcohol aisles, and with no end of aisle displays.

Recommendation 12: Security requirements should be made explicit in the policy according to the nature and size of premises. For supermarkets and larger retail outlets, this includes adequate CCTV that is maintained and working, manned security and display arrangements that minimise the risk of theft. For small shops, the location of the alcohol should make supervision easy e.g. behind the till, and height of shelves be restricted, to minimise the risk of theft.

With alcohol being the most frequently shop-lifted item from retail outlets^{vi}, these measures would support the licensing objective of the Prevention of Crime and Disorder as well as Protecting Children and Young People from Harm and Protecting and Improving Public Health.

1.12 On-line sales and deliveries.

The rise in sales of alcohol from on-line outlets is an area of concern nationally. Whilst the Forum recognises that the Board is not able to control the purchase of alcohol from large, national, on-line retailers, this should not deter the Board from making a statement in the East Lothian policy regarding restrictions to increases in on-line sales from within East Lothian. Recommendations have already been made regarding the inclusion of requirements for training; personal licenses for drivers and

challenge 25 for deliveries (see 1c).

Recommendation 13: On-line sales will only to be granted with food orders from restaurants, or from pubs or distilleries for specific purposes e.g. to promote their own products. These would be stated as conditions in the license.

These measures would support all the licensing objectives but in particular those of protecting children and young people from harm and protecting and improving public health.

1.13 The Five Licensing Objectives.

Recommendation 14: In the interests of transparency and accountability, the minutes of Board meetings should specify reasons for decisions and record the votes cast by the respective members.

Recommendation 15: The Forum recommends that the new policy includes guidance as to what the 'exceptional circumstances' are that would mean that a license application is granted which apparently contravenes some or all of the conditions specified in the policy statement. These should be in relation to all five of the licensing objectives.

Recommendation 16: Overall the Forum would like to see the implementation of more detailed application forms to enable more rigorous scrutiny and consideration of applications in context by the Board and consultees.

On behalf of and in collaboration with members of East Lothian Licensing Forum

November 2017

APPENDIX 6

OVERPROVISION DATA, REPORTS & STATISTICS

Alcohol harm in East Lothian



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

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

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

412 alcohol-related hospital stays in East Lothian last year.ⁱⁱⁱ

14 alcohol-related deaths in East Lothian last year.^{iv}

17 child protection cases in Mid and East Lothian where parental alcohol or drug misuse was involved.^v

271 premises licences in force in East Lothian.^{vi}

East Lothian has an alcohol outlet availability lower than Scotland as a whole, but has **pockets of high availability**.^{vii}

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

[For more information](#)

Alcohol Focus Scotland, 166 Buchanan St, Glasgow, G1 2LW 0141 572 6700 | enquiries@alcohol-focus-scotland.org.uk | www.alcohol-focus-scotland.org.uk @Alcohol Focus

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¹ Scottish Health Survey 2015, Scottish Government, 2016

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

³ Local cost of alcohol profile, Alcohol Focus Scotland, 2012



Alcohol Outlet Availability and Harm in East Lothian

April 2018

This document sets out the findings from research by Alcohol Focus Scotland (AFS) and the Centre for Research on Environment, Society and Health (CRESH), which investigated whether alcohol-related health harm (hospitalisations and deaths) and crime rates across Scotland were related to the local availability of alcohol outlets. The relationship between income deprivation and alcohol outlet availability was also examined.

1.0 Key findings

- East Lothian is **ranked 18th out of 30 local authority areas for alcohol outlet availability** in Scotland (13th for on-sales and 21st for off-sales outlets).
- **Alcohol-related death rates in the neighbourhoods with the most alcohol outlets were 4 times higher** than in neighbourhoods with the least.
- **Alcohol-related hospitalisation rates in the neighbourhoods with the most alcohol outlets were double** those in neighbourhoods with the least.
- **Crime rates in the neighbourhoods with the most alcohol outlets were 2.5 times higher** than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was, **found even when other possible explanatory factors**, such as age, sex, urban/rural status and levels of income deprivation, **had been taken into account.**
- The **total number of alcohol outlets in East Lothian decreased by 17 (5.9%)** from 286 in 2012 to 269 in 2016.

1.2 Alcohol Outlet Availability in East Lothian

Alcohol outlet availability within neighbourhoods

Alcohol outlet availability was calculated by measuring the number of outlets within 800m (approximately a ten-minute walk) of each data zone (neighbourhood)'s population centre. There are 132 neighbourhood's in East Lothian. The average number of outlets for each neighbourhood was calculated to obtain ranks for outlet availability for all local authority areas within Scotland (with the area ranked 1st having the highest availability and 30th the lowest availability).

East Lothian is **ranked 18th out of 30 local authority areas for alcohol outlet availability** in Scotland (13th for on-sales and 21st for off-sales outlets). In East Lothian, in 2016:

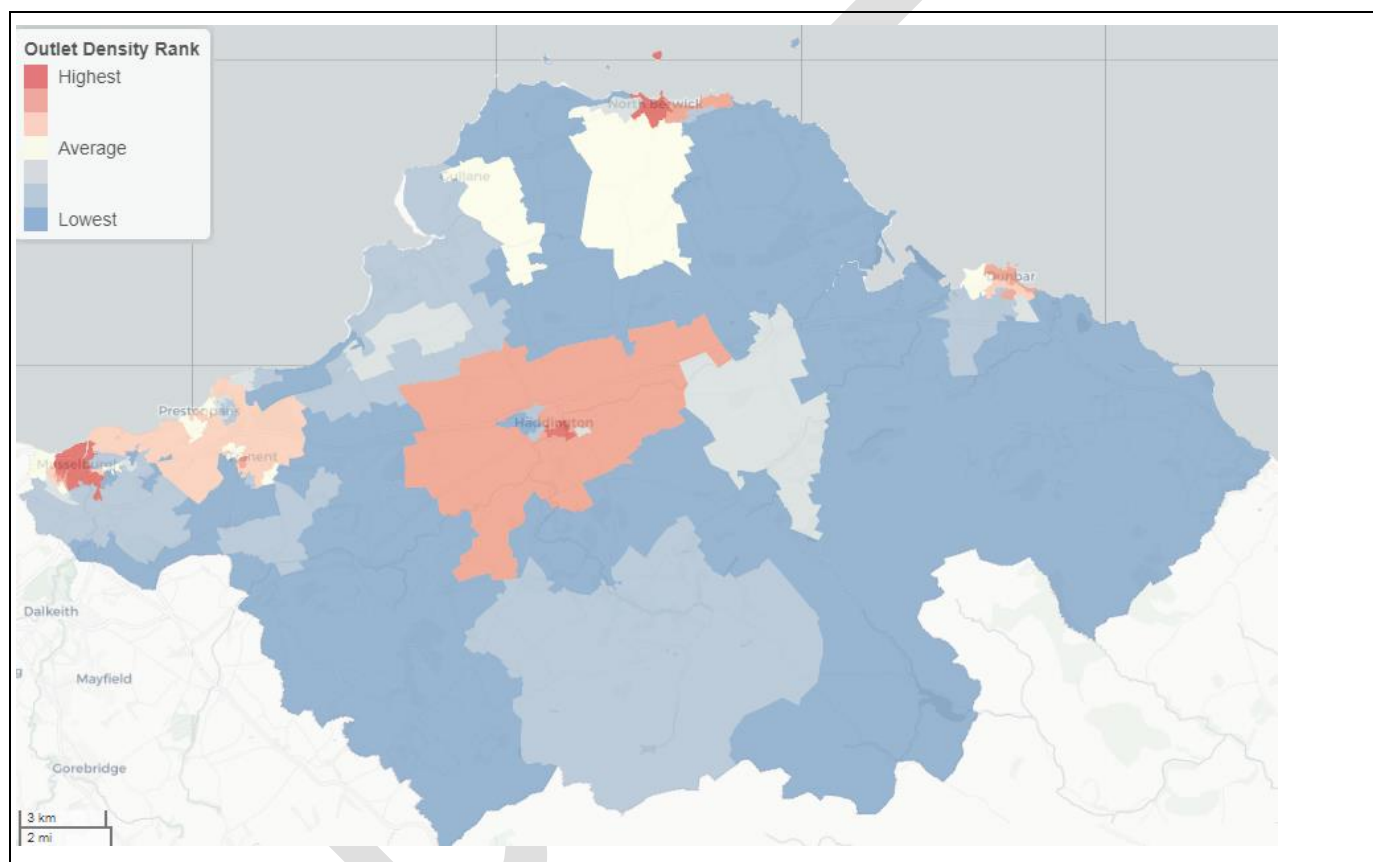
- There were **269 alcohol outlets: 182 on-sales and 87 off-sales outlets.**
- Neighbourhoods had **between 0 and 44** alcohol outlets within 800m of the population centre.
- Neighbourhoods had an average of **10.7 alcohol outlets** within 800m of the population centre, compared to the Scottish average of 16.8 outlets. **23% of neighbourhoods had total outlet availability higher than the Scottish average.**
- Neighbourhoods had an **average of 7.2 on-sales outlets** within 800m of the population centre, compared to the Scottish average of 11.4 outlets. **21% of neighbourhoods had on- sales outlet availability higher than the Scottish average.**
- Neighbourhoods had an **average of 3.5 off-sales outlets** within 800m of the population centre, compared to the Scottish average of 5.4 outlets. **24% of neighbourhoods had off- sales outlet availability higher than the Scottish average.**

East Lothian has an **alcohol outlet availability lower than Scotland as a whole.** For a more complete picture, it is also useful to compare alcohol outlet availability between neighbourhoods *within* the local authority. This can be done by using the [CRESH Web Map](#), as demonstrated in the next section.

1.3 East Lothian Outlet Availability Map

Using the Web Map available at <https://creshmap.com/shiny/alcoholtobacco/> alcohol and outlet availability (or 'density') can be mapped for data zones across Scotland. This can be done for on- sales, off-sales, and total outlets. Options are to compare against the Scottish average, the rural/urban average, local authority average or deprivation average for each data zone.

The map below shows the total alcohol outlet availability within 800m of the data zone population centre for each neighbourhood within East Lothian. The areas are colour-coded depending on how they compared with the average outlet availability for neighbourhoods within East Lothian.

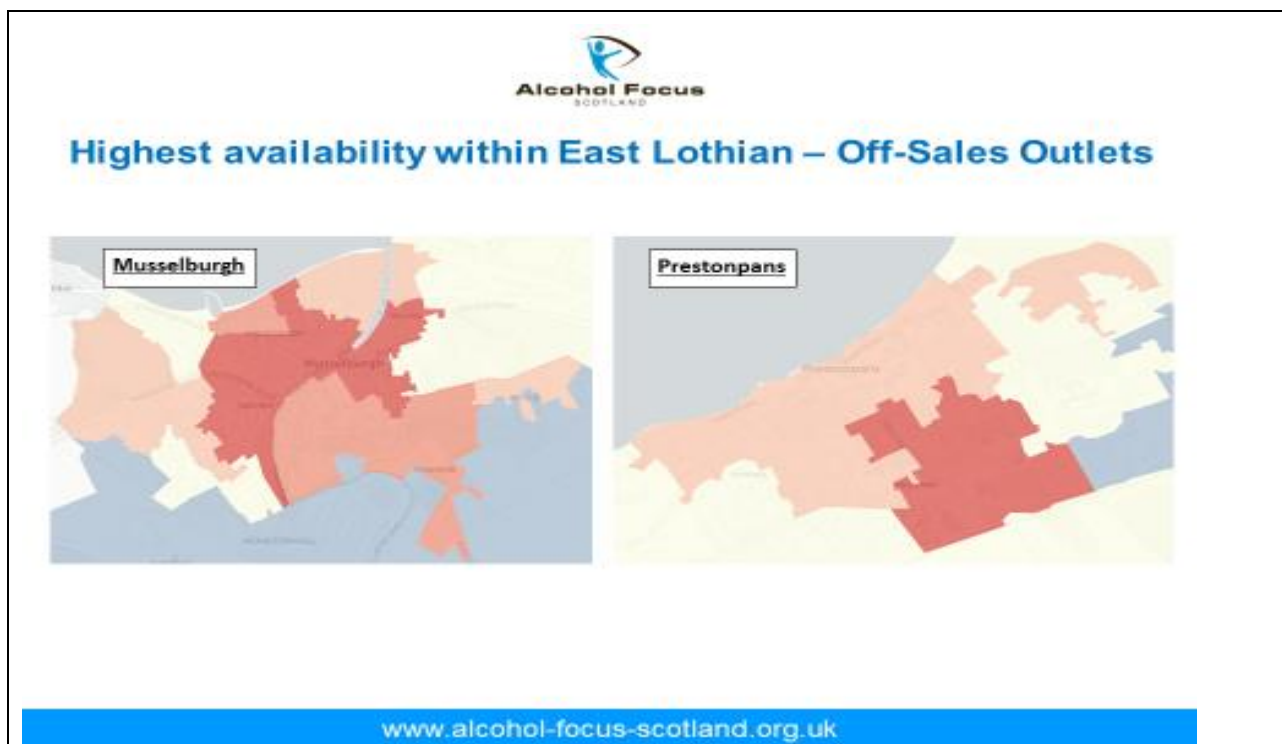


This map shows the total alcohol outlet availability levels for East Lothian neighbourhoods as compared to the average availability of the all of the neighbourhoods within East Lothian. So this shows these areas with the highest levels for the local authority in shades of red.

The local profile provides the information that although East Lothian as a local authority is ranked quite low for alcohol availability, over 20% of neighbourhoods have higher availability than the Scottish average. When we look at this using the median average instead of the mean, this increases to around 50%. Therefore, there certainly are quite a few pockets of high availability, as can be seen from the map.

