

**LICENSING (SCOTLAND) ACT 2005**

**MIDLOTHIAN LICENSING BOARD**

**POLICY STATEMENT**

**November 2018 – November 2023**

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## **PART 1 INTRODUCTION**

### **1.0 The Licensing (Scotland) Act 2005**

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

### **2.0 Midlothian Licensing Board**

2.1 Midlothian Licensing Board (“the Board”) is the licensing authority for the local government area of Midlothian for the purposes of the Act. The Board comprises ten members, all of whom are elected members of Midlothian Council.

2.2 Midlothian shares borders with the City of Edinburgh, East Lothian and Scottish Borders Councils. Around 88,000 people live within the area. The main administrative centre for Midlothian is based in Dalkeith.

2.3 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
- the supply of alcohol by relevant voluntary organisations or personal licence holders

### **3.0 The Licensing Objectives**

3.1 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

- 3.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusing an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on any one or more of the licensing objectives.
- 3.3 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.

#### **4.0 Local Licensing Forum**

- 4.1 The Midlothian Licensing Forum's role is to keep under review the operation of the Licensing Act in the Midlothian 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. Members of the press and public are entitled to attend Forum meetings.

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

- 5.1 Every five years Licensing Boards require to publish a statement, of their policy on the exercise of their functions. Each licensing policy statement must include a statement as to the extent to which the Board considers there is overprovision of: -
- licensed premises, or
  - licensed premises of a particular description in any locality within the Board's area.
- 5.2 The Board has published this policy statement in fulfilment of the requirements of sections 6 and 7 of the Act. Section 6(3)(a) of the Act also requires a Licensing Board, in preparing a licensing policy statement, to ensure that the policy set out in the statement seeks to promote the licensing objectives.
- 5.3 This policy statement shall be effective until 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: -

- Midlothian Local Licensing Forum;
- if the membership of the Forum is not representative of all of the various membership categories, such persons as appear to the Board to be representative of the underrepresented categories;
- the relevant Health Board; and
- such other persons as the Board thinks appropriate.

6.2 The Board has consulted widely on this statement of policy in fulfilment of the requirements of section 6(3)(b). The consultation took place from April 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 Midlothian, 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.

Midlothian Council has an Equalities Policy which promotes access, for disabled people, to services and facilities which can be viewed at:  
[https://www.midlothian.gov.uk/downloads/file/2095/midlothian\\_equality\\_plan\\_2017-2021](https://www.midlothian.gov.uk/downloads/file/2095/midlothian_equality_plan_2017-2021)

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 is available on the Board's webpage.

## **8.0 Planning, food hygiene and building standards**

- 8.1 Premises must have appropriate licensing, planning and building standards permissions. An application for a premises licence must be accompanied by relevant certificates as to planning, building standards and food hygiene as per Section 50 of the Licensing legislation.

## **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 Midlothian Council chairs the Safety Advisory Group (SAG) for events planned within its area. Organisers of public events should complete the notification form: [https://www.midlothian.gov.uk/forms/form/131/en/give\\_advance\\_notice\\_of\\_a\\_public\\_event](https://www.midlothian.gov.uk/forms/form/131/en/give_advance_notice_of_a_public_event)

## **PART 2 PROMOTION OF THE LICENSING OBJECTIVES**

### **10.0 Overview**

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

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

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

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

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

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

10.5 BYOB on licensed premises

It is the Board's preference that license holders do not allow BYOB (bring your own bottle) on their premises.

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'.

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.

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.



The Board encourages any unlicensed Restaurant/Café/Commercial premises that allow customers to BYOB, to apply for a premises 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 Midlothian a safe place to live in, work and visit. The Board is committed to further improving the quality of life of people in Midlothian 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 Midlothian there are byelaws prohibiting the consumption of alcohol in public places. These restrictions were introduced to prevent crime and disorder, and anti-social behaviour. Please check the Council website to see if there are any byelaws in your area which may impact on the planning of an event.
- 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
  - sexual exploitation of vulnerable adults
  - antisocial behaviour
  - drink driving
  - litter
  - theft
- 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 key staff must be able to operate the system. Images should be kept, for at least one month. For operational purposes in the investigation of crime and disorder, police officers should be shown footage of any images held in respect of incidents on or about licensed premises. Viewing of images must also be made available to the Licensing Standards Officer. If

copies of images are required for evidence purposes by Police Scotland, this should be accommodated on written request.

- Display of prominent notices which set out the management's policy on illegal substances.
- Security policies and regular toilet checks.
- Employment, when necessary, of Security Industry Authority (SIA) licensed door staff.
- Proper management of people entering and leaving the premises.
- Active membership of Pub Watch or a similar scheme.
- Provision of litter bins and lighting outside the premises.
- Prominent display of material discouraging drink driving.
- Promoting awareness of schemes such as the designated driver scheme.
- Choice of size of measures, particularly for wine.
- Introduction of a sales refusals book.
- Calling last orders earlier than the daily terminal hour.
- Keeping of an incident book and daily register which lists complaints, incidents and actions taken by staff and management, including type of entertainment provided and approximate number of patrons in attendance. Other items of interest are details of official visitors to the premises i.e. LSO, Police and other officials, the time premises are cleared of patrons and street cleared at closing time.
- Monitoring of display areas (via staffing in larger shops or layout consideration in smaller shops).

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 issued by the courts.

11.7 As stated above, the Board consider membership of a Pub Watch or similar scheme to be an effective control measure in preventing crime and disorder. Premises are therefore strongly encouraged to join such schemes.

11.8 The Board is concerned that underage drinking is being facilitated through the theft of alcohol particularly from off-sales premises. The Board therefore expects such premises to have effective measures in place to minimise theft of alcohol. Failure to implement security measures properly may make licensees open to review.

