

NOTICE OF MEETING

Monday, 27th November, 2023

Start Time: 9.30am

Dean of Guild Court Room - City Chambers

AGENDA

NOTE: Items 1-5 below will be webcast and considered by the Board from 9.30am. The remainder of the meeting will not be webcast.

1. Convenor's Update
2. Annual Financial Report 2022/23 - update
3. Records Management Plan
4. Policy Statement – Conclusion of Consultation
5. Minutes of meeting of 30 October 2023, decisions and matters arising
6. Applications – major variations, new provisionals/premises licences, etc – details as set out in separate list
7. Personal Licence Review – Joao Viera
8. Provisional Premises licence extension requests

Nick Smith

Clerk of the Licensing Board

Service Director, Legal and Assurance

Licensing Board membership:

Councillor Chas Booth	Councillor Margaret Graham
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Pauline Flannery	Councillor Jason Rust (Vice-Convenor)
Councillor Catherine Fullerton	Councillor Norman Work
	Councillor Louise Young (Convenor)

Information about the Licensing Board

General information about the Licensing Board's meeting dates, Policies, etc is available online:

<https://www.edinburgh.gov.uk/licences-permits/edinburghs-licensing-board/1>

NOTICE OF MEETING

MONDAY 27 NOVEMBER 2023

Start time: 9.30am

DEAN OF GUILD COURTROOM

AGENDA

NOTE: Items 1-5 below will be webcast and considered by the Board from 9.30am. The remainder of the meeting will not be webcast.

1. Convenor's Update
2. Annual Financial Report 2022/23 - update
3. Records Management Plan
4. Policy Statement – Conclusion of Consultation
5. Minutes of meeting of 30 October 2023, decisions and matters arising
6. Applications – major variations, new provisionals/premises licences, etc – details as set out in separate list
7. Personal Licence Review – Joao Viera
8. Provisional Premises licence extension requests

Nick Smith
Clerk of the Licensing Board

• EDINBURGH •

LICENSING BOARD

Licensing Board membership:

Councillor Chas Booth	Councillor Margaret Graham
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Pauline Flannery	Councillor Jason Rust (Vice-Convenor)
Councillor Catherine Fullerton	Councillor Norman Work
	Councillor Louise Young (Convenor)

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

<https://www.edinburgh.gov.uk/licences-permits/edinburghs-licensing-board/1>

PUBLICATION OF ANNUAL FINANCIAL REPORT – 2022/23

1. Purpose

- 1.1 To ask the Board to approve the terms of this financial report covering year 2022/23;
- 1.2 To discharge statutory duties re Licensing Board reporting of income; and
- 1.3 To provide brief information about spend and pressures.

2. Main Report

- 2.1. Section 9B of the 2005 Act requires Boards to prepare and publish no later than three months after the end of the financial year, an annual financial report. The report should include:
 - A statement of the amount of liquor licensing income received by the Board during the financial year;
 - A statement of the expenditure incurred by the Board during the same period; and
 - An explanation of how the amounts in the statement were calculated.
- 2.2. Section 9B provides some detail as to what is required of Boards to comply with this duty, but the Scottish Government has not issued guidance on the specifics. The report format has been left to individual councils and Boards to decide. The Council's Place Directorate has prepared the annexed report (Appendix One) on the basis of information obtained from the licensing applications database. The report has been prepared using a similar template to previous annual financial reports considered by the Board.
- 2.3. The annexed report sets out the income and expenditure details calculated for the 2022/23 financial year.
- 2.4. Income details have been provided the Council's licensing applications database for all liquor licensing fees gathered between 1 April and 31 March in the period.
- 2.5. The annexed report explains the basis on which the expenditure figure has been reached, with an explanation as to why this represents an estimate figure of the total expenditure for the financial year. This model was subject to a review by Internal Audit as part of the Council-wide review of fees and charges in 2019.
- 2.6. Staffing in the Licensing Service/Licensing Standards teams has had an impact on costs and the outturn for the financial year, specifically:
 - 2.6.1. The staffing costs for Licensing Officers and Licensing Standards Officers were lower than the forecast figures. Recruitment remains a challenge in terms of attracting sufficient suitable candidates and whilst the aim has always been to

PUBLICATION OF ANNUAL FINANCIAL REPORT – 2022/23

maintain a full establishment, the time lag for recruitment has resulted in an underspend.

- 2.6.2. The overall staffing costs are split across all licence types including liquor, and therefore this has contributed to the staffing costs recharged to the Board being lower than projected.
- 2.7. Appendix 2 sets out the reserve at the end of the period covered by this report.
- 2.8. Members are asked to note that whilst the current reserve stands at £693k this amount has to be considered against a number of potential financial pressures. Once vacancies are filled, combined with the Board contributing circa 20% share of the overall costs of upgrading of the Licensing Service ICT system, the reserve may be completely depleted.
- 2.9. Maintaining a reserve is also necessary in anticipation of legal costs for any appeals against Board decisions and that is a risk for the Board.
- 2.10. Any change considered by the Board in terms of improving service provision must be viewed alongside what service must be reduced in order to introduce additional service.
- 2.11. Provided that the Board approves the annexed report, as required it will be published on the Board's webpage on the City of Edinburgh Council website.

3. Recommendation

- 3.1 The Board is asked to:
 - (a) approve the terms of the annual financial report as appended; and
 - (b) delegate publication of the report to the clerk and their deputies.

4. Background

- 4.1 [Licensing Scotland Act 2005 – Section 9B](#)
- 4.2 [Financial reports 2019/20, 2020/21, 2021/22](#)

5. Appendices

- 5.1 Appendix 1 – Financial report 2022/23
- 5.2 Appendix 2 – Reserves with respect to liquor licensing

Depute Clerk of the Licensing Board

Appendix 1

Licensing (Scotland) Act 2005

City of Edinburgh Licensing Board Financial Report

Year Ending: 31 March 2023

The City of Edinburgh Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on the closed financial year 2022/23. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited. Consequently, the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

<u>Income</u> ¹	£
Occasional Licences	-277
Personal Licences	-1,012
Premises Licences	-1,335,985
Total	-1,337,275
<u>Staff Costs</u> ²	
Licensing Services	796,880
Legal Services	42,198
Administrative Support	20,813
Total	859,890
<u>Other Direct Costs</u> ³	

Consultant Fees	1,650
ICT Equipment	17,026
Legal fees	14,472
Operational materials	668
Training	1,860
Postage	4,793
Printing/Stationery/Photocopying	17
Transport	12,075
Property costs	6
Other expenses	5,226
Internal Charges	20,555
Total	78,348
<u>Indirect Costs</u> ⁴	
ICT/Telecommunications	14,697
Business Support	11,653
Property	61,872
Corporate & Democratic Core	28,898
Other	84,231
Total	201,351
Net (Surplus)/Deficit ⁵	-197,686

Notes:

1. Denotes income from applications and annual fees received in 2022/23 under the Licensing (Scotland) Act 2005

2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board function such as travel and transport costs, stationery, supplies and services etc.
4. Denotes the portion of centralised administrative costs such as ICT, training, property costs etc. that are allocated to the Licensing Board budget. These allocations are derived from the Councils Central Support Cost model and the inputs used to allocate central costs. Please note that through Council transformation that previous direct costs to Licensing are now charged indirectly.
5. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year i.e., a deficit, the equivalent shortfall will be drawn from reserves.

Appendix 2

City of Edinburgh Licensing Services – Balance of Reserves

Year Ending: 31 March 2023

The end of financial year position for liquor licence costs will determine the action required in respect of reserves adjustments. When full year costs have been established for the respective financial year, if the position shows a surplus of in-year income, the balance will be transferred to the reserves account for Liquor. However, if expenditure exceeds in-year available fee income, a draw from reserves will be required to make sure full year costs are funded. Movement on the reserves can be seen in table 1 (Figures in red represent a surplus).

Table 1

Type	21/23 Balance b/f £	22/23 Movement £	22/23 Balance c/f £	Notes
Liquor	495,216	(197,686)	692,902	Transfer to reserves required

City of Edinburgh Licensing Board

9:30 am, Monday, 27 November 2023

Joint Records Management Plan for the City of Edinburgh Licensing Board and the City of Edinburgh Council

Executive/routine
Wards

1. Recommendations

- 1.1 Approve the joint Records Management Plan for the City of Edinburgh Licensing Board and the City of Edinburgh Council.

Director's name – Nick Smith

Service Director of Legal & Assurance, Clerk to the Licensing Board

Contact: Henry Sullivan, Information Asset Manager

E-mail: henry.sullivan@edinburgh.gov.uk | Tel: 0131 469 6170

Joint Records Management Plan for the City of Edinburgh Licensing Board and the City of Edinburgh Council

2. Executive Summary

- 2.1 The Licensing Board is required under the Public Records (Scotland) Act 2011 to submit a Records Management Plan detailing its records management arrangements to the Keeper of the Public Records of Scotland. Covered public authorities may submit joint Records Management Plans with significant administrative overlap.
- 2.2 The Keeper approved the current joint Records Management Plan of the Licensing Board and the Council in June 2016. The Keeper has invited the Licensing Board and the Council to submit a new Records Management Plan by 31 January 2024.
- 2.3 The draft Plan must be formally considered and approved by the Licensing Board and the Council's Corporate Leadership Team before the Council can submit it to the Keeper's compliance team.

3. Background

- 3.1 The Public Records (Scotland) Act, 2011 came into being as a result of the findings of the 2007 *Historical Abuse Systemic Review; Residential Schools and Children's Homes in Scotland 1950 to 1995*. This Review not only highlighted serious record-keeping failings concerning children's residential care throughout Scotland from 1945 to 1995 but also successfully argued for revised public record-keeping legislation to mitigate such failings from happening again in the wider Scottish public sector. It stated that good record-keeping was a fundamental necessity for protecting citizens' rights and maintaining accountable and transparent decision-making in the public sector.
- 3.2 The Act came into force in January 2013 and obliges the City of Edinburgh Council and the City of Edinburgh Licensing Board to prepare and implement Records Management Plans.

- 3.3 The Council and the Licensing Board submitted their current joint Records Management Plan in December 2015. The Keeper approved this Plan in June 2016 with improvement notices around destructions, audit trails and assessments.
- 3.4 Improvement notices are where the Keeper believes the covered public authority needs to improve a particular aspect, or aspects, of their records management arrangements but have provided sufficient commitment to assure the Keeper that they will be met where feasible over the next five years of their Plan.
- 3.5 The Act restricts the Keeper from asking a covered public authority to submit a new Plan within five years of approving the current one. However, due to the impact of COVID-19, the Keeper pushed back all their invitations to submit new Plans to at least 2022, with many still outstanding in 2023.
- 3.6 The Keeper formally invited the Licensing Board and the Council to submit new Records Management Plans by 31 January 2024. Given the significant administrative overlap between the two organisations, submitting a new joint Plan remains sensible.

4. Main report

- 4.1 A new joint Plan has been drafted by the Council's Information Governance Unit, using the Keeper's Model Records Management Plan guidance as its structure.
- 4.2 This structure has fifteen 'elements' covering various information governance topics – from policy to classification, to retention, archiving and destructions, to data protection and information security. The Keeper expects us to cover all fifteen elements in our joint Plan.
- 4.3 The new draft plan covers the last eight years and sets out the commitments of the Council (and, by extension, the Licensing Board) to improve its records management arrangements, particularly concerning digital records.
- 4.4 The draft Plan designates Nick Smith as the Senior Officer responsible for the Licensing Board's records and Henry Sullivan as the Operational Records Manager. These designations align with the 2016 Plan when the Clerk to the Board was Carol Campbell.
- 4.5 The draft Plan has been reviewed and initially approved by the Council's Information Board. It will receive final approval by its Corporate Leadership Team on 01 November 2023.

5. Next Steps

- 5.1 If the Licensing Board approves the joint Records Management Plan, the Council's Information Governance Unit will submit it to the Keeper's compliance team. This

team may take up to six months to review and formally respond to the Plan and its evidence.

- 5.2 The Council's Information Governance Unit will respond to any questions from the Keeper's compliance team. Any substantial changes to the Plan the Keeper requires will return to the Board for approval.
- 5.3 Once the Keeper has approved the joint Plan, the Council will publish it on its website without the underlying evidence. The Keeper's compliance team will publish their assessment of our Plan on the National Records of Scotland's website.

6. Financial impact

- 6.1 There will be no financial impact on the Licensing Board approving this joint Plan.

7. Equality and Poverty Impact

- 7.1 Good records management within the Board and Council underpins the rights of citizens to receive fair and equitable public services and to hold us to account when we get it wrong. Only with reliable, findable, and comprehensive public records can we know what we have done, why we have done it and what the impact was.
- 7.2 This joint Records Management Plan supports those rights by committing both the Licensing Board and the Council to meet professional standards when creating, managing and disposing of public records and achieving best practice where feasible.
- 7.3 The Plan's commitments are sufficiently high level that there are no identifiable negative impacts on any of the Licensing Board or the Council's equality duties. However, given the nature of Council services in supporting the socio-economically disadvantaged, it holds a disproportionate amount of personal data on them. The data protection, information security and records management arrangements and commitments set out in the joint Records Management Plan will mitigate against data breaches and misuse of their data.

8. Climate and Nature Emergency Implications

- 8.1 Keeping records is a legal duty. However, how we create and store them are decisions that have an environmental impact.
- 8.2 Underpinning the joint Records Management Plan and the Council's wider Data Strategy 2023-2027 is a long-term commitment to going digital by default for all its business processes. In reducing the need to print and store paper records, the Council will reduce its direct carbon footprint regarding stationery use, physical storage, and transport.

- 8.3 Cloud storage and applications have their own environmental impact in terms of increased energy use and IT hardware demand, so it is not a clear-cut reduction. However, the climate emissions of energy production (73.6% lower in 2022 than 1990) have reduced significantly in comparison to the transport (2022 the same as 1990) and public sector property (52.4% lower in 2022 than 1990) categories. This 2022 analysis by the UK Department for Energy Security & Net Zero suggests that it is likely that the implementation of this joint Records Management Plan will have a net positive environmental impact.

9. Risk, policy, compliance, governance and community impact

- 9.1 The Licensing Board and the Council have a statutory duty to submit a Records Management Plan to the Keeper of the Public Records of Scotland. Failure to do so will constitute a breach under the Public Records (Scotland) Act 2011. It may result in the Keeper issuing us an Action Notice under section 7 of the Act and reporting us to Scottish Ministers.
- 9.2 While the risk of direct financial or legal penalty is minimal, the potential for reputational damage will be significant, especially since no Scottish local authority or licensing board has ever had such a notice issued before in the ten years of the Act being in force.
- 9.3 The draft joint Records Management Plan aligns with the Council's Information Governance Policy, its information security policies and its Data Strategy 2023-2027.
- 9.4 As per the equalities impact, good record keeping is essential in maintaining community trust in the services they depend on. Approving the draft joint Records Management Plan will help ensure citizens have confidence in the Licensing Board and Council's ability to appropriately create, manage and dispose of public records.
- 9.5 Relevant officers will regularly report to the Council's Information Board for their improvement actions or commitments made within the final approved Records Management Plan for monitoring. Any issues or risks from the joint Plan can be escalated by the Council's Senior Information Risk Owner to the Council's Corporate Leadership Team and the Licensing Board as required.

10. Background reading/external references

- 10.1 Executive Summary of the Public Records (Scotland) Act 2011 by the Keeper of the Public Records - [LINK](#)
- 10.2 Keeper's assessment of our 2016 Joint Records Management Plan – [LINK](#).
- 10.3 2022 UK greenhouse gas emissions, provisional figures, 30 March 2023 (Department for Energy Security & Net Zero) - [LINK](#)

Appendices

- 10.4 Draft Joint Records Management Plan for the City of Edinburgh Licensing Board and the City of Edinburgh Council

STATEMENT OF LICENSING POLICY

1. Purpose

The Board has concluded its consultation on the preparation and review of its Statement of Licensing Policy (“the policy”). The most recent consultation period ended on 12 November 2023 and the Board is required:-

- 1.1 To consider the terms of the responses received in the context of earlier consultation, evidence sessions and Board discussion;
- 1.2 To finalise the terms of its updated policy (annotated draft attached at Appendix 1);
- 1.3 To authorise the deputy clerk to publish the updated policy; and
- 1.4 To note the assessment of overprovision that requires to form part of the policy will require to be conducted and included in a separate supplementary policy statement, for which an indicative timeline is provided.

2. Background

2.1. The Board initially consulted on its policy between [30 September and 20 December 2022](#), inviting comment on the policy and specifically the following topics:-

- Current licensing hours
- Extension of licensed hours
- Children and young persons’ access to licensed premises
- Temporary licensing – use of occasional licences
- Overprovision

2.2. The Board held evidence session meetings with consultation groups, to consider responses to the consultation in more detail. Sessions were conducted with:-

- Trade representatives and agents – 31 March 2023 – [31 March 2023](#)
- Community representatives – 20 April 2023 – [20 April 2023](#)
- Statutory consultees – 5 May 2023 – [5 May 2023](#)
- Joint meeting with Licensing Forum – 2 June 2023 – not webcast, notes taken
- Young Persons’ representatives – 18 July 2023 – not webcast, recording kept

2.3. The Board held informal meetings on 8 and 15 September 2023 to discuss consultation responses and the outcomes from the evidence sessions, to work up an annotated draft policy for further consultation. On 29 September the Board agreed to publish the marked-up draft and consult further, from [2 October to 12 November 2023](#) inviting comments on the policy and in particular:-

- Seasonal variation – festive season
- The use of occasional licences for longer term licensing
- Safe homeward travel

2.4. The Board agreed that work on the overprovision assessment for the policy would be carried out as a separate exercise, on the basis the existing assessment would remain for the time being. The second consultation was therefore carried out on that basis.

- 2.5. In all of the consultation and engagement work carried out, the Board recognised the importance of the licensing objectives and sought to maintain these at the foreground of its thinking, in ensuring the policy is viewed in light of the objectives and promotes them.

Consultation responses

- 2.6. Redacted details of the responses to the first consultation were [published online - 10 February 2023](#). Details of the responses to the second consultation were circulated to Board members on 14 November 2023, consisting of twenty responses received via the Consultation Hub and a further three received by email. The Licensing Forum's response was received via the Hub.
- 2.7. The Hub responses to the second consultation are included in redacted format, at Appendix 2 to this report, separated into (1) responses to the annotated policy, and (2) further comments. The other responses are also provided'

3. Main Policy Updates

3.1 Safe Onward Travel

In the course of consultation and engagement, the Board heard representations on the ways in which licensed premises operated later in the evening and the impact on staff in particular for safe travel home at the end of work. The Board recognised the limits of its powers in this regard, but encourages licence holders to give consideration to travel arrangements for staff at the end of shifts.

3.2 Conduct of Board Business (current Chapter 3 of policy)

The Board has made a number of changes to the way in which meetings are conducted including webcasting, and this is to be reflected in the policy. During Board discussions on consultation responses and the draft policy, the Board agreed to look separately at the drafting of a set of rules for Board meetings.

The Board also considered it appropriate to make specific reference to the manner in which it considers hearings on non-payment of annual fees.

3.3 Consideration of Applications (current Chapters 4 and 6 of policy)

The Board agreed it would be beneficial for the purposes of better engagement to look at how application details were published and circulated, and the procedures for applications being considered at Board meetings. As at 3.2 above, separate work is to be undertaken on preparing a set of rules for conduct of Board meetings.

The Board highlighted matters it would consider applicants should have regard to, when considering potential impacts of licensed premises on neighbouring areas.

3.4 Temporary Licensing – Occasional Licences and Extended Hours applications (current Chapter 5 of policy)

The Board continued to be concerned at the extent to which occasional licences are used as a short term means of ensuring longer term licensing cover for premises. The Board accordingly invited comment on proposed duration over which occasional licences could be considered at delegated level, before being expected to be reported to the Board for consideration. A three month period was considered appropriate.

Extended hours – the Board considered the events listed in the policy and which categories of event might be considered to be special events of local or national significance. In particular the Board invited comment on whether 6 Nations rugby matches could be so considered.

3.5 Conditions to be attached to licences (current Chapter 7)

The Board recognised the ATM condition was unlikely to continue to be relevant in licensed premises. The Board highlighted the other conditions considered under this part of the policy, and included specific reference to a condition about alcohol provision with takeaways and deliveries.

