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LICENSING (SCOTLAND) ACT 2005

MIDLOTHIAN LICENSING BOARD

POLICY STATEMENT
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1. INTRODUCTION

This is the Statement of Licensing Policy of the Midlothian Licensing Board (“the Board”) issued under the Licensing (Scotland) Act 2005 (“the Act”). It sets out the Board’s general approach to the making of licensing decisions under the Act.

1.1 Duty to Publish a Statement

In terms of section 6 of the Act every Licensing Board must prepare and publish a statement of its licensing policy every three years. The first period commences on 1 December 2007.

The policy must also be kept under review during the three year period and revised as necessary.

Before determining its policy for any three year period, the Board must consult the persons listed in section 6(3) of the Act. These are:

- the Local Licensing Forum for the Board’s area
- such other persons as the Board thinks appropriate (Appendix 1)

The Board will have regard to all the views expressed and give them appropriate weight in determining the policy.

2. FUNDAMENTAL PRINCIPLES

In setting its policy the Board will have regard to the Guidance issued by the Scottish Executive as well as the views of those consulted. The overriding principle will be that each matter will be judged on its own merits and each person will have the right to make representations on an application or to seek a review of a licence where such provision has been made in the Act.

The Board encourages the responsible promotion of licensing activities but, in the interests of the public in general, will not tolerate irresponsible activity. It should be made clear however, that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are no longer on licensed premises and outwith the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

The Board recognises that it does not work in isolation but achieves the licensing objectives in partnership with a range of other public bodies including The Midlothian Council, the police and fire services and the licensing trade.

3. LICENSING OBJECTIVES

The Board will seek to promote and have regard to the five licensing objectives set out in the Act:-
3.1 In general terms the Board will seek to promote the licensing objectives as follows:-

**Preventing crime and disorder**
The Board supports a strategy aimed at making Midlothian a safe place in which to live and visit. It is committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way as not to contribute to crime and disorder. Applicants should be able to demonstrate that they will address the problems of
- Underage drinking
- Drunkenness on the premises
- Illegal possession and/or use of drugs on the premises
- Anti social behaviour
- Litter

**Securing public safety**
The Board is committed to ensuring the safety of any person living, working or visiting the vicinity of licensed premises is not compromised.  

**Preventing public nuisance**
The Board wishes to protect and maintain the amenity of residents and occupiers of other businesses from the adverse consequences of the operation of licensed premises while recognising the valuable cultural and social importance of such premises. Applicants will be expected to demonstrate in their operating plans the measures to be taken to protect such amenity.

**Protecting and improving public health**
The Board is aware of, and concerned by, the link between the consumption of alcohol and public health. It will take advice from and have regard to the views of the relevant bodies responsible for and interested in the protection and improvement of public health in the area.

Applicants will be expected to demonstrate in their operating plan that suitable measures have been taken to protect patrons’ health. This may include making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance can be obtained for problem drinking.

**Protecting children from harm**
The Board wishes to see family friendly premises in the area. Where applicants wish to operate such premises the Board expects them to appreciate the additional responsibilities this places on them, while at the same time
recognising that the adults accompanying the children also have responsibilities.

The Board takes the issue of underage drinking very seriously and licence holders are reminded 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 or young persons.

4. BOARD BUSINESS

The Board will deal with all its business in an open and transparent way. Information and assistance will be made available to those who wish to apply for a licence, make representations or object to an application.

It is the Board’s aim to provide an efficient and cost effective service to all those involved in the licensing process. Therefore the Board will adopt a scheme of delegation to set out the decisions that may be made by the Clerk to the Board or his staff. See Appendix 3

5. RISK ASSESSMENT

The Board recommends that applicants complete a risk assessment in respect of the premises and provide a copy of this to the Board with the application and operating plan. It is for applicants to decide what is appropriate to their business but where matters are not covered or where a proposal represents a departure from good practice, representations can be made and applicants will be expected to justify the reasons behind their decision.

In promoting the licensing objectives the Board strongly recommends early consultation with relevant bodies such as police, fire service, environmental health and building standards officers when applicants are completing risk assessments and operating plans. Such consultation should reduce the need for representations to be made and therefore reduce the need for hearings to take place.