## **12.0 Securing Public Safety**

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

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

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

12.3 Suggested control measures include: -

- Carrying out risk assessments.
- Effective and responsible management of the premises.
- Provision of effective and properly maintained CCTV in and around the premises. The Board supports the use of such systems and particularly encourage licensees to use them.
- Active membership of Pub Watch or a similar scheme.
- Employment of adequate numbers of suitably trained staff.
- Having a written policy on how to deal with customers and any other person on the premises who may have become incapacitated or vulnerable through drink or drugs.
- Empty bottles and glasses are regularly cleared from tables and public areas.
- All furniture and barriers included in an approved outdoor area that forms part of a public footpath or roadway, must be taken out of use at the designated closing time.
- Outdoor areas located on a public footway should only be used for the consumption of alcohol by those seated in the area. No vertical drinking should be permitted on a footway. This practice would not apply to a beer garden in the enclosed area of private grounds unless otherwise directed in a condition imposed by the Board to control nuisance.
- Appropriate first aid facilities, including having defibrillation equipment at hand and available to suitably trained staff to deal with medical emergencies.
- Proof of regular testing and, where appropriate, certification of procedures, relating to electrical, gas, heating and like appliances and safety systems.
- Informing the police and Licensing Standards Officer of any special event that is to take place on the premises or of any incident or issues that relate to public safety.

- Employment, when necessary, of Security Industry Authority licensed door staff and implementation of a crowd management policy.
- Ensuring that premises, both internally and externally, are maintained in good, clean and tidy condition at all times, this includes public footways directly outside licensed premises. At no time should litter of any description be swept and left beyond the perimeter of premises or into the gutter for others to clean up.

### **13.0 Preventing Public Nuisance**

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

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

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

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

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

13.5 Suggested control measures include: -

- Adherence to any local conditions imposed by the Licensing Board and Planning Department.
- Appropriate instruction, training and supervision of staff to prevent incidents of public nuisance.
- Proper management of people entering and leaving the premises.
- Implementing a terminal hour dispersal policy including the placement of notices to request customers to leave the premises quietly.
- Using the wind down time between the end of licensable activities and the closure of the premises to indicate to customers that it is time to leave.
- Implementing a policy of last admission time to manage safe capacity, prevent disorder and overconsumption.

- An effective policy on controlling noise and movement of patrons using outdoor areas, including areas used by smokers.
- A litter and waste management policy, including a plan for the disposal of cans, glass bottles and rubbish in appropriate receptacles at responsible times between 9am and 9pm which will not affect nearby residents. The policy should detail management arrangements for the collection and disposal of waste and empty bottles.
- Installation of sound proofing and sound limiting devices.
- Sound tests to ensure that noise from equipment used in providing live or amplified music, non-amplified music, singing and speech sourced from licensed premises is not intrusive in any adjoining or nearby residential property.
- Reduction of volume of amplified music and live entertainment to protect health and prevent neighbour nuisance.
- Consideration of sufficient provision of transport for patrons leaving premises, to prevent nuisance due to patrons loitering in the vicinity of the premises, particularly after closing. This would include liaison with public transport and taxi providers.
- Efficient cooking and extraction systems to prevent nuisance from odour and noise.
- Installation of a well maintained air conditioning system to provide adequate cooling of public areas of premises during hot weather. This will negate the need to open windows and doors, and therefore prevent noise breakout.
- Active membership of Pub Watch or a similar scheme.
- Provision of effective and properly maintained CCTV in and around the premises. The Board supports the use of such systems and particularly encourages licensees to use them.
- Employment, when necessary, of Security Industry Authority (SIA) licensed door staff.

13.6 **Antisocial Behaviour** – victims of noise nuisance, should contact the police on 101 or report the problem through the anti-social behaviour helpline on 0131 271 6677.

13.7 **18<sup>th</sup> or 21<sup>st</sup> birthday parties** - All premises hosting 18<sup>th</sup> or 21<sup>st</sup> birthday parties should give a minimum of 14 days' notice of these events to the Police Licensing Officer and the Licensing Standards Officer by e-mail. Good practice would also be for Licensees to additionally notify any immediate neighbours or those who live along obvious dispersal routes of such parties.  
[LothianScotBordersLicensingEastMid@Scotland.pnn.police.com](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.com) and  
[Licensing@Midlothian.gcsx.gov.uk](mailto:Licensing@Midlothian.gcsx.gov.uk)

## 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 Midlothian 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 Midlothian and visitors to Midlothian. The Board will have regard to the views of any other bodies responsible for, or having an interest in, public health.

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

14.3 Suggested control measures include: -

- Displaying material discouraging drink driving.
- Promotion of designated driver schemes.
- Making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines.
- Having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises.
- Ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small, medium and large measures should be available.
- Ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer.
- Where deliveries of alcohol are made to households or other premises, delivery staff must be trained to the same level as those involved in the sale or supply of alcohol from licensed premises. Challenge 25 checks must be made and the mandatory delivery records must be kept in accordance with statutory regulations. No alcohol must be left at premises if the occupier or a responsible adult is not present. Applicants for licences which include delivery of alcohol will be required to give details of how they are going to enforce Challenge 25, training of staff and record-keeping requirements when making deliveries. These measures will help protect the health of the young and the vulnerable.
- Availability of low alcohol and alcohol free alternatives.
- Provision of tap water that is fit for drinking free of charge on request. Other non-alcoholic drinks must be available at a reasonable price.
- Licence holders are encouraged to provide food or a selection of reasonably priced snacks to encourage patrons to eat at the same time as consuming alcohol.
- Providing contact details of where assistance for alcohol-related problems may be sought.
- Compliance with the law on alcohol pricing and irresponsible drinks promotions.
- Having in place a policy/practice to deal with patrons who have consumed excessive alcohol.
- Reduction of volume of amplified music and live entertainment to protect the health of patrons and staff and prevent neighbour nuisance.

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

14.4 Licence holders should have a clear understanding that it is illegal to sell alcohol to a person who appears drunk or to allow drunkenness on the premises. For the purposes of clarity, a drunk person can be considered to be someone that has drunk intoxicating liquor to an extent which affects steady self-control.

## 15.0 Protecting Children and Young Persons from Harm

15.1 The Board wishes to encourage family friendly premises within Midlothian and to ensure that such premises are run in such a way that they are suitable for children and young people. The Board understands that additional responsibilities will be placed on such applicants whilst at the same time recognising that parents and other adults accompanying children also have responsibilities. In determining any application where the operating plan indicates that children and young persons are to be allowed on the premises, the Board will consider the need to protect children and young people from harm as its paramount concern.

15.2 The Board has serious concerns about the prevalence of under-age drinking in Midlothian and the links between excess consumption of alcohol and the commission of crimes, in particular crimes of public disorder and violence. Licence holders are reminded that they and their staff must comply with all legislation in relation to children and young persons and failure to do so will be treated extremely seriously by the Board.