The existing policy on amplified music in licensed premises remains unchanged, but the Board agreed this would be evaluated further at a later date.

3.6 Capacity of premises and how premises operate (current chapters 9 and 10)

The Board considered amendments to the policy to highlight to licence holders of larger scale premises when holding events, to have regard to available guidance.

With regard to continued operation of premises, the Board recognised the realities of premises being brought to the Board's attention by LSOs in connection with non-payment of annual fees, and included reference to this in the policy.

3.7 Licensed hours and Seasonal Extended Hours (current Chapter 11)

The Board discussed the terms of the existing policy in detail, as against the terms of national guidance on duration of licensed hours, and the potential extent of Edinburgh licensing hours in the context of Scottish Government guidance.

The Board looked at the existing terms of the extended hours policy for the festive season and invited comment from consultees on potentially shortening the duration of hours in terms of this policy.

3.8 Children and Young Persons' Access (current Chapter 11)

The Board noted representations in particular from young persons during the consultation, regarding the potential availability or otherwise of certain premises for young persons wanting to frequent them not for consuming alcohol. The Board considered it would be appropriate to highlight to applicants and licence holders, to ensure clearer identification of premises' availability for young persons.

3.9 Temporary/outdoor structures (current Chapter 13)

The Board highlighted the terms of its existing policy on a 2200 terminal hour for outdoor drinking, and the implications for use of temporary outdoor structures. The Board recognised that applications could continue to be made and considered on a case-by-case basis.

4. Further Procedure

4.1 The Board will require to agree the terms of its new policy, in order that this can be published. Upon publication, the policy will remain in effect until the conclusion of the next policy period, following the next set of local government elections. The Board will continue to be able to issue supplementary policy statements in the intervening period.

- 4.2 The Board is therefore asked to agree publication of the policy immediately following approval, with an effective date of 30 November 2023.

Overprovision Assessment

- 4.3 The Board has already agreed to carry out further work separately on assessment of overprovision, and this will be the subject of a supplementary policy. The assessment will require to set out 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.
- 4.4 At this stage while the Board has been provided with representations from NHS Lothian and Police Scotland on the overall subject of overprovision, there has been no identification of a specific locality or localities considered to exhibit overprovision characteristics.
- 4.5 Separately, the Council's Licensing Service carried out work to gather details of existing licensed premises on the basis of intermediate data zone boundaries across the Board's area. An updated version of this information will be provided to the Board.

5. Recommendations

- 5.1 The Board is asked to:-

- (a) Consider the terms of the consultation responses provided, in the context of the earlier consultation and engagement work carried out by the Board;
- (b) Agree the terms of the final version of its policy, for publication effective from 30 November 2023;
- (c) Instruct the depute clerk to publish the approved policy; and make copies available for inspection free of charge and to publicise the fact that the revised Statement has been published;
- (d) To provide a separate report to the Board at its January 2024 meeting on conducting a separate assessment on overprovision

6. Appendices

- 6.1 Draft Statement of Licensing Policy
- 6.2 Responses to consultation phase 2 – (1) responses to proposed changes and (2) other comments; Responses to consultation phase 2 – received by email

7. Background

- 7.1 Report to the Licensing Board – [10 February 2023](#) (webcast)
- 7.2 Licensing (Scotland) Act 2005 [Section 6](#) and [Section 7](#)
- 7.3 Scottish Government Guidance [policy statements](#) and [overprovision](#)

Depute Clerk of the Licensing Board

APPENDIX 2

Responses to Policy Changes

	Based on the edits proposed by the Board, are there any changes to the policy you are not comfortable with?	If you answered yes, please detail what changes you are not comfortable with. (Please also provide the section number you are referring to).
1	No	
2	No	
3	No	
4	No	
5	No	
6	Yes (please provide details below)	<p>Sections 5.4 & 5.5 We appreciate the rationale provided by the Board at their meetings on 25th & 29th September, however we would be more comfortable with consecutive applications being approved maximum 2 (i.e. for up to 28 days) at a time, and not up to 6 (i.e. for up to 84 days) in one block - by means of safeguard for neighbouring properties, should operations lead to disorder or public nuisance for instance.</p> <p>Section 5.11 ii) Given the multi-cultural make up of Edinburgh's population, it wouldn't be too hard coming up with a list of special events of local or national significance for every day of the year. We would caution against increasing the current list, and would suggest for the Superbowl - as weakest candidate in our view - to be removed in place of the Six Nations Rugby being added.</p> <p>Section 7.5 We support the use of a condition requiring that alcohol sales are only to be with the provision of food. We feel that this needs to be qualified or quantified however - i.e. would a pack of crisps meet the condition... or should it?</p> <p>Section 7.7 This appears to refer to adjustments made live at the Board meetings. This could be made clearer but this also appears to conflict</p>

		<p>with the Board meetings protocol whereby objectors currently are required to speak first, followed by applicants. Objectors would only be able to request adjustments, should they be invited to speak again?</p> <p>Additionally, it would be helpful to cover adjustments made by applicants ahead of Board meetings. Currently objectors tend not to get visibility of these adjustments until after they've spoken at the meetings, and indeed when they cannot speak again unless they're invited too. This can be frustrating for the objectors, and even more so should the adjustments show to have alleviated their concerns – and in turn having denied objectors the opportunity to better decide whether to attend given Board meetings in the first place, or not.</p> <p>Section 11.5 The rationale for exceeding national guidance of up to 14 hours trading by 2 hours is unclear at best, especially when seasonal hours - maintained to a further 2 hours - come in addition. Could the Board expand on their view here?</p>
7	Yes (please provide details below)	<p>Do not curb the festival/festive period extension of two hours.</p> <p>This will be very detrimental to many businesses, cost to apply where necessary and cause the already overburdened CEC licencing department more work!</p>
8	Yes (please provide details below)	<p>Restricting opening times over festive and festival periods. The current scheme is not even fit for purpose, pubs should not be forced to close at 1am as it is. This council is a complete and utter joke, not fit to govern and be custodian's of this wonderful city!</p>
9	Don't know	
10	Yes (please provide details below)	<p>It is surprising that the Licensing Board is issuing a draft with a great many uses of the word license spelt incorrectly.</p> <p>It should be licence with a c not an s</p>
11	Not Answered	
12	No	<p>SGF does not take a view on the newly proposed changes.</p>
13	Yes (please provide details below)	<p>ALCOHOL DELIVERY</p> <p>SGF would not support what is proposed in section 7.5 which states that ‘Where premises offer takeaways or deliveries, the Board will consider the use of a condition requiring that alcohol sales are only to be with the provision of food’.</p> <p>What constitutes ‘food’ and the amount of food that needs ordered is unclear. Also, there is no way of knowing if the food will be consumed with the alcohol. SGF fears this condition would be an unnecessary rule that would add to the challenging trading conditions already being faced by them.</p>

Our members are responsible community retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way and such a condition would be in effect be a restriction on trade for new entrants and leave them at a disadvantage in relation to other existing established shops.

It should be recognised that many convenience retail businesses are already operating in an extremely challenging trading environment which is impacting on their ongoing viability. Stores are also local community assets providing local jobs for local people and the associated local multiplier effect that comes from that. Convenience stores are high street enablers which enable customers to access key services such as the Post Office, cash back and FTU ATMs and where the money withdrawn can be spent in other nearby businesses.

Modern convenience stores now offer a wide range of products and services and whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for 15.9 % of total sales turnover.

The SGF Local Shop Report 2023 highlights that 26% of convenience stores offer some form of grocery delivery, providing an important service to their communities. SGF members use such a service responsibly and have strict measures, such as record keeping and age verification in place for age-restricted products such as alcohol, to ensure the rules around delivery are observed. For example, Drivers are trained to: 1) Always hand over alcohol to an adult. 2). If no adult able to accept deliver then return all goods back to shop. 3) Never leave items on the doorstep.

SGF members have reported that they ban any household where they suspect underage sales maybe taking place and go out of the way to ensure they abide by the regulation.

<p>14</p>	<p>Yes (please provide details below)</p>	<p>5.4 The SBPA understands the reasoning for the change in the policy statements, however believes it must be noted that some premises are caught by this through no fault of their own. Specifically, many businesses have operated on Occasional Licences due to delays with building control (section 50) and fully intend to stop operating using occasionals as soon as their confirmation application has been granted. Where this is the case, or there have been a similar ‘hold up’ due to powers beyond the applicants control, they should be able to continue to operate via occasionals until the premise/applicant is able to trade on their full licence. Any gap in trade between an occasional licence ending and another calling at Board should be considered very carefully and this does rest with the Licensing Board.</p> <p>5.6 We are firmly of the view that this condition is unenforceable and impractical. There are very few instances of alcohol-only being delivered from on trade premises, however it is often the case with deliveries from retail premises (i.e. supermarkets). We are unaware of any other board requiring such a condition and would require major changes to online ordering systems, including third party ordering apps which may not be possible in some instances. In these instances, it could lead to the removal of all deliveries from some premises, including food items which will have a detrimental impact on all consumer – even those not purchasing alcohol. The condition may also impact on investment into the sector and see businesses looking to neighbouring local authority areas as locations for their premise. This would still allow alcohol-only deliveries into the City of Edinburgh, as the Board’s conditions would not apply to those located outwith.</p> <p>6.2/11.3/11.9 The hospitality trade is, for very obvious reasons, supporters of public transport provision and wishes to see an increase its availability for patrons, staff and overall benefit of the city – including environmental goals. However, we would question whether this kind of statement is within the competency of the Licensing Board based on the legal framework that it is to operate within. Further, we would question why licensed premises in the city are being tasked with detailing travel options for customers and staff over which they have very limited control. The control over travel options within the city of Edinburgh we would consider sits with the Council itself in terms of taxi regulation and also its relationship with Lothian Buses. The position in the city is that there is simply not enough travel options available to all and that comprehensive and liked travel plans should be prioritised by the Council. Steps should be taken to assist patrons by the provision of later buses, additional taxis and a linked travel plan for the city. With the new Low Emission Zone planned for the city, encompassing the city centre from Tollcross, Palmerstone Place, Queen Street, Picardy Place, Abbeyhill, the Pleasance and along the Meadows back to Tollcross again causing issue for the safety of staff and patrons getting home particularly in the later hours, we would ask why those with Premises Licences in the city are being asked</p>
-----------	---	---

to address a matter which sits squarely with the Council and other third parties and which there seems to be little action being taken to provide such safe and accessible onward travel options

Furthermore, public transport provision in the city has still not fully recovered to pre-pandemic levels and the fewer people using the public transport will impact on the economic viability of public transport services. This will not only impact customers and staff in our sector, but also a detrimental impact on workers in other industries which rely on public transport at those times.

It should also be noted that Edinburgh has seen a record increase in private hire vehicles through third party apps such as Uber, Lyft and Gett which compliment the burgeoning fleet of black taxis in Edinburgh.

Additionally, the Board should be mindful on the increase in non-drinkers and no-alcohol alternatives (the fastest growing category in the UK), and increasing use of designated drivers for people to travel.

There is also a growing trend of consumers ‘staying local’, which requires no onward transport provision. Edinburgh City Centre and its immediate vicinity is also residential areas where public transport is often not required by a high number of patrons due to their ability to walk, wheel, or cycle home from hospitality businesses.

9.4

The insertion here of “Technical Standards for Places of Entertainment” is Ultra Vires and goes beyond the power of the Board to implement. We suggest this should be removed. Premises Licences are sometimes viewed as a way to control, or seek to control matters which sit outside of the remit of licensing. The question of noise coming from premises and other issues are sought to be controlled by way of condition on a premises licence. However, the legality of that and other conditions could be called into question given the terms of section 27 (7) of the Licensing (Scotland) Act 2005 which seeks to stop a Licensing Board from imposing a condition on a Premises Licence which relates to a matter regulated by another enactment. We also have the benefit of *Brightcrew v City of Glasgow Licensing Board* (2011) CSIH 46, which clearly determined that the purpose of a Licensing Board is to regulate the sale of alcohol- and that alone.

11.7

The removal of 3 days from festive trading is universally opposed by the hospitality trade which, as highlighted to the board, is still seeking to recover from the impacts of the pandemic and also impacted by further cost pressures (inflation, cost of living crisis, and energy prices). The SBPA in their previous response suggested the lengthening of extensions to licenses as a way to support the industry and Edinburgh’s as an attractive place to visit and for businesses to invest in.

The current period has been in place for many years and it remains entirely unclear as to any specific issues caused by the selected dates removed. Critically, the removal of 18th and 19th will result in future years (2025/2026/2027) of the weekend before Christmas not being included within this period. This will have a severe negative impact on the sector and further dilute the attractiveness of Edinburgh.

		<p>It is our view, and the wider hospitality trade’s view, that at the very least – the board should revert to the previous hours which have operated successfully for many years and included within several previous Policy Statement.</p> <p>The Board should be aware that this also impacts on staff, who will lose out financially as a result of no longer being able to work on those dates.</p> <p>There is also no evidence that those specific dates and times contribute to additional health harms, which appears to be the only rationale offered for this sudden departure to a longstanding policy.</p> <p>The Board should also look to extended the period over the summer months in order to support the hospitality industry and take advantage of the extended periods of day light we enjoy due to our geographic location.</p> <p>The Board should also note the Joint Statement from Scotland's 5 leading hospitality trade bodies (Scottish Beer & Pub Association/Scottish Licensed Trade Association/UK Hospitality-Scotland/Scottish Hospitality Group/Night Time Industry Association) opposing the move. https://www.scotsman.com/lifestyle/food-and-drink/scotland-hospitality-groups-lash-out-at-council-plans-to-reduce-edinburghs-christmas-trading-period-4403026</p> <p>11.11 The singling out of outdoor drinking and dining for potentially further restricted hours is out-of-sync with aspirations of the city and furthermore, already heavily regulated. We are unaware of a significant amount of issues being raised in regards to outdoor areas and believe this is a solution to a non-existing problem.</p>
15	Yes (please provide details below)	<p>Section 11.3 - taking public transport into consideration. Patrons can use private vehicle or taxi/private hire options if required.</p> <p>Section 11.7 - the proposal to see the extended festive holiday period cut from the current policy that allows for two additional hours between December 18 and January 3. The move would punish both businesses and customers.</p>
16	Yes (please provide details below)	<p>Reducing the festive/festival hours should not happen.</p> <p>All licences should automatically change to say audible noise “ should not be an audible nuisance” - this change should be made to every premises licence in existence & licence holders should not have to apply individually.</p>

17	Yes (please provide details below)	<p>6.4 - The "previously" should be removed</p> <p>11.5 - the edits should not have been made - There is no reason not to carry on as it has been already. You have edited out that the board took cognisance of all of the views. This means the board is acknowledging they are not taking cognisance of all the views.</p> <p>Licensed bars, pubs and clubs are very much the heartbeat of the entertainment economic sector of the city. This sector has been hit quite hard over the last few years. One of the more attractive factors for the festival and the Christmas/New Year festival is the longer availability of these premises. It allows residents and visitors to spend more time on other activities and still partake in these venue as well. Further because of the longer hours of availability it staggers the homeward exodus and reduces risk of violence thus increasing safety. Overall it makes for a more attractive scenario for people to visit the city. But it seems the board has decided to downsize the economy of the city.</p> <p>11.7 The dates should be reversed back to 18th December and 3rd January</p> <p>13.8 This clause should be cancelled - if a premise is licensed then the outside area should be licensed to the same maximum permitted for the main premise</p>
18	Yes (please provide details below)	<ul style="list-style-type: none"> • 5.4 and 5.5 – Occasionals • A resident representative on the forum highlighted that they would be more comfortable with current maximum (2 months), whilst trade representatives noted that there were often legitimate reasons for operating on occasional licenses for extended periods of time – usually when they were awaiting decisions by other departments within CEC, most notably building warrants. • Both trade and residents agreed that when businesses were not obviously seeking to circumvent or take advantage of occasionals (when they should be applying for a full premise license), trading should be allowed to continue. However, when a premise was seeking to operate occasionals indefinitely without ever applying for a premises license, this should not be allowed. <ul style="list-style-type: none"> • 7.5 – Delivery of alcohol sales • Residents and trade noted their support for reducing alcohol related health harms and could see what the Board are seeking to do. However, it was noted by trade that this would mostly impact the ontrade – which offsales are already regulated for nationally and strictly controlled (Challenge 25, extensive training for delivery staff, and legal responsibilities to ensure that it is only every delivered to an adult). • Trade also noted that this would only impact new licenses and could negatively impact investment around new supermarkets, which would require substantial changes to online ordering systems. It was also noted that alcohol-only deliveries to Edinburgh residents could still happen from existing premises and from other areas (other Lothians LAs and Fife), as long as they are dispatched from that LA area. • Residents also noted the definition of ‘food’ is ambiguous and unclear. “Does a packet of crisps meet the condition?”

- 11.7 – festive trading
- The rationale for the removal of 3 days from the festive period was questioned by both residents and trade representatives, with specific note that this was an exceptionally difficult time for hospitality businesses within the city due to recovery from the pandemic and ongoing financial pressures (increases to taxes on the sector, cost-of-living impact reducing customer spend, and record energy bills where there is no cap on non-domestic properties).
- It was also noted that the current period (18th to 3rd) has been operation for a significant period of time with little issue. Furthermore, it was highlighted that in future years (for which the policy statement will cover), this will remove extended hours from the weekend before Christmas.
- Residents noted that any premises operating extended hours should be able to ensure a quiet dispersal zone to prevent neighbours (if any) from being disturbed but did not object to the previous dates continuing.
- It was also noted that that it is very late in the day to be adjusting our Festive operating hours by a trade rep, and:
 1. establishments have point of sale printed regarding the original times
 2. rotas have been issued for December, and establishments have given hours to staff based on original times - this will now result in people losing wages
 3. visitors to the capital could have planned their visit because of these opening hours! - resulting in loss of business
 4. staff parties will have been organised around these original opening hours. These tend to be out-with weekends, ie the days which have been reduced - all resulting in loss of business
 5. the budgets of the government regarding policing are out-with hospitality control. What consideration has been given to the hospitality sector who have prepared budgets, in the hope that they will generate the optimum sales?

- 6.2/11.3/11.9 – provision of public transport
- The forum is supportive of considerations given to public transport provision and ensuring safe onward travel for hospitality customers, staff and residents who require use of late night public transport regardless of any interaction with the night time economy. However, it has been highlighted by both trade and resident members of the forum that the provision of public transport is something which cannot be influenced by the licensee, with one resident member noting:

“The councils policy is to promote walking, wheeling and cycling over everything else so they need to factor in late night revellers and event goers as part of their own policy rather than forcing unwanted expense or rules on licenced premises simply trying to run a business.”