We next look at the areas that are highest in availability for on-sales and off-sales outlets separately.

Data on each neighbourhood's alcohol availability can also be downloaded from the Web Map, alongside information on alcohol-related mortality, alcohol-related hospitalisations, crime rate and income deprivation.



So firstly, off-sales. These maps show the areas that are high in off-sales outlet availability (within 800m of the neighbourhood population centre) as compared to the local authority average. We can see that Musselburgh is very high, and most of Prestonpans is higher than average too.

Highest availability within East Lothian – Off-Sales Outlets



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From looking at this table and thinking about what areas may be considered to be overprovided for off-sales outlets, the highlighted areas that have not only higher than average availability, but also at least two harm indicators that are also higher than average.

At this stage, you could raise the point that this data can be added to with other locally available data – you might have alcohol-related anti-social behaviour incidents at intermediate zone level from the police for example, or the number of alcohol-related A&E attendances. This is the good thing about using these geographies, is that you can add all of the harm information you have to hand to the availability data to be able to compare.

These figures are averages of the neighbourhoods within the intermediate geographies. So some of the neighbourhoods or data zones will have even higher availability and harm rates than what is displayed here. For example, there are a few neighbourhoods within the Northern Musselburgh area that have 10 or over off-sales outlets, the highest of which is more than double the Scottish average and around 4 times the local authority average. And this coincides with high harm rates at the neighbourhood level, as well as the highest levels of income deprivation.

Also highlighted in orange for information, the areas that are income deprived. This is particularly helpful after identified areas that are high in availability and harm rates. We know from recent research done in Scotland that people who are income deprived are, disproportionately affected by high levels of alcohol availability. So from an inequalities perspective, the fact that some of the identified areas are deprived provides further justification for declaring the area overprovided, in order to protect those who are particularly vulnerable in our communities.

Highest availability within East Lothian – Off-Sales Outlets

Intermediate Zone	Average of No. of off- sales outlets within 800m of the population centre	Average of Alcohol Mortality Range (1= low, 5 =high)	Average of Alcohol-related Hospitalisation Rate (per 100,000)	Average of Crime Rate (per 10,000 population)	Average of Income Deprivation Quintile (1 = most deprived, 5 = least deprived).
IZ04 (Northern Musselburgh)	9.2	5	103.7	421.5	2
IZ03 (Western Musselburgh)	5.6	1	29.8	276.6	4
IZ16 (Southern Haddington)	5.3	4	128.7	332.8	3
IZ07 (Central Prestonpans)	5.1	3	67.1	361.7	3
IZ10 (Surrounding Prestonpans)	4.8	2	80.3	358.6	4
IZ05 (Eastern Musselburgh)	4.7	3	102.8	296.3	3
IZ02 (Southern Musselburgh)	4.4	1	55.3	225.2	4
IZ19 (Kingston and S-East North Berwick)	4.0	1	32.2	75.5	2
IZ08 (Eastern Prestonpans)	3.8	4	60.3	185.5	3
IZ11 (S-West Tranent)	3.6	2	68.6	253.4	3
IZ22 (East Dunbar and South of this)	3.5	3	73.3	149.8	4
East Lothian	3.5	2	66.6	218.7	3
Scotland	5.4	3	100.0	331.2	.

We have Tranent and Haddington that have above average availability for off-sales outlets. The best way to identify areas of concern after doing this initial mapping is to download the data from the web map. This provides for not only the availability information for each of the neighbourhoods, but also the harm data, such as alcohol-related hospitalisations, the crime rate, the income deprivation quintile, and the range within which the neighbourhood's alcohol mortality rate sits.

Highest availability within East Lothian – Off-Sales Outlets

Intermediate Zone	Average of No. of off- sales outlets within 800m of the population centre	Average of Alcohol Mortality Range (1= low, 5 =high)	Average of Alcohol-related Hospitalisation Rate (per 100,000)	Average of Crime Rate (per 10,000 population)	Average of Income Deprivation Quintile (1 = most deprived, 5 = least deprived).
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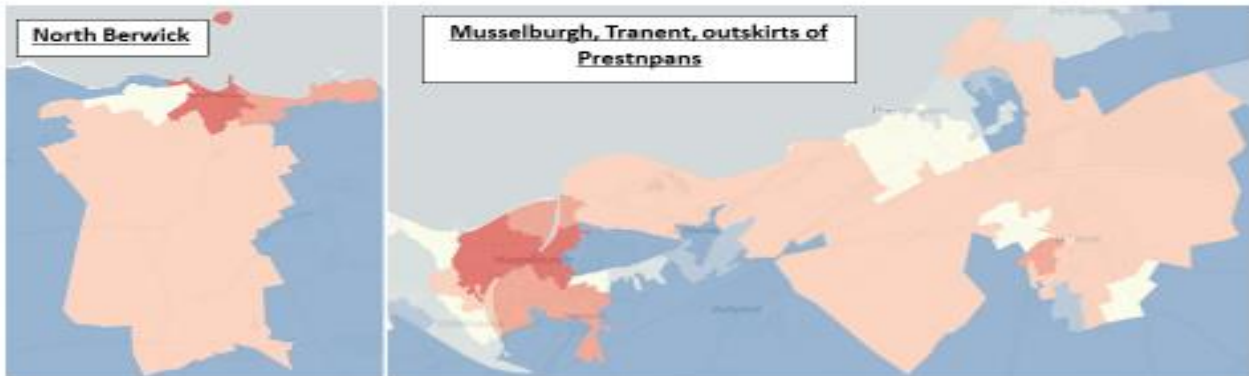
Overprovided for off-sales outlets are highlighted areas that have not only higher than average availability, but also at least two harm indicators that are also higher than average.

This data can be added, to with other locally available data – this might have alcohol-related anti-social behaviour incidents at intermediate zone level from the police for example, or the number of alcohol-related A&E attendances. The good thing about using these geographies, is that all of the harm information you have to hand to the availability data to be able to compare.

These figures are averages of the neighbourhoods within the intermediate geographies. So some of the neighbourhoods or data zones will have even higher availability and harm rates than what is displayed here. For example, there are a few neighbourhoods within the Northern Musselburgh area that have 10 or over off-sales outlets, the highest of which is more than double the Scottish average and around 4 times the local authority average. This coincides with high harm rates at the neighbourhood level, as well as the highest levels of income deprivation.

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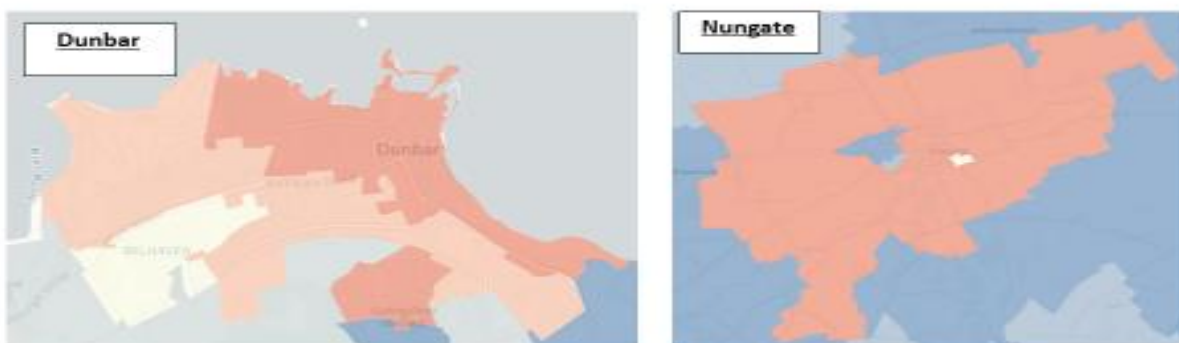
Highest availability within East Lothian – On-Sales Outlets



www.alcohol-focus-scotland.org.uk

There are clearly areas within East Lothian that could be, considered overprovided for in relation to off-sales outlets. There are a few areas that are higher than the local authority average for neighbourhood on-sales outlet availability. Some of these may be the same as those already identified. So the highest availability for on-sales is found in North Berwick and Musselburgh, followed with the neighbouring areas here of Tranent and Levenhall.

Highest availability within East Lothian – On-Sales Outlets



www.alcohol-focus-scotland.org.uk

Dunbar and Nungate are also highlighted

Highest availability within East Lothian – On-Sales Outlets

Intermediate Zone	Average of No. of on-sales outlets within 800m of neighbourhood centre	Average of Alcohol Mortality Range (1=low, 5=high)	Average of Alcohol-related Hospitalisation Rate	Average of Crime Rate per 10,000 population	Average of Income Deprivation Quintile (1 = most deprived, 5 = least deprived)
I204 (Northern Musselburgh)	26.0	5	103.7	421.5	2
I218 (North/N-East North Berwick)	13.8	1	50.5	133.5	1
I219 (Kingston and S-East North Berwick)	12.6	1	32.2	75.5	2
I216 (Southern Haddington)	11.7	4	128.7	332.8	2.8
I222 (East Dunbar and South of this)	10.8	3	73.3	149.8	4
I203 (Western Musselburgh)	9.8	1	29.8	276.6	4
I221 (West Dunbar/Belhaven and South of this)	9.4	3	57.2	162.6	3
I210 (Surrounding Prestonpans)	9.4	2	80.3	358.6	4
I202 (Southern Musselburgh)	7.9	1	55.3	225.2	4
East Lothian	7.2	2	66.6	218.7	3
Scotland	11.4	3	100	331.2	.

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This table shows the areas highest in East Lothian for on-sales outlet availability. Again, there are areas that are higher than both the local authority and Scottish averages for on-sales outlet availability, and some areas with both high availability and high harm rates.

Highest availability within East Lothian – On-Sales Outlets

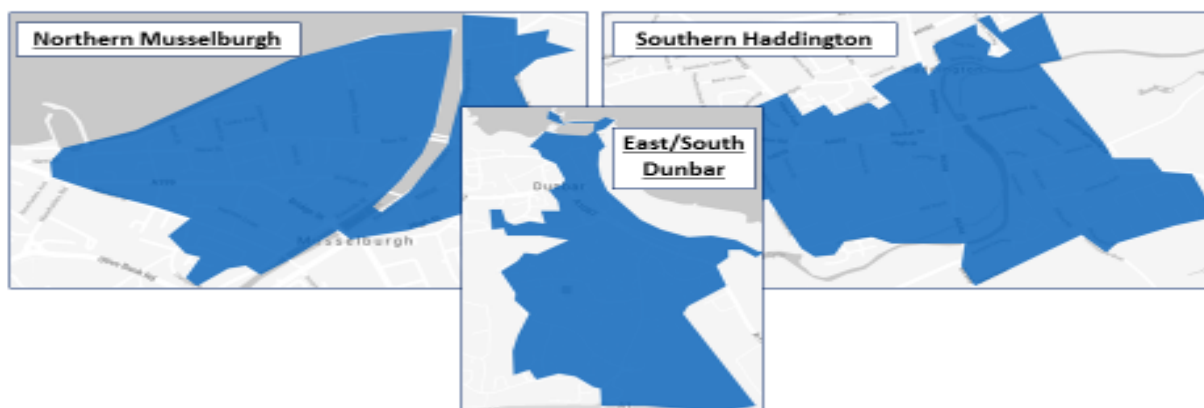
Intermediate Zone	Average of No. of on-sales outlets within 800m of neighbourhood centre	Average of Alcohol Mortality Range (1=low, 5=high)	Average of Alcohol-related Hospitalisation Rate	Average of Crime Rate per 10,000 population	Average of Income Deprivation Quintile [1 = most deprived, 5 = least deprived]
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I222 (East Dunbar and South of this)	10.8	3	73.3	124.8	4
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I221 (West Dunbar/Belhaven and South of this)	9.4	3	57.2	162.6	3
I210 (Surrounding Prestongans)	9.4	2	80.3	358.6	4
I202 (Southern Musselburgh)	7.9	1	55.3	193.0	4
East Lothian	7.2	2	66.6	218.7	3
Scotland	11.4	3	100	331.2	.

www.alcohol-focus-scotland.org.uk

The areas highlighted as potential as overprovision for in relation to on sales are highlighted in red. A few of these areas are already, suggested for off-sales overprovision too.

It's important to note here that it's really about looking to see where the availability and harm rates are correspondingly high – there are areas here that have quite high numbers of on-sales outlets, but which don't show high levels of harm. This is where local knowledge comes in– North Berwick may be a place where people come to drink from areas further out, and also, popular with tourists.

Overprovision within East Lothian – Both On- and Off-Sales

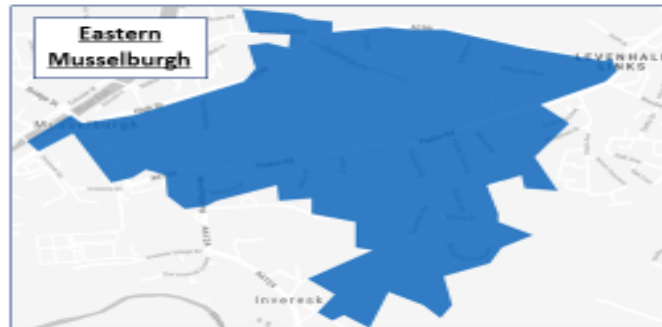
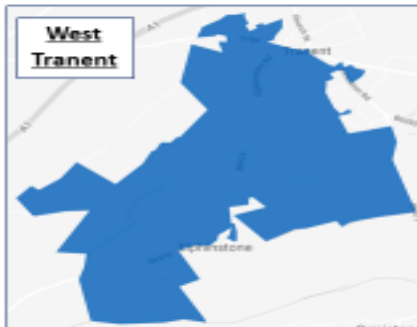


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These are the areas (intermediate geographies) that could be considered overprovided for in East Lothian for both on- and off-sales outlets. – Northern Musselburgh, Southern Haddington, and East/South Dunbar.