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

15.4 In terms of The Alcohol etc (Scotland) Act 2010, it is a mandatory condition on every premises and occasional licence to sell alcohol (for both on and off sales) that a policy is in place requiring steps to be taken to verify the age of anyone attempting to purchase alcohol who appears to the seller to be under 25 years of age – a “**Challenge 25**” policy.

15.5 The Board encourages all licence holders to have a written policy in this regard and will require licensees who do not have a written policy to provide other evidence to prove a policy is in place.

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

- Children under the age of 12 have unsupervised access to pool tables, dart boards or areas where category C or above gaming machines are located.
- The premises are of unsuitable character or atmosphere.
- Parts of the premises are very small, enclosed and unable to provide a family-friendly environment.
- The premises have very few suitable facilities for children, including toilet provision.
- The premises have a history for underage drinking.
- There is a serious element of gambling within the premises.
- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided.
- There has been a known association with drug taking or dealing on the premises.

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

15.8 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.

15.9 Suggested control measures include

- Appropriate instruction, training and supervision of staff in accordance with recognised standards.
- Risk assessments for all areas to which children and young persons have access.
- Where deliveries of alcohol are made to households or other premises, delivery staff must be trained to the same level as those involved in the sale or supply of alcohol from licensed premises. Challenge 25 checks must be made and the mandatory delivery records must be kept in accordance with the law. No alcohol must be left at the delivery address if the occupier or a responsible adult is not present. Applicants for licences that include delivery of alcohol will be required to give details of how they are going to enforce Challenge 25, training of staff and record-keeping requirements.
- Develop a Policy on recognising and dealing with the sexual exploitation of children and young persons. Guidance on this can be found at [http://emppc.org.uk/file/Child\\_Protection/EMPPC - Inter-agency\\_Guidance\\_on\\_Child\\_Sexual\\_Exploitation\\_-\\_23-03-16\\_v1.pdf](http://emppc.org.uk/file/Child_Protection/EMPPC_-_Inter-agency_Guidance_on_Child_Sexual_Exploitation_-_23-03-16_v1.pdf)
- Where possible, a separate servery accessible to children and young persons should be used for the sale and supply of soft drinks and foodstuffs.
- Alcohol aisles in supermarkets should be segregated from other goods, with greater separation between alcohol and commodities popular with children and young persons e.g. soft drinks.
- All electrical sockets in public areas of the licensed premises must have safety appliances fitted. Likewise, fixed fireguards must be fitted to all open fires and mobile heaters should not be used when young children are on the premises.
- Non glass drinking containers must be available for children on request.



- Appropriate measures to ensure that children and young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of section 105(5) of the Act).
- Appropriate disclosure checks of staff who will be working in premises where children and young persons will be present.
- Exclusion of children from areas in which gambling is taking place such as casino, poker or race nights and areas where category C or above gaming machines are available for use.
- Acceptance of accredited proof of age card schemes.
- Measures to ensure that children are not exposed to strong language, violence or disorder.
- Where children under five years are permitted on the premises, baby-changing facilities must be provided which are accessible to persons of either gender.
- High chair facilities must be available for use by young children.
- Children's menus should be provided where food is served on the premises.
- 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.
- Premises are expected to pay special attention to monitoring the consumption and level of intoxication from alcohol of those in charge of children whilst on the premises, paying particular reference to section 15.4.

15.10 It should be noted, that the Board has imposed a Local Condition that in the interests of public safety, children must be excluded from an area of 1 metres from any bar servery in the premises.

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

## **PART 3    LICENSES**

### **16.0   Premises Licence**

Premises that wish to sell alcohol for consumption on or off the premises must have a Premises Licence. It is a single form of licence for premises which sell alcohol, each licence being tailored to the type of premises by reference to an operating plan and a layout plan. Drafts of these must be lodged by the applicant with the application for a premises licence.

Each premises licence will be considered on its own merits.

The application must enable the Board to determine with certainty the kind of operation that would be permitted in terms of the licence.

Applicants should pay particular attention to the Operating Plan and the layout plan. If a particular activity is not mentioned in the Operating Plan that activity

cannot take place on those premises until further authorisation is sought from the Board by way of seeking a variation of the Premises Licence.

The operating plan must set out clearly the applicant's proposals for the sale of alcohol, including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to children.

When considering an application for premises that have been previously licensed, or a review of an existing licence, the Board will take into account any relevant evidence on the impact of the operation of the premises on local residents. Such evidence will be made available to the applicant in order that s/he may advise of any measures proposed to mitigate any such adverse impact.

Mandatory conditions are set out in the Act and in Regulations. The Board will consider on an individual basis if it is necessary or expedient to impose additional conditions to promote one or more of the licensing objectives or give effect to the provisions in this policy statement or to the provisions of the Act. The decision to impose additional conditions will be made on an objective basis, having regard to the operating plan, any representations made and all relevant information before the Board when considering the application. The Board will only seek to impose conditions which are proportionate.

The premises licence will remain in force for as long as the premises continue to operate in compliance with the licence and the operating plan, or until such time as it is suspended or revoked by the Board.

## **17.0 Licensing hours**

17.1 While licensing hours are important to individual licensed premises, they do have a wider impact for an area. For example, the simultaneous closure of a number of premises in a town centre means large numbers of customers spill out onto the pavements at the same time, often creating disorder and disturbance. By removing permitted hours the Scottish Government has sought to alleviate such disorder.

The Board will always seek to promote the prevention of crime and disorder, the prevention of nuisance and the protection of the public. Accordingly the Board, in considering applications, will take into account the effect of trading hours on the surrounding neighbours. Complaints arise not only from the general noise of activities on the premises but also from people leaving and the opening and closing routines, for example the disposal of glass bottles and brewery deliveries.

## **18.0 Off Sales licensing hours**

18.1 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.

## 19.0 On Sales licensing hours

19.1 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 12:00 pm Sunday to Wednesday (inclusive)

11:00 am to 1:00 am Thursday to Saturday (inclusive)

Applications to open outwith these hours will only be granted in exceptional circumstances, and applicants will be required to be explicit about why they require the additional hours and demonstrate that they will not contravene the licensing objectives.