<p>19</p>	<p>Yes (please provide details below)</p>	<p>: section 3.2- Amendment "and to consider safe and accessible onward travel options for staff and customers" - we would question whether the provision of public transport and other private options are within the gifts of the Licensing Board, or any applicant. While there is understanding of why this new sentence has been put forward, we would caution against its inclusion in the Statement of Policy given it being "ultra vires" given the terms of the current body of Licensing case law, including Brightcrew v City of Glasgow (2011)CSIH 46 and considerations of "reasonableness" as dictated by administrative law, together with themes of proportionality under European Law. With the applicants for Premises Licences and major variations thereto not being in control of the City of Edinburgh's transport provision, it seems unfair to ask for comments from them in relation to safe and accessible onward travel options. This would seem to sit with the Council itself to answer.</p> <ul style="list-style-type: none"> • 5.3 and 5.4: Occasional licences and their use remain a hugely important to those seeking new provisional premises licences or pop ups. While there is a balance to be struck, the Board have been advised on situations where there are issues with other relevant agencies, such as Building Control which occasionally take time to resolve. In some cases, builds cannot be completed as originally planned due to spiralling costs that have hit the sector. Amendments to Building Warrant are then sought and applied for. This can have a knock on effect in terms of obtaining section 50 certificates of suitability and confirmation of the Provisional Premises Licence. Occasional licences will be used to bridge trading gaps between a premises obtaining a temporary occupation certificate- completion certificate- then section 50 certificate and then confirmation of the Provisional Premises Licence. Occasionally the time periods concerned are lengthy and this is often due to the complexity of the project in question. Having occasional licences granted to allow trade and recoup costs, is of paramount importance to those seeking to invest in our capital city. <p>More particularly, while the Board may have concerns about the use of repeated occasional licences perhaps to circumvent obtaining a provisional premises licence, the amendments put forward to section 5.4 could be limited to that circumstance. That is to say that the wording could be amended to exempt premises where a provisional premises licence is either in place, or applied for within the three month period put forward. This would allow the Board to focus on the occasional licences which are causing potential concern. These reviews are to take place on a "case by case" basis and so rather than calling at Board and putting the business in question at risk of not being licensed for a period of time between an occasional ending and the Board meeting there must be scope to allow written submissions to be accepted and for exceptional cases to be referred to the Convenor and the Depute Clerk for consideration under delegated powers. Any trading gap has the potential to cause a business huge risk- one which could be avoided with dates being aligned.</p> <p>:5.11.ii): we are grateful to see the inclusion of the Six Nations Rugby dates here.</p> <p>6.2; 10; 3; 11.3; 11.9: again, as regards the provision of transport for staff and customers (as well as parking) please adopt comments made above (section 3.2) in respect of all other amendments as sought relation to the provision of transport. We would flag again the competency of such a request of an applicant.</p> <p>7.4: We would welcome a review of the "inaudibly" condition and would wish to take part in any review of this condition. Again,</p>
-----------	---	--

		<p>we would seek to flag the terms of section 27 (7) of the Licensing (Scotland) Act 2005 and the statutory role of other departments within the Council who are tasked with enforcement in relation to what are really environmental complaints, rather than relating to the sale of alcohol. Again we would question whether this kind of condition is within the competency of the Licensing Board.</p> <p>7:5. We would suggest that the wording here could be amended to refer to the "on" trade only and allowing exceptional cases to be made. Such a condition would be unenforceable in relation to "off" trade. Further evidence is needed to establish whether this requirement is indeed necessary.</p> <p>11.7: We are very concerned about the proposed limitation to the current dates enjoyed by the City in terms of "Festive Policy". Having reviewed the discussion around these dates which was had by the Board, we heard no evidential basis or reasoning being put forward for such a restriction. The question has to be asked "why"? That is countered by the reliance, importance and enjoyment of these historic dates by the sector and those who enjoy it over the Festive period. Increased trading hours allows those operating to either catch up on lost revenue, or use any increased balance against a quiet January/February period. We would call upon the Board to examine this proposal in-depth and consider the very negative impact on those trying to create a vibrant City. The sector requires support from the Board, not unevidenced restriction. We would ask the Board to move away from this cut to dates and in fact look to extend Summer trading times for the Festival period and indeed the Festive one.</p>
20	Yes (please provide details below)	<p>## SUPERSEDES/EXTENDS PREVIOUS NTBCC COMMENTS ##</p> <p>Sections 5.4 & 5.5 We appreciate the rationale provided by the Board at their meetings on 25th & 29th September, however we would be more comfortable with consecutive applications being approved maximum 2 (i.e. for up to 28 days) at a time, and not up to 6 (i.e. for up to 84 days) in one block - by means of safeguard for neighbouring properties, should operations lead to disorder or public nuisance for instance.</p> <p>Section 5.11 ii) Given the multi-cultural make up of Edinburgh's population, it wouldn't be too hard coming up with a list of special events of local or national significance for every day of the year. We would caution against increasing the current list, and would suggest for the Superbowl - as weakest candidate in our view - to be removed in place of the Six Nations Rugby being added.</p> <p>Section 7.5 We support the use of a condition requiring that alcohol sales are only to be with the provision of food. We feel that this needs to be qualified or quantified however - i.e. would a pack of crisps meet the condition... or should it?</p> <p>Section 7.7</p>

	<p>This appears to refer to adjustments made live at the Board meetings. This could be made clearer but this also appears to conflict with the Board meetings protocol whereby objectors currently are required to speak first, followed by applicants. Objectors typically also are requested to stick to the contents of their written representation, therefore would not be able to request adjustments at that point?</p> <p>Additionally, it would be helpful to cover adjustments made by applicants ahead of Board meetings. Currently objectors tend not to get visibility of these adjustments until after they've spoken at the meetings, and indeed when they cannot speak again unless they're invited too. This can be frustrating for the objectors, and even more so should the adjustments show to have alleviated their concerns – and in turn having denied objectors the opportunity to better decide whether to attend given Board meetings in the first place, or not.</p> <p>Section 11.5 The rationale for exceeding national guidance of up to 14 hours trading by 2 hours is unclear at best, especially when seasonal hours - maintained to a further 2 hours - come in addition. Could the Board expand on their view here?</p>
--	---

Responses – Other Comments

	Are there any other parts of the policy you think the Board should reconsider?	If you answered yes, please provide further details:
1	No	
2	No	
3	No	
4	Yes	When I was younger in Edinburgh nightclubs, venues were open later but had different closing times .ie 3, 4 and 5 am . This worked well as limited number of people leaving at one time and also helped ensure people had better access to taxis.
5	Yes	Terminal hour of 4am in line with Glasgow’s new policy
6	Yes	<p>Section 3.6</p> <p>Hearings as related to licensing matters - alcohol but also civic - are the only ones that aren't webcast. We cannot think of any reasons as to why the applications section of the agenda couldn't be webcast, when they are already at other Council Committee meetings - e.g. Planning or Transport. We would see some obvious benefit too, whereby the availability of webcasts might reduce the demand for Statement of Reasons - hence allow for the Clerks to the Board to reallocate their time elsewhere?</p> <p>Section 4.1</p> <p>Applications for alcohol licensing are pretty much city centric, leading to many Community Councils outside the City Centre lacking experience in the process. Alcohol Focus Scotland produced an excellent toolkit - available here: https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf</p> <p>The Board should consider whether this material could be referred to from the Council's website, or produce their own?</p> <p>Additionally, we would recommend that the email template used by the Licensing Service be amended, so as to specify what Community Councils could request - namely:</p> <ul style="list-style-type: none"> i/ layout plan and operating plan, plus associated conditions; ii/ existing hours (when applicable) vs hours requested <p>With regards to site notices, requirements for display should be made clearer - specifically, that they should be visible at all times from the street without the need for one to enter premises.</p> <p>Last, we believe that postal notifications - as related to premises licences and major variations - should be issued to neighbouring</p>

		<p>properties within a 20m radius, similarly to Planning applications.</p> <p>Section 11.6 Terminal hour is clear for off sales only. Can the Board clarify what type of premises the terminal hour of 1am specifically applies to? also what the terminal hour is for members' clubs? (as well as a definition for these)</p> <p>Section 11.15 For clarity, can the Board state the applicable age for children and young persons?</p> <p>Appendix 4 should refer to recent not 2018 consultations.</p>
7	No	
8	Yes	As per above. The festival and festive periods are when this city comes alive. We are on the world's stage and the extended flexibility simply adds to the city. So many city's and countries for that matter are envious of what we can produce, do not ruin it, it is not broken. It is bad enough you have already forced the closure of the Festival Village.
9	No	
10	Yes	<p>10.5 reinstate the deleted wording</p> <p>Board has determined in the absence of a definitive legal interpretation that it will require an application for a new premises licence where the premises have not been used for the sale of alcohol for a period exceeding one year and the circumstances suggest that there is no active marketing of the premises for sale or lease. The Board will also ask to take account of information provided by LSOs about factors such as the duration and reason for of closure and to ascertain where possible, the reason for closure of the premises where these are known, with a view to then deciding whether or not to review the premises licence.</p> <p>Both Clrs Work and Young are very much aware of the unusual circumstances surrounding the Cramond Inn and its lengthy periods off closure. It is the only establishment within the Cramond and Barnton Community Council Area and the above could and should have been reasonably applied.</p>
11	Yes	<p>Comments on new draft statements policy:</p> <p>Section 2, parts 6, 7, 8 & 9 I would like to question the whole set of assumptions set out, leading to the assertion that "the board as licensing authority will not be bound by decisions made by the council as the local planning authority". An extraordinary assertion</p>

of sovereignty over and independence from the protective legal framework of Edinburgh city Council planning authority for which no reasons are given and that I wish to challenge: for I believe none of the profound problems our community have encountered over the developments at 1 Gayfield Square would have occurred if licensing decisions were made within (or jointly with) the planning department.

Our experience revealed a profound structural dysfunction in the relations between the planning and licensing authorities. The applicant for one Gayfield Square, a charity, acting on advice of an agent specialised in obtaining licenses, requested a change of use for a storage unit: purportedly to create an educational space and a café. On the planning drawings the cafe took up less than a third of the surface area and was separated from the the training spaces by partitions. Planning officers had no reason to suspect they were being misled and change of use was granted (with a restriction on food preparation services).

The applicant then applied for a provisional license, now presenting it to the public on the application notice as «a café and exhibition space ». However, the operating plan lodged with the licensing department and only available on request, (and with no right to make a copy), was clearly incompatible with the presentation to the public, making it clear the aim was to open a large bar/pub: the partitioning of the space disappeared and the application included late opening (1am), on and off sales, live and recorded music (with no soundproofing). Workers on site were now talking about a rum bar and adverts appeared online. Any licensing officer who had seen the document could have been under no illusion about the deception.

The premises did not have a planning permission permitting a bar, and planning officers confirmed to me in writing that no such permission would be given by the planning authority because it would contravene multiple policies in the local plan.

When I questioned the licensing authority about whether the planning authority had been consulted and had commented on the application, I was refused the information. I and my fellow residents therefore raised the issue with the planning authorities and wrote numerous letters of objection to the licensing application which was then withdrawn at the last minute, only for a new planning application to be made this week along similar lines.

I have little doubt that without our intervention the license would have been granted despite the fact that the necessary planning permissions were not in place. This begs the question of how many licensed premises in Edinburgh are without proper planning and in contravention of local plan policies?

Could such circumstances in part explain the assertion of authority over planning stated so forthrightly in the licensing document?

For if the licensing board was bound to implement the local planning policies (ie if there was joined up government), a case such as this where someone is trying to exploit the structural incoherence of council authorities could never happen.

What exactly is the status of the planning authority’s contribution to the licensing process? The whole protective structure of the planning authority seems to disappear: local plan maps with their ‘areas of concern’, the ‘sui generis’ status of bars and pubs: none of this is acknowledged by the licensing department (they even seem baffled when you mention them).

I conclude that it is essential that this toxic structural dysfunction within the council be removed. I recommend that the consideration of whether or not a particular venue in a specific location be given the right to sell alcohol be dermined by the planning authority. This would also offer a solution to the problem of ‘overprovision’ that this document so clearly fails to get to grips with.

Simply put, overprovision exists where the licensing authority has granted too many licenses because the consideration of the balance of uses (a central component of all commercial planning policy) is not within their competence or concern. In this document there is no mention of how the numbers of licensed premises are to be reduced and therefore no real plan to address this serious issue of public health. And it speaks volumes that the licensing authority proposes to have its own plan and maps for dealing with overprovision with no reference to the planning authority or their expertise in planning for a coherent balanced and safe urban environment.

I believe reform of the licensing act is required, for the issue of overprovision cannot be addressed at the local level as long as the act requires granting licenses whenever there are insufficient grounds (as defined by the act) to reject them.

The licensing authority’s claim not to be bound by planning decisions and inability to grant licences based on a coherent urban plan flies in the face of its own licensing objectives (if indeed they are compatible with promotion alcohol at all).

In addition, I would like to make the following recommendations:

1. That the licensing authority ensure that the requirements for a provisional license
2. That occasional license applications are publicised in the same way as provisional ones, i.e. on the building concerned;
3. That licensing officers become responsible for the accuracy of the information put on the public notices, i.e. that it is a true reflection of the intended uses of the venue and that important information is not withheld. And that all documents relating to an

application (such as the operating plan, section 50 etc.) can be consulted online.

4. That there is transparency and equity both in access to information and right of appeal. Currently the applicant can see all the letters of objection, but neither citizens nor the press can. Obviously the most likely threat of violence or corruption would come from the applicant so the the only reason is to give the applicant an advantage over his fellow citizens. Interestingly, this highly dubious preferential treatment is absent from the planning process. And I also believe that licensing decisions should be subject to a right of appeal, both by the applicant, but also by those opposing the application. This is not the case at present, where the authority again favours the applicant and the alcohol lobby.

12	Yes	<p>ALCOHOL DELIVERY</p> <p>SGF would not support what is proposed in section 7.5 which states that ‘Where premises offer takeaways or deliveries, the Board will consider the use of a condition requiring that alcohol sales are only to be with the provision of food’.</p> <p>What constitutes ‘food’ and the amount of food that needs ordered is unclear. Also, there is no way of knowing if the food will be consumed with the alcohol. SGF fears this condition would be an unnecessary rule that would add to the challenging trading conditions already being faced by them.</p> <p>Our members are responsible community retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way and such a condition would be in effect be a restriction on trade for new entrants and leave them at a disadvantage in relation to other existing established shops.</p> <p>It should be recognised that many convenience retail businesses are already operating in an extremely challenging trading environment which is impacting on their ongoing viability. Stores are also local community assets providing local jobs for local people and the associated local multiplier effect that comes from that. Convenience stores are high street enablers which enable customers to access key services such as the Post Office, cash back and FTU ATMs and where the money withdrawn can be spent in other nearby businesses.</p> <p>Modern convenience stores now offer a wide range of products and services and whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member’s stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for 15.9 % of total sales turnover.</p> <p>The SGF Local Shop Report 2023 highlights that 26% of convenience stores offer some form of grocery delivery, providing an important service to their communities. SGF members use such a service responsibly and have strict measures, such as record</p>
----	-----	--

keeping and age verification in place for age-restricted products such as alcohol, to ensure the rules around delivery are observed. For example, Drivers are trained to: 1) Always hand over alcohol to an adult. 2). If no adult able to accept deliver then return all goods back to shop. 3) Never leave items on the doorstep.

SGF members have reported that they ban any household where they suspect underage sales maybe taking place and go out of the way to ensure they abide by the regulation.

OVERPROVISION

With regard to Section 8.4 of the Policy, SGF disagrees "...that a dependable causal link [can] be demonstrated between alcohol-related health harms and alcohol-related crime and the number and capacity of licensed premises..."

There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.

SGF believes that an appropriate consideration should be given to each application, as set out in Section 8.5 as follows: "Each application still requires to be determined on its own merits and it remains open to applicants and licence holders to present applications for consideration on their merits, providing evidence in support of their applications..."

Case law has shown that a licensing board must base any decision around overprovision in a targeted, evidence-led basis. Decisions from Aberdeen and Dundee have shown that selecting an arbitrary location which is not based on probative evidence would be unlawful. In addition, boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

In relation to off-sales premises, noted in Section 8.9 of the Policy, SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and offer access to fruit and vegetables to the local community.

Convenience stores provide a range of key services for their customers, and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with

		<p>home dining. Therefore, a consequence of overprovision is that new entrants to the market are unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged. The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.</p> <p>CAPACITY Capacity is an important issue in determining overprovision. If the entire Board area was regarded as being overprovided for it would prevent retailers from ever increasing the capacity of their alcohol sales area. However, in practice such increases would not dramatically increase the amount of alcohol being sold. It would be a paradox if a 20m2 increase in selling area of a convenience store was counted as just as big a threat to an overprovision assessment as a new out-of-town hypermarket. Retailers frequently remerchandise and refit stores to best meet consumer needs. Most of the time these will just involve 'micro-space': keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet consumer demand, to fit in with new brand ideas or to roll out improved formats 'macro-space' revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely. Extensions to the selling area might be necessary under macro-space refits. It should be noted that, of course, retailers are charged a fee for any major or minor variation to their licences.</p> <p>Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation.</p> <p>LICENCED HOURS As noted in Section 11.6 of the current Licensing Policy, the Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. SGF supports this policy on licensed hours.</p> <p>Retailers are used to the current licensed hours and so SGF would not want to see them changed. Also, SGF would not support any reduction to the available licensed hours as we believe there would be no evidential basis for such a decision and would also leave applicants for new stores at a disadvantage. There is not, in the SGF's view, any evidence to suggest that alcohol purchased later in the day is more harmful than purchased earlier or vice versa.</p>
13	Yes	<p>OVERPROVISION With regard to Section 8.4 of the Policy, SGF disagrees "...that a dependable causal link [can] be demonstrated between alcohol-related health harms and alcohol-related crime and the number and capacity of licensed premises..."</p>

There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor:

alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.

SGF believes that an appropriate consideration should be given to each application, as set out in Section 8.5 as follows: “Each application still requires to be determined on its own merits and it remains open to applicants and licence holders to present applications for consideration on their merits, providing evidence in support of their applications...”

Case law has shown that a licensing board must base any decision around overprovision in a targeted, evidence-led basis. Decisions from Aberdeen and Dundee have shown that selecting an arbitrary location which is not based on probative evidence would be unlawful. In addition, boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

In relation to off-sales premises, noted in Section 8.9 of the Policy, SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and offer access to fruit and vegetables to the local community.

Convenience stores provide a range of key services for their customers, and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with home dining. Therefore, a consequence of overprovision is that new entrants to the market are unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged.

The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.

		<p>CAPACITY Capacity is an important issue in determining overprovision. If the entire Board area was regarded as being overprovided for it would prevent retailers from ever increasing the capacity of their alcohol sales area. However, in practice such increases would not dramatically increase the amount of alcohol being sold. It would be a paradox if a 20m² increase in selling area of a convenience store was counted as just as big a threat to an overprovision assessment as a new out-of-town hypermarket. Retailers frequently remerchandise and refit stores to best meet consumer needs. Most of the time these will just involve ‘micro-space’: keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet consumer demand, to fit in with new brand ideas or to roll out improved formats ‘macro-space’ revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely.</p> <p>Extensions to the selling area might be necessary under macro-space refits. It should be noted that, of course, retailers are charged a fee for any major or minor variation to their licences.</p> <p>Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation.</p> <p>LICENCED HOURS As noted in Section 11.6 of the current Licensing Policy, the Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. SGF supports this policy on licensed hours.</p> <p>Retailers are used to the current licensed hours and so SGF would not want to see them changed. Also, SGF would not support any reduction to the available licensed hours as we believe there would be no evidential basis for such a decision and would also leave applicants for new stores at a disadvantage. There is not, in the SGF’s view, any evidence to suggest that alcohol purchased later in the day is more harmful than purchased earlier or vice versa.</p>
14	No	
15	No	

16	Yes	<p>Edinburgh is very child unfriendly. It would be good if children were allowed in most places except maybe wet only premises. Tourists want just drinks sometimes, and it shouldn't just be for food with children. Make venues family friendly.</p> <p>In the center of Edinburgh, tables & chairs should be allowed later and the 2 hour extension for festival/festive season should also apply to tables & chairs.</p>
17	Yes	<p>11.6 There should be no differentiation for adult entertainment versus general entertainment and they should be allowed to have a 0300 time instead of limiting it to 0100.</p> <p>This is a very subjective decision and is essentially a biased, discriminatory and prejudiced position to take.</p>
18	Yes	<ul style="list-style-type: none"> • Both trade and residents were supportive of fully webcasting hearings, subject to the legality and appropriateness of individual hearings. • The forum is very supportive of schemes that promote best practice amongst license holders and hopes the board (and the wider council) are able to help encourage the utilisation of such schemes. • Events of local or national significance - Trade representatives noted that given the current trading conditions, applications for extensions would only be made when there was a clear demand for extended opening. Trade reps also noted that growingly, these were focused around live televised events which went beyond the businesses terminal hour and were supportive of inclusion of that in the policy statement. It was noted that for example that the 2026 World Cup would fall within the new policy statement and will see late night games which will be significant interest to large number of residents. It was also noted that given the diverse nature of Edinburgh residents, events of significance were hard to quantify into one list and consideration to each on their merits. Residents also noted the multi-cultural make up of Edinburgh's population and that it "wouldn't be too hard coming up with a list of special events of local or national significance for every day of the year", and cautioned against extending a definitive list. • The forum would also encourage the board to consider regularly sharing more information with the public & forum on decisions – such as perhaps quarterly, providing details on the number of applications granted/rejected/amended and specifically how many granted within areas of overprovision (if any). • Trade representatives highlighted that the board should consider increasing 'festival hours' to earlier in July to take advantage of the light nights and to support the industry during the period of recovery. It also noted that this could help attract more investment into the city, which has been lost due to a number of factors to places elsewhere in the UK.
19	Yes	<p>Please re-consider all proposed amendments as mentioned in the comments above.</p>
20	Yes	<p>## SUPERSEDES/EXTENDS PREVIOUS NTBCC COMMENTS ##</p> <p>Section 3.6 Hearings as related to licensing matters - alcohol but also civic - are the only ones that aren't webcast. We cannot think of any</p>

reasons as to why the applications section of the agenda couldn't be webcast, when they are already at other Council Committee meetings - e.g. Planning or Transport. We would see some obvious benefit too, whereby the availability of webcasts might reduce the demand for Statement of Reasons - hence allow for the Clerks to the Board to reallocate their time elsewhere?