Overprovision within East Lothian – Off-Sales Only

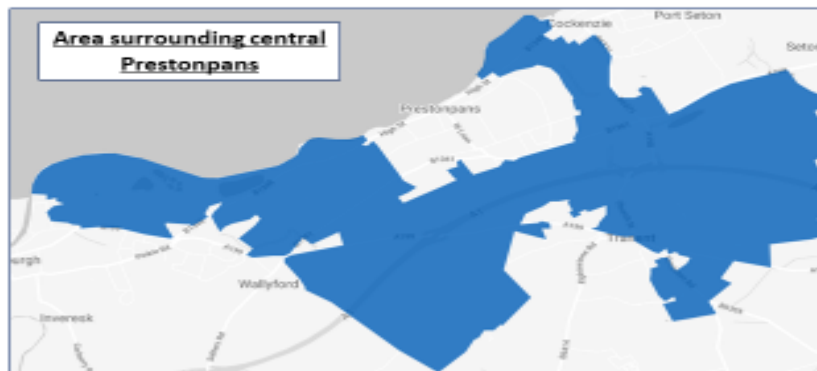


www.alcohol-focus-scotland.org.uk

And further areas for off-sales overprovision only: West Tranent and Eastern Musselburgh.



Overprovision within East Lothian – On-Sales Only



www.alcohol-focus-scotland.org.uk

The additional area for on-sales only: the area surrounding the centre of Prestonpans.



Overprovision within East Lothian? - Summary

Off-Sales ?	On-Sales?
I204 (Northern Musselburgh)	I204 (Northern Musselburgh)
I216 (Southern Haddington)	I216 (Southern Haddington)
I222 (East Dunbar and South of this)	I222 (East Dunbar and South of this)
I211 (S-West Tranent)	I210 (Surrounding Prestonpans)
I205 (Eastern Musselburgh)	

1.4 Alcohol outlet availability in East Lothian from 2012 to 2016

The change in the number of alcohol outlets within the local authority area was examined.

The **total number** of alcohol outlets **decreased by 17 (5.9%)** from 286 in 2012 to 269 in 2016. This is **in contrast to the 2.9% increase found across Scotland as a whole.**

The **number of on-sales outlets decreased by 18 (9%)** from 200 in 2012 to 182 in 2016. This is **in contrast to the 1.5% increase found across Scotland as a whole.**

The **number of off-sales outlets increased by 1 (1.2%)** from 86 in 2012 to 87 in 2016. This is **a smaller increase than that found across Scotland as a whole (6.4%).**

To take account of any changes in population over time, changes in alcohol outlet availability were calculated per 10,000 adult populations:

The **total number** of alcohol outlets per adult population **decreased by 9.6%**. This is **in contrast to the 0.6% increase found across Scotland as a whole.**

The **number of on-sales** outlets per adult population **decreased by 12.5%**. This is **a much larger reduction than the 0.8% decrease found across Scotland as a whole.**

The **number of off-sales** outlets per adult population **decreased by 2.7%**. This is **in contrast to the 4% increase found across Scotland as a whole.**

1.5 Alcohol-Related Health Harm and Crime in East Lothian

The study looked at the relationship between alcohol outlet availability and alcohol-related deaths, alcohol-related hospitalisations and crime.

East Lothian has an **annual average of 14.8 alcohol-related deaths** for those aged 20 and over (from 2011-2016). This is equivalent to **14.6 deaths per 100,000 adults**, which is **33% lower than the Scottish rate** of 21.8 deaths per 100,000 adults.

The local authority has an **average, hospitalisation rate ratio for neighbourhoods of 66.6**, which is **33% lower than the ratio for Scotland of 100**. East Lothian's **average, neighbourhood crime rate is 218.7 crimes per 10,000 populations**, which is **34% lower than the Scottish average of 331.2 per 10,000 populations.**

1.6 Alcohol-Related Death Rates and Alcohol Outlet Availability

In East Lothian, a **statistically significant relationship was found between alcohol outlet availability and alcohol-related deaths**: neighbourhoods with more places to buy alcohol had higher alcohol-related death rates.

Alcohol-related death rates were associated with the number of all types of alcohol outlets (total on-sales and off-sales):

- Alcohol-related death rates in the **neighbourhoods with the most alcohol outlets were times higher** than in neighbourhoods with the least.
- Alcohol-related death rates in the **neighbourhoods with the most on-sales outlets were 3.4 times higher** than in neighbourhoods with the least.
- Alcohol-related death rates in the **neighbourhoods with the most off-sales outlets were 2.1 times higher** than in neighbourhoods with the least.

The above relationships were found even when other explanatory factors were accounted for, namely income deprivation, urban/rural status and the age and sex demographics of the population. This means that **the association between outlet availability and alcohol-related deaths are not explained by the level of income deprivation, how urban or rural an area is, or the demographics of those living in an area.**

1.7 Alcohol-Related Hospitalisation Rates and Alcohol Outlet Availability

In East Lothian, a **statistically significant relationship was found between alcohol outlet availability and alcohol-related hospitalisations**: neighbourhoods with more places to buy alcohol had higher alcohol-related hospitalisation rates.

Alcohol-related hospitalisation rates were associated with the number of total outlets:

- Alcohol-related hospitalisation rates in the **neighbourhoods with the most alcohol outlets were double** those in neighbourhoods with the least.

The above relationship was found even when other explanatory factors were accounted for, namely income deprivation, urban/rural status and the age and sex demographics of the population. This means that **the association between outlet availability and alcohol-related**

hospitalisations is not explained, by the level of income deprivation, how populated an area is, or the demographics of those living in an area.

1.8 Crime Rates and Alcohol Outlet Availability

In East Lothian, a **statistically significant relationship was found between alcohol outlet availability and crime rates**: neighbourhoods with more places to buy alcohol had higher crime rates than neighbourhoods with the least.

The data used was from the Crime Domain of the Scottish Index of Multiple Deprivation, which includes crimes of violence, sexual offences, domestic house breaking, vandalism, drug offences and common assault. The data however does not record whether the perpetrators of crime had consumed alcohol and excludes some offences, which are com only associated with alcohol consumption, such as breach of the peace, or anti-social behaviour.

Crime rates were associated with the number of all types of alcohol outlets (total, on-sales and off-sales):

- Crime rates in the **neighbourhoods with the most alcohol outlets were 2.5 times higher** than in neighbourhoods with the least.
- Crime rates in the **neighbourhoods with the most on-sales outlets were double** those in neighbourhoods with the least.
- Crime rates in the **neighbourhoods with the most off-sales outlets were 2.4 times higher** than in neighbourhoods with the least.

The above relationships were, found even when other explanatory factors were accounted for, namely urban/rural status of the neighbourhoods and level of income deprivation. This means that **the association between outlet availability and crime rate is not explained, by more crime being committed in more urban or deprived areas.**

The full report can be, found at the following link: -

<https://www.alcohol-focus-scotland.org.uk/media/310740/alcohol-outlet-availability-and-harm-in-east-lothian.pdf>

The following Key points are listed below for the Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS), the full document can be found at the following link: -

<http://www.healthscotland.scot/media/1863/mesas-monitoring-report-2018.pdf>

Key points

- In 2017, 10.2 litres (L) of pure alcohol, were sold per adult in Scotland, equivalent to 19.6 units per adult per week. Per adult sales in Scotland were 14% higher than in England & Wales; this was largely due to more alcohol being sold at lower prices in the off-trade in Scotland.
- The volume of pure alcohol sold per adult in Scotland in 2017 was at a level similar to that seen in 1994. In that time, the volume of alcohol sold in the off-trade has increased by 42% while the volume sold in the on-trade has decreased by the same proportion.
- In 2017, the average price of alcohol sold through the off-trade in Scotland was 54 pence per unit; just under half of all off-trade alcohol (47%) was sold at below 50 pence per unit. In 2016, the corresponding figures were 52 pence and 51% respectively; these represent the biggest year-on-year changes in average off-trade prices since 2013. The average price of on-trade alcohol in 2017 was £1.80, an increase from £1.78 in 2016, which represents the smallest annual increase in average price in this sector since 2003.
- In 2017, alcohol sold in the UK was 64% more affordable than it was in 1980. In recent years, this has been driven by increases in disposable income and a slight fall in the real price of alcohol.
- Self-reported consumption data show that 26% of adults in Scotland in 2016 exceeded the revised low-risk weekly drinking guideline for both men and women, a decline from 34% in 2003. Of those exceeding the guideline, mean weekly consumption was highest among those in the lowest income groups.
- The proportion of children reporting drinking in the past week has declined considerably since the early 2000s. In 2015, 4% of 13 year olds and 17% of 15 year olds in Scotland reported drinking alcohol in the past week.
- In 2016, 1,139 people died in Scotland due to a cause wholly attributable to alcohol (alcohol-specific), an average of 22 people per week after reaching a peak in 2003
- alcohol-specific deaths declined to 2012. Since 2012, the rate of death from alcohol-specific causes has risen for both men and women.
- Alcohol-specific death rates are consistently higher in Scotland than in England & Wales. In 2016, rates were more than twice as high in men and 75% higher in women.

- More than 24,000 people in Scotland were admitted to a general acute hospital with an alcohol-related diagnosis in 2016/17, with over 36,000 alcohol-related inpatient stays. Despite a downward trend since 2007/08, rates of alcohol-related hospital stays remain 4.4 times higher than in the early 1980s.
- The most recent data show that rates of alcohol-specific death and alcohol-related hospital stays were more than twice as high in men as in women and were highest in the 55–64-year age group. Inequalities by area deprivation were stark: both rates of alcohol-specific death and alcohol-related hospital stay were more than eight times higher in the most deprived areas of Scotland than in the least deprived areas.
- Rates of driving under the influence of alcohol have fallen over time, while rates of ‘drunkenness and other disorderly conduct’ offences have not shown a consistent trend. In 2015, 41% of prisoners reported being under the influence of alcohol at the time of their arrest.

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Police Scotland Data –

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

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

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

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

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

Monitoring and Evaluating Scotland’s Alcohol Strategy (MESAS)

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

Changing Scotland’s relationship with alcohol: a framework for action (March 2009)

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

Rationale for Public Health involvement

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

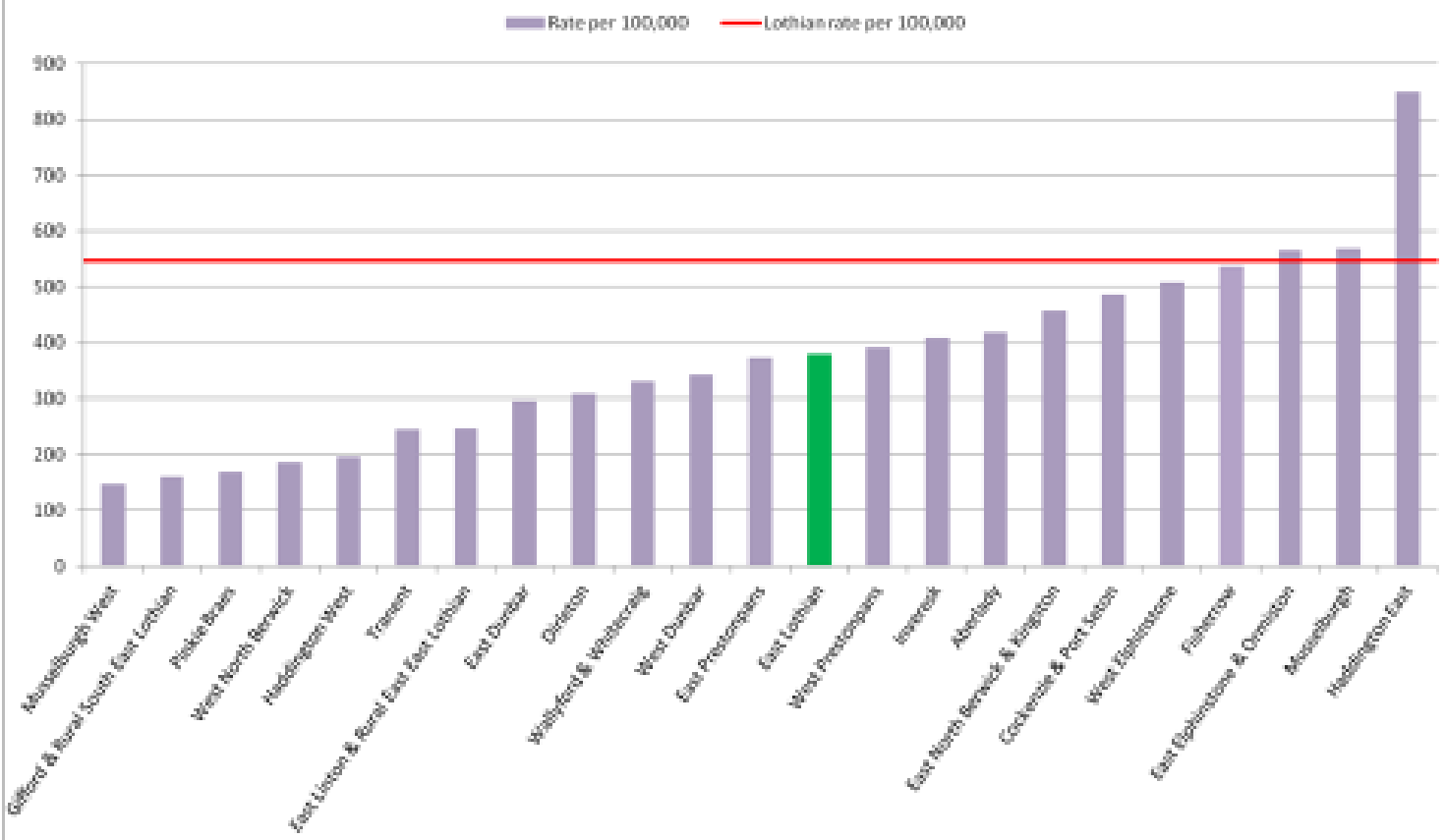
Controlling availability is part of a larger strategy that includes price control, prevention and treatment