19.2 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 Midlothian and represent a balance between the interests of the public, residents, licensed businesses and patrons of licensed premises.

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

19.4 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.

19.5 All premises will be subject to the mandatory licensing conditions under the Act and the Board may apply additional conditions. Applicants seeking licensed hours which extend after 1.00 am should note that mandatory conditions will be imposed on the licence. These mandatory conditions are set out in regulations under the Act. <http://www.legislation.gov.uk/ssi/2007/336/contents/made>

19.6 The Act makes it clear that a Board must refuse an application to allow alcohol to be sold during a continuous period of 24 hours unless the Board is satisfied there are exceptional circumstances. Exceptional circumstances will only be justified by a specific event of very high local, national or international importance. As such events are rare, the Board considers that it would not be possible to allow for the same in the operating plan.

19.7 Licensed hours will be made up of core hours, i.e. regular hours when the premises will be open, as well as regular seasonal variations to those hours. It should be

possible for applicants to anticipate all regular variations to core hours. It is stressed that regular seasonal events, for example Christmas and New Year, should be accounted for in the operating plan.

- 19.8 To allow time to consult the police and the Licensing Standards Officer, applications should be submitted as far in advance of the event as possible but in any event no later than 28 days before the event is due to take place. The Board may however be prepared to consider applications for emergency or unforeseen events on a minimum of 72 hours notice being given. The Board would not however expect to reduce the timescale unless good reason is shown why the application could not be made 28 days prior to the event.

The Board may hold a hearing for the purposes of determining any such application. If a hearing is not held, the applicant will be given an opportunity to comment on any objections from the Chief Constable or adverse comments from the Licensing Standards Officer.

- 19.9 The Board has an existing practice of permitting longer licensed hours over the Christmas/New Year festive period. However this only applies to ON-SALES premises, and only when the premises has included the use of seasonal demand within their existing operating plan. The Board's policy is to allow an extension of up to 1 hour, up to a maximum of 2am, on existing licensed hours for Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day.

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

## **20.0 Extended Hours Applications**

An application for an Extended Hours Application allows for ad hoc occasions for specific premises where a licence holder wishes to provide for the sale of alcohol for a period beyond the normal hours during which alcohol may be sold under the premises licence. It should however normally be possible to anticipate special occasions that occur regularly every year. Applicants should incorporate appropriate opening hours for these occasions in the operating plan.

It is understood however that there will be occasions which cannot be anticipated, e.g. a wedding, and the Act allows the Board to process such extensions where there is no provision for the extended hours in the operating plan. In considering such an application, the Board will have regard to the comments of the Chief Constable and the Licensing Standards Officer.

The Board accepts that there may be events of local or national importance which could not have been anticipated in the preparation of the operating plan. Such events could give rise to a large number of applications. In these circumstances the Board will consider making a determination for premises to be open for specified general extended hours on these special occasions.

- 20.1 The Board may extend the licensing hours in respect of premises by a period not exceeding one month. The Board may do so in connection with; -
- a special event or occasion to be catered for on the premises; or
  - a special event of local or national significance.

20.2 Each extended hours application will be assessed on its own merits. When the extended hours sought, in respect of on sale premises, fall out with the on sale policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include;

- the hours sought
- a description of the special event or occasion
- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sale policy hours appropriate to the applicant premises

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

## **21.0 Personal licences**

21.1 Every premises will require one or more personal licence holders.

21.2 The personal licence is intended to ensure that anyone managing premises is capable of doing so. The Board will expect any applicant to have undertaken an appropriate training qualification and to produce evidence of this with the application.

21.3 The Act requires all sales of alcohol to be authorised (whether generally or specifically) by a personal licence holder. While the Board considers that this does not require the personal licence holder to be present on the premises when the sale is made, it is considered that it would normally be appropriate for a personal licence holder to be present during peak hours.

21.4 The Board will expect all Personal Licence holders to carry out their duties in a manner which is consistent with the promotion of the Licensing Objectives. Where a review of a Premises Licence has uncovered conduct on the part of a Personal Licence holder which is inconsistent with one or more of the Licensing Objectives, a Personal Licence hearing may be required. At the conclusion of such a hearing, the Board may, if satisfied that it is necessary to do so for the purposes of any of the Licensing Objectives, revoke, suspend for a period or endorse the Personal Licence.

21.5 Where the Chief Constable has advised that an applicant has a conviction for a relevant offence, the Board will consider whether the application should be refused under the Act. In making their decision, the Board will have regard to the seriousness and age of the conviction along with any other circumstances the Board considers relevant.

## **22.0 Temporary licences**

- 22.1 Where a licence holder wishes to carry out alterations to the principal licensed premises the Board can issue a temporary licence for other premises to enable the licence holder to continue to trade pending completion of the works.
- 22.2 Prior to issuing such a licence the Board will require to be satisfied that the alternative premises are suitable for use for the sale of alcohol and it is necessary to grant the application to enable the applicant to carry on business pending the reconstruction or conversion of the principal premises.

### **23.0 Provisional premises licenses**

- 23.1 An application may be made in relation to any premises still to be, or in the course of being, constructed or converted for use as licensed premises. The licence must be confirmed within 4 years, although this period may be extended by the Board if the works being carried out are delayed for reasons out with the licence holder's control.

The application for confirmation must be accompanied by;

- the provisional premises licence
- the operating plan for the premises to which the licence relates including a statement as to the identity of the premises manager
- the layout plan for the premises, and
- the certificates required under section 50(3) of the Act

When considering an application for confirmation the Board must confirm the licence if satisfied that since the provisional premises licence was granted there has been no variation made to the operating plan or layout plan other than by formal application for variation in terms of the Act.

### **24.0 Occasional Licences**

- 24.1 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.

- 24.2 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each occasional licence application, applicants must complete the supplementary information appendix attached to the application form.
- 24.3 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.

24.4 Fast tracking of late occasional licence applications, where there is insufficient time for the normal processing procedures to take place 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 proceedings is submitted 48 hours in advance of the event.

24.5 Applicants should be aware that they might also require a public entertainment and/or a late night catering licence issued by Midlothian 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. More information is available at:  
[https://www.midlothian.gov.uk/info/200269/licences\\_and\\_permits/533/organising\\_an\\_event](https://www.midlothian.gov.uk/info/200269/licences_and_permits/533/organising_an_event)

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

24.7 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;

- An 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
- Training, in respect of the policy for those individuals who will be responsible for the sale of alcohol.