Section 4.1

Applications for alcohol licensing are pretty much city centric, leading to many Community Councils outside the City Centre lacking experience in the process. Alcohol Focus Scotland produced an excellent toolkit - available here:

<https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>

The Board should consider whether this material could be referred to from the Council's website, or produce their own?

Additionally, we would recommend that the email template used by the Licensing Service be amended, so as to specify what Community Councils could request - namely:

- i/ Layout Plan and Operating Plan, plus associated conditions;
- ii/ Existing hours (when applicable) vs hours requested

With regards to notice of applications:

Requirements for displaying Site Notices should be made clearer. Specifically, site notices should be visible at all times from the street without the need for one to enter premises. Site notices should also extend to occasional licence applications.

Postal notifications - as related to premises licences and major variations - should be issued to neighbouring properties within a 20m radius, similarly to Planning applications.

Planning permission

Can it be made a mandatory condition for operations to be assessed against permitted use (Planning & Building Standards) for the premises - specifically, in the context of occasional licences?

Section 11.6

Terminal hour is clear for off sales only.

Can the Board clarify what type of premises the terminal hour of 1am specifically applies to? also what the terminal hour is for members' clubs?

Section 11.15

For clarity, can the Board state the applicable age for children and young persons?

		Appendix 4 should refer to recent not 2018 consultations.
--	--	---

05/10//2023

Your Ref:

Our Ref:

Clerk to the Licensing Board
City of Edinburgh Council
249 High Street
EDINBURGH
EH1 1YJ



Sean Scott
Divisional Commander

Licensing
St Leonards Police Station
14 St Leonards Street
Edinburgh
EH8 9QW

Dear Sir,

As the consultation for the Edinburgh Statement of Licensing Policy is now open again, Police Scotland would like to bring the following information to the Board's attention and respectfully request that consideration be given to the information contained in this letter.

Special Events
Point 5.11 (ii) in draft policy

We note that the draft includes a proposal to add Six Nations Rugby to the list of special events of local or national significance.

ii) Special events of local or national significance:-

- Burns Night
- St Andrew's, St Patrick's
- Edinburgh Pride
- **Six Nations Rugby dates**
- Televised Major Sporting Events where coverage is provided beyond normal licensed hours, such as Football and Rugby World Cups, Olympics, Superbowl

OFFICIAL

We would respectfully request that the Six Nations Rugby is not added to this list as we believe it is not consistent with the licensing objectives. In previous years police have objected to requests for extended hours for the Six Nations Rugby. With games tending to kick off on Saturday and Sunday afternoon and occasionally in the evening, Edinburgh's existing, generous licensing hours already provide adequate time to use licensed premises to watch the rugby. It appears highly unlikely that any games will be shown beyond regular licensed hours but if this ever is the case then point 5 above - major sporting events where coverage is beyond normal licensed hours, would be applicable.

By granting extended hours for Six Nations Rugby this is giving the public the opportunity to consume alcohol in licensed premises for a considerable period of time before and after the game. This appears to be inconsistent with protecting and improving public health, may lead to increased public nuisance, crime and disorder. It is highly likely that a number of premises within the city centre area of overprovision will apply for extended hours leading to further overprovision within Edinburgh. Excessive consumption of alcohol is a significant factor in levels of crime and disorder, particularly during the night time economy which is most prevalent at the weekends when Six Nations games are held.

Marking Six Nations Rugby as events of local or national significance may lead to a domino effect for extended hour's requests from other licensed premises looking to remain competitive.

Point 11.5 in the draft policy reinforces this -

11.5 "The Board recognises the value and necessity of a level playing field when determining hours of trading. In its experience the granting of extended hours in recognition of a particular style of trading merely leads to trade competitors adopting the same arguments in seeking similar hours and a process ensues which leads to the extended hours becoming the norm. The Board is anxious that this should not happen in Edinburgh"

Adding Six Nations Rugby may also lead to requests to include other sporting events, such as Scotland football matches, national cup finals as special events of local or national significance placing further demand on the cities resources.

We acknowledge that by including Six Nations Rugby in the listed events is no guarantee of being granted extended hours, but by including it we believe this will lead to an increase in applications with an expectation from applicants that they will be approved.

If the board is minded to add Six Nations Rugby to the list of events, can it be clarified if this is only for the date of Scotland home matches or all matches in the tournament? For example if England are playing France on Sunday afternoon would this form part of the event of local or national significance, if Scotland had played the previous day?

OFFICIAL

CYP access to licensed premises

Police Scotland are pleased to see no change to the CYP access in the new policy and support the board's position on this. We feel the 2300 hours terminal hours for children and 0100 hours for young people to be adequate and proportionate.

The following paragraph is included in the new policy in point 11.15 -

“Following consultation with young people on the licensing policy, the Board also encourages premises to provide information on their Children & Young People access at the entrance, alongside other signage such as the licensed hours and Challenge 25. This should specify if/when young people are allowed access unaccompanied for light refreshments/food.”

This is current legislation as per Schedule 3 of the Licencing Scotland Act which makes it a legal requirement for a premises licence to display such signage.

In relation to occasional licences there would appear to be no mandatory conditions regarding this, but there is a pool condition which can be added to require this.

If the board is minded to add this as a mandatory condition this may be of benefit as many events that require an occasional licenses are outdoor, facility orientated, higher capacity events.

This will provide clarity to licensed premises, applicants and patrons.

Extended hours trading requests

Should there be applications for extended hours of trading, policy requires applicants provide sufficient detail regarding the special nature of the event, why it justifies extended hours and the impact it will have on the licensing objectives.

Police ask the Board to adopt a robust approach towards extended applications given that Edinburgh premises can utilise up to 16-18 hours trading per day which is in excess of National Government Guidelines. Extended hours should be for genuine, significant local and national events, not commercial purposes and this needs to be fully addressed in applications.

The applicant will be required to satisfy the Board that the hours sought are appropriate in the circumstances, providing comprehensive information including a description of the special event or occasion, the activities and times proposed, and the reason for the event or occasion requiring extended hours.

OFFICIAL

CCTV within offsales Point 22.7 in draft policy

“The Board is aware of the condition relating to the installation of CCTV in late opening premises, which is contained in regulations made by Scottish Ministers. In order to ensure the greatest possible degree of protection for the public this Board intends to consider conditions which go beyond those published by Scottish Ministers where circumstances dictate. In particular the Board will expect to see CCTV installed in and around certain off sales premises. Reference is made to [Chapter 12](#) of this policy in this connection.”

Police Scotland support this policy and would add that increased CCTV within off sales is likely to help reduce incidents of crime, disorder and public nuisance, assist with crime prevention and detection. It will also provide reassurance to staff working at the premises and the public.

Occasional Licenses

Police Scotland are pleased to see the Board will take a strong view on the potential abuse of short term occasional licenses. There are instances of premises trading on occasional licenses for periods in excess of a year and not applying for provisional licences. The board have highlighted a period of no more than three months continuous trading under occasional licences as reasonable and Police Scotland would welcome the robust application of this part of the policy.

With around 2500 occasional licenses received by Edinburgh Division in 2016/17 and now over 5000 in 2022/23 it is evident that there is a significant increase in their use which in turn impacts police business and other agencies. Adherence to the occasional license board policy is welcomed and would have a positive effect on upholding the licensing objectives, allowing police resources to be directed to other licensing matters such as prevention, training and intervention processes.

We also encourage the robust application of the policy regarding the minimum of 28 days' notice for submitting occasional applications unless shortened timescales are proportionate and have been agreed. This will allow sufficient consultation and scrutiny to be applied to each application.

The onus to provide full and complete information on the application form also sits with applicant including how their application fits in with the licencing objectives. These details have been lacking recently in a large number of applications and re-emphasising this in the new policy should lead to an better quality of applications helping to promote the licensing objectives.

Pool conditions for occasional licenses

Pool conditions have been an excellent addition to previous board policies and have provided clarify for police, applicants and licencing standard officers as well

OFFICIAL

as saving a considerable amount time. We respectfully request that the following conditions are added to the new policy –

- Police and council officials are permitted unrestricted access to the licensed area of the premises.
- Patrons are not permitted to take drinks out with the licensed area.
- Alcohol not for immediate consumption will not be removed from the licensed area unless provided in a sealed container.
- Alcohol sold as an off sale in connection with deliveries is only to be sold in conjunction with a food order.

These conditions have been used extensively in our representation letters recently and in our experience, have not caused any issues with applicants. We believe these conditions would provide further clarify for the applicant, board and statutory consultees. We would ask that they be added to the Pool conditions to allow them to be formalised.

In addition we would ask that the existing conditions below have the wording highlighted in bold added to make them more applicable and practical for applicants.

- Condition 5 to be changed to the following wording –

Children will not be permitted access to the premises after 23:00 hours, **unless attending a private pre-booked function, when they may remain until 0100 hours or the end of the function, whichever is earlier.** Young persons will not be permitted access to the premises after 01:00 hours.

- Condition 26 to be changed to the following wording –

Glasses and glass bottles are not permitted in the licensed area. Drinks to be provided in non-glass containers. Cans opened at 'point of sale' can be provided. The applicant must have in place plans to decant the cans into paper or plastic containers if necessary for public safety reasons.

- Condition 34 to be changed to the following wording –


The Alcohol Management Plan, Drug Awareness Policy, Medical Plan, Event Plan and Stewarding Plan submitted **at least 28 days** prior to the event will be adhered to for the duration of the event.

- Condition 38 to be changed to the following wording –

OFFICIAL

All reasonable requests, which do not have an operational impact, made by the Police or other council official should be complied with. All requests of an operational nature must be directed through the **Event Control Room**.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Sean Scott', with a horizontal line extending to the right.

Sean Scott
Divisional Commander

Alcohol License Strategy – Consultation Phase 2
NHS Lothian Response
November 2023

Response submitted by:

Avril Mackay

EH1 3EG

I consent to being contacted about this consultation – Yes

Responding as – Organisation (Public Sector) – NHS Lothian Public Health & Health Policy Directorate

1. Did you provide any comments to the first consultation carried out by the Board (between September - December 2022)?

Yes

2. Based on the edits proposed by the Board, are there any changes to the policy you are not comfortable with?

No

3. Are there any other parts of the policy you think the Board should reconsider?

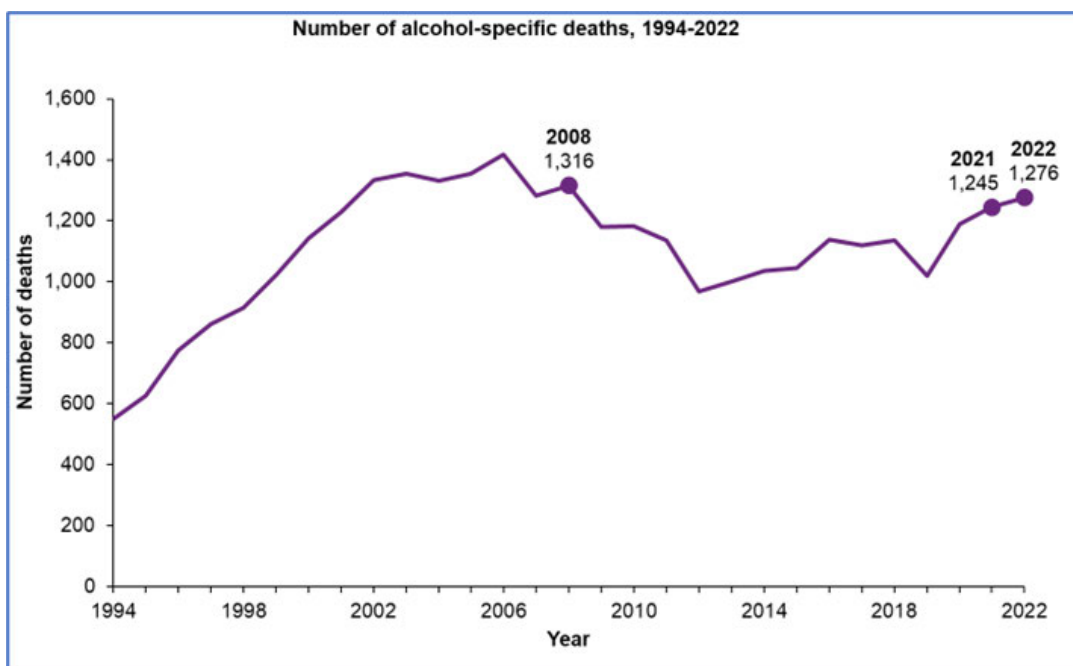
Yes

If you answered yes, please provide further details:

Temporary Licensing – Occasional and Extended Hours (Section 5)

- 5.11 – Festival/festive extension: additional two hours of trading.
We note that the board has included the option for premises to increase their hours of trading during the Edinburgh Festival and Christmas/New Year festive period by 2 hours. We would ask the Board to consider reducing the seasonal variation from 2 hours to 1 hours. We would encourage the Board to consider the cumulative implication of increasing availability to alcohol across the vast number of licensed premises across Edinburgh by those additional hours and its effect on long term chronic alcohol related harm, as well as particular impacts on dependent drinkers and those in recovery from excess alcohol use. We believe that increasing festive hours does not align with the licensing objective to protect and improve public health. The additional festive trading hours increase the pressure on the health and social care system, particularly hospitals, during a time where the system faces extremely high winter pressures.

Harm caused specifically by alcohol in Scotland is increasing. Recent figures published by the National Records of Scotland (August 2023) show the number of deaths registered in Scotland in 2022 that were classified as alcohol specific is increasing.¹



In the City of Edinburgh (and for Lothian), alcohol specific deaths are increasing and are still higher than drug related deaths.

Further information on the burden of alcohol related harm, alcohol related deaths and the impact on health services is detailed in our first submitted consultation response.

How Premises Operate – Section 10

- We welcome the inclusion of the statement that asks applicants to include the consideration of safe and accessible onward travel options for staff and customers. Licensed premises must consider their impact on the night-time economy and impact on safety of residents as well as customers and staff.

Hours of Trading (Section 11)

- 11.5 & 11.6 - Trading Hours
We are unclear what the Board is specifically allowing under the trading hours section of the policy and would ask for this section to be clearer. We believe that the Board is allowing 16 trading hours, which is a departure from the national guidance of 14 hours for trading. We would ask the Board to consider following the national guidance and implement 14 hours of trading and question why national guidance is not being followed. We would encourage the Board to consider the cumulative implication of increasing availability to alcohol across the vast number of licensed premises across Edinburgh by those additional hours and its effect on long term chronic alcohol related harm. In addition to alcohol harm, the longer trading

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

hours have an effect on exposure of alcohol to the most vulnerable of our population, such as children and young people, and people in recovery from alcohol dependency. We believe the increase in trading hours does not align with the licensing objective to protect and improve public health, particularly at a time when alcohol harms are increasing.

The World Health Organisation strongly recommend reducing alcohol availability as a key driver for reducing alcohol related harm. ² Reducing availability and accessibility of alcohol not only prevents easy access to alcohol by vulnerable and high risk groups, but also positively influences the social and cultural norms that promote harmful use of alcohol.

In addition to the above comment, we would encourage to Board to consider the 14 hour trading hours and the potential this would allow for earlier terminal hours (1pm rather than 3pm), with the positive affect that would have on safer travel home, reduced disturbance to residents and in particular a reduction in the hours in which alcohol is available to dependent drinkers who are particularly vulnerable to the opportunities presented by extended hours.

Further information on the burden of alcohol related harm, alcohol related deaths and the impact on health services is detailed in our first submitted consultation response.

- 11.7 - Further extension of trading hours
We welcome the reduction of days allocated for the Christmas/New Year period (previously 18 Dec – 3 January now to 20 Dec – 2 Jan) and would welcome an even greater shortening of the number of days for which trading hours are extended, both to protect individuals from harmful levels of drinking as well as to protect our health service at a time when it is already over-burdened with other winter-related service pressures.

Assessment of Overprovision (Section 8)

- We welcome the opportunity to comment on the overprovision section at a later date in line with the revised timeframes indicated in the draft strategy. As part of the first stage consultation, NHS Lothian and Edinburgh ADP submitted a joint response specifically on overprovision.

² [Alcohol availability \(who.int\)](https://www.who.int)

From: [David Hossack](#)
To: [Nicholas Fraser](#)
Subject: RE: Edinburgh Licensing Board - Statement of Licensing Policy Consultation - Phase 2
Date: 12 October 2023 15:12:28
Attachments: [0.png](#)
[external.png](#)



Confidential intended recipient only

Afternoon Nick and thank you. I have had a brief look at this. A couple of comments:

1. There are a number of references to homeward travel particularly "late at night" . If such an approach is to be adopted, might it be worth having some guidance about what is meant by "late at night"
2. In relation to the use of occasional licences in the context of premises that have a provisional licence, it is often the case that this is necessary because of minor Building Standards issues some of which have no connection to the sale of alcohol. Where resources are limited in Building Standards, it often takes several months to resolve these things. Might it be possible to have some form of in principle discussion on the consideration of occasional licences for those particular premises at the time of the grant of the Provisional to give some clarity. I wonder if it would be worthwhile having a word about that
3. In 11.15 reference is made to clarify re areas of access for C&YP in the "operating plan". I wonder if reference also should be made to the layout plan. It is often easier and more effective to describe such areas visually

I hope this is of some assistance

Kind regards

David

David Hossack

Accredited specialist in Employment Law and Commercial Mediation
Consultant
For Morton Fraser LLP

[Redacted]

www.morton-fraser.com

Follow us on social media: [LinkedIn](#) | [Twitter](#)

Morton Fraser works in partnership with [Brake](#) to promote safer roads and support those affected by road traffic collisions

Morton Fraser supports our people by being a living wage employer

To receive regular news and specialist updates on all areas of the law, subscribe to our [email updates](#)

From: Nicholas Fraser <Nicholas.Fraser@edinburgh.gov.uk>

Sent: 02 October 2023 17:09

Subject: Edinburgh Licensing Board - Statement of Licensing Policy Consultation - Phase 2

Hello,

The Edinburgh Licensing Board is carrying out a further consultation on the terms of its statement of licensing policy, having agreed the terms of a draft policy document. The details of the consultation are available online here, on the Edinburgh Council's online consultation hub:-

<https://consultationhub.edinburgh.gov.uk/bi/licensing-board-policy-phase-2/>

The Board welcomes contributions to the consultation from licensing agents and representatives of the licensing trade. Please feel free to share the link to the consultation more widely and if you have any queries please do not hesitate to let me know.

Regards,

Nick

Nicholas Fraser | Depute Clerk of the Licensing Board | The City of Edinburgh Licensing Board | Business Centre 1.9 Waverley Court | 4 East Market Street | Edinburgh | EH8 8BG

Direct Dial 0131 5294424 Internal 34424 Email: nicholas.fraser@edinburgh.gov.uk

Any advice contained in this email is strictly privileged and confidential and is intended for use by the recipient only.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred

by the recipient.



For details on how we use your personal information, please see our Privacy Notice [here](#).

This message is private and confidential. If you have received this message in error, please notify us and remove it from your system. Morton Fraser LLP is a limited liability partnership. Registered in Scotland, registration number SO300472. Registered Office: Quartermile Two, 2 Lister Square, Edinburgh, EH3 9GL. A list of members is available for inspection at our Edinburgh office.