Applicants are reminded that all activity directly connected to their premises, both inside and out, should be considered.

6. OVERPROVISION

The Board is required to include in its Policy Statement a statement as to the extent to which the Board considers there to be an overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Board’s area.

Members clubs are discounted for the purposes of assessing overprovision.
The Board recognises that at the time of making this Statement there is insufficient information to allow it to determine if there is overprovision in any locality. This information will not be available until after full implementation of the Act in September 2009 and therefore the duty to assess overprovision has been deferred until after that date.

It should be noted that in terms of the Act, overprovision of licensed premises, or licensed premises of a particular description, in a locality is a ground for refusal of a premises licence application. The Board is not entitled to refuse a premises licence application on this ground where the application relates to premises in respect of which a licence or certificate of registration is in force under the Licensing (Scotland) Act 1976 and the premises licence application is substantially the same regarding size, capacity and general nature of the premises, any entertainment on the premises and licensed hours. In all other cases the Board can consider overprovision as a ground of refusal.

7. LICENSING STANDARDS OFFICERS

Licensing Standards Officers will be employed by The Midlothian Council and will have the functions set out in the Act. Their role will be to inform, ensure compliance by licence holders with the conditions of their licence and the Act and to provide mediation services to avoid or resolve disputes and/or disagreements.

The Licensing Standards Officer will be a member of the Local Licensing Forum for the Midlothian area.

8. LICENCES

8.1 Premises Licence

Premises licences are issued by the Board for the area in which the premises are situated. 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.

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.

The layout plan should show, among other things, the area where alcohol will be sold, seating arrangements and areas suitable for 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 and the measures proposed by the applicant to mitigate any such adverse impact.

Mandatory conditions are set out in the Act and in Regulations. These are listed in Appendix 2. 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 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 it is suspended or revoked by the Board.

8.2 Personal Licence

Every premises will require one or more personal licence holders.

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, both in the applicable law and in how to deal with customers, and to produce evidence of this with the application.

The Act requires all sales of alcohol to be authorised (whether generally or specifically) by a personal licence holder. The Board considers that this does not require the personal licence holder to be present on the premises when the sale is made. However, if there is a general authorisation for the sale of alcohol, the Board will expect the terms of any such general authorisation to be in writing, specific, brought to the attention of, and signed by, all parties involved and enforced by the premises manager. It must be kept on the premises and made available for inspection by a Licensing Standards Officer or a police officer.

8.3 Occasional Licence

An occasional licence allows alcohol to be sold on unlicensed premises on a specific occasion.

An application for an occasional licence may be made by a holder of a premises or personal licence or a representative of a voluntary organisation.

To allow time to consult the police and for objections to be made, 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. Applicants should be aware they may also require a public entertainment and/or late night catering licence issued under the Civic Government (Scotland) Act 1982.
The Board considers that activities such as dances, wedding receptions and parties
where a disco or band is provided are generally acceptable for the grant of an
occasional licence. Darts, dominos or pool competitions, karaoke evenings and
private parties where there is no significant entertainment are not considered to be
acceptable activities. Any live entertainment must be an integral part of the
function.

8.4 Temporary Premises Licence

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.

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.

8.5 Provisional Premises Licence

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 2 years, although this period may be extended by the Board if
the works being carried out are delayed for reasons outwith 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.

8.6 Premises Manager

The premises manager is the person specified as such in the premises licence.
Every premises must have one named premises manager, who must be a personal
licence holder.

A premises manager cannot be the premises manager for more than one premises
at a time. Each premises may have more than one personal licence holder but
only one can be designated as the premises manager.
The named premises manager will be responsible for the day to day 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.

There are mandatory conditions relating to premises managers that are automatically applicable to all licences. It is clear that 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 premises manager in respect of the premises
- The premises manager does not hold a personal licence
- The personal licence held by the premises manager has been suspended
- The licensing qualification held by the premises manager is not the appropriate qualification in relation to the premises.