## **25.0 Repeated Occasional Licence Applications**

25.1 It is the preference of the Board that premises should consider an application for a Premises Licence, rather than 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

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

- securing public safety
- protecting and improving public health
- protecting Children and Young Persons from harm

The scrutiny given to an application for a Premises Licence is not available where premises operate under a series of consecutive or repeated 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. Applications for multiple or consecutive licenses will be flagged up to the public and consultees on the Council website. The Board may require an applicant to explain at a Hearing, should an objection be received, 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.

25.2 Mandatory conditions are automatically applied to occasional licences by virtue of the licensing legislation. Local conditions are also applied by authority of the Licensing Board. A list of approved local conditions added to every occasional licence granted by Midlothian is shown at Appendix ‘3(A)’.

Additional conditions based on the type of each event, venue, and those attending, can also be added. A list of approved additional local conditions is shown at Appendix ‘3(B)’.

Although there is a list of approved local conditions, it is not an exhaustive list, and other conditions may be requested and imposed dependant on the circumstances of the event, however these will require to be agreed by the Board on application.

## 26.0 Members Clubs

26.1 The Board has agreed to attach 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.
- The Club shall maintain a register of those people admitted to the premises as members of other Registered Clubs; and
- Other than for private functions, no member will be able to introduce more than 10 visitors on any one occasion (or such lower number as may be specified in the Club Constitution).
- All visitors must be accompanied by that member at all times when alcohol is supplied.
- Private functions must be booked in advance by a member of the Club.
- All guests at the function must be signed in and accompanied by that member for the duration of that function.



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

### **27.0 Excluded Premises**

27.1 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.

27.2 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.

In determining such an application the Board will expect the applicant to provide sufficient information to enable it to consider the locality in which the premises are situated, the other sources of petrol or derv and/or groceries in the locality and the extent to which the persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as a principal source of petrol or derv, or groceries.

## **PART 4 OVERPROVISION**

### **28.0 Overprovision statement**

Section 7 of the Licensing (Scotland) Act 2005 requires each Licensing Board to include in its policy statement: a statement as to the extent to which the Board considers there to be an overprovision of:-

- (a) licensed premises, or
- (b) licensed premises of a particular description, in any locality within the Board's area.

The Board acknowledges the work carried out by the Midlothian Licensing Forum which has undertaken an assessment of overprovision and produced a report profiling alcohol misuse in Midlothian and advising the result of the 2018 public consultation on overprovision. This report has formed a useful evidence base and the Board will have regard to the report in determining applications.

The Board, having considered data regarding rates of alcohol related police incidents, alcohol related hospital admissions and information regarding the number, type and capacity of licensed premises in all areas of Midlothian, and having regard to the evidence of a correlation between the density of outlets and alcohol related problems, has concerns about the level of provision in the following localities:

- Thornybank (on and off sales)

The extent of availability and harm in this locality is shown in the Appendix to this policy statement.

Thornybank, in close proximity to Dalkeith, is overprovided for on sales and also shows above average levels of alcohol related harm, particularly in rates of alcohol related violence and anti-social behaviour per 10,000 population.

Taking these factors into account, the Board considers that there should be a rebuttable presumption against the grant of an application for a new premises licence or the increase in capacity of an existing premises licence within these locality

Each application in the Thornybank locality still requires to be determined on its own merits and there may be exceptional cases where an applicant can demonstrate that the grant of an application or the variation of an existing licence to increase capacity within the locality would not undermine the licensing objectives. **The Board will expect applicants to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of this Overprovision Statement. The Board would expect to be addressed on each of the Licensing Objectives.**

If an existing licence in the relevant locality ceases to be in force, this will not necessarily mean that there is capacity for a new licence in that locality. The locality has been identified as currently subject to overprovision and this may continue to be the case should a number of existing licences cease to be in force. Each application will be considered in the context of the statistics available to the Board at the time of the application.

Based on information and evidence gathered as part of this overprovision exercise, the Licensing Board is concerned at the high number of on and off-sales licensed premises in Dalkeith and Loanhead and off-sales licensed premises in the Penicuik, Bonnyrigg, Gorebridge and Straiton localities.

Whilst there is not a sufficient evidence to suggest correlation between the number of licensed premises in these localities and alcohol related harm, the Board considers the following to be areas of concern:

- Penicuik Southeast
- Dalkeith
- Loanhead
- Straiton
- Bonnyrigg North
- North Gorebridge, Gorebridge and Middleton

There is not a rebuttable presumption against the grant of a new premises licence or the increase of an existing premises licence within these localities. Nevertheless, while each application will be considered on its own merits, taking into account the intended nature of operation of the applicant premises, the Licensing Board will wish to satisfy itself that any increase in the number of licensed premises in the Dalkeith, Loanhead, Straiton, Penicuik, Bonnyrigg and Gorebridge localities will not be inconsistent with one or more of the Licensing Objectives underpinning the licensing system.

Newtongrange also presents concerns despite a low rate of licensed premises, with almost triple the rate of alcohol related deaths per 10,000 population compared to the Midlothian average. While there is insufficient evidence to determine the root cause of this harm and therefore no presumption against granting of a new premises licence or the increase of an existing premises licence, the Licensing Board will make due consideration to the likely impact of increasing alcohol provision within locality.