◆ EDINBURGH ◆

LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005 STATEMENT OF LICENSING POLICY



2023

Approved by the City of Edinburgh Licensing Board
on ** November 2023

CONTENTS PAGE

1 Introduction	3
2 The Wider Context	7
3 How The Board Works	10
4 Notification of Applications and Responses to them	13
5 Temporary Licensing – Occasionals and Extended Hours	15
6 How the Board considers applications	20
7 Attaching conditions	23
8 Overprovision	26
9 Occupancy capacity	31
10 How premises operate	33
11 Hours of trading	36
12 Off-sales	41
13 Outside areas	43
14 Smoking Areas and Waste Disposal	45
15 Public Entertainment	47
16 Adult entertainment	49
17 Take-aways / Deliveries	51
18 Members' Clubs	53
19 Review of premises licences	55
20 Personal Licences	57

THE LICENSING OBJECTIVES

21 Overview	60
22 Licensing objective – preventing crime and disorder	61
23 Licensing objective – securing public safety	63
24 Licensing objective – preventing public nuisance	65
25 Licensing objective – protecting and improving public health	67
26 Licensing objective – protecting children and young persons from harm	69

APPENDICES

1 Scheme of Delegation of Licensing Functions	72
2 Overprovision – Locality Maps	76
3 Dance Entertainment in Licensed Premises	81
4 Consultation Details	85
5 Late Hours Catering – Council policy on hours	88
6 Interpretation and Statutory Information	90
7 Licensing Standards Officers	91
8 Pool Conditions – Occasional Licences	92
9 Mandatory Conditions – Occasional Licences	95
10 Mandatory Conditions and Late Night Conditions – Premises Licences	98

1. INTRODUCTION

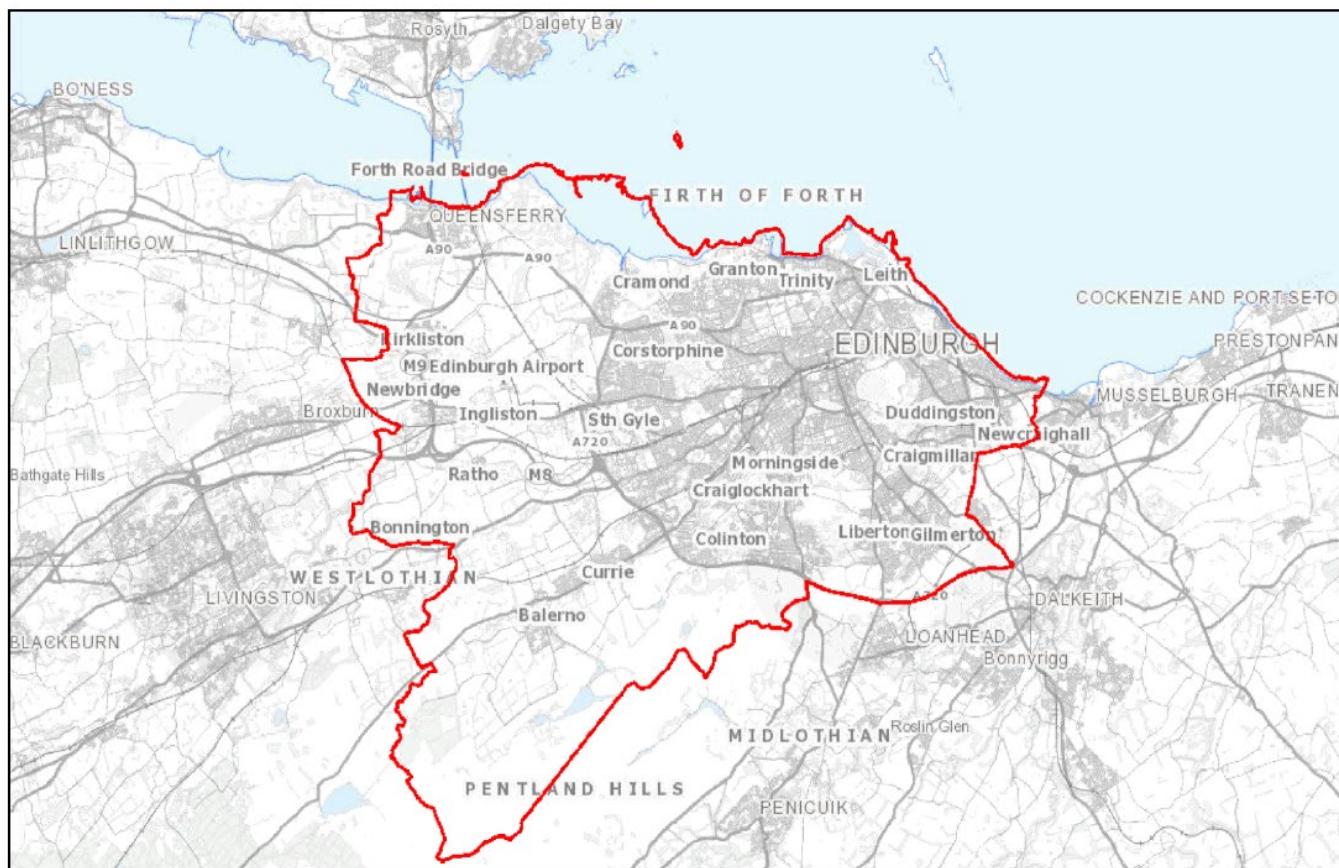
Providing an explanation of the Licensing Board's responsibilities:-

- Geographical area
- Details of licence applications considered by the Board
- Emphasising the need to have due regard to the licensing objectives
- Details of annual reports on the Board's Functions and Finances
- Contact details for the Board

Definitions of terms used throughout the policy can be found in [Appendix 6](#).

Wherever possible, links to statutory provisions, guidance, etc have been provided throughout the policy

1.1 The Board is the licensing authority for the City of Edinburgh local government area for the purposes of the [Licensing \(Scotland\) Act 2005](#).



CEC Council Boundary

© Crown Copyright and database right. All rights reserved. Ordnance Survey Licence number 100023420

The Act regulates the sale of alcohol and the premises on which alcohol is sold, and connected purposes. The Board is responsible for considering applications for :

- premises licences and provisional premises licences
- occasional licences and extended hours
- personal licences
- variations of licences
- transfers of licences

in the Board's area for:

- the sale of alcohol by retail
- the supply of alcohol in members' clubs.

1.2 Edinburgh, Scotland's inspiring capital is dramatic and historic. The environment of the area has provided the basis for a successful tourist industry which brings cultural benefits to the city and is a vital part of the economy.

The population of Edinburgh in 2017 was estimated at 508,102 and its total number of households was 241,359. *[To be updated with 2023 stats]*

The city boundaries cover 264 square kilometres and the local government area is split into 17 wards. The number of councillors is 63. Nine Councillors sit as members of the Licensing Board.

The city accommodates a wide variety of licensed establishments, which contribute to the leisure and employment opportunities in the area. Within the Board's area there were a total of *[updated statistics]* as at 31 March 2018 comprising 439 on-sales, 513 offsales and 965 premises offering both on-sales and off-sales.

1.3 The Act requires the Board to carry out its various licensing functions so as to promote the five licensing objectives,:

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

The objectives have an important role in the Board's decision making, for example:-

- attaching conditions to the grant of a premises licence or occasional licence
- refusal of an application for the grant of a premises licence or of an occasional licence;
- their breach may lead to the imposition of sanctions on a personal licenceholder or provide
- grounds for the review of a premises licence.

1.4 The Act further requires that the Board's published statement of licensing policy sets out the policies the Board will generally apply to promote the licensing objectives when making decisions on applications. [More detail](#) on the Board's consideration of each of the licensing objectives is set out in Chapters 21– 26

The Act also requires that prior to publication of its policy that the Board should have regard to [Scottish Government guidance](#) and [consult](#) as set out in the Act.

The Board carried out extensive consultation on its policy including a pre consultation exercise, an evening workshop on overprovision and oral evidence sessions in order to inform the terms of its updated draft policy prior to undertaking wide-ranging formal consultation on the updated draft policy which took place [date range]. A list of consultees responding to the formal consultation is attached at [Appendix 4](#)

1.5 Following completion of the consultation process and detailed consideration by the Board of all responses received, this updated statement has been prepared in accordance with the provisions of the Act and adopted by the Board with effect from 26th November 2018, and subject to review will remain in force until 18 months after the next Scottish local authority elections. The Board will prepare and publish supplementary statements of licensing policy when necessary. The Board will continue to have regard to legislative changes introduced by the Scottish Government and to any updated guidance issued.

1.6 The Board is required to publish an annual Functions Report, setting out how it exercises its functions in terms of the Act. Details of Functions reports are published on the Board's [website](#)

1.7 The Board is required to publish an annual Finance Report, setting out the details of income received from licence application fees and annual premises licence fees, and the expenditure incurred by the Board in the financial year. Details of Finance Reports are published on the Board's [website](#). The Board can set fees for applications for premises licences and variations (non minor) up to a maximum fee prescribed by Scottish Government. All other fees are set by Scottish Government.

1.8 As set out in the [guidance](#) to the Act, in exercising its licensing function the Board will have due regard to the role and responsibilities of other authorities within the local government area, including those with responsibility for:

- planning controls
- positive measures to create a safe and clean city environment, in partnership with local businesses and transport operators
- a positive and robust approach to binge drinking and underage drinking
- the provision of close circuit television (CCTV) surveillance, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- designating parts of the local authority area as places where alcohol may not be consumed publicly;
- enforcement of the law concerning disorder and anti-social behaviour
- greater use of the powers to deal with those who commit offences, such as prosecution of persons selling alcohol to persons who are drunk or under-age, as well as of adults who purchase alcohol for consumption by persons under age and of those under age persons who purchase for self supply.

1.9 This policy does not seek to undermine the right of any individual to apply under the terms of the Act and in the light of policies adopted by the Board and to have such an application considered on its individual merits. If there are no grounds for refusal the Board must grant the application. The policy does not seek to override the right of any person to make representations on an application or to seek a review of a licence where provision has been made for this in the Act.

Contacting the Board

The City of Edinburgh Council provides administrative support for the Board and you can contact the Council's Licensing Section, Directorate of Place:

by email to: licensing@edinburgh.gov.uk

in writing to: Licensing Section, City Chambers Business Centre G3, 249, High Street,
Edinburgh EH1 1YJ

by telephone to: 0131 529 4208

If assistance is required please discuss this with any member of staff who will be glad to help. You can access this document on the Board's website at:

www.edinburgh.gov.uk/info/20023/licences_and_permits/960/edinburghs_licensing_board

Return to [Contents](#)

2. THE WIDER CONTEXT

Explaining the Board's relationships with other public bodies, including:-

- City of Edinburgh Council
- Edinburgh Alcohol and Drugs Partnership
- Scottish Government

Emphasising importance of Equality Act 2010:-

- Board's Equalities Diversity and Rights Policy
- Board's Equalities Outcomes

Explaining the relationship between Planning and Licensing, and that the two are separate regulatory regimes

2.1 Having regard to the Council's cultural strategies, a diverse provision is welcomed for the benefit of the local communities. The Board will seek to ensure that cultural events are not discouraged through the imposition of unreasonable restrictions. However, a balance will be struck between the desirability for such entertainment and the wider cultural benefits arising against the need to protect children and young persons from harm and the natural concern to prevent public nuisance and disturbance from premises and in neighbourhoods.

2.2 In administering its responsibilities in respect of licensing the Board believes that it is important that it does not operate in isolation. Due regard will be given to the policies and decisions of the Council and of neighbouring local authorities.

2.3 The [Equality Act 2010](#) replaces previous anti-discrimination legislation. It sets out the ways in which it is unlawful to treat a person. It introduces the Public Sector Equality Duty which requires that public authorities (as defined in the 2010 Act and which includes the Board) have due regard to:

- the need to eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities

The [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) requires that the Board take various steps to enable better performance of the general equality duty. This includes reporting on the mainstreaming of the general equality duty, publishing equality outcomes and reporting progress on meeting the outcomes and impact assessing both new and existing policies. The Board's Equalities Diversity and Rights Policy and Equalities Outcomes are published on the Board's [website](#)

2.4 The Board continues to work closely with the Edinburgh Alcohol and Drug Partnership (EADP), a significant consultee in considering the content of this Statement of Policy. The importance of such closer working is recognised as part of the wider alcohol agenda, especially in relation to the public health and child protection licensing objectives. The EADP continues to supply the Board with data relevant to its consideration of the licensing objective of protecting and improving of public health.

2.5 The Board will have regard to any strategy of the Scottish Government designed to address the social, health and crime and disorder issues raised by the misuse of alcohol.

2.6 The Board will avoid duplication with other regulatory regimes and will not use its powers under the [Licensing \(Scotland\) Act 2005](#) to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies.

2.7 In particular, the Board's licensing functions will be discharged separately from the Council's functions as the local planning authority. The Board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. Notwithstanding that, consultations with the Council's Planning service are carried out on all licensing applications to underpin the common approach referred to below. The Board as the licensing authority will not be bound by decisions made by the Council as the local planning authority. Applicants for licences will be reminded that planning permission may be required for certain uses and that planning consents may carry conditions.

2.8 It is essential that planning permission is obtained prior to an application for a premises licence, or alternatively that a certificate of lawful use or development has been obtained in terms of the proposed activities and trading hours.

2.9 In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.

2.10 There is a presumption of a common approach in the reasoning behind planning and licensing decisions and conditions attached to planning permissions may relate to one or more of the five licensing objectives. Where this is the case, operating plans should make reference to those planning conditions.

2.11 All premises for which a licence is being sought will be expected to comply so far as is reasonably practicable with the building standards requirements in force at the time of their construction, or at the time of any alteration. This is particularly relevant in respect of the licensing objectives relating to public health and public safety. Where construction work is proposed or completed, the applicant should be able to produce appropriate certificates issued by the local authority.

2.12 Other statutory requirements may apply to the provision of any activities at a premises and the responsibility for compliance lies with the licenceholder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate food safety legal requirements are met. It is not appropriate for the decision on a licence application to address these matters. A responsible licenceholder will conform to all relevant legislation.

2.13 There is considerable overlap between the licensing regime and the wider health and safety regulatory regimes. Many specific licensing requirements relate to matters potentially affecting public health and public safety, two of the licensing objectives. Applicants should keep this in mind when drawing up their operating plan.

Return to [Contents](#)

3. HOW THE BOARD WORKS

Applications for premises licences – what the Board expects applicants to do:-

- provide statement to show support of licensing objectives
- disabled access and facilities statements
- detailed layout plans – in electronic format
- incomplete applications not accepted
- Details of Board meetings:-
- where and when they are held
- information about how they are conducted

3.1 When assessing applications for premises licences, the Board must be satisfied that the measures proposed in the applicant's operating plan aim to achieve the [five licensing objectives](#).

3.2 The Board will expect individual applicants to address the five licensing objectives in their operating plan (statutory template – [here](#)). It will expect the plan to have regard to the nature of the area where the premises are situated, the type of premises, the activities to be provided, the arrangements made in respect of children and young persons on the premises, operational procedures and the concerns of the local community. The Board will expect the plan to demonstrate how it is intended that the premises will be good neighbours to residents and to other venues and businesses, and to consider safe and accessible onward travel options for staff and for customers. To supplement the information given in the plan the Board will ask applicants to supply a statement in writing detailing how the applicant will promote the objectives. The Board will expect premises licence holders to ensure that the statement of licensing objectives attached to their licence remains relevant to the operation of the premises, particularly in the event of significant changes to their operation.

3.3 In respect of each of the five licensing objectives, the Board will expect applicants to provide evidence that suitable and sufficient measures, as detailed in their operating plan, will be implemented and maintained, relevant to the individual style and characteristics of their premises and activities. Reference will require to be made to additional measures to be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is likely to attract larger audiences.

Following amendment of the Act to require new premises licence applications to include a disabled access and facilities statement (links below), the Board agreed that the Council's Licensing Standards Officers (LSOs) would consider the terms of statements provided by applicants to ensure they contained all of the necessary information. The Board agreed that LSOs would highlight concerns about the content of particular statements to the Board, when applications were being considered.

Regulations - http://www.legislation.gov.uk/ssi/2018/49/pdfs/ssi_20180049_en.pdf

Guidance - <https://www.gov.scot/publications/licensing-scotland-act-2005-guidancecompleting-disabled-access-facilities-statement/>

3.4 The Council may itself make applications for premises and occasional licences. When this is the case, the Board will consider the matter from an entirely neutral standpoint. If relevant representations are made, they will be given full and equitable consideration by the Board.

It is permissible under the Act for the Council to seek premises licences in its own name, and it may seek to do this for public open spaces, which are used for a variety of cultural and community events. This approach may facilitate the use of such areas for licensable activities and may alleviate the need for organisations, performers and entertainers to seek individual licences, for 'one off' events. Any such premises licences would be subject to appropriate conditions to ensure that the use of these spaces does not adversely impact upon any of the licensing objectives and subject to any separate licensing requirements.

3.5 The Board will not accept any premises licence application which fails to satisfy statutory requirements as to matters to be included in or to accompany an application. Any such application will be returned to the applicant and will not be accepted until considered a complete application. The Board intends eventually to hold plans of premises electronically and will expect all applications to be accompanied by an electronic copy of any plans to be submitted.

3.6 The Board will dispose of its business in an open, fair and transparent manner. General business and any matters around Board process will be discussed at the start of each meeting under a “Business section” and will be webcast for public viewing. This includes any policy matters and an update from the Licensing Convenor.

Hearings will be conducted in as informal a manner as possible. Guidance will be made available to those persons who wish to apply for a licence, to make representations or to lodge objections (referred to in 3.7 below).

The Board is considering the option to webcast the applications section of the agenda and will explore this during the course of the new Board term.

3.7 The Board will remain at all times mindful of the need to be accessible to all and assistance will be available on request to those who require any special arrangements to be made. This is reflected in the Board’s [Equality and Rights Policy](#) and [Equality Outcomes](#). The Board will normally hold its formal meetings in the Dean of Guild Room in the City Chambers, High Street, Edinburgh but arrangements will usually be in place to allow for attendance virtually.. Timescales are laid down for applications to the Board and these are publicised on the Board’s [website](#). Agendas are published on the Council’s [Agendas and Minutes website](#). An appropriate number of staff are employed to ensure an efficient disposal of business. The Board meets on a regular basis as laid down in the Rules as adopted from time to time and the meeting dates together with the Agendas for meetings are published on the [website](#).

Information about how Board meetings are conducted, the procedures followed when applications are being considered and the order in which people attending the Board would normally be invited to speak are all set out in information as provided on the [website](#) (details in the document “What to expect when you attend a Licensing Board meeting”).

3.8 In accordance with the Act, all members appointed to the Board have been trained in accordance with the [Licensing \(Training\)\(Scotland\) Regulations 2007](#) which require members within three months of being elected or re-elected as a member of the Board to undertake an accredited course of training .

3.9 The Board is committed to the use of e-government technology and to applying the benefits of this to ensure continuous improvement in the Board’s operation Applications for premises licences, variations and transfers, occasional licences and appropriate fees can be submitted on-line. Details are available on the “Alcohol Licences” section of the [website](#).

Payment of the relevant fee is a mandatory condition of a license and should be paid promptly. Any concerns over making payments should be discussed with the Licensing team prior to the deadline. Repeated or significantly late payments of fees are likely to result in a report for consideration by the Board.

3.10 Applications are advertised for the statutory periods on the “Alcohol Licence Registers” section of the [website](#). The Board is committed to ongoing improvements to the website and encouraging wider use of the internet to inform the public of public notices.

Return to [Contents](#)

4. NOTIFICATION OF APPLICATIONS, AND RESPONSES TO THEM

Explaining:-

- Who receives notice of applications for premises licences and major variations
- Site Notice requirements
- Police involvement in the licensing process
- How the Board considers objections/representations to applications
- How late objections/representations will be dealt with
- Council's Building Standards involvement in licensing process

4.1 The Board will give notice of each premises licence and relevant variation application it receives to those persons specified in the Act, namely:

- each person with a notifiable interest in neighbouring land
- any community council within whose area the premises are situated
- the Council
- the relevant health board, being NHS Lothian
- the Chief Constable
- Scottish Fire and Rescue Service as enforcing authority in terms of section 61 of the [Fire \(Scotland\) Act 2005](#).

For major variations or new premises license application, ward councillors will also be notified for information only.