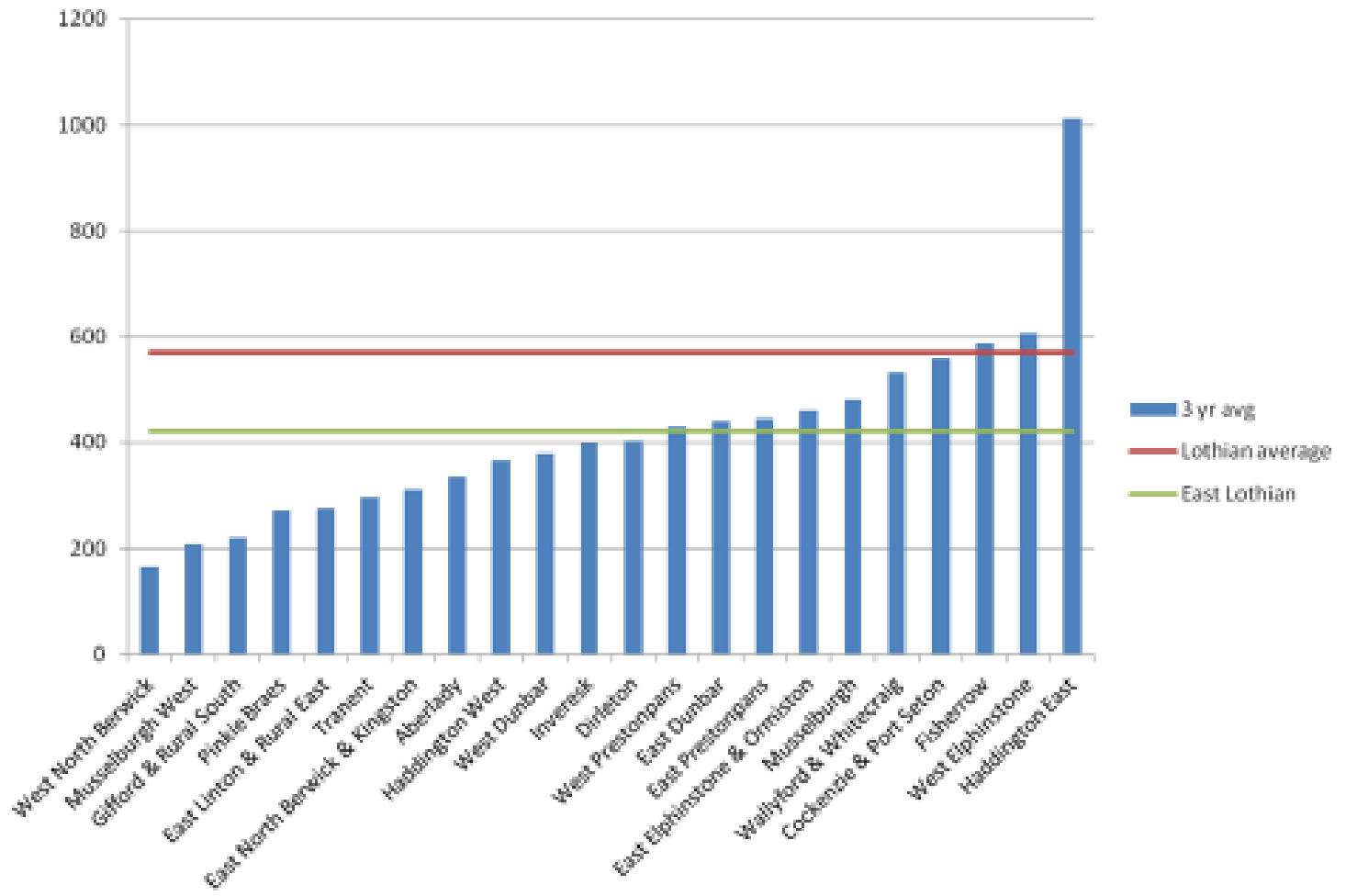
World Health Organisation -main contributors to levels of alcohol consumption on a population level are:

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

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

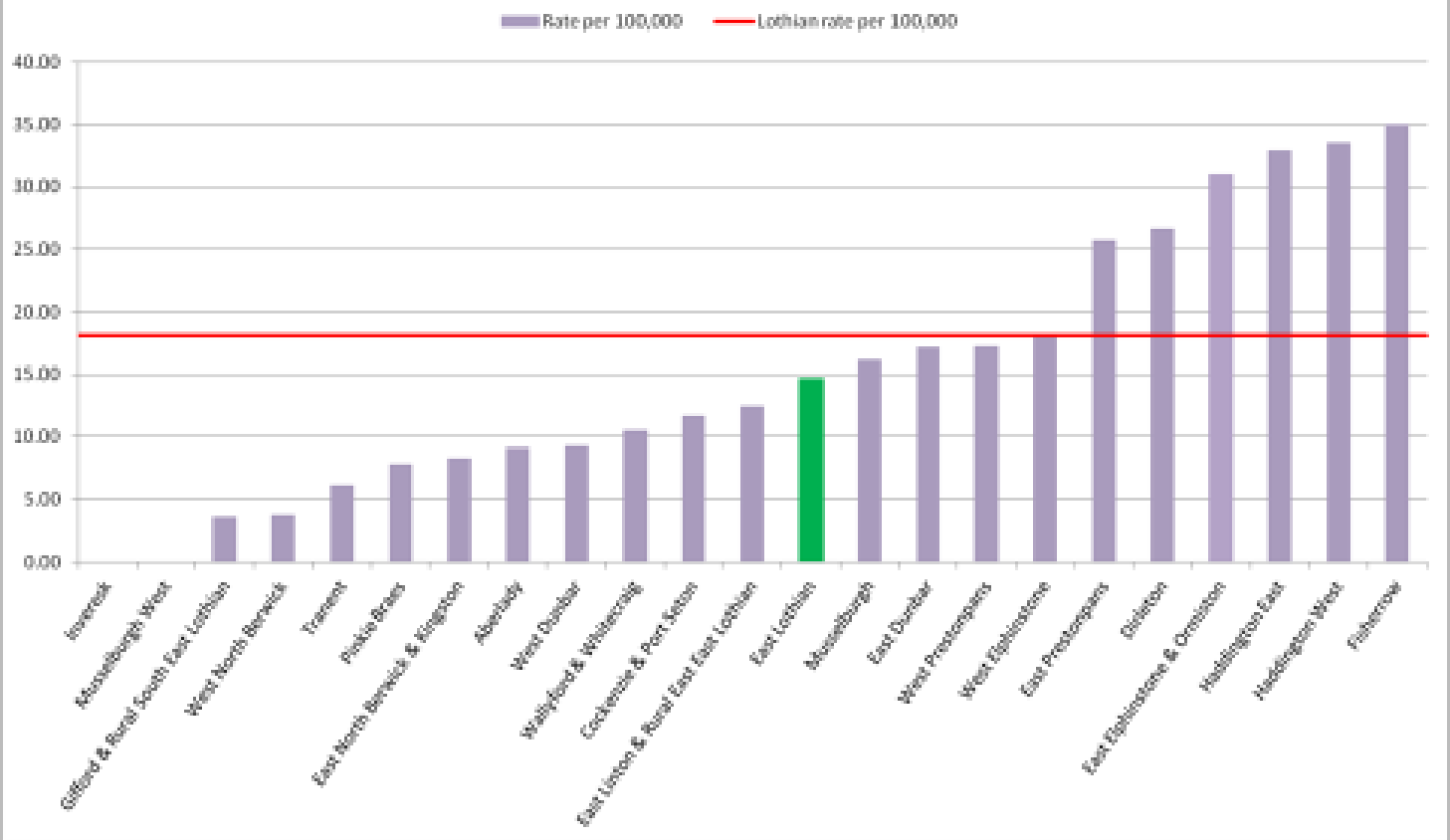
Age/Sex standardised rate per 1,000 population of alcohol related hospital admissions by intermediate zone in 2016/17





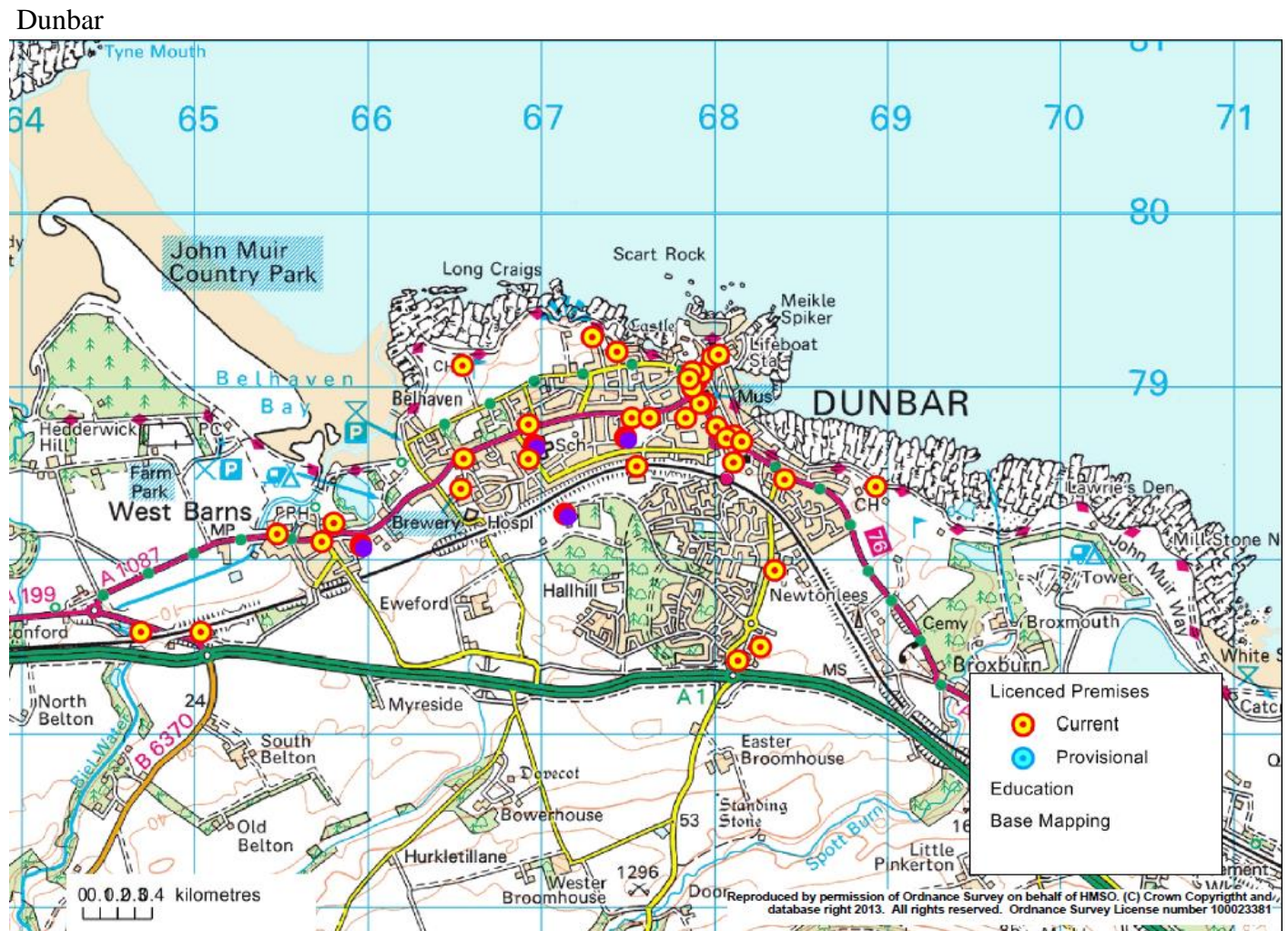
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Age/Sex standardised rate per 100,000 population of alcohol related mortality by intermediate zone in 2012-2016 (5yr aggregates)