## **PART 5 OPERATION OF PREMISES**

### **29.0 Management of Premises**

- 29.1 All premises should be operated in a manner consistent with the five licensing objectives. There are certain aspects of running licensed premises that are of particular concern to the Board and it has therefore determined to provide guidance in these areas.
- 29.2 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.
- 29.3 The Board expects the DPM to have day to day responsibility for the running of the premises, the training and supervising of staff and ensuring that the premises are run in accordance with the requirements of the licence. The DPM is expected to be present on the premises the majority of time when alcohol is being sold. The premises licence holder is expected to ensure that the DPM has experience appropriate for the size, capacity, nature and style of the premises.
- 29.4 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.
- 29.5 Alcohol must not be sold on the premises (other than where an application has been made for a change of manager) at any time when:-
- there is no DPM in respect of the premises
  - the DPM and personal license holder are not present
  - the DPM does not hold a personal licence
  - the personal licence held by the DPM has been suspended
  - the licensing qualification held by the DPM is not the appropriate qualification in relation to the premises

### **30.0 Operating Plan**

The operating plan is a document in the prescribed form containing

- (a) a statement as to whether alcohol is to be sold for consumption on or off the premises or both
- (b) a statement of the core times during which it is proposed to sell alcohol for consumption on the premises
- (c) a statement of the core times during which it is proposed to sell alcohol for consumption off the premises
- (d) seasonal variations
- (e) other activities or services that will be provided on the premises in addition to the supply of alcohol
- (f) a statement of the times at which any other activities in addition to the sale of alcohol are to be carried on in the premises
- (g) where alcohol is to be sold for consumption on the premises, a statement as to whether children or young persons are to be allowed entry to the premises and

if they are, a statement as to the terms on which they will be allowed entry including, in particular-

- (i) the ages of children or young persons to be allowed entry
  - (ii) the times at which they are to be allowed entry, and
  - (iii) the parts of the premises to which they are to be allowed entry
- (h) information as to the proposed capacity of the premises, and
- (i) information about the individual who is to be the premises manager

Where alcohol is to be sold for consumption both on and off the premises, the operating plan may state different times for such consumption. As already noted, off sales may only take place between 10.00am and 10.00pm.

The operating plan is the document to which each licensed premises will be tied for trading purposes. Licence holders will not be able to trade out with the terms of the operating plan. The information contained within it will enable the Board and Licensing Standards Officers to determine if a breach of the operating plan and/or licence conditions has occurred.

Operating plans should make it clear to the Board how the premises are to be run and set out what activities will be undertaken on the premises and at what times, for as long as the premises are in operation. The Board should be able to determine with certainty from the operating plan the kind of operation that would be permitted in terms of the licence.

The Board expects the operating plan to be specific to the application being made and not completed in general terms. Applicants must therefore detail each and every activity likely to take place on the premises. The Board recognises that it is not always possible to predict customer demand. Matters that cannot be predicted when formulating the operating plan can be the subject of an occasional licence, an extended hours application or, for regular activities, a variation to the operating plan.

In terms of the Act, alcohol cannot be sold on any premises except in accordance with the operating plan. Applicants should take care as to the hours they detail in the operating plan as the public may reasonably expect the premises to be open for the sale of alcohol during those hours. Applicants are encouraged to be realistic in the hours stated in the operating plan. If there are regular deviations from the trading hours as stated in the operating plan, the Board will take into account whether “unused” hours are preventing new entrants into the market. If so, consideration will be given to changing the operating plan to reflect the true trading hours position.

Where a material breach of the operating plan has occurred, the Licensing Standards Officer or the Board will initiate a review of the licence.

The Board recognises that there may be circumstances that would reasonably cause a deviation from the trading hours in the operating plan, for example, a bereavement or illness. Such circumstances would not ordinarily constitute a breach of the operating plan.

## 31.0 Layout Plans

31.1 The layout plan is a document in prescribed form and must show

- (a) the extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter and dimensions of the premises to be licensed, including outside drinking areas
- (b) the location and names of any streets surrounding the premises from which members of the public have access to the premises
- (c) the location and width of each point of access to and egress from the premises
- (d) the location and width of any other escape routes from the premises
- (e) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires
- (f) the location of any steps, stairs, elevators or lifts on the premises
- (g) the location of any toilets on the premises (identified as male, female or disabled as appropriate)
- (h) any area on the premises set aside specifically for the use of children and young persons, and
- (i) any area on the premises to which children and young persons will have access

The layout plan for premises to be licensed for the sale of alcohol for consumption on the premises must also specify the uses or uses to which each part of the premises will be put (under reference to the activities identified in the operating plan).

The layout plan for premises to be licensed for the sale of alcohol for consumption off the premises must also specify

- (a) the location of the area or areas to be used for the display of alcohol
- (b) the maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas, and
- (c) the maximum linear measurement (in metres) of any displays of alcohol outside the frontage referred to in head (b)

The Board expects layout plans to be to scale and of architect's quality, on the scale of 1:100 millimetres on A3 sized paper. Alternative scales must be clear and readable and contain all the information required under the Premises Licence (Scotland) Regulations 2007. **The Electronic submissions of layout plans is preferred** otherwise applicants will require to submit 7 copies of paper plans.

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

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

- displays in supermarkets and large retail outlets are covered by CCTV cameras

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

## **32.0 Outdoor Areas**

- 32.1 Where an applicant proposes providing seating, tables or other facilities in any outdoor area (whether covered or not), the Board will assess the suitability of such area having regard to 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.
- 32.2 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.
- 32.3 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.
- 32.4 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.
- 32.5 The Board may make conditions relating to outdoor seating areas to prevent nuisance and for the protection of public safety.
- 32.6 Applicants are advised to seek consent of the Roads/Transportation section of the Midlothian Council prior to submitting any application where the proposed area forms part of the public footpath or road.
- 32.7 If an occasional licence is obtained for an event to be held on Midlothian Council land a permit must also be obtained from the Landscape and Countryside Management Service of the Council.

## **33.0 Noise**

Licence holders are expected to be aware of the impact on neighbours of noise from the premises and are expected to take reasonable steps to prevent noise nuisance. This may include installation of a sound limiter, sound proofing, keeping doors and windows closed and asking patrons to leave quickly and quietly at the

end of the evening. If required, advice is available from Midlothian Council's Environmental Health team.

#### **34.0 Smoking**

- 34.1 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.
- 34.2 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.

#### **35.0 Occupancy capacity**

The Board may consider setting maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the event of an emergency. It will be advised by the Scottish Fire and Rescue Service and the Council's Building Standards Manager in this regard.

#### **36.0 Duty to Trade**

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

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

- 37.1 Premises that cease trading in the sale or supply of alcohol must notify the Licensing Board of the reason for closure and the timescale for re-opening. The Board may decide to hold a hearing to determine whether in the circumstances the premises licence has ceased to have effect. If premises have been closed for a period of 18 months or more the Board will consider that the premises licence has ceased to have effect. In making a determination on this matter, the Board will consider any representations made by the licence holder as to the circumstances in which the premises closed and the likelihood of them reopening for trade.
- 37.2 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.