In providing notice, the Board is committed to ensuring that application details are provided in a clear, concise and understandable way, both by means of Site Notices (template [here](#) – Schedule 1 of [Licensing \(Procedure\) \(Scotland\) Regulations 2007](#)) provided to applicants for display, and also by means of notification to those detailed above, and by online notification.

4.2 The Board expects the Chief Constable to consider all applications and to provide one of the statutory notices as appropriate. Where the Chief Constable considers that it is necessary for the purposes of any of the licensing objectives that the application be refused, a recommendation to that effect may be included in the notice. The Board recognises the benefit of [antisocial behaviour reports](#) in connection with the consideration of applications, and will continue to call for these from the Chief Constable from time to time, recognising his entitlement to provide such reports where he considers them necessary.

4.3 The Board will consider all relevant representations or objections from any person. Objections or representations which are regarded as frivolous or vexatious may not be considered and in the case of an application for the review of a licence may be rejected by the Board if it does not disclose any matter relevant to any ground for review.

4.4 Where an objection or representation in respect of a premise licence application or a variation application is received late, after the specified date for receipt, the Board will normally treat the objection as not made unless the objector has provided an explanation for late receipt. The applicant or their representative will also be asked for their opinion on the lateness of the objection. If the Board decides there are good reasons to treat the objection as made, consideration will be given in the interests of justice to a continuation of the hearing into the application, objections and representations to a future meeting of the Board.

4.5 The Board expects the Council's Place Directorate (Building Standards Section) to advise the Board in relation to applications for provisional premises licences regarding suitability. This will enable a pro-active approach to be adopted permitting applicants sufficient notice of any issues that may require to be addressed within premises prior to completing construction or renovation when it would be likely to be too late to incorporate changes into the design at the stage of confirmation.

Return to [Contents](#)

5. TEMPORARY LICENSING – OCCASIONALS AND EXTENDED HOURS

Occasional Licence applications:-

- Who may apply
- How Board makes decisions on applications
- Policy on longer-term use of Occasional Licences – pop-up bars,
- Provisional Premises licences
- Applicants to allow enough time, when making applications
- Information required from applicants:-
 - Details of event
 - Layout plans
 - Sufficient consideration of licensing objectives
- Use of “pool” conditions
- Shortened notice procedure

Extended Hours applications:-

- When applications may be made
- Policy on extended hours during Festival and festive times of year
- Information required from applicants:-
 - Description of event
 - Activities proposed
 - Reason for extended hours
- Examples of events where extended hours may be considered
- Applicants to allow enough time, when making applications
- Shortened notice procedure

Occasional Licence applications – [part 4 of 2005 Act](#)

5.1 An occasional licence authorises the temporary sale of alcohol on premises other than licensed premises. It may be applied for by:

- the holder of a premises licence
- the holder of a personal licence
- a representative of any voluntary organisation

To cover a period of up to 14 days.

5.2 The Board recognises the right of any person to object to an application for an occasional licence in terms of [section 58](#) of the Act. The Board's Scheme of Delegation ([Appendix 1](#)) sets out the basis upon which the Board will consider applications for Occasional Licences. The Board recognises that there are particular applications which, whether or not the subject of objections, require detailed consideration at a Board meeting, for example applications which are considered to be contentious or may have particular complications requiring further attention, or where there have been a significant number of sequential applications. Individual Board members or the Clerk may refer such applications to the Convener for further consideration and a final decision on whether or not to refer the application to the Board for a [section 59](#) hearing.

5.3 The Board is concerned to ensure that the availability of Occasional Licences as a short-term means of licensing premises is not abused. The Board is concerned that in some instances provisional licenses are being obtained and the premises are then trading on occasional licenses for periods in excess of a year, and sometimes significantly longer

Where premises are intended for long term use for the sale of alcohol, the Board expects applications to be submitted for provisional or premises licences. Where an operator obtains a provisional premises licence the Board recognises the availability of occasional licences as a means of providing short term cover for the sale of alcohol from premises which have been practically completed and give rise to no public safety concerns. This will allow the licence holder to secure appropriate section 50 certificates and obtain confirmation of the provisional premises licence. The Board expects licence holders to take all reasonable steps to secure confirmation as soon as possible and reserves the option to refuse applications for repeated occasional licences where there are concerns about the suitability of the premises, having regard to any of the licensing objectives and also having regard to the Board's general position on consecutive applications as set out below.

5.4 The Board consulted specifically on the use of Occasional Licences and the greater enforcement of referring repeated applications to the Board for consideration. The Board has agreed that where applications for Occasional Licences are received for a continuous trading period of more than three months or alternatively more than six consecutive applications, then such further applications will generally be referred to a meeting of the Board for determination unless an exceptional case has already been made. These exceptional cases (eg. listed buildings) will be determined on a case by case basis.

Applicants should therefore be mindful that there could be a period of time at the end of an occasional license and before any consideration by the Board of a further application. This period will be unlicensed and alcohol display or sales would not be permitted. Applicants are therefore encouraged to apply early if they anticipate needing to continue with sequential occasional licenses beyond 3 months. The Board is not responsible for any 'gap' period between licenses if it is due to referral to the Board after 3 months.

5.5 Event organisers are encouraged to provide as much notice as possible of their event

to the Board. The minimum period for consideration to be given to an application is 28 days. This is to allow publication of details of the application on the Board's website for a continuous period of 7 days and notification of the application to the Chief Constable and LSOs. The Chief Constable has 7 days to respond and LSOs have 21 days to decide if they wish to submit a notice or report. The Board expects applicants to provide layout plans for outdoor areas in support of their applications and in any other case where there is likely to be any doubt over the extent of the premises for which the licence is sought.

Where there are a series of events requiring an occasional license by the same Premises, each time period requires a separate license application but these can be submitted together as a group.

5.6 The Board recognises that the Act allows for applications to be dealt with on a shortened timescale, where the Board is satisfied that the application requires to be dealt with quickly. Where applicants wish to apply on this basis, the Board would expect applicants to provide a written submission as to why the shortened timescale should be agreed. The Board expects that applicants seeking the relaxation of the timescale requirement would be able to demonstrate that there are exceptional reasons for doing so. Consideration of reasons will be dealt with in terms of the Scheme of Delegation at [Appendix 1](#).

The Board has noted comments provided during consultation about the shortened notice procedure for applications, and has expressed its own concerns about the use of this facility by applicants. The Board agrees that requests will only be considered where applicants have provided detailed written submissions relevant to the notice period along with the application and in the absence of such information, normal notice procedures will be applied.

5.7 The grant of an occasional licence will be subject to the [Mandatory Conditions set out in Schedule 4 of the Act](#). These are detailed in [Appendix 9](#) to the policy.

5.8 An applicant for an occasional licence must demonstrate that they have made adequate provision to fulfil the requirements of the licensing objectives and in particular the objectives relating to securing public safety and the protection of children and young persons. This might include supervisors at entrance and exit points, public notices regarding the rules relating to the entry of children and young persons to an event and adequate delineation of the area for the sale and consumption of alcohol by means of a barrier. Appropriate conditions in terms of [section 60](#) of the Act will be attached by the Board to any occasional licence issued and the Board will take a very serious view of any breaches of conditions attached.

Following on from the above and as part of the consultation process, Police Scotland and Council's LSOs provided a set of "pool" conditions to be attached to occasional licences, covering the conditions regularly requested by police and LSOs. The Board was of the view that the benefit of agreeing a set of "pool" conditions is that applicants and all other interested parties have a better understanding of the conditions which are likely to be requested by statutory consultees. After consideration of consultation responses the Board agreed the conditions set out at [Appendix 8](#) as appropriate local conditions which may be attached to Occasional Licences in terms of [section 60](#) of the Act as the Board consider necessary or expedient for the purposes of any of the licensing objectives. In addition to these the Board may attach other conditions to occasional licences as also considered necessary or expedient for the purposes of the licensing objectives.

5.9 In order to ensure that the objective of securing public safety is addressed the Board

will circulate relevant applications for occasional licences to the Council's Place Directorate (Building Standards Section) and request reports highlighting matters which the Board may need to take into account in its consideration of the application.

5.10 Extended Hours applications – [Part 5 of 2005 Act](#)

Extended hours applications allow for an extension of licensed hours and operate only for a period of up to one month. If the Board receives a number of applications to extend licensed hours it will expect the applicant to consider whether an application should be made to vary the premises licence and operating plan, or to explain why this is not appropriate..

The Board discussed with interested parties during its pre consultation exercise about the use of extended hours applications by licence holders. The Board's extended hours policy for festive and festival periods (referred to in more detail at [Chapter 11 Hours Of Trading](#) below) was highlighted by police in particular, as an example of generous licensing hours during those periods.

Consultees were generally in agreement that a consistent approach to consideration of extended hours applications would be preferable. Trade representatives highlighted the potential for grant of applications where there is no inconsistency with the licensing objectives.

It was also discussed during consultation what constitutes an event of national or local significance and/or what information the Board would expect applicants to provide in support of events hosted on premises where extended hours are applied for.

5.11 Accordingly the Board has now updated this Chapter in the following terms:-

Applications for Extended Hours can be considered by the Board in respect of (i) a special event or occasion to be catered for on the premises and (ii) a special event of local or national significance.

Whilst Festival/Festive extensions detailed in [Chapter 11](#) allow for an additional two hours of trading, the Board will consider on a case by case basis whether any other application should be granted for similar extended hours for one hour only. Views were also sought on whether additional annual events should come under "seasonal hours". However due to the limited level of demand for extensions for other dates, no changes were proposed.

Having regard to the above, the applicant will be required to satisfy the Board that the hours sought are appropriate in the circumstances of the application. Accordingly in order to assist the Board in making a decision, applicants will require to provide the Board with comprehensive information including a description of the special event or occasion, the activities and times proposed, and the reason for the event or occasion requiring extended hours.

In addition to the above, when considering applications made in connection with special events or occasions to be catered for on the premises and special events of national or local significance the Board provides the following as indicative of the type of events which are generally considered by the Board to be examples of such events:-

- i) Special Events or occasions to be catered for on the same premises :-
 - weddings and other celebratory occasions
- ii) Special events of local or national significance:-

- Burns Night
- St Andrew's, St Patrick's
- Edinburgh Pride
- Six Nations Rugby dates
- Televised Major Sporting Events where coverage is provided beyond normal licensed hours, such as Football and Rugby World Cups, Olympics, Superbowl

The above list is indicative only and the Board will continue to consider individual applications for Extended Hours on their merits.

5.12 The Board may make a determination under [section 67](#) of the Act to extend licensed hours to enable premises to remain open longer for certain special occasions or large public events. In addition to consulting the Edinburgh Licensing Forum the Board will give notice to the LSOs and to the Chief Constable and will request observations on the issues of crime prevention, public safety and the protection of children and young persons in particular. It will notify its determination to the Chief Constable, to holders of licences and other relevant parties and will take appropriate steps to publicise the determination as widely as necessary.

5.13 Applicants are encouraged to provide as much notice as possible and similar to occasional Licences, the Board would expect submission of applications at least 28 days in advance. As with applications for occasional licences as set out above, the Board recognises that the Act allows for applications for extended hours to be dealt with on a shortened timescale, where the Board is satisfied that the application requires to be dealt with quickly. Where applicants wish to apply on this basis, the Board would expect applicants to provide a written submission as to why the shortened timescale should be agreed. The Board expects that applicants seeking the relaxation of the timescale requirement would be able to demonstrate that there are exceptional reasons for doing so. Consideration of reasons will be dealt with in terms of the Scheme of Delegation at [Appendix 1](#).

As with the comments set out in connection with shortened notice period for occasional licence applications above, the Board agrees that requests will only be considered where applicants have provided detailed written submissions relevant to the notice period along with the application and in the absence of such information, normal notice procedures will be applied.

Return to [Contents](#)

6. HOW THE BOARD CONSIDERS APPLICATIONS

Importance of the licensing objectives in the applications process.

Details of the potential impacts Board will assess, when considering applications.

Use of antisocial behaviour reports.

Decision-making process.

6.1 In assessing the following matters, the Board will have regard to the licensing objectives and will expect applicants to pay similar regard to their terms as set out in [Chapters 21 – 26](#) below. The Board will also have regard to any reports on whether an applicant is a fit and proper person to hold a licence.

6.2 When considering whether any licence should be granted, the Board will assess the likelihood of the grant having an adverse impact. The Board will take into account relevant matters including :

- the nature of the premises, activities to be carried on and whether amplified music will be played
- the potential number and profile of the customers likely to attend the premises
- the proposed hours of operation
- whether children and young persons are to be admitted to the premises and the arrangements made for them
- the means of access to the premises including the location and adequacy of customer entrances and exits
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by them and by premises' staff at the end of the evening
- the likely level of car parking and delivery vehicle demand on principal roads and surrounding residential streets in comparison with the existing situation, its effect on local residents and on residential parking and emergency access
- the provision of toilet facilities and ventilation of the premises

The Board recognises that the level of control which applicants and licence holders will have on transport and parking considerations above may be limited, but expects these matters to be considered by applicants and licence holders.

6.3 Where it is possible to take steps to mitigate or prevent any potential impact the Board may still be able to grant a licence subject to conditions; each case will be considered on its merits.

6.4 When considering any application for premises, which have been previously licensed, or in any review of an existing licence, the Board will take into account the impact on local residents as borne out by any history of complaints and investigations into these and the antisocial behaviour report made available by the Chief Constable. The Board will also consider measures put into effect by the applicant previously to mitigate any adverse impact.

6.5 It is the Board's intention to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.

6.6 Decisions on licensing matters will be taken in a transparent manner and in accordance with an approved scheme of delegation, aimed at underlining the principles of timely, efficient and effective decision making.

6.7 Delegations will be made by the Board in accordance with the Act. A table setting out how the Board intends to delegate its various licensing functions comprises [Appendix 1](#) to this statement.

6.8 The Board will be required to publish annual functions reports (published [online](#)). The exercise of delegated functions may be considered for inclusion in these reports.

6.9 The Board will normally meet in public session, although in exceptional circumstances members may retire into private session to consider their decision. The Convenor may also consider hearing an application in private if an applicant's personal sensitive information is likely to be discussed, with agreement from Board members.

All decisions will be delivered by the Convener in public.

Return to [Contents](#)

7. ATTACHING CONDITIONS

Details of mandatory conditions for premises licences.

Use of local conditions:-

- amplified music and vocals
- Remove: ATM (no longer relevant considering current popular payment methods / use of smart devices)
- Toughened glassware
- Takeaways/deliveries

7.1 The mandatory conditions attached to all premises licences are referred to in [Appendix 10](#). The Board expects premises licence holders to ensure that sufficient arrangements are put in place to ensure adherence to the Mandatory Conditions, and, in relation to premises operating later hours beyond 1.00am, the Late Night Conditions set out in the schedule to the [Licensing Conditions \(Late Opening Premises\) \(Scotland\) Regulations 2007](#) (also referred to in [Appendix 10](#)).

The Board notes mandatory conditions include the requirement for licence holders to ensure payment of annual premises licence fees on time, every year. ([link to reviews section](#))

7.2 Where relevant representations are made, the Board will make an objective judgement as to whether other conditions may need to be attached to a licence to secure achievement of the licensing objectives. Any such conditions will be consistent with [section 27](#) of the Act. Any conditions arising as a result of representations will primarily focus on the impact of the activities taking place at the licensed premises, on those attending the premises and members of the public living, working or engaged in normal activity in the vicinity of the premises, and will cover matters that are within the control of the licenceholder. In particular where the operating plan indicates that music is to be played in premises, the Board will always consider the imposition of a condition requiring that amplified music from those premises shall not be an audible nuisance [[link to glossary term explaining what audible nuisance is at appendix 6](#)] in neighbouring residential premises.

7.3 The Board continues to support the use of toughened glass and other recognised safety products particularly in late opening premises (nightclubs), though recognises premises take appropriate steps in this regard.

The Board acknowledges that the use of toughened glass or other recognised safety products can play a vital part in reducing the number of glass related injuries. The Board will continue to consider the possibility of the imposition of a condition in relation to the use of toughened glass particularly in late opening premises operating after 01.00 hours where the Board is of the view that such a condition is necessary or expedient for the purposes of the licensing objectives.

Such a condition may include reference to:-

- i) all drinks should be served in toughened glass or other recognised safety products, and
- ii) no conventional glass bottles whether open or sealed, should be given to customers , whether at the bar or by staff service to any area away from the bar.

7.4 The existing policy on amplified music in licensed premises was consulted upon in 2016. The Board will continue to monitor the effectiveness of this part of the policy. Following consideration of consultation responses, the Board has agreed the current policy will remain unchanged, and an evaluation and review of the policy will be undertaken within the tenure of the current Board.

7.5 Where premises offer takeaways or deliveries, the Board will consider the use of a condition requiring that alcohol sales are only to be with the provision of food

7.6 The Board recognises that all applications should be considered on their own merits. Any condition attached to a licence will be derived either from the licenceholder's operating plan or a representation and will be tailored to each individual premises.

7.7 The Board understands applicants may offer to make adjustments to their license application to address concerns relating to the licensing objectives and points raised in deliberation by the Board. Objectors may also request adjustments in order to address their concerns. Board members can consider all of these in making a determination.

7.8 If an applicant volunteers a prohibition or restriction in their operating plan because their assessment has determined such prohibition or restriction to be appropriate, such prohibition or restriction if adopted by the Board will be attached as a condition of the licence and will be enforceable as such.

Return to [Contents](#)

8. ASSESSMENT OF OVERPROVISION

This section sets out information about how overprovision is determined by the Board. It contains details about:-

- The Board's consultation on overprovision
- The evidence considered by the Board in support of overprovision
- The Board's assessment of overprovision and details of the localities designated as being overprovision localities
- The impact of the Board's overprovision assessment
- General details about the Board's approach to overprovision in all other localities

The Board has agreed to carry out a separate consultation on its assessment of overprovision, to form the subject of a Supplementary Statement of Licensing Policy. The Board is working towards a six month timeline, with the Supplementary Statement to be included in the new policy by Spring 2024.

The current Assessment of Overprovision as set out in this Chapter will continue to form part of the Board's Statement of Licensing Policy.

8.1 How overprovision is determined

Overprovision of licensed premises in a particular locality impacts on the promotion of the licensing objectives.

Under the Act, the Board's policy must include a statement of the extent to which it considers there is overprovision of (a) licensed premises, or (b) licensed premises of a particular description in any locality in the Board's area.

Any consideration of a locality (a) must have regard to the number and capacity of licensed premises in the locality and (b) may have regard to such other matters as it thinks fit, including licensed hours of premises in the locality. Details are set out in [section 7](#) of the Act. The Board also require to have regard to the [guidance](#) issued by Scottish Government, and in preparing its assessment of overprovision the Board also considered draft updated guidance provided by Scottish Government. The Board recognised the latter was still to be formally adopted but noted it took account of changes to legislation the earlier guidance did not.

8.2 Details of the consultation carried out by the Board

Informal consultation

The Board carried out an [initial consultation](#) on its policy between October and December 2017, inviting comment on the overprovision assessment contained in that policy which defined the Grassmarket/Cowgate as being an overprovision locality, and on whether any other localities in the Board's area showed signs of being overprovision localities. The Board conducted hearings on responses received, and hosted a workshop on the general subject of overprovision.

Formal consultation

The informal consultation revealed a number of potential overprovision localities highlighted by the Edinburgh Alcohol and Drugs Partnership, Police Scotland and NHS Lothian. The Board obtained information about numbers, capacities and descriptions of premises situated within these localities, as well as for the Grassmarket/Cowgate locality defined in the previous policy.

The Board agreed to carry out a [formal consultation](#) on these localities and on whether the Grassmarket/Cowgate locality should be retained. As part of the consultation, the Board asked for views on whether its assessment of overprovision should be based on IDZ boundaries, or whether the boundaries should be street-based.

The previous policy highlighted 7 localities which were considered to be areas of serious, special concern and the Board also invited comment on whether these should be retained in the new policy statement.

Throughout the consultation process the Board encouraged contributions from as wide a range of consultees as possible and gave detailed consideration to the responses received at all stages of the process.

Details of the Board's consultation on overprovision are set out in detail in reports to the Board, which can be [viewed online](#).