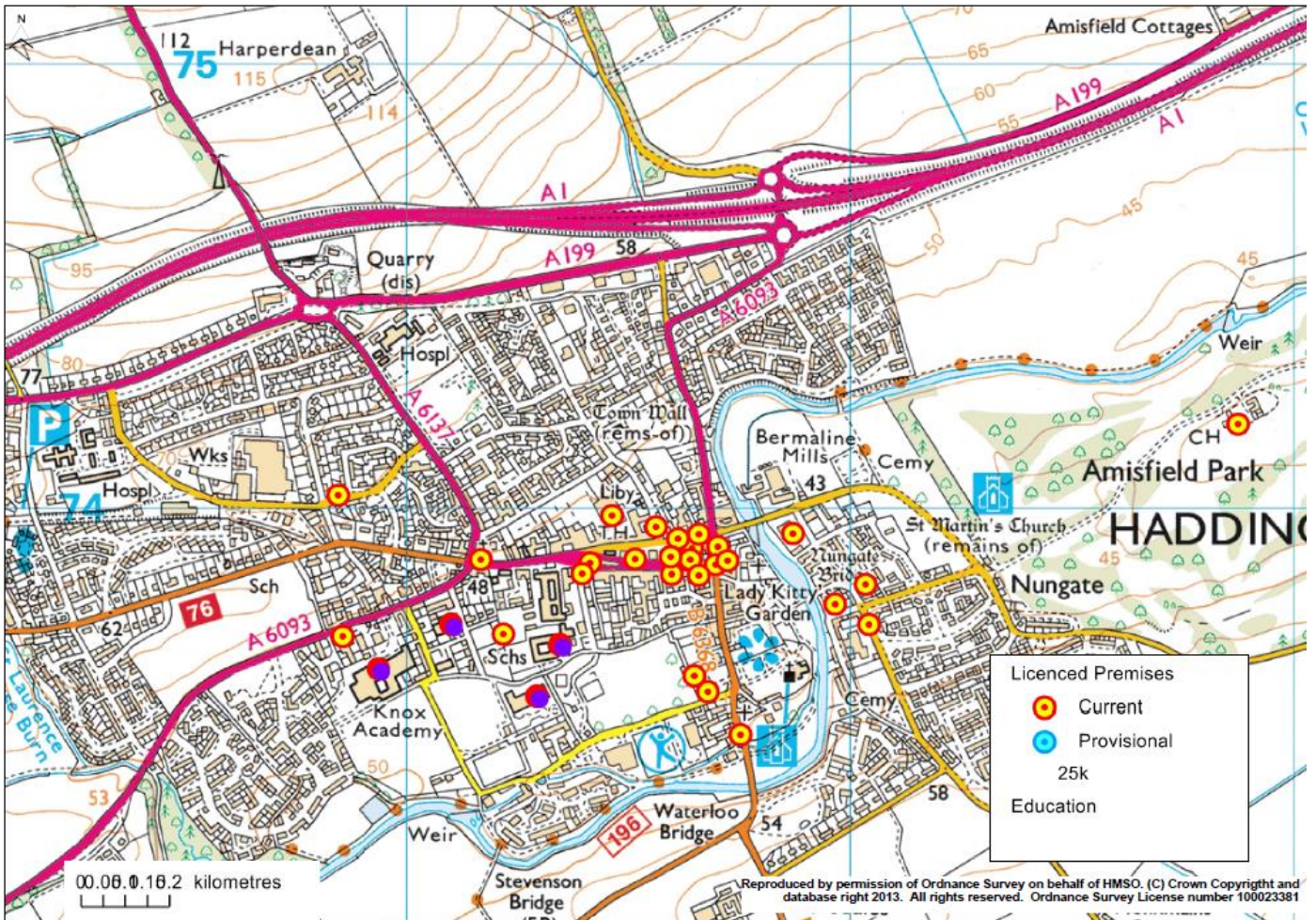


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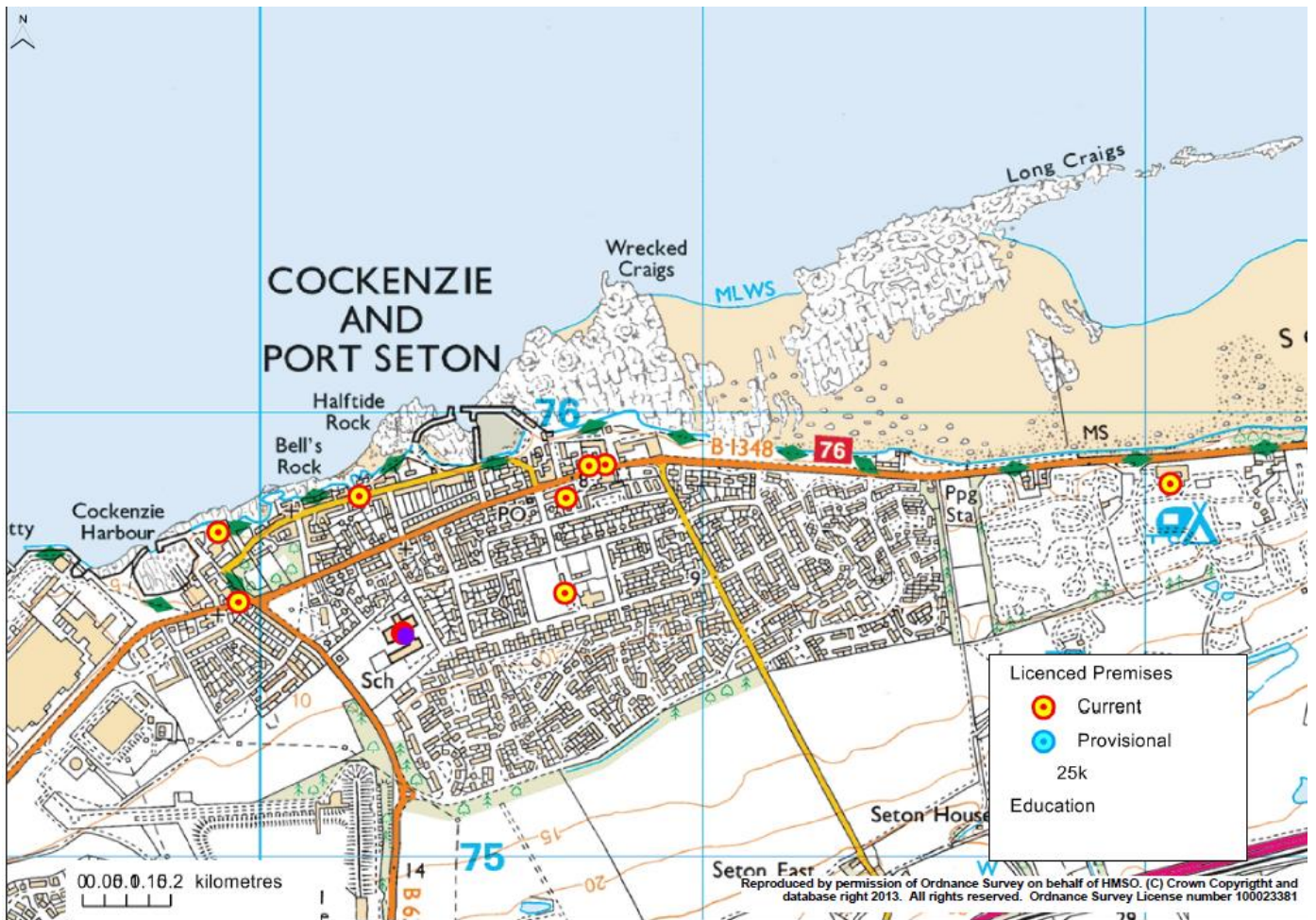
Mapping of Licensed Premises in Localities Above the East Lothian Average for Alcohol Related Deaths or Hospital Admissions