### **38.0 Deliveries**

- 38.1 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)
- 38.2 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.
- 38.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are therefore to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises.
- 38.4 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.
- 38.5 Internet and mail order sales. A premises licence will not be required for the premises at which an order is taken or placed. It will be required for the premises from which alcohol is selected for and despatched to the purchaser e.g. a warehouse. Operators of such sales should take care to exclude the possibility of the sale of alcohol to under 18s and breaching the rules on trading hours.

### **39.0 Fire risk assessment**

The Board would remind all applicants that they require to carry out a risk assessment in terms of the Fire Precautions (Workplace) (Amended) Regulations 1997.

Further information regarding fire safety risk assessment can be obtained from the Fire and Rescue Service or at [www.infoscotland.com/firelaw](http://www.infoscotland.com/firelaw).

### **40.0 CCTV**

It is recognised that the use of CCTV can be an important tool in the prevention of crime and disorder and preventing public nuisance. The Board supports the use of such systems and would encourage licence holders to make use of them. Where used, the system must be kept in good working order, all staff must be able to operate the system, and if the system allows, images must be kept for a minimum of one month and must be made available to the police or Licensing Standards Officer on request.

The Board expects all off sales premises to install a CCTV system within 12 months of the application for the premises licence being granted.



## **PART 5 MISCELLANEOUS**

### **41.0 Board Business**

- 41.1 The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, make representations or lodge objections. Whilst Board staff will give advice, they will not complete applications or operating plans or give legal advice.
- 41.2 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance will therefore be available on request for those who require special arrangements to access any part of the process.
- 41.3 To address increasing postal costs, The Board will, wherever practical, take steps to reduce such costs by communicating with licensees, legal and licensing agents and all other interested parties by way of email. It is therefore, in the best interests of licensees that they keep the Board informed of their current email address, telephone number and preferred means of communication.
- 41.4 The Board will generally meet in the Council Chambers, Midlothian House, Dalkeith. In terms of Schedule 1 to the Act, Board meetings will be held in public.
- 41.5 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.
- 41.6 In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each application other than a Minor Variation, applicants must complete the supplementary information appendix attached to the application form (see appendix 4). The Licensing Board reserves the right to return incomplete application forms unprocessed.
- 41.7 Processing applications will be dealt with as quickly as possible and within timescales set out by statute. When the Board receives a properly completed application it will be acknowledged and confirmation will be given that the application and list of documents meets the prescribed requirements and will be dealt with within an approximate period of time. This period will be no later than 9 months from the date of acceptance (“the determination period”). This period can only be extended if the Board makes an application to a Sheriff showing there is good reason to do so and where no previous extension has been granted.
- 41.8 Applications will be deemed to have been granted if the determination period has expired and no extension has been granted by a Sheriff.
- 41.9 The Board will prepare and publish a report, no later than 3 months after the end of each financial year, explaining how the Board has had regard to the licensing objectives and its statement of licensing policy during the course of the preceding year. In addition, the Board will similarly publish and prepare an annual financial report. This will include a breakdown of the relevant income received, during the preceding financial year, in connection with the exercise of the Board’s functions associated with the various licensing Acts and regulations. It will detail the amount

of expenditure during that period, along with an explanation of how the amounts were calculated.

41.10 The Board's aim is to provide a speedy, efficient and cost effective service to all parties involved in the licensing process. To this end, the Board has adopted a scheme of delegation to officers. The scheme sets out those decisions which may be, made by the Clerk of the Board and other specified Board officers and is set out in Appendix 2 to this policy statement.

41.11 The Board will comply with statutory regulations regarding its dealings with the Forum. The Board has a duty to "have regard" to the Forum's views and must offer reasons where it takes decisions against the advice of the Forum. This will include responding in writing to correspondence from the Forum within the statutory period of 21 days.

## **42.0 Objections**

The Board must give notice of a premises licence application to

- each person having a notifiable interest in neighbouring land\*
- any community council within whose area the premises are situated
- Midlothian Council
- the Chief Constable of Police Scotland
- Scottish Fire and Rescue Service
- NHS Lothian

In addition the applications will be published on the Midlothian Council website.

\*Regulations define a person with a "notifiable interest" as the occupier of neighbouring land and "neighbouring land" is defined as land within 4 metres in any direction of any boundary of the premises to which the application relates and is not part of a road, land covered by water or a railway line.

Any person may submit an objection or representation to the Board. This is not restricted to those to whom notice of the application has been intimated. An objection or representation must relate to one of the licensing principles and to specific premises.

An objection or representation may be made in relation to

- an application for a premises licence
- an application for a major variation of a premises licence
- application for an occasional licence

It should be noted there is a difference between an objection and a representation: an objection goes to the very essence of the application as an objector opposes the grant of any licence at all. A representation is not concerned with the issue of a licence in principle, but is a comment on the way in which the premises are to be operated. It may suggest possible modifications to the operating and layout plans.

Representations may also be made in support of an application.

Each case will be considered on its own merits and objections considered to be vexatious or frivolous will be rejected by the Board. Expenses can be recovered from anyone who makes vexatious or frivolous objections.

## **43.0 Annual Fees**

43.1 Details of the fees are available on the Midlothian Council website by following this link: [www.midlothian.gov.uk](http://www.midlothian.gov.uk). Payment of the Annual Fee is a mandatory condition attached to every Premises Licence and failure to pay will be treated as a breach of the terms of the licence.

Licence holders are reminded that it is their responsibility to ensure that the fee is paid before or on the due date. Due to the number of licence holders who pay the annual fee after the due date of 1 October and to encourage prompt payment, the Board has decided to deal firmly with those licence holders who fail to pay on time.

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

## **44.0 Licensing Standards Officer**

44.1 A licensing standards officer (LSO) is employed by Midlothian Council to exercise the functions set out in the Act. The LSO will work with the public and licensees to ensure compliance with premises licence conditions. 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.