8.3 Evidence considered by the Board

During the initial consultation, the Board was asked to consider 23 localities highlighted by the EADP, Police Scotland and NHS Lothian as showing characteristics of overprovision, on the

basis of statistical information provided in support of these localities. The localities were defined on the basis of being Intermediate Data Zones (IDZ), with statistical information for each showing alcohol-related health harms and alcohol-related crime to be above the Edinburgh average, by 50% or more.

NHS Lothian also asked the Board to consider a further 15 IDZ localities where alcohol-related hospital admissions were above the Edinburgh average by 20% or more.

The Board's formal consultation proceeded on the basis of the 38 localities as well as the existing Grassmarket/Cowgate overprovision locality, the Board having obtained information about numbers, capacities and modes of operation of premises in each of these localities.

8.4 The Board's Assessment of Overprovision

Following a detailed consideration of the responses to the formal consultation, and information provided about the numbers, capacities and modes of operation of premises in the localities consulted upon, the Board considered it was satisfied that a dependable causal link could be demonstrated between alcohol-related health harms and alcohol-related crime and the number and capacity of licensed premises in the following localities, as defined by IDZ boundaries:-

- Old Town, Princes Street and Leith Street
- Tollcross
- Deans Village
- Southside, Canongate and Dumbiedykes

The Board reached this decision having particular regard to the evidence presented by EADP, Police and NHS Lothian about the extent of alcohol-related crime and health harms in these localities, and also made use of its local knowledge about these localities. Layout plans showing the extent of these localities are attached at [Appendix 2](#).

8.5 Impact of Overprovision Assessment

The effect of the Board's policy, in terms of the statutory guidance, is to create a rebuttable presumption against the grant of new premises licences, provisional premises licences and major variations to increase capacity of premises in these localities. This is all in terms of the grounds of refusal as set out in [section 23\(5\)\(e\)](#) and [section 30\(5\)\(d\)](#) of the Act.

Each application still requires to be determined on its own merits and it remains open to applicants and licence holders to present applications for consideration on their merits, providing evidence in support of their applications, to rebut this presumption against grant.

Accordingly the Board recognises that there may be exceptional cases where the Board determines applicants have been able to demonstrate that the grant of the application would not undermine the licensing objectives or that those objectives would not be undermined if the applicant's operating plan were to be modified or the grant of the licence made subject to appropriate conditions.

Relevant factors which may be considered by the Board include applications which fill a gap in existing service provision, or are considered to enhance the quality of life for residents and visitors alike.

8.6 The Board's approach to Overprovision in all other localities

The Board has taken cognisance of information provided in responses to the consultation process, detailing concerns regarding the numbers of licensed premises available in the Board's area. Where applications for new premises and provisional premises licences or variations to increase capacity of existing licences are made, the Board continues to reserve the option to refuse applications where it considers the statutory grounds of refusal are made out. This will include consideration of overprovision as a potential ground for refusal, even if the premises are not situated within one of the localities set out in 8.4 above.

The Board agreed it would no longer designate particular localities as being areas of serious, special concern. If the Board considers there may be overprovision arising from the grant of an application, it will call for reports showing the extent to which there are licensed premises within a locality generally identified as comprising a circle with 250 metre radius centred upon the location of the premises, together with a report providing details of existing licensed premises within that locality.

8.7 The Board continues to acknowledge that public nuisance and overall levels of disturbance arising from the density of licensed premises in a locality are likely to be increased, where particular premises are of a size enabling a very large number of patrons to be inside at one time. The Board continues to have a particular concern about large drinking establishments, which are used primarily for the sale and consumption of alcohol and provide little or no seating for patrons.

The Board defines these premises as those with a capacity for 200 or more patrons, whether seated or standing at any particular time.

8.8 The Board would remain concerned if evidence was presented in connection with a large premises of the following matters:

- noise and disturbance on the streets on several nights during the week and particularly at weekends
- high levels of bad behaviour in public places, particularly at night, with much of it being associated with excessive drinking of alcohol
- high numbers of pedestrians on the pavements which spill on to the roads
- high volumes of litter associated with fast food outlets
- fouling of doorways, alleys and private gardens and courts by urination and vomiting
- difficulty in providing and maintaining adequate street cleaning and refuse collection services
- traffic congestion caused by dropping off and picking up people at licensed premises
- long queues and long waiting times at taxi ranks which contribute to nuisance
- disorder and occasionally crimes of violence
- the views of a significant proportion of the public who avoid areas in the vicinity of large premises because of the fear of crime and disorder.

8.9 The Board also remains concerned at the high number of existing off-sales premises and will continue to examine any applications for more such licences to assure itself that the application will not undermine the licensing objectives having regard to the above approach.

8.10 The Board will continue to monitor the effectiveness of its overprovision policy, recognising that it may be necessary to publish a supplementary statement of licensing policy, in the event that there is a need for a further assessment of overprovision in the Board's area

Return to [Contents](#)

9. CAPACITY OF PREMISES

How capacities are set – Council's Building Standards involvement:–

- on sales – numbers of persons
- off sales – linear metres of display shelving

Details of what Board expects applicants to consider, when setting capacities

Control measures, for on sales premises

Details required by the Board, for layout plans

9.1 The Board has maximum occupancy limits set by building standards officers from the City of Edinburgh Council's Place Directorate for the purposes of assessing overprovision. In most circumstances the Board would expect this capacity to represent a practical occupancy capacity acceptable to applicants so as to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are additional concerns about crime and disorder or public nuisance or any of the other licensing objectives, the Board may consider setting a lower maximum occupancy limit than that recommended by officers.

9.2 The Board will expect applicants to consider various factors when assessing the appropriate capacity for premises or events. These include:

- the design and layout of the premises
- the location, availability and size of entrances and exits, including particularly emergency exits
- the nature of the premises or event
- the nature of the activities being provided, including the noise in the neighbourhood
- the provision or removal of temporary structures such as a stage or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- the availability of suitable and sufficient sanitary accommodation
- the nature and provision of facilities for ventilation.

9.3 The Board will expect the operating plan of premises with a capacity of 200 or more patrons, whether seated or standing, to designate all parts of the premises as either seated or standing areas, as part of their description of the activities engaged in at their premises.

9.4 The determination of a capacity for premises or events should be interpreted as a requirement to ensure an adequate supervision of the premises at all times. There should be constant arrangements to verify the number of persons present, such as door staff or attendance clickers. The Board requires large capacity premises to ensure that door supervisors are particularly vigilant about numbers entering or leaving the premises, denying entry to those who are drunk or disorderly on arrival. Where the capacity is likely to be reached, such as on known busy evenings and particularly where a special event or promotion is planned, licenceholders will be expected to have additional arrangements in place to ensure that the capacity of the premises is not exceeded.

The Board encourages licenceholders for large scale capacities and events in premises to have regard to the guidance set out in "Technical Standards for Places of Entertainment". [link to be provided]

The Board considers that the most appropriate means of assessing off-sales capacity is by means of reference to measurement of shelving space in linear metres, as provided in the [Scottish Government guidance](#). The Board continues to expect licence holders and applicants seeking licences providing off-sales to specify the capacity in the operating plan, in linear metres.

9.5 Each case will be considered on its merits but the Board will consider very carefully the type, size and capacity of licensed premises in the particular locality in respect of which the application is made.

Return to [Contents](#)

10. HOW PREMISES OPERATE

What the Board expects of premises managers

What management arrangements should be in place in premises?

Policy on “duty to trade”

Requirement for premises to operate in accordance with operating plan

Policy on transfer applications

10.1 Within the operating plan for premises on which alcohol will be sold, a premises manager must be specified. The Board will expect the premises manager to have the day to day responsibility for running the premises and to be present at the licensed premises on a regular basis when alcohol is being sold. The Board expects that there will be in place appropriate arrangements for monitoring by the premises manager and details of these arrangements should be recorded in the operating plan. The premises licenceholder is expected to ensure that the premises manager has experience commensurate with the size, capacity, nature and style of the premises.

10.2 The premises manager must hold a personal licence, to ensure compliance with the [mandatory conditions](#) of premises licences, and the prohibition on the sale of alcohol at any time when there is no premises manager in respect of the premises. The Board will hold a hearing to consider a review application or proposal whenever such non-compliance comes to its attention.

10.3 Within all licensed premises, whether or not alcohol is to be sold, the Board will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained persons on the premises and will also ensure compliance with all statutory responsibilities and the terms and conditions of the premises licence. The Board encourages licence holders to ensure so far as possible, that there are arrangements in place for safe homeward travel for staff, particularly late at night.

10.4 The Board acknowledges that need, in the sense of the commercial demand for further licensed premises, is not a licensing policy matter. Licensing decisions will not therefore be based upon this issue. The issue of overprovision of licensed premises is dealt with elsewhere in this policy.

10.5 The Board has considered the issue of whether a licence holder is under a duty to trade. It has also considered the terms of [section 28](#) of the Act stating that a premises licence ceases to have effect where the premises cease to be used for the sale of alcohol. It is aware that on one interpretation this could be read as requiring an application for a new premises licence in the situation where premises have ceased to trade and are being actively marketed for sale.

The Board will take into account factors such as the continued payment of annual premises licence fees and any additional information provided by LSOs regarding the operation or otherwise of premises. The Board will also take account of factors such as the duration and reason for closure where these are known, with a view to then deciding whether or not to review the premises licence.

Where the premises are situated in a locality where the Board is assessing overprovision these factors will also be relevant.

10.6 Where it comes to the attention of the Board that the activities in any licensed premises are not in accordance with the operating plan, the premises licence holder should be asked to explain why not and, if appropriate, make an application to vary their premises licence. Failing this the Board may advise the premises licence holder that the Board intends to review or revoke the licence by means of a review proposal. Where the licence holder determines to abandon activities specified in the operating plan or otherwise changes the nature of the business conducted in premises, the Board considers that a variation of licence is essential to ensure compliance with the Mandatory Conditions.

The Board notes LSOs carry out inspections of premises from time to time to ensure compliance with operating plans, and will consider the terms of LSO reports when these are brought to the Board's attention.

10.7 The Board expects those involved in arranging the transfer of a premises licence to adhere to the timescales laid down by the Act. In particular, with regard to transfer applications made by a person other than the premises licence holder in terms of [section 34](#) of the Act, the Board expects applicants to ensure that their applications are lodged within the 28 day period specified in terms of section 34(1), and continues to emphasise the importance of this timescale. Where the application is made on the basis of the business carried on in the licensed premises having transferred (in terms of section 34(3) (d)) the Board expects applicants to be able to demonstrate to the Board the basis upon which the business transfer has been effected. Where the statutory timescale within which a section 34 transfer application may be made has expired and the premises licence has ceased to have effect or ceased to be capable of transfer, the Board will consider taking steps to have the premises licence reviewed, with a view to revocation.

For the avoidance of doubt, where a licence is held by a company or partnership and the company or partnership is subsequently dissolved, this will not be considered of itself to provide a basis in terms of section 34 for transfer of the premises licence.

Return to [Contents](#)

11. HOURS OF TRADING

Policy on trading hours, for sale of alcohol

Factors the Board will consider, when deciding on appropriate licensed trading hours

Policy sets out indicative trading hours for different types of premises

Policy on seasonal variations, during:-

- Edinburgh Festival period
- Christmas/New Year period

Factors to be considered by licence holders, for the operation of premises around closing time

Policy on access by children and young persons to licensed premises

11.1 This section primarily relates to premises where alcohol is sold with or without any other licensable activity. Reference is made to [Chapter 12](#) of this statement of policy which relates to licensed hours for sales of alcohol for consumption off the premises. The Board expects that all applicants for all types of licensed premises will consider hours of trading to be an important issue when preparing their operating plans.

11.2 In determining its approach to the hours of trading, the Board has given full consideration to what is stated in the National Guidance [[link to National Guidance](#)]. In particular, the Board has noted the Guidance that in considering applications for licensed hours Boards may wish to consider applications for up to 14 hours as being reasonable but local circumstances and views of local licensing forums should always be considered.

11.3 The Board recognises the importance of taking into account all the statutory licensing objectives laid down in the Act in its assessment of any application for a licence, including consideration of the hours of trading. In addition, the Board is aware that there is a strong view in some areas against allowing later opening of licensed premises. This view is particularly strong in mixed residential and commercial areas or where there is limited public transport options at the proposed closing time.. The Board recognises that when considering appropriate licensed hours for applications then consideration will require to be given to the specific location of the applicant premises on a case by case basis.

11.4 The Board will consider a restriction on opening hours as one mechanism of combating antisocial behaviour, if appropriate either with new applications in affected locations, or in requests for major variations to existing licenses.

11.5 The Board recognises the value and necessity of a level playing field when determining hours of trading. In its experience the granting of extended hours in recognition of a particular style of trading merely leads to trade competitors adopting the same arguments in seeking similar hours and a process ensues which leads to the extended hours becoming the norm. The Board is anxious that this should not happen in Edinburgh.

The Board sought views during consultation on this policy as to whether the Board's previous approach to licensed hours citywide remained appropriate or should be reviewed.

Mixed responses were received to this aspect of the consultation with trade representatives generally in favour of the current position and some community and other consultees including Police Scotland favouring the application of different licensed hours across the city..After due consideration the Board remains of the view that the following periods of opening hours are reasonable, and balance the differing expectations of the trade and public. The Board is also aware that the hours set out below could allow for up to 16 trading hours but this would be considered on a case by case basis.

However taking cognisance of the position set out in the Board's previous policy, the Board continues to feel that for historic reasons it should depart from the Guidance. Moreover although on balance the Board is satisfied that it should adhere to the current licensed hours, set out below, the Board are mindful of the licensing objectives which underpin this policy and the Board's decision making. Accordingly the Board will continue to monitor the effectiveness of the current policy and would emphasise that whilst having regard to the indicative hours set out in its policy when considering applications, each application will be determined on its individual merits.

11.6 Opening hour - every day

- off sales premises: 10am
- all other premises: 9am (except Sundays when the opening hour will be 11am)

Terminal hour – every day

- off sales premises: 10pm
- licensed premises: 1am
- licensed premises offering restaurant facilities, and those offering entertainment: 0300 (except adult entertainment –1am and casinos – 6am) and members' clubs
- premises licensed for casino operation: 6am

(The Board is seeking up to date information on the differentiation between earlier and late night closing premises, for the purposes of considering the terms of paras 11.6 and 11.7)

11.7 The Board recognises that during certain periods further extensions of the terminal hour would be appropriate. Accordingly, during the period of the Edinburgh Festival and Fringe as set from year to year, and during the Christmas and New Year period (**20 December to 2 January** in each year) a 2 hour extension to the usual terminal hour of the premises concerned is regarded as acceptable in the normal course of events.

However this will only apply where the operating plan for particular premises contains a statement of intention by the licenceholder to take advantage of extended trading in these periods. Where the operating plan for premises does not indicate an intention to take advantage of extended trading an application for those premises seeking extended hours for the period will have to be made and this will have to set out the specific days and hours when trading is intended. This period may include days when there are preliminary performances preceding the commencement of the full Fringe programmes.

11.8 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments.

The Board will expect license holders to be aware of the impact on local residential properties, and any police concerns over ASB etc will be considered alongside applications for new or adjusted provision in particular areas of concern.

11.9 The following issues should be considered:

- the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance, public health and children and young persons
- the proposed hours when any music, including incidental music, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- the existing hours of licensable activities and the past operation of the premises if any and hours of licensable premises in the vicinity
- **whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night – this is something the Board received detailed representations on as part of its consultation**
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music for dancing, provide late night refreshment or takeaway food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas or other performance venues

- The hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

11.10 When preparing operating plans applicants should give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before the end of the permitted hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left licensed premises. In addition patrons may be inclined to leave the premises spasmodically in small groups on a gradual basis rather than simultaneously.

11.11 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property or where the trading hours of the premises and competing businesses are likely to lead to undue pressure on public transport systems or additional public nuisance, disorder or anti social behaviour and where licensed premises include external areas. Where the whole circumstances of particular premises dictate, including promotion of the licensing objectives, the Board will consider restricting the opening hours so that an earlier terminal hour will apply or a specific restriction on outdoor drinking and dining. The Board may impose different restrictions on hours for different licensable activities and for different days of the week.

11.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises.

11.13 Where no relevant representations are received from either a responsible body or any interested party and there is no departure from the Board's adopted policies, the Board will consider granting an application in accordance with the terms of the operating plan

11.14 The Board believes that by adopting an approach which is sufficiently flexible, it is possible to ensure that:

- all areas of the city, its businesses and residents will be treated equitably and arbitrary restrictions will be avoided
- restrictions on the hours of trading will only be applied where this is necessary in order to promote the Board's policy and the licensing objectives
- restrictions are not placed on hours of trading which may contribute to rapid binge-drinking near closing time.

11.15 Access by Children and Young Persons to Licensed Premises

As part of the Board's consultation process the Board sought views as to whether the Board should consider stating a terminal hour for children and young persons' access to licensed premises having regard to the licensing objective of protecting children and young persons from harm.

The Board has already set out clear expectations to premise licence holders of the ways in which the Board considers licence holders may demonstrate that their premises promote the protection of children and young persons from harm as further referred to below.

The Board regularly visits premises where applicants are seeking access or increased access for children and young persons to assess their suitability prior to considering applications on a case by case basis. Further details in this regard and the other suggested control measures agreed by the Board are set out at [chapter 26](#) of this policy.

The Board has taken into account the responses to the consultation which, although generally favouring the Board's continuing approach to applications being determined on a case by case basis, also support the view that the Board should agree an indicative terminal hour for children and young persons' access to licensed premises.

Accordingly the Board, taking account of its previous approach to hours, and that each application will be considered on its individual merits, agrees that an indicative terminal hours for children and young persons' access to licensed premises will be as follows :-

Children –

- 11pm
- 1am when attending a private function on the premises and accompanied by an adult

Young Persons –

- 1am

The Board expects applicants and licence holders to ensure full details are set out in operating plans to indicate times when children and young persons will require to be accompanied by a responsible adult, the areas of the premises to which they will be permitted access and where not permitted, and to take due account of the licensing objectives and in particular the protection of children and young persons from harm ([link to objectives](#))

Following consultation with young people on the licensing policy, the Board also encourages premises to provide information on their Children & Young People access at the entrance, alongside other signage such as the licensed hours and Challenge 25. This should specify if/when young people are allowed access unaccompanied for light refreshments/food.

Return to [Contents](#)

12. OFF-SALES

Requirement for applicants to consider licensing objectives

Display of alcohol in premises – mandatory conditions, layout plan requirements

Policy on licensing hours

Circumstances when CCTV system may be required in premises

12.1 Applicants for licences for premises which are to be used for the sale of alcohol for consumption off the premises will be expected to address the five licensing objectives in their operating plan.

12.2 The Board is concerned to ensure that all possible steps are taken in this area to promote the licensing objectives. It will ensure that the regulations concerning display of alcohol for consumption off the premises are observed in the layout of premises. The Board will monitor developments in the area of test purchasing and will take appropriate action as part of its wider alcohol agenda.

12.3 With regard to the licensed hours for the sale of alcohol for consumption off the premises, they are as laid down in the Act between 10am and 10pm each day. There is no discretion to permit licensed hours outwith these times. The Board may take the view in particular circumstances that the permitted terminal hour of 10pm should be restricted. Reference is made in this connection to [Chapter 11](#), which refers to the policy on opening hours of licensed premises and also to the provisions of the Act at [section 65](#). Each case will be taken on its merits, considering all the licensing objectives, in particular those relating to crime, children and young persons, public health and public nuisance. The Board is concerned to promote best practice in this area and will consider most carefully whether late opening hours are justified. Reference is made also to [Chapter 24](#) of this policy relating to public nuisance.

12.4 The Board will insist on certain premises licensed to sell alcohol for consumption off the premises installing an effective CCTV system covering both the interior and exterior of the premises complying with current legislative requirements, where this is considered to be necessary. Reference is made to [Chapter 22](#) of this policy relating to the prevention of crime and disorder objective.

Return to [Contents](#)

13. OUTSIDE AREAS

Use of areas outside licensed premises:-

- policy on terminal hour for outdoor drinking
- use of tables and chairs – Council Tables and Chairs Permits
- Council Protocol on the use of public open space areas
- Licence holders to ensure clearly marked out layout plans
- Temporary/semi-permanent structures

13.1 The Board recognises the growing trend for outside seating areas in licensed premises. It will expect any licenceholder who intends to provide outside seating, tables and chairs or other such facilities to hold a premises licence which includes the outside area. These areas should be shown on the required plan of the premises and will be taken into account in the overall assessment of capacity, particularly in relation to exits and sanitary facilities.