9. LICENSING HOURS

While licensing hours are important to individual licenced 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 Executive has sought to alleviate such disorder.

The Board has no wish to inhibit the development of a thriving and safe evening and night-time local economy, which is important for employment and tourism in Midlothian, but believes that this is a problem that should be addressed.

As there are no longer set permitted hours, other than for off-sales, applicants may suggest their own opening hours. These will need to be detailed in the operating plan for each premises.

Section 64 of the Act makes it clear that routine 24 hour opening will not be permitted.

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.

The overriding principle is that each application will be considered on its individual merits. Licence holders may apply for operating hours outside these guidelines but will be required to provide clear reasons to support their application.

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.
In considering applications the Board will normally deem applications for up to 14 hours in any 24 hour period to be reasonable. Any application for more than 14 hours will be the subject of additional scrutiny and the applicants will be expected to justify their requests.

The Board regards late opening as after 12.00 midnight (Sundays to Thursdays) and 1.00am (Fridays and Saturdays).

All premises will be subject to the mandatory licensing conditions under the Act and the Board may apply additional conditions.

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. It is stressed that regular seasonal events, for example Christmas, should be accounted for in the operating plan.

The licensed hours in respect of off-sales premises are between 10am and 10pm.

However applicants should be clear that even where requested off-sales hours are between the times given, the application will not automatically be granted. The Board must still have regard to the licensing objectives and will have particular, regard to the effect (if any) which the off-sales hours proposed in the application would have on the occurrence of antisocial behaviour.

An occasional extension 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 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 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 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.

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.
10. APPLICATION PROCESS

10.1 General

For a properly constituted application, applicants will have to submit
- The correct application form (see 8.2)
- An operating plan (see 8.3)
- A layout plan (see 8.4)
- The correct fee (see 8.5)
- The planning, building standards and food hygiene certificates required by Section 50(1) of the Act

10.2 Forms

Forms are available on the Midlothian Council website by following this link: ***

10.3 Operating Plan

The operating plan is a document in the prescribed form containing
(a) a description of the activities to be carried on in the premises
(b) a statement of the times during which it is proposed to sell alcohol on the premises
(c) a statement as to whether alcohol is to be sold for consumption on or off the premises or both
(d) 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
(e) 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
(f) information as to the proposed capacity of the premises
(g) prescribed information about the individual who is to be the premises manager, and
(h) such other information in relation to the premises and the activities to be carried on there as may be prescribed.

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 outwith the terms of the operating plan. The information contained within it will enable Boards 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.

In assessing whether or not the application is likely to promote the licensing objectives, the Board considers the operating plan to be a key document. It should include enough information to enable the Board, other responsible authorities and the public to assess whether the steps taken are satisfactory.

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 occasional extension 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.

10.4 Layout plan

The layout plan of the premises should show, among other things, the area where alcohol will be sold, seating arrangements, areas suitable for children, outdoor seating areas and smoking areas. Each area should be clearly delineated.

Off sales plans should clearly show all areas where alcohol will be displayed for sale. This should include seasonal variations if additional areas are used at certain times of year, for example at Christmas.

Where the layout plan covers more than one floor there should be a layout plan for each floor.
The Board expects the plan to be to scale and of architect’s quality.

10.5 Fees

Details of the fees are available on the Midlothian Council website by following this link:

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11. MANAGEMENT OF PREMISES

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

11.1 Children and young persons

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. In determining any application where the operating plan indicates that children are to be allowed on the premises, the Board will consider the need to protect children from harm as its paramount concern.

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.

The Board will expect all licence holders to ask for photographic identification from any person believed to be under the age of 21 years.

11.2 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 Section.

The Board will not permit live music, discos or karaoke after 11pm.

11.3 Smoking and Litter

The Board recognises that, since the introduction of the legislation prohibiting smoking in enclosed public places, licence holders have been
diligent in ensuring that patrons do not smoke within their premises. However, other issues can arise in the area around the premises as a result of this legislation, for example, noise nuisance, litter, disorder and smoke drift into neighbouring premises. Licence holders are expected to have measures in place to prevent such problems arising.