44.2 The LSO will be a member of the Midlothian Licensing Forum.

## **Appendix 1: List of Consultees**

- Midlothian Local Licensing Forum
- The Licensing Standards Officer
- Police Scotland
- NHS Lothian
- MELDAP
- Midlothian Council in respect of Planning, Building Standards, Environmental Health, Adult & Children's Services, Community Planning Partnerships, Education/Schools, Event Planning and other service areas
- Community Councils
- Scottish Fire & Rescue Service
- Scottish Beer & Pub Association
- Integrated Joint Board
- Midlothian Tenants and Residents Panel
- Youth Bank Scotland
- Midlothian Youth Platform
- Scottish Youth Parliament
- The public generally through Midlothian Council's website

## Appendix 2: Scheme of Delegation

### INTRODUCTION

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

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

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

### Appendix 3a: List of Approved Mandatory Local Conditions

These will be attached to all Occasional Licences in addition to the Mandatory Conditions contained within Schedule 4 of the Act:

1. The licence holder or appropriate nominee shall be in charge and present on the licensed site at all times members of the public are present, and have a primary and continuing obligation and responsibility to ensure the safety of all persons at all times during the event.
2. All persons (other than at an event held by a voluntary organisation) engaged in the sale or supply of alcohol must have received staff training to the standard provided for in the Licensing (Scotland) Act 2005 Schedule 3 Paragraph 6. Evidence of such training must be available for inspection by Police and/or any authorised officer(s) of Midlothian Council.
3. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence, and must include:
  - 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
  - c. Children are permitted within 1 metre of any bar servery
  - d. The specific opening and closing times of the bar
  - e. Responsible drinking message
  - f. No smoking
4. Appropriate provision is to be made in order to care for persons refused entry to the premises/event, or ejected from the premises/event, due to alcohol intoxication or being under the influence of other substances - such persons are not to be left unattended.
5. The licence holder should ensure that at the terminal hour, persons exit the premises/venue as quickly as possible, in order, and as quietly as possible.
6. The license holder shall co-operate fully with the Director, Education, Communities and Economy and appointees to ensure all music, amplified or otherwise, is controlled in accordance with the guidance contained in the "Good Practice Guide on the Control of Noise from Pubs and Clubs" Institute of Acoustics, March 2003.
7. All music and vocals shall be controlled to the satisfaction of the Director, Education, Communities and Economy.
8. Any authorised Officer(s) of Midlothian Council shall be permitted access to the premises at all reasonable times for the purposes of determining if the licensing conditions are being complied with.
9. The applicant will comply with all reasonable / lawful requests made by any Police Officers.
10. No children or young persons (0-17 years) to be permitted within 1 metre from any bar servery.
11. 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.
12. Where it is proposed to use plastic glasses, the applicant must ensure that they are of food grade material (i.e. marked with the "wine glass and fork" symbol).
13. Where catering is provided by a third party, the applicant shall ensure that the catering provider has a current PASS Certificate under the Food Standards Scotland Food Hygiene Information Scheme.

### **Appendix 3b: List of Approved General Local Conditions**

These are additional Conditions which may be attached to Occasional Licences on a case by case basis.

Note that this list is not exhaustive and other conditions may be attached as required:

1. The organiser should obtain a guest list, which will be made available to the police for inspection in the event of an incident.
2. 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.
3. Plastic drinking containers should be used throughout the duration of the event.
4. Wrist banding of 18 year olds and above to assist in easily identifying persons who are under 18 years.
5. Security Industry Accredited door staff to be used for search purposes and checking ID on entry to the premises
6. The marquee/outside area, must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
7. Children and Young Persons (0-17 years) may remain for the duration of the event as long as a responsible parent or guardian is present.
8. Children and Young Persons (0 – 17 years) may only gain entry to the event if supervised by a responsible parent or guardian over the age of 25 years.
9. Children and Young persons (\*\*\*\* - \*\*\*\* years) may remain until \*\*\*\* hours as long as a responsible parent or guardian is present.  
*(The ages and hours will be stipulated by the police or Licensing Standards Officer)*
10. Children and Young persons (\*\*\*\* - \*\*\*\* years) may remain until \*\*\*\* hours as long as a responsible parent or guardian is present.  
*(The ages and hours will be stipulated by the police or Licensing Standards Officer)*

## Appendix 4: Supplementary Application Information

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

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

### Business Profile

Please describe your business offering.

(extend this box if you require additional space)

### On/Off Consumption

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

a)

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

b)



Clarification is required in relation to the content of your proposed Operating Plan (extend the boxes below if you require additional space)

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

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

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

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

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

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

**Activities Out with Licensed Core Hours** - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided out with 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.

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**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 Midlothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website: [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:
Securing Public Safety:
Preventing Public Nuisance:
Protecting and Improving Public Health:
Protecting Children and Young Persons from Harm:

Application Supporting Comments / Any Other Additional Information  
(extend the boxes below if you require additional space)

Additional Information:

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

SIGNATURE AND DECLARATION BY APPLICANT

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

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

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

Signature		Date	
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## Appendix 5: Occasional Licence and Supplementary Information Form

### MIDLOTHIAN 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

<b>4. DURATION OF LICENCE</b>
From:
To:

<b>5. Is alcohol to be sold on &amp; off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate</b>	
Times for sale of alcohol for consumption on premises	Times for sale of alcohol for consumption off premises
Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises	

<b>6. CHILDREN (see note 2)</b>	
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	

<b>7. CHECKLIST</b>	
I have - Please tick for yes	
Made or enclosed payment of the fee for the application	

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

SIGNATURE		DATE	
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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 organisationis eligible to apply for an occasional licence
2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry
3. Data Protection Act 2018: The information on this form may be held on an electronic register which may be available to members of the public on request.
4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

<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. Attendance</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?  <span style="color: red;">(this does not include parents accompanying children for a children's event, the organisers and carers)</span>                      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>(a)</p> <p>(b)</p> <p>(c)</p> <p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input type="checkbox"/> 30 – 50</p> <p><input type="checkbox"/> over 50</p> <p>(d)</p>



<p>3. Stewarding Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards. Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at <a href="https://www.sia.homeoffice.gov.uk">https://www.sia.homeoffice.gov.uk</a></p> <p>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)</p>	
<p>4. Layout Plans Please indicate if -</p> <p>a) there is a plan attached to a Public Entertainment Licence issued for the premises; or (a) b) the premises is a registered 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>	
<p>5. Applications Lodged by Voluntary Organisations or Registered Clubs Only</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>

**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 protect and improve Public Health at the Event?	
12. How will you protect Children and Young Persons from Harm at the Event?	

SIGNATURE AND DECLARATION BY APPLICANT DECLARATION

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