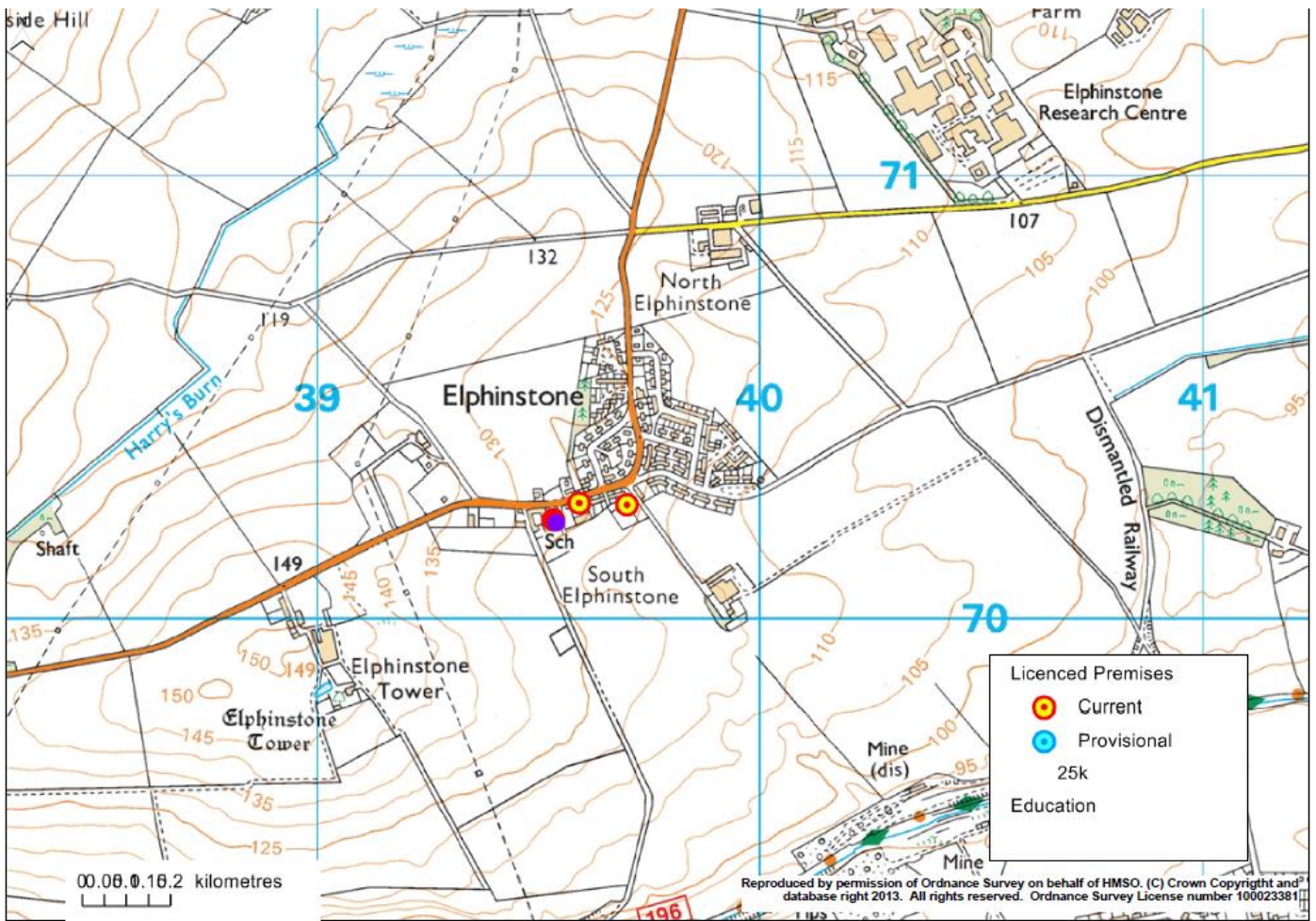
Haddington



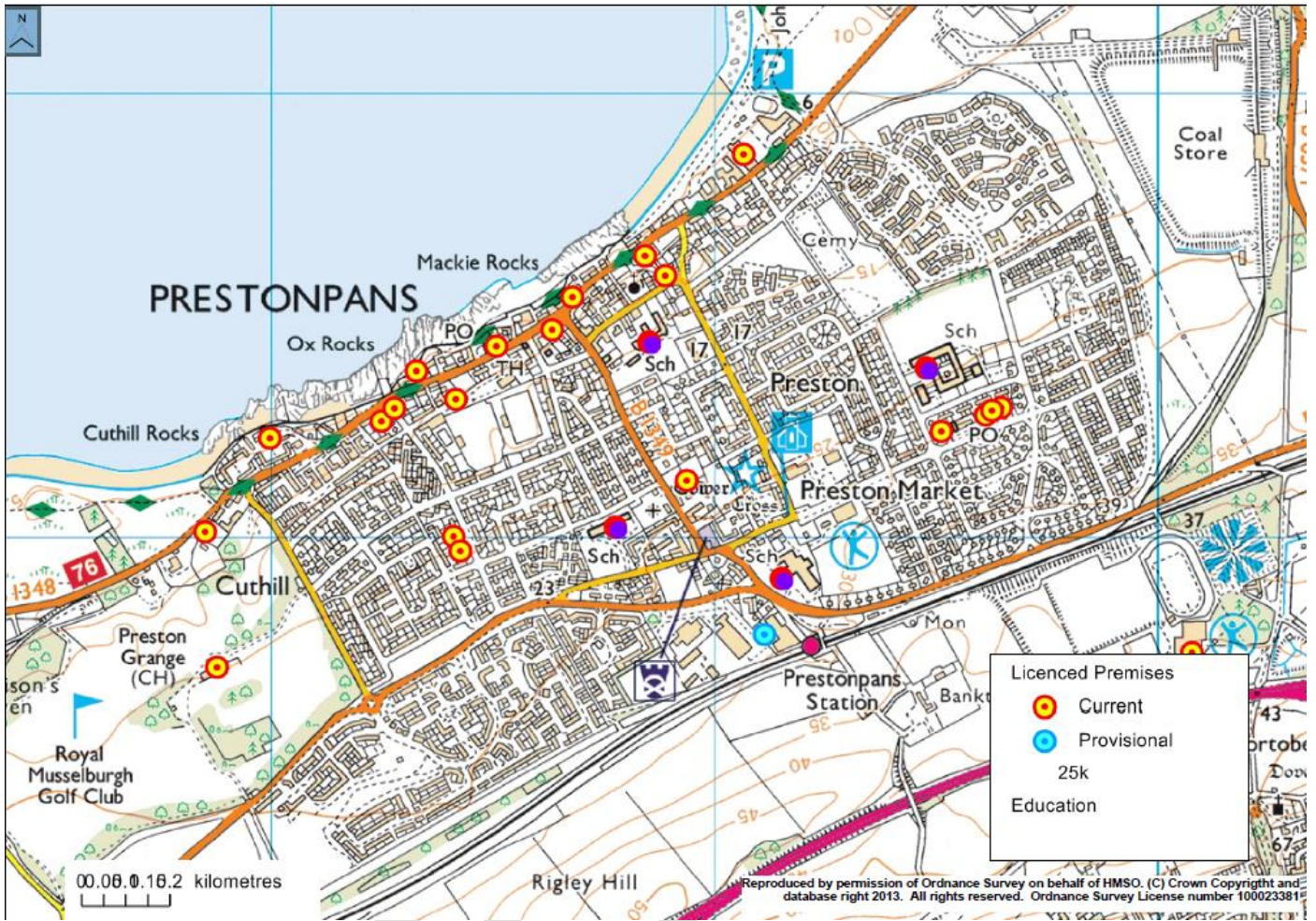
Cockenzie and Port Seton



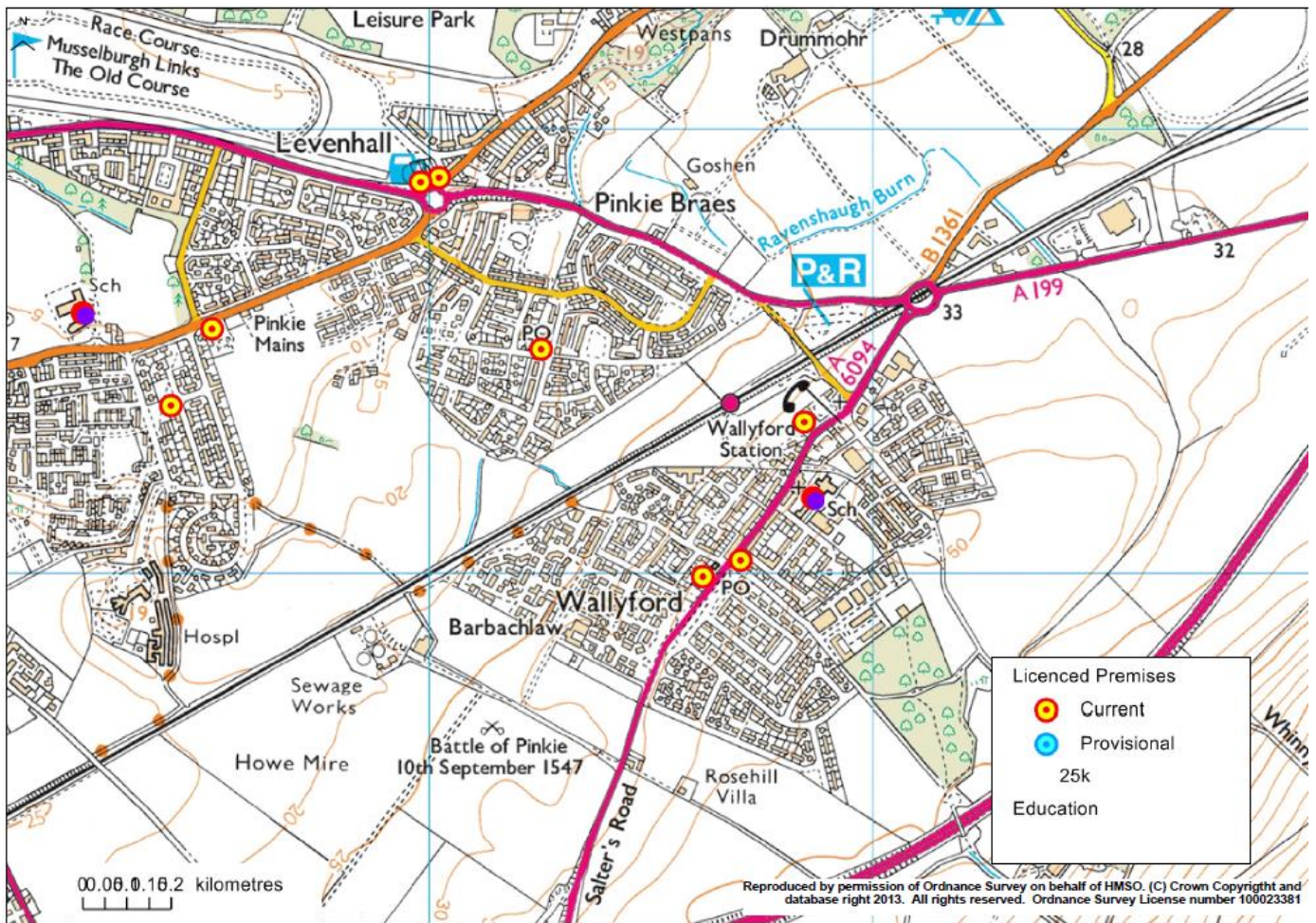
Elphinstone



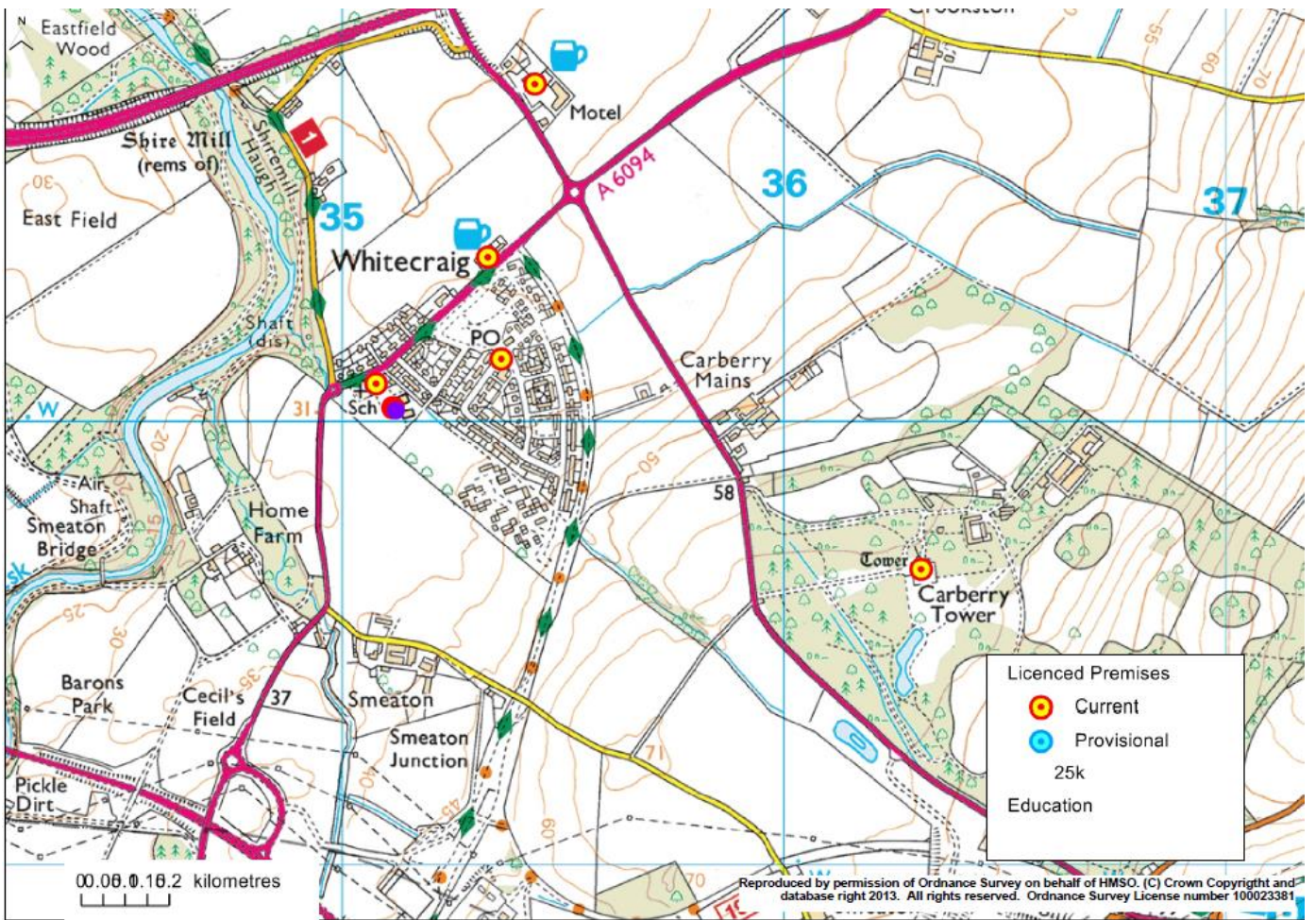
Prestonpans



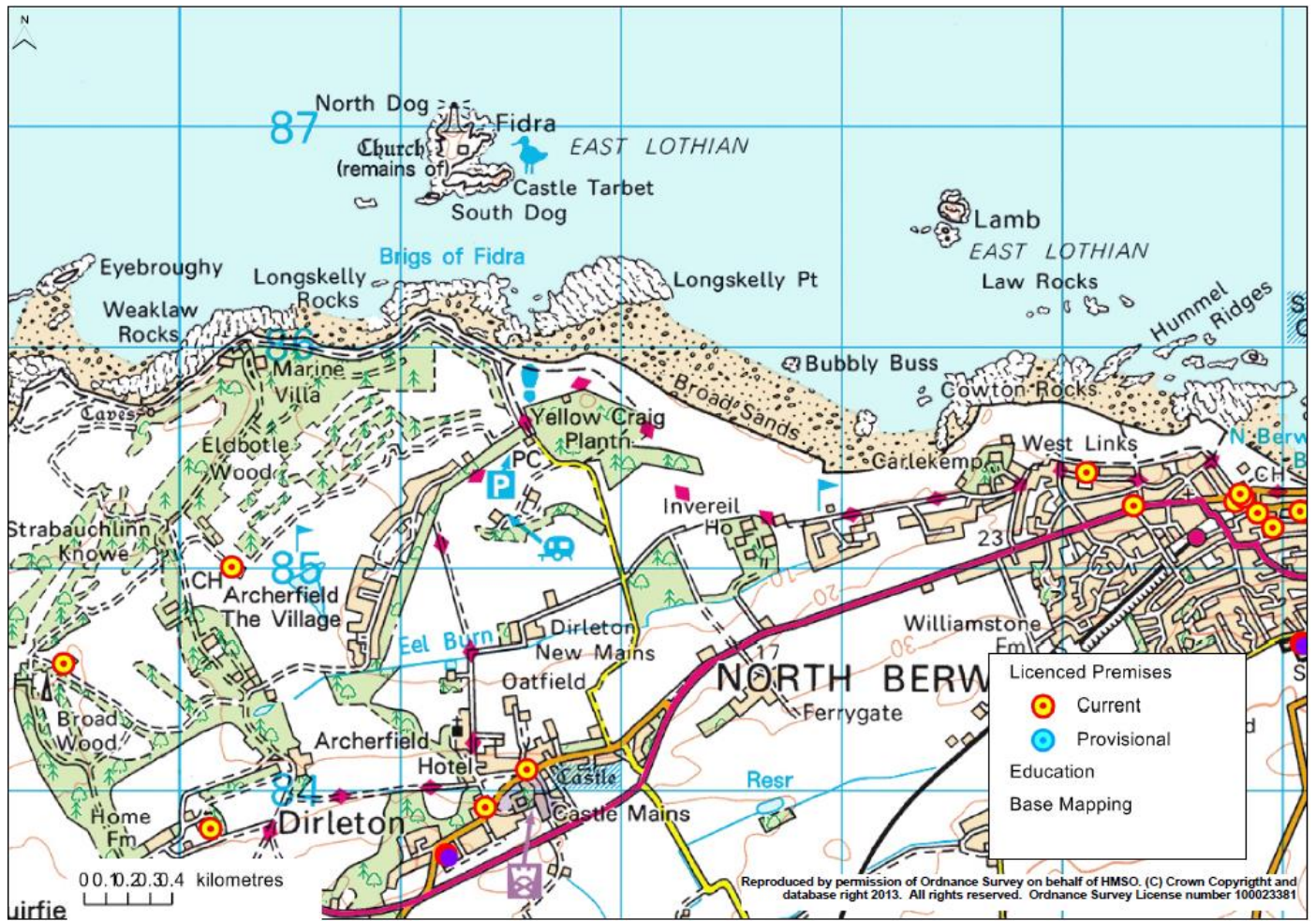
Wallyford



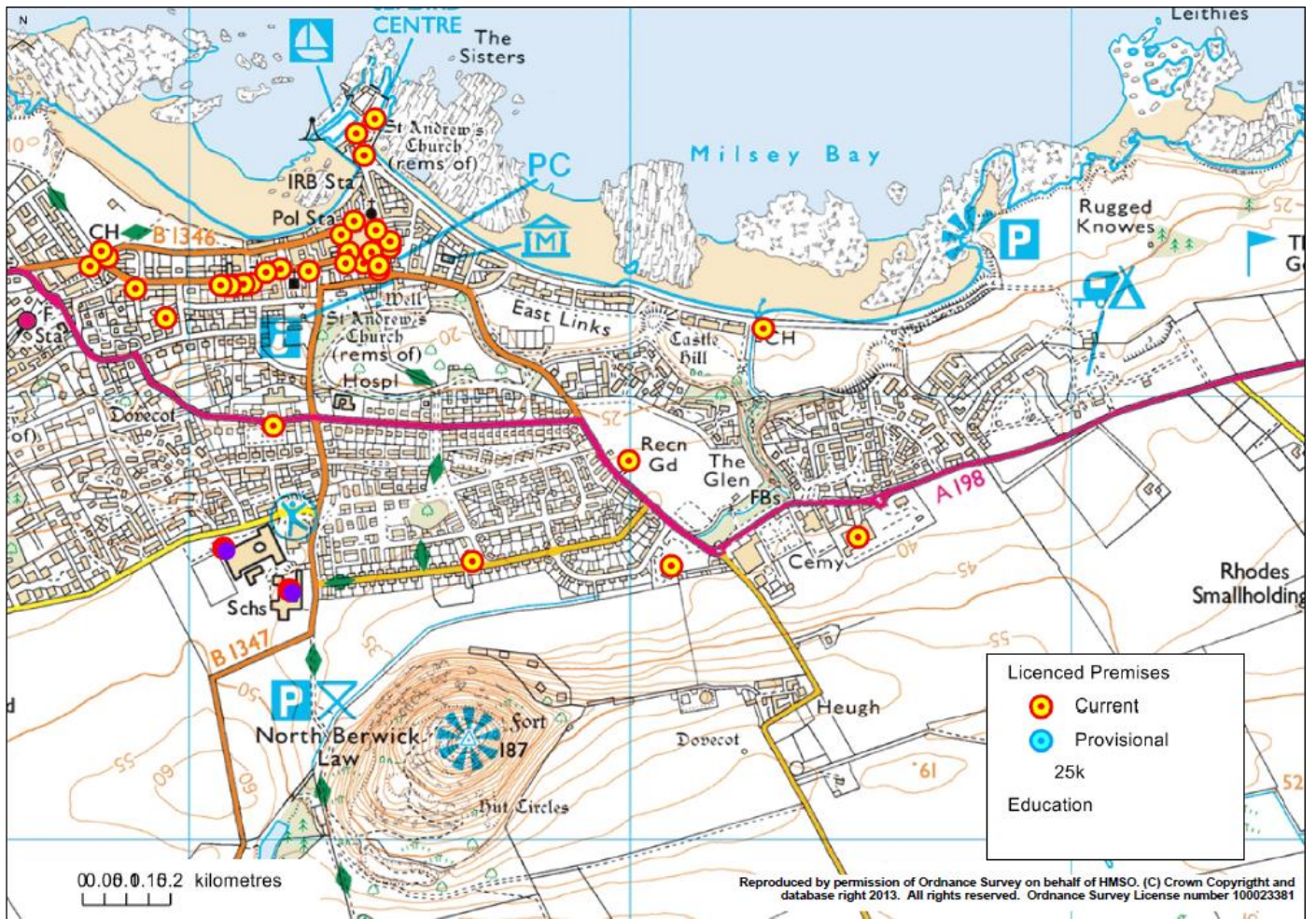
Whitecraig



Dirleton



North Berwick



APPENDIX 7

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

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

servery to be clearly displayed.

d) The specific opening and closing times of the bar.

e) Responsible drinking message.

f) No smoking signs.