Licence holders are expected to have a suitable litter and waste management programme in place to ensure that the area outside the premises is kept clear of litter, including cigarette butts, at all times.

11.4 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, images must be kept for a minimum of one month and must be made available to the police or Licensing Standards Officer on request.

11.5 Pub Watch

The Board supports the use of pub watch and similar schemes and would encourage licence holders to join these in areas where they are available.

12. CONDITIONS

All licences issued under the Act will be subject to mandatory conditions as outlined in Appendix 2.

The Act recognises that flexibility to deal with local circumstances is essential and it allows the Board to impose additional conditions to meet these circumstances. These are detailed in Appendix 3.

It should be noted that a Board cannot impose a condition that
- would be inconsistent with any mandatory condition or a condition prescribed by Scottish Ministers,
- would have the effect of making any such condition more onerous or restrictive, or
- relates to a matter that is regulated under another enactment.

13. 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 Lothian and Borders Police
Lothian and Borders Fire and Rescue Service

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

*Draft regulations define a person with a “notifiable interest” as being the owner, lessee or occupier of neighbouring land and “neighbouring land” is defined as land within 50 metres in any direction of any boundary to which the application relates.

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 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.

14. MEMBERS CLUBS

With some exceptions, members clubs will be regulated under the Act and will require to apply for a premises licence. Regulations specifying what clubs are to be exempt, or partly exempt, have not yet been issued. The Board may amend its policy in respect of members clubs in the future.

Each club in submitting an application for a premises licence should also submit a copy of its constitution. The Board expects clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence to that effect. See Appendix 1.

It should be noted this list is not exhaustive.

Clubs must ensure their constitution, accounts and entry book are kept available for inspection by the police or Licensing Standards Officer at all reasonable times.
15. OTHER ISSUES

15.1 Excluded Premises

Some premises are excluded from authorising the sale of alcohol. This includes premises, or a part of premises, used as a garage. Premises are used as a garage if there is retail sale of petrol or derv (diesel), the sale of motor vehicles or the maintenance of motor vehicles.

However, the sale of alcohol at such premises may be authorised if the Board is satisfied that the persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as a principal source of petrol or 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.

15.2 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.

15.3 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 Fire and Rescue Service in this regard and may set a lower limit than that recommended by the Fire and Rescue Service if it considers there are additional concerns about crime and public disorder or nuisance.

15.5 Disabled Facilities

The Board will expect appropriate disabled facilities to be provided on premises to ensure compliance with the legislation covering disabled persons and disabled facilities.

15.6 Team colours

The wearing of team colours, particularly football colours can be a factor leading to crime and disorder or public nuisance. Licence holders are expected to demonstrate how they will deal with such issues.
15.7 Door supervision

It is appreciated that not all premises will require door supervisors. However, the Board may consider door supervision appropriate in some circumstances. If so, the number of door supervisors required and the hours they must be present will be assessed according to each application.

Applicants are reminded that as from 1 November 2007 all door supervisors must be registered with the Security Industry Authority. To employ a door supervisor who is not registered is a criminal offence. In addition, licence holders employed in manned guarding activities, whether or not door supervisors, may require to be registered. Applicants should contact the Security Industry Authority for more information.
APPENDIX 1 – List of Consultees

Midlothian Council
Local Licensing Forum
Chief Constable, Lothian & Borders Police
Lothian & Borders Fire & Rescue Service
Community Councils within the Midlothian area
MDAAT

APPENDIX 2 – Licence conditions

Premises Licence: Mandatory conditions (See Schedule 3 of the Act)

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises can only be carried on in accordance with the operating plan.
3. Alcohol may not be sold on the premises at any time when
   (a) there is no premises manager in respect of the premises
   (b) the premises manager does not hold a personal licence
   (c) the personal licence held by the premises manager is suspended
   (d) the licensing qualification held by the premises manager is not the appropriate qualification in relation to the premises.
4. Every sale of alcohol must be authorised, whether generally or specifically, by the premises manager or another person who holds a personal licence.
5. No person (other than a personal licence holder) may sell alcohol, or serve it for consumption on the premises unless that person has complied with such requirements as to training of staff as may be prescribed.
6. The price at which alcohol is sold may only be varied if the variation is brought into effect at the beginning of the period of licensed hours and no further variation may be brought into effect for a further 72 hours.
7. An irresponsible drinks promotion must not be carried on, in, or in connection with, the premises.
8. In premises where alcohol is sold for consumption on the premises, tap water fit for drinking must be provided free of charge and other non-alcoholic drinks must be available for purchase at a reasonable price.
9. Where an annual or other recurring fee is payable by virtue of regulations made under section 136(1), the fee must be paid as required.

Occasional Licences: Mandatory conditions (See Schedule 4 of the Act)

1. Alcohol may only be sold on the premises specified in the licence in accordance with the terms of the licence.
2. Any other activity to be carried on in the premises can only be carried on in accordance with the operating plan.
3. Every sale of alcohol made on the premises must be authorised, whether generally or specifically, by the holder of a personal licence.
4. Where the licence is issued to a representative of a voluntary organisation, alcohol may only be sold at an event taking place in connection with the voluntary organisation’s activities.

5. The price at which alcohol is sold may only be varied if the variation is brought into effect at the beginning of the period of licensed hours and no further variation may be brought into effect for a further 72 hours.

6. An irresponsible drinks promotion must not be carried on, in, or in connection with, the premises.

7. In premises where alcohol is sold for consumption on the premises, tap water fit for drinking must be provided free of charge and other non-alcoholic drinks must be available for purchase at a reasonable price.

Discretionary conditions

1. In areas where children are to be allowed entry:-
   - Provision of a safe high chair facility
   - Safe and clean nappy changing facilities (containing a separate container for the disposal of soiled nappies)
   - Heat sources to be adequately protected
   - All electrical sockets to be covered

2. Photographic identification for patrons under the age of 21 years

3. Membership of a Pub Watch, or similar, scheme where it exists in the locality

4. Provision of CCTV

5. In respect of clubs
   - That the business and affairs of the club shall be under the management of a committee who shall be elected for not less than one year by a general body of members
   - That correct accounts and books shall be kept showing the financial affairs and intromissions of the club
   - That no member of the committee or any manager or member of staff shall have any personal interest in the sale of alcohol on the premises or in the profits arising therefrom
   - That there shall be a definable subscription payable in advance by members of the club and no one shall be entitled to be an honorary or temporary member of the club, or relieved of paying the subscription, except in specific circumstances defined in the constitution.
   - That a maximum of three visitors per member shall be permitted in the premises provided they are signed into the club by that member in a book kept for that purpose on the premises.

Conditions to be applied in respect of marquees

1. All live music must cease at 11pm.

2. A sound system limiter must be in operation and set to a reasonable level with no bypass facility permitted.

3. An adequate number of stewards must be employed at all entry and exit points throughout the whole period of the event.

4. There must be a clearly identifiable person in charge of the event. This need not be the licence holder.
5. All approaches to the venue and the entry and exit points must be kept clear of obstructions, including vehicles, at all times to ensure emergency vehicle access if required.

6. All reasonable steps should be taken to ensure that patrons going outside to smoke do not cause a nuisance to residents in the vicinity of the premises by creating noise, litter etc.

7. In the interests of public safety the police may ask the organisers of the event to comply with further conditions prior to or on the date of the event.

APPENDIX 3- Delegations

1. The determination of a premises licence variation application where the variation is a minor one may be dealt with by the Chairman and two members of the Board/clerk to the Board.

2. The determination of an application for the transfer of a premises licence where the applicant has not been convicted of a relevant or foreign offence may be dealt with by the Chairman and two members of the Board/clerk to the Board.

3. The determination or renewal of the personal licence application may be dealt with by the Chairman and two members of the Board/clerk to the Board if the applicant has no relevant convictions and meets all the conditions set out in Section 74(3) of the Act.

4. Where there is no notice of objection or representations in relation to the application or no notice from the Chief Constable recommending refusal of the application, the determination of the application for an occasional licence may be dealt with by the Chairman and two members of the Board/clerk to the Board.