9 Positive measures of entry control should be introduced to prevent uninvited persons gaining access to the event. Note on Stewarding Organisers of events should note that from 1st November 2007, when the relevant provisions of the Private Security Industry Act 2001 came into force, there is mandatory licensing of the private security industry. This means that it is an offence to employ unlicensed door stewards or “bouncers” at events. Volunteers who carry out these roles are exempt from the requirements of the Act but organisers may wish to take independent advice on the legality of their security arrangements at events. For further information consult the following website – <https://www.sia.homeoffice.gov.uk/Pages/home.aspx> .

10 All drinks should be served in approved plastic containers.

Occasional Licence Conditions - 18th and 21st Birthday Parties:

1. Access to the bar area should be restricted to persons of the age of 18 years and over i.e. no children or young persons to be permitted within 1.5 meters of the bar.
2. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
 - a. No under 18's served alcohol
 - b. Persons who appear to be under the age of 25 will be asked to provide identification
 - c. The specific opening and closing times of the bar
 - d. Responsible drinking message
 - e. No smoking signs
 - f. The organiser should obtain a guest list, which will be made available to the police for inspection in the event of an incident. There should be a personal licence holder present within the bar area at all times and all staff involved in the sale and/or supply of alcohol should have received the two hours mandatory training, as required under the legislation.
 - g. Plastic drinking containers should be used throughout the duration of the event.
 - h. Wrist banding of 18 year olds and above to assist in easily identifying persons who are under 18 years.
 - i. Security Industry Accredited door staff to be used for search purposes and

checking ID on entry to the premises.

- j. Children and Young Persons (0 – 17 years) may only gain entry to the event if accompanied by a responsible parent or guardian over the age of 25 years.
- k. All reasonable requests made by the Police are complied with.

General Occasional Licence Conditions:

1. The marquee/outside area, must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
2. Access to the bar area should be restricted to persons of the age of 18 years and over i.e. no children or young persons to be permitted within 1.5 meters of the bar.
3. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
 - a. No under 18's served alcohol
 - b. Persons who appear to be under the age of 25 will be asked to provide identification
 - c. The specific opening and closing times of the bar
 - d. Responsible drinking message
 - e. No smoking signs
4. There should be a personal licence holder present within the bar area at all times and all staff involved in the sale and/or supply of alcohol should have received the two hours mandatory training, as required under the legislation
5. Children and Young Persons (0-17 years) may remain as long as a responsible parent or guardian is present.
6. Children (0-15 years) may remain until **** hours. The hours will be stipulated by the police or Licensing Standards Officer.
7. Young Persons (16 & 17 years) may remain until ***** hours but only if supervised by a responsible parent or guardian over the age of 25 years. The hours will be stipulated by the police or Licensing Standards Officer.
8. All reasonable requests made by the police or Licensing Standards Officers are complied with.

Appendix 8

Supplementary Application Information

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

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

Business Profile

Please describe your business offering.

(extend this box if you require additional space)

<p>On/Off Consumption</p> <p>(a) Please describe the type of business you intend to operate in respect of on consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of off consumption & deliveries</p>	<p>a)</p> <p>b)</p>
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Clarification is required in relation to the content of your proposed Operating Plan
 (extend the boxes below if you require additional space)

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

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

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming;

Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

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

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

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

Any Other Activities - In your Operating Plan at 5(f), you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events. It should be noted that any proposal to allow a BYOB event to take place on your licensed premises, this activity should be stated in the other activities part of the operating plan.

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

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

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Securing Public Safety:

Preventing Public Nuisance:

Protecting and Improving Public Health:

Protecting Children and Young Persons from Harm:

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

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

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature		Date	
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Occasional Licence and Supplementary Information Form

EAST LOTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

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

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

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

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname			
Forenames			
DATE OF BIRTH	Day	Month	Year
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
Post town	Post code		
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile			
FAX NUMBER			

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)

3. THE PREMISES

Description of premises

Description of activities to be carried on in the premises – (including number of persons expected to attend)

Full postal address of premises which this application refers to

4. DURATION OF LICENCE

From:

To:

5. Is alcohol to be sold on & off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

Times for sale of alcohol for consumption off premises

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

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry

Times at which children or young persons permitted entry

Parts of premises to which children or young persons permitted entry

7. CHECKLIST

I have - Please tick for yes

- **Made or enclosed payment of the fee for the application**

8. Signature and declaration by applicant (see note 3)

DECLARATION

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

SIGNATURE

DATE

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- **The holder of a premises licence;**
- **The holder of a personal licence; or**
- **A representative of any voluntary organisation**

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

APPENDIX 9 continued

PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

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

3. Stewarding

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at <http://www.the-sia.org.uk/home>

- (a) Please state the number, if any, of stewards to be employed at the event. (a)
- (b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers. (b)

4. Layout Plans

Please indicate if -

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or (a)
- (b) the premises are a members club which has been issued with a premises licence; or (b)
- (c) attach a detailed layout plan of the venue with the application (c)

<p><u>5. Applications Lodged by Voluntary Organisations or Members Clubs Only</u></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December</p>	
<p>6. Will alternatives to glass receptacles be provided?</p>	
<p>7. Where the event is for more than 100 persons, or where the event is relating to a Voluntary Organisation where more than four occasional licences per year are applied for, please give details here of the person trained to personal licence holder standard</p>	<p>Please attach a copy of your training certificate to this application</p>

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LICENSING OBJECTIVES **

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.

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

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

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

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

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

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

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Appendix 10

East Lothian Premises Licences – October 2017

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

				Seasonal 12.02m2. Capacity non-seasonal 46.47	
EL0132	Co-operative Group Food Ltd.	Dunbar	store	27.165m2	
EL0123	Iceland Foods Limited	Musselburgh	Store	6.6m2	
EL0135	Co-operative Food Ltd.	Dunbar	Store	21.0m	
EL0134	Co-operative Group Food Ltd.	East Linton	Store	23.88 m2	
EL0133	Co-op	Longniddry	Store	Main alcohol display 25.75	inaccessible area 4.2
EL0128	Linton Wines	East Linton	Online sales	11m2	
EL0144	Open all Hours	Musselburgh	Convenience Store	19 linear metres	
EL0118	Fair Price Food Store	Prestonpans	Convenience Store	Area 1 -2.42m2	Area 2 -9.86m2
EL0153	Aldi Store	North Berwick	Supermarket	Total 31.5m2	Permanent: 24.75m2
EL0151	Scotmid	Prestonpans	Store	34.2m3	
EL0129	Longniddry Village Shop	Longniddry	Convenience Store	Fridge cabinet - 1000x 680	Shelving - 1200 x 300
EL0171	Haddington Wines & Whiskies	Haddington	Off-licence	80m	
EL0131	Co-operative Group Food Ltd.	Gifford	Store	Main display 23.26 - inaccessible area 3.15	
EL0142	Nicer Foods	North Berwick	Convenience Store	16.6m x 6.8msq =23.4msq	
EL0119	Flowers by Arrangement	Musselburgh	convenience Store	1 x 3 m	
EL0191	Day-Today (formerly Nisa Store)	Prestonpans	Convenience Store	4.415m	
EL0172	Aldi Stores Limited	Musselburgh	Supermarket	Total 30.375	Permanent Display: 25.875
EL0186	Co-operative Group Food Ltd.	Haddington	Store	Main Alcohol Display Area: 26; inaccessible area 4.2	
EL0216	Day Today	Haddington	Convenience Store	Total Area - 79.54	
EL0182	Gullane Mini-market	Gullane	Convenience Store	14.04m	
EL0192	Nungate Mini Market	Haddington	Convenience Store	19sqm	
EL0177	Fenton Tower External Services Building	Fenton, North Berwick	Off-licence	Depth - 2152cm x 1000cm x 227cm	Sq m - 2270
EL0197	McColls	Musselburgh	Convenience Store	54.96m2	
EL0174	Belhaven Smokehouse Ltd.	Hedderwick, Dunbar	Convenience Store	38sm	
EL0198	Scotmid	Prestonpans	Store	Capacity 39.6m2	
EL0202	Spar Shop	Pencaitland	Convenience Store	Public display - 2.61m x 0.66m	display area 2 - 1.68 x 0.41m
EL0188	Lowcost Supermarket	Musselburgh	Convenience Store	34m2	
EL0190	Nicholson News (Keystore)	Longniddry	Convenience Store	8sqm	
EL0283	Little Superstore	Ormiston	Convenience Store	36.05m	
EL0284	Scots Cheer Ltd	Drem	Online sales	330m	
EL285	Looks General Store	Dunbar	Convenience Store	3m2	
EL290	West Barns Shop	West Barns	Convenience Store		
EL291	Town House Fish & Chicken Bar	Haddington	Convenience Store	1.18m3	
EL0295	R. S. McColl	Musselburgh	Convenience Store	31.78m2	
EL296	Tesco Extra	Musselburgh	Supermarket	281.12 square metre	
EL0 298	Grace of India (formerly Sole Kitchen)	Aberlady	Off-licence	A - 1200 x 2000 x 750	B 3000 x 900 x 600
EL299	The Deli @ East Linton	East Linton	Off-licence	1660mm x 1800mm	
EL302	121 High Street	Musselburgh	Convenience Store	12.20 x 2.2m = 28.84	
EL300	The Fine Wine Company Ltd.	Musselburgh	Off-licence	67.5m2	
EL313	Co-operative Group Food Ltd	Prestonpans	Store	37.015 sqm	
EL316	Wallyford Grocers	Wallyford	Convenience Store	10.7m x 0.75m at its widest	
EL317	Seton Sands Holiday Village Temporary Shop	Longniddry	Convenience Store	2.8m2	
EL318	Shop (Musselburgh News)	Musselburgh	Convenience Store	12.06m2/ 34.2 linear metres	

EL320	Pinkie Farm Convenience Store	Musselburgh	Convenience Store	display area accessible - 51.50	inaccessible area - 3.96.
EL324	McColls	Haddington	Convenience Store	8.5m2	
EL325	Aldi	Tranent	Supermarket	39.96m2	
EL 335	Pans Convenience Store	Prestonpans	Convenience Store	Sales floor - 16.8 m2	inaccessible gantry - 1m x 0.5m2
ELO337	179 North High Street	Musselburgh	Convenience Store	8.65m	
EL330	The Co-operative Food	Prestonpans	Store	25.585m2	
ON -SALES					
Licence No.	Premises Name	Address	Premises Type	Capacity (No of Persons)	
EL025	Hole in the Wa'	Musselburgh	Public House	100	
EL024	Riverside Bar	Musselburgh	Public House	60	
EL023	Gurkha Bar & Restaurant	Musselburgh	Restaurant	60	
ELO001	Old Aberlady Inn	Aberlady	Restaurant/Inn	242	
EL002	Craigielaw Golf Club	Aberlady	Club	310	
EL003	No5 Duke Street (formerly West Barns Inn)	West Barns	Restaurant/Bar	264	
EL005	Umberto's	Dunbar	Restaurant	52	
EL0008	The Castle	Dirleton	Hotel	200	
EL007	The Crown Hotel	East Linton	Hotel	110	
EL009	Garvald Inn	Garvald	Hotel	59	
EL010	Mallard Hotel	Gullane Golf Club	Hotel	150	
EL011	Gardeners Arms	Haddington	Public House	116	
EL016	The Craig House	Inveresk	Hotel	260	
EL019	Caprice Restaurant	Musselburgh	Restaurant	90	
EL029	Ravelstone House Hotel	Musselburgh	Hotel/Restaurant	653	
EL022	The Stand	Musselburgh	Public House	60	
EL028	Levenhall Arms	Musselburgh	Public House	60	
EL030	Coach and Horses	Musselburgh	Public House	114	
EL031	Zitto's Italian Wine Bar	North Berwick	Restaurant	240	
EL032	Lucky House Cantonese Restaurant	North Berwick	Restaurant	40	
EL034	Herringbone (formerly The Quarterdeck)	North Berwick	Bar/Restaurant	140	
EL035	Nether Abbey Hotel	North Berwick	Hotel	286	
EL038	Auld Hoose	North Berwick	Public House	170	
EL039	The Westgate Gallery	North Berwick	Café/Restaurant	36	
EL036	County Hotel	North Berwick	Hotel	200	
EL040	Ship Inn	North Berwick	Public House	222	
EL041	Golfers Rest	North Berwick	Public House	268	
EL042	The Gothenburg	Prestonpans	Distillery/Restaurant	230	
EL017	Brunton Theatre	Musselburgh	Theatre	1000	
EL293	Event Space	Inveresk	Function	400	
EL073	Queen Margaret University (Sports & Student Union Building)	Musselburgh	Bar	398	
EL081	The Brig Inn	Tranent	Bar		
EL060	Kashmir Valley Restaurant	Tranent	Restaurant	96	
EL093	Tower Inn	Tranent	Bar	156	
EL095	Way Inn	Prestonpans	Restaurant	70	
EL096	Wemyss House Hotel	Port Seton	Hotel	660	
EL100	Winton House	Pencaitland	Events	218	
EL078	Springfield Guest House	Dunbar	Guest House	15	
EL097	Whispers	Tranent	Bar	120	
EL086	The Grange	North Berwick	Restaurant	42	
EL077	Scottish Seabird Centre	North Berwick	Tourist Attraction	100	
EL088	The New Plough	Tranent	Bar	210	
EL048	Archerfield Golf Clubhouse	Dirleton	Clubhouse	518	
EL068	Maitlandfield House Hotel	Haddington	Hotel	480	
EL052	Castle Park Golf Club	Gifford	Golf Club	60	

EL082	The Dasher	Prestonpans	Bar	268	
EL051	Bella Italia	North Berwick	Restaurant	60	
EL090	The Tollbooth Cafe Restaurant	Musselburgh	Restaurant	30	
EL099	Winton Arms	Pencaitland	Bar	254	
EL074	Railway Tavern	Prestonpans	Bar	320	
EL069	Marine Hotel	North Berwick	Hotel	800	
EL058	Hallhill Healthy Living Centre	Dunbar	sports club		
EL0143	North Berwick Diner and Fry	North Berwick	Restaurant	72	
EL0116	Eden Hotel	Dunbar	Hotel	60	
EL0165	The Volunteer Arms (Staggs)	Musselburgh	Bar	130	
EL0124	Kilspindie House Hotel	Aberlady	Restaurant/Bar	230	
EL0157	Anchor Bar	Musselburgh	Public House	100	
EL0145	Osteria	North Berwick	Restaurant	31	
EL0122	Horseshoe Tavern	Musselburgh	Public House	170	
EL0108	China Garden	Haddington	Restaurant	44	
EL0120	Glenkinchie Distillery Visitor Centre	Pencaitland	Distillery	140	
EL0105	Habaneros	Musselburgh	Restaurant/Café	178	
EL0107	Castle Hotel	Dunbar	Hotel	96	
EL0150	Dunmuir Hotel	Dunbar	Hotel	224	
EL0154	Sportsman's Bar	Musselburgh	Public House	96	
EL0149	Golden Chopsticks	Musselburgh	Restaurant	80	
EL0114	Eagle Inn	Dunbar	Public House	106	
EL0158	The Coalgate	Ormiston	Public House	338	
EL050	New Bayswell Hotel	Dunbar	Hotel	210	
EL0166	Tiger Coast	North Berwick	Restaurant	70	
EL0110	The Mercat Grill (Formerly Dolphin Inn)	Musselburgh	Public House/Restaurant	226	
EL0112	Dragon Way	Musselburgh	Restaurant	40	
EL0104	Black Bull	Dunbar	Public Bar	60	
EL0164	The Volunteer Arms	Dunbar	Public Bar	65	
EL0106	Carberry Tower	Musselburgh	Events	320	
EL0115	Eastern Eye Indian Restaurant	Haddington	Restaurant	62	
EL0161	Crollas Italian (formerly The Bird Cage)	Inveresk	Restaurant	100	
EL0102	Royal Macintosh Hotel	Dunbar	Hotel	250	
EL0160	The Folly Hotel	North Berwick	Hotel	38	
EL0101	Auld Brig Tavern	Musselburgh	Public Bar	60	
EL0162	The Open Arms Hotel	Dirleton	Hotel	207	
EL0168	Tweeddale Arms Hotel	Gifford	Hotel	315	
EL0113	Dynasty	Musselburgh	Restaurant	35	
EL0159	The Creel Restaurant	Dunbar	Restaurant	36	
EL0155	Sung Sing	Haddington	Restaurant	42	
EL0185	Longniddry Inn	Longniddry	Restaurant	548	
EL0195	Quayside Leisure Centre	Musselburgh	Leisure Centre	600	
EL0175	Gifford Golf Club	Gifford	Club	40	
EL0208	The Old Clubhouse	Gullane	Club	130	
EL0178	Goblin Ha Hotel	Gifford	Hotel	364	
EL0189	Mercat Hotel	Haddington	Hotel	250	
EL0181	The Main Course	Gullane	Restaurant/Bar	53	
EL0196	The Bell	Haddington	Restaurant/Bar	351	
EL215	Victoria Inn & Avenue Restaurant	Haddington	Restaurant with Rooms	167	
EL0210	The Rocks Bar and Restaurant	Dunbar	Restaurant/Bar	170	
EL0180	Greywalls	Gullane	Hotel	298	
EL0184	La Potiniere	Gullane	Restaurant	35	
EL0211	The Ship Inn	Musselburgh	Public Bar	280	
EL0206	The Keepers Arms	Tranent	Public Bar	170	
EL0212	The Thorntree	Prestonpans	Public Bar	234	
EL0173	Belhaven Fruit Farm	Dunbar	Events Shed	300	
EL0179	Golf Inn & Restaurant	Gullane	Hotel/Restaurant	378	
EL0214	Tyneside Tavern	Haddington	Bar/Restaurant	100	

EL0183	King's Palace Chinese Restaurant	Dunbar	Restaurant	162	
EL0213	Golf Tavern (Formerly The Toll Bridge Hotel)	Haddington	Bar/Restaurant	218	
EL0207	Waterside Bistro (formerly The Laffin Duck)	Haddington	Restaurant	274	
EL0205	The Golden Grain	Haddington	Restaurant/Café	60	
EL0194	Poonthai's	North Berwick	Restaurant	56	
EL217	David Macbeth Moir	Musselburgh	Public House	480	
EL0204	The Dragon Way	Port Seton	Restaurant	50	
EL0199	Shish Mahal Restaurant	Musselburgh	Restaurant	34	
EL0273	Seton Sands Holiday Village	Seton Sands	Holiday Venue	1000	
EL0246	Macmerry Miners Welfare & Social Club	Macmerry	Club	250	
EL0265	Tantallon Golf Club	North Berwick	Club	60	
EL0245	Luffness New Golf Club	Gullane	Club	250	
EL0224	East Linton Bowling Club	East Linton	Club	120	
EL0234	Haddington Bowling Club	Haddington	Club	80	
EL0250	Musselburgh Old Course Golf Club	Musselburgh	Club	60	
EL0266	The Glen Golf Club	North Berwick	Club	200	
EL0247	Musselburgh Miners Charitable Society (Incorporating Royal Musselburgh)	Prestonpans	Club	1063	
EL0259	Prestonpans Royal British Legion Club (Scotland)	Prestonpans	Club	290	
EL0230	Fisherrow Yacht Club Social Club	Musselburgh	Club	60	
EL0223	Dunbar Golf Club	Dunbar	Club	150	
EL0229	Eskmills Bowling Club	Musselburgh	Club	215	
EL0270	Wallyford Miners Welfare and Social Club	Wallyford	Club	384	
EL0243	Longniddry Golf Clubhouse	Longniddry	Club	150	
EL0240	Lodge Nisbet No. 1112 Social Club	Tranent	Club	170	
EL0241	Lodge St John Fisherrow No. 112	Musselburgh	Club	200	
EL0244	Longniddry Royal British Legion	Longniddry	Club	294	
EL239	Kilspindie Golf Club	Aberlady	Club	125	
EL0233	Gullane Golf Club, Members Clubhouse	Gullane	Club	280	
EL0232	Gullane Golf Club	Gullane	Club	100	
EL0218	Aberlady Bowling Club	Aberlady	Club	100	
EL0 255	North Berwick Rugby Football Club	North Berwick	Club	250	
ELO225	East Lothian Coop Employees Bowling Club	Tranent	Club	160	
EL0271	West Barns and District Bowling Club	West Barns	Club	130	
EL0263	The Royal British Legion (Scotland)	Dunbar	Club	240	
EL0260	Ross High Rugby Football Club	Tranent	Club	220	
EL0254	North Berwick Masonic Social Club	North Berwick	Club	60	
EL0237	Haddington Rugby Football Club	Haddington	Club	170	
EL0258	Prestonpans Labour Party Social Club	Prestonpans	Club	250	
EL0221	Dunbar Bowling Club	Dunbar	Club	80	
EL0227	East Lothian Yacht Club	North Berwick	Club	160	
EL0222	Dunbar Castle Social Club	Dunbar	Club	120	
EL0267	The Honourable Company of Edinburgh Golfers	Gullane	Club	400	
EL0253	North Berwick Golf Club	North Berwick	Club		
ELO257	Preston Lodge RFC Clubrooms	Prestonpans	Club	192	
EL0269	The Clubhouse Thurston Manor Leisure Park	Innerwick	Club	760	
EL0249	The Musselburgh Bowling Club	Musselburgh	Club	80	
EL0251	Musselburgh Rugby Football Club	Musselburgh	Club	240	
EL231	Gifford Bowling & Sports Club	Gifford	Club	100	
EL0219	Castlepark Bowling Club	Prestonpans	Club	140	
EL0235	Haddington Conservative Club	Haddington	Club	90	
EL0264	Stenton Bowling Club	Stenton	Club	75	
EL0236	Haddington Golf Club	Haddington	Club	200	
EL0242	Lodge St John Kilwinning No. 57	Haddington	Club	100	

EL0272	Wiremill Social Club	Musselburgh	Club	250	
EL0261	Royal British Legion, Cockenzie	Cockenzie	Club	400	
EL0220	Cockenzie & Port Seton Bowling & Recreation Club	Port Seton	Club	290	
EL0256	Polson Park Bowling Association	Tranent	Club	60	
EL0226	East Lothian Indoor Bowling Club	Tranent	Club	250	
EL0268	The Musselburgh Golf Club	Musselburgh	Club	400	
EL0248	Musselburgh and Fisherrow Welfare & Social Club	Musselburgh	Club	290	
EL0228	Elphinstone Miners' Welfare Society and Social Club	Elphinstone, Tranent	Club	250	
EL0275	Shapla Tandoori	Dunbar	Restaurant	56	
EL0279	Plough Tavern	Haddington	Hotel	139	
EL0282	Winterfield Golf and Sports Club	Dunbar	Club	130	
EL0276	Hillside Hotel	Dunbar	Club	50	
EL297	Musselburgh Racecourse	Musselburgh	Race Course	9500	
EL0280	Queen Margaret University Academic Building	Musselburgh	Bar	5470	
EL0277	Lodge Thorntree 1038	Prestonpans	Club	60	
EL0278	Signals Bistro	North Berwick	Restaurant	85	
EL287	Belhaven Brewery	Belhaven, Dunbar	Brewery	232	
EL286	Masons Arms	Dunbar	Public House	66	
EL289	The Linton Hotel & Steakhouse	East Linton	Hotel	90	
EL333	Dunbar Garden Centre	Dunbar	Restaurant/shop	180	
EL0294	JP's Deli & Cafe (formerly Bunneys)	North Berwick	Restaurant	25	
EL306	Dunglass Estate	Cockburnspath	Events	300	
EL303	Falko	Gullane	Restaurant	40	
EL308	Rocketeer Restaurant (formerly Coastguard Station)	North Berwick	Restaurant	40	
EL310	The Pine Marten	Dunbar	Restaurant/Hotel	354	
EL312	Lobster Shack (mobile unit situated in North Berwick harbour)	North Berwick	Café	30	
EL314	Archerfield Alehouse & Gardens	Dirleton	Events	3070	
EL319	Renaissance new Golf Club	Dirleton	Club	500	
ELO 332	Jo's Kitchen	Haddington	Restaurant	50	
EL338	Cucina Amore	North Berwick	Restaurant	60	
ELO 342	Del Patino	Musselburgh	Restaurant	35	
EL343	Lanna Thai	Musselburgh	Restaurant	38	
EL328	Giancarlo's	Tranent	Restaurant	70	
EL329	Archerfield Waterfront Event Centre	Dirleton	Events	300	
EL0340	Macmerry Bowling Club	Macmerry	Club	120	

ⁱ <https://cresh.org.uk/webmap>

ⁱⁱ <http://www.ias.org.uk/uploads/pdf/IAS%20reports/rp28102017.pdf>

ⁱⁱⁱ <http://www.alcohol-focus-scotland.org.uk/media/65042/Alcohol-outlet-density-and-harm-report.pdf>

^{iv} <http://www.healthscotland.scot/media/1202/27345-00-alcohol-consumption-and-price-in-scotland-2015-may2016.pdf>

^v Ryder et al (2009) *Prevalence of problem alcohol use among patients attending primary care for methadone treatment* <https://bmcfampract.biomedcentral.com/articles/10.1186/1471-2296-10-42>

^{vi} <http://www.retailresearch.org/shopliftershitparade.php>