13.2 When applicants propose to provide outside seating, tables or other facilities in any outdoor area, whether covered or not, they will be expected to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity.

The Board is of the view that 10pm is the appropriate terminal hour for the operation of outside areas. This is also the terminal hour for sales for consumption off licensed premises. In non-residential areas during festive and Festival periods the Board recognises that premises licence holders may wish to operate outside areas to a later time.

13.3 The Board will give consideration to a later terminal hour in appropriate circumstances, having regard to the locality of premises, their proximity to residential areas, and subject to the licence holder obtaining the necessary [tables and chairs permit](#) from the Council. The Board will consider a degree of flexibility for certain days of the week and times of year after careful consideration of the circumstances.

13.4 The Council operates a scheme whereby a permit may be obtained under the [Roads \(Scotland\) Act 1984](#) allowing an applicant to occupy the footway with tables and chairs. The Board expects that licenceholders will not only comply with any conditions of such a permit in respect of the tables and chairs but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity. The commencement and terminal hours of operation granted by the Board will normally reflect the times set out in the permit issued by the Council.

The Council has adopted a Protocol for the use of outdoor areas, agreed by the Council's Transport and Environment Committee on 9 March 2018 and the Board will have regard to this. Details of the Protocol are provided on the Council's [website](#).

13.5 Given that the regulatory authority for tables and chairs permits is the Council, the Board's ability to deal with complaints is limited. Where specific difficulties arise as a result of complaints with regards the use of tables and chairs, the board will consider referral of the complaint to the Council's Environmental Wardens for consideration of restriction or removal of the permit.

13.6 The Board may decide to visit premises which apply to offer outside seating areas and will monitor all such operations carefully. The Board recognises that the proliferation of outside areas is a matter of public concern and will take a robust line with any licence holder in breach of a condition of a premises licence relating to the external area.

13.7 The Board encourages licence holders and applicants to ensure that layout plans attached to premises licences provide a clear delineation of outside areas intended for use with the premises, whether licensed for the sale of alcohol or not.

13.8 Temporary structures such as marquees and tents, which provide fully covered outdoor areas are considered to be 'outdoor space' for the purpose of consideration of hours of operation (including seasonal hours) and licensing objectives. Therefore, the policy guidance of 10pm terminal hour would apply, although applications for later terminal hours will be considered on an individual basis.

The application of seasonal hours which permit 2 hour of additional opening, do not automatically apply to outdoor drinking areas which would continue to fall under the 10pm policy guidance. However, requests for beyond 10pm can be considered by the Board on a case by case basis.

13.9 Reference is made to [Chapter 24](#) of this policy relating to the public nuisance objective.

Return to [Contents](#)

14. USE OF SMOKING AREAS, DISPOSAL OF WASTE

Responsibilities of licence holder to control the use of smoking areas

Possible restrictions on use of outside smoking areas

Responsibilities of licence holder to dispose of waste, remove litter

14.1 The Board acknowledges that control of smoking is not a matter within the responsibilities of licensing Boards. The LSOs will not routinely monitor the control of smoking in premises but will investigate any complaints of badly managed restriction on smoking or where this directly impacts on nearby residents experiencing nuisance, including noise.

14.2 The health risks associated with smoking and with passive smoking continue to be well publicised; licenceholders will require to be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.

14.3 The Board expects that licenceholders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. This includes noise arising as a result of patrons smoking outside the premises and any associated littering of the area. Where appropriate the Board may impose conditions requiring effective monitoring of the smoking area and restricting patrons from taking drink into the smoking area. Where no effective solution is achieved the Board may consider restricting the hours of operation of the premises.

14.4 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers; the Board expects licenceholders to be aware of their responsibilities and of the possibility of statutory street litter control notices being served in the case of non compliance. Where appropriate, a condition requiring licenceholder to provide litter bins in the vicinity of the premises may be imposed.

Return to [Contents](#)

15. PUBLIC ENTERTAINMENT

Confirming when Public Entertainment licences require to be obtained from Council:-

- Entertainments taking place in unlicensed areas
- Entertainments provided in premises where an Occasional Licence will be in place

15.1 The Civic Government (Scotland) Act 1982 provides at [section 41](#) that a public entertainment licence shall not be required in respect of licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during the licensed hours within the meaning of the 2005 Act.

The 1982 Act was amended by the [Air Weapons and Licensing \(Scotland\) Act 2015](#) to the effect that the exemption from Public Entertainment licensing would not apply to premises licensed by means of occasional licences. Organisers of events or persons otherwise seeking to licence temporary use of premises where public entertainment is to be provided, as per the Council's [Public Entertainment Resolution](#) will be required to ensure that they obtain a public entertainment licence from the Council, and do so in sufficient time to permit the Board to consider the application for occasional licence.

As referred to in [Chapter 13](#) on the use of outdoor areas, the Board will have regard to the Council's Protocol for the use of outdoor areas, agreed by the Council's Transport and Environment Committee in March 2018, for the use of outdoor areas where public entertainment is provided.

Return to [Contents](#)

16. ADULT ENTERTAINMENT

This part of the policy will be updated, once section 45A of the Civic Government (Scotland) Act 1982 has commenced.

Currently sets out what Board expects of premises which provide adult entertainment as part of their operation.

16.1 The Board intends to continue to encourage improved standards in licensed premises offering adult entertainment. Until the implementation of the updated provisions of the Civic Government (Scotland) Act 1982 detailed at 16.5 below when separate licences may require to be obtained if falling within the ambit of that Act. Meantime the Board encourages those premises licence holders who offer adult dance entertainment to have regard to the terms of the Board's Guidance on Dance Entertainment as attached at [Appendix 3](#). Licence holders are encouraged to comply with the terms of this guidance.

The LSOs will monitor the operation of this guidance. The Guidance will remain in effect until the implementation of the new sexual entertainment venue regime.

16.2 The Board will expect licence applicants and licence holders offering adult entertainment to show evidence of having given consideration to the promotion of all the licensing objectives, in particular those relating to the protection of children and young persons, the prevention of crime and disorder and the prevention of public nuisance.

16.3 Where the operating plan for a premises licence application identifies that adult entertainment will take place in the premises, the Board will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children and young persons are likely to congregate.

16.4 All applications involving adult entertainment will be considered on their own merits.

16.5 The Civic Government (Scotland) Act 1982 having been amended, licensed premises which provide adult entertainment which falls within the definition of "sexual entertainment" as set out in [section 45A](#) of the 1982 Act will require to obtain a separate sexual entertainment venue licence from the Council.

Return to [Contents](#)

17. TAKE-AWAYS / HOME DELIVERIES

Confirming that where take-aways are to be offered by premises later than licensed hours, a separate Late Hours Catering licence will be required from the Council.

Board policy on take-away operations within licensed hours – supports Council policy.

Board's policy on Home Deliveries which include online purchases of alcohol

17.1 Premises which supply hot food and hot drink for consumption off the premises (takeaways) and which are open after 11pm can attract large groups of customers and act as a focus of noise and disturbance. The Board considers that having regard to the terms of section 42(4)(a) of the [Civic Government \(Scotland\) Act 1982](#) (“the 1982 Act”), premises selling alcohol require an additional late hours catering licence to permit the facility of take-away food and refreshment between the hours of 11pm and 5am. The 1982 Act refers to a late hours catering licence not being required in respect of the use as such of (alcohol) licensed premises. The Board considers that where takeaway food is being provided beyond licensed hours, a late hours catering licence should be obtained from the Council, since the Board’s role and the licence issued by it is limited to the sale of alcohol from the premises.

17.2 In September 2016 the Council’s Regulatory Committee adopted a new policy on hours of operation for Late Hours Catering premises. In view of the Board’s position as above for the previous Council policy on late hours catering, the Board has adopted a similar approach to the new policy. The details of the new policy are attached as [appendix 5](#) to the Board’s statement of licensing policy, replacing the previous version.

The Board acknowledges the significance of this policy and will expect applicants to accept that similar hours of operation should apply to take-away operations falling within its area of licensing responsibility. This will both ensure a level playing field within the city and promote the licensing objectives, particularly preventing public nuisance and preventing crime and disorder.

17.3 Home Deliveries which include online purchases of alcohol.

The Board has acknowledged concerns raised during consultation as regards the increased levels of online sales of alcohol and has updated its policy to take account of this.

In particular the Board encourages applicants for premises licences which will include online sales to provide the Board with details of how the deliveries will operate and in particular :--

- 1) the hours, of delivery;
- 2) the steps which will be taken to verify the age of the person ordering and accepting delivery of the alcohol ; and
- 3) the use of age verification policies such as Challenge 25 or a similar verification scheme for all deliveries

Return to [Contents](#)

18. MEMBERS' CLUBS

Setting out Board policy on premises run by, and solely for the benefit of, club members.

Confirming specific licensing conditions attached to premises licences for members clubs, controlling the signing in of non-members, etc.

18.1 Members' clubs will require to meet the criteria prescribed in the [Licensing \(Clubs\) \(Scotland\) Regulations 2007](#). The Board expects that members' clubs will take positive steps to address discrimination on the grounds of age, sex, race, disability, gender identity, sexual orientation, marital status, religion or belief.

18.2 When members' clubs apply to the Licensing Board they will be asked to certify whether or not they comply with the criteria referred to in the Regulations in order to benefit from the exemptions. If they do the members' clubs will have to submit to the Board a copy of their written constitution and rules. They will be subject to inspections by LSOs, who will check clubs for compliance.

18.3 Members' clubs are subject to the same provisions regarding access by children and young persons as other licensed premises. They require to specify in their operating plans whether or not it is proposed that children and young persons are to be allowed entry to the premises and, if so, to specify the terms, to include the times, the ages of such children and young persons and the parts of the premises to which they would be permitted access.

Appropriate conditions relating to access by children and young persons may be attached by the Licensing Board.

18.4 The Board has decided that premises licences granted to member's clubs will be subject to additional conditions:-

- The club shall, in conducting the business of the club carried on in the premises, take all reasonable steps to ensure compliance at all times with the terms of the club's written constitution and rules as exhibited to the Board. Any alteration to this written constitution and rules made by the club from time to time shall be notified to the Board within one month of any alteration taking effect.
- No member of the club may invite more than 10 other persons on to the premises to be supplied with alcohol at any one time.
- Where a person referred to in Regulation 2(2)(d)(iii) of the Licensing (Clubs) (Scotland) Regulation 2007 is admitted to the premises, there is to be entered in a book kept for the purpose:- the date of admission; the name and address of the person; and the name and address of their club

Return to [Contents](#)

19. REVIEW OF PREMISES LICENCES

Board can be asked by anyone to review a premises licence, or it may initiate the review of a premises licence.

Sets out the options available to the Board in dealing with a premises licence review.

Procedure for review applications:-

- Whether application sets out matters relevant to grounds for review
- Whether application is vexatious or frivolous, and how Board deals with that
- LSO reports

19.1 A licence may be reviewed on the application of any person on the grounds specified in [section 36](#) of the Act. The Board will not commence a review hearing in terms of [section 38](#) of the Act until it is satisfied that grounds have been established which necessitate proceeding with a hearing. The Board may continue consideration of a review application at an initial stage, in order to allow investigations or other appropriate steps to be carried out. A review will include consideration being given to the suspension, revocation or variation of a licence or alternatively to the issue of a written warning. Where there are issues identified in the course of a review hearing which highlight concerns about personal licence holders, the Board will also give consideration to holding separate hearings on their licences.

19.2 The Board may reject a premises licence review application if it does not disclose any matter relevant to any ground for review or if it is vexatious or frivolous. This preliminary decision will be delegated to the Convener for consideration in terms of the scheme of delegation provided at [Appendix 1](#)

19.3 Where grounds have been established which merit a review hearing, the Board will expect to receive a report from the Council's LSOs (other than when the review application is LSO-led) on the terms of the review, and any other matters relevant to the affected premises. The Board encourages premises licence holders to work with the Council's LSOs and, where appropriate, Police Scotland when there are concerns about the operation of premises, identified during the review hearing.

19.4 With regard to premises licence review proposals, the Board may make a review proposal in respect of particular premises within its area. It will do so when circumstances are brought to its attention suggesting conduct which is inconsistent with the licensing objectives.

19.5 In respect of the requirement to make a review proposal, triggered by a premises licence holder's conviction for a relevant offence, the Board will have regard to the nature of the offence and the relevance or otherwise to the operation of affected premises within the Board's area, in deciding the course of action to be taken in relation to the premises licences. The Board reserves the option to issue a nominal written warning where the conviction is considered to be of minimal relevance.

Return to [Contents](#)

20. PERSONAL LICENCES

Personal licence application procedures:-

- Criteria to be met for applications being made.
- Board to provide notice of applications to Police and LSOs

Policy on:-

- Refresher training requirement
- Renewal procedures

20.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.

20.2 The Board will grant a personal licence if it is satisfied that the applicant:

- is over 18 years of age
- possesses a relevant licensing qualification
- has not had a personal licence revoked in the previous five years, ending with the day on which the application was received,
- has not been convicted of any relevant offence or foreign offence

20.3 The Board will give notice of any personal licence application to the Chief Constable and Licensing Standards Officers, who must give notice to the Board in one of the forms laid out in [section 73](#) of the Act. Where such notice is received, the Board will hold a hearing at which it will consider carefully whether it is satisfied that the grant of a licence would not breach the objectives of the Act.

The Board will also consider the fit and proper status of applicants, where this has been highlighted by statutory consultees. It will consider the seriousness and relevance of any conviction, the period that has elapsed since the offences were committed and any mitigating circumstances. If not so satisfied the Board will refuse the application.

20.4 The Board expects that personal licence holders will ensure that they comply with the requirements of mandatory refresher training every five years, beginning with the expiry of the five year period from their licence being issued. The Board expects personal licence holders to provide an appropriate certificate confirming that they have completed the mandatory training together with their existing personal licence, in order that an amended version of their licence can be issued to them. Where a personal licence holder fails to comply with these requirements, the Board will revoke their licence in terms of [section 87\(3\)](#) of the Act.

The Board is aware that Personal Licence holders are now able to commence the renewal application process in respect of their licences and encourages licenceholders to have regard to the approach set out in the guidance provided by Scottish Government as regards personal licence holders both renewing their licence and providing evidence of the mandatory five year refresher training at the same time.

[Scottish Government guidance on personal licence renewal process](#)

Return to [Contents](#)

THE FIVE LICENSING OBJECTIVES

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

21 OVERVIEW

21.1 The following sub-sections set out the Board's policy relating specifically to the five licensing objectives:

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

21.2 In each section relating to the objectives, the Board has defined its intended outcome. Each section lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants 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 authorisation.

21.3 In each sub-section, a list of possible control measures is provided. This is intended to be of assistance to applicants, but again, is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective.

21.4 The selection of control measures should be based upon a risk assessment of the premises, the proposed activities and the type of customers expected to attend, for example their age range and numbers. Risk assessment is considered to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licenceholder, in the event of requiring to make application for a variation or in response to changing circumstances or conditions at the premises.

21.5 Additional measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature; this can have a significant impact on the achievement of the licensing objectives.

21.6 The Board encourages applicants and licenceholders to ensure that they have adequate arrangements in place for the effective and responsible management of the premises and for instruction, training and supervision of staff. This is considered to be an essential control measure for the achievement of all the licensing objectives.

Return to [Contents](#)

22 PREVENTING CRIME AND DISORDER

22.1 The City of Edinburgh Council together with other agencies supports a strategy aimed at making the city a safe place to live in and visit. The Board is committed to further improving the quality of life for the people of the city by continuing to adopt policies and to introduce measures designed to increase community safety and to reduce crime, the fear of crime and disorder.

22.2 There are already in existence a wide range of measures for preventing and reducing crime and disorder. The Act reinforces the duty of the Board to make this a top priority.

22.3 The promotion of the licensing objective to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the activities at those premises.

22.4 The applicant should be able to demonstrate that all those factors, which impact on crime and disorder, have been considered. These include:

- underage drinking
- drunkenness on premises
- public drunkenness
- illegal possession and/or use of drugs
- violent behaviour
- anti-social behaviour
- litter
- unauthorised advertising

22.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan, having regard to their particular type of premises and/or licensable activities:

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance where available, including those relating to drinks promotions and safe drinking/units guidance.
- acceptance of accredited proof of age cards for instance PASS or locally approved cards
- provision of effective CCTV in and around the premises, which complies with all current legislative provisions and provision of external lighting and other security measures
- employment of Security Industry Authority licensed door supervisors
- provision of litterbins outside premises
- membership of local pubwatch schemes or similar organisations
- responsible advertising
- distribution of promotional leaflets and posters.

22.6 Close circuit television makes a significant contribution to addressing antisocial behaviour across the city of Edinburgh. In recent years extensive investment in public space CCTV across the city has assisted in the identification and prosecution of criminals and provided reassurance to residents. With an extensive network of cameras, CCTV cameras are a vital part of the City of Edinburgh Council's strategy to tackle antisocial behaviour as well as contributing to the development of safer communities. These cameras are designed both to prevent and to detect anti social behaviour. Where CCTV is installed the Board will expect cameras to be left on for a

minimum of thirty minutes after the terminal hour and that the licensing section of the Council is immediately informed of any fault in the operation.

22.7 The Board is aware of the condition relating to the installation of CCTV in late opening premises, which is contained in regulations made by Scottish Ministers. In order to ensure the greatest possible degree of protection for the public this Board intends to consider conditions which go beyond those published by Scottish Ministers where circumstances dictate. In particular the Board will expect to see CCTV installed in and around certain off sales premises. Reference is made to [Chapter 12](#) of this policy in this connection.

22.8 In 2006 the Council made byelaws prohibiting the consumption of alcohol in designated public places. These were adopted as part of the overall strategy to make safe all the public areas within the city. The text of the byelaws is available on the Council's [website](#).

Return to [Contents](#)

23 SECURING PUBLIC SAFETY

23.1 The Board is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.

23.2 When addressing the issue of public safety, an applicant must demonstrate that those factors which impact on standards of public safety have been considered. These include:

- the occupancy capacity of the premises
- the standard of maintenance of the building having regard to its age and the design and layout of the premises, including the means of escape in the event of fire
- the structural stability of the premises
- the adequacy of vehicular access to the premises by the fire and rescue service
- the safety of gas and electrical installations
- the nature of the activities to be provided, in particular the sale or supply of alcohol and the provision of music and dancing, including whether those activities are of a temporary or permanent nature
- the hours of operation differentiating the hours of opening from the hours when alcohol is sold, if different
- customer profile for instance age, disability
- the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines

23.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments, including compliance with the requirements of the Fire (Scotland) Act 2005
- effective and responsible management of premises, including installation of a CCTV system which complies with current legislative requirements in and around premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance
- implementation of crowd management measures
- proof of regular testing and certification where appropriate of procedures, appliances and safety systems.

23.4 In order to ensure that the objective of securing public safety is addressed the Board will circulate relevant applications for occasional licences and all applications for variations of license to the Council's department of city development and request reports highlighting matters which the Board need to take into account in its consideration of the application.

Police Scotland and NHS Scotland have highlighted the potential use of toughened glass in certain circumstances and in certain premises, as detailed in [Chapter 7](#) of the policy, connected particularly with promotion of the securing public safety and preventing crime and disorder licensing objectives, but also relevant to the protecting and improving public health licensing objective.

24 PREVENTING PUBLIC NUISANCE

24.1 The Board believes that licensed premises may have a significantly adverse impact on communities, through public nuisances which arise from their operation. It wishes to maintain and protect the amenity of residents and occupiers of other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 The Board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

24.3 The Board acknowledges the provisions of [section 65](#) of the Act in relation to offsales by shops, stores, supermarkets and other premises selling alcohol for consumption off the premises. The Board may permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are reasons for not doing so, such as disturbance or disorder attributable to the location and / or the premises. Reference is made in this connection to [Chapter 12](#) of this policy, relating to off-sales and to [Chapter 11](#) relating to hours of trading.

24.4 However, applicants need to be aware that the Board may apply stricter conditions, including controls on licensed hours, where premises are in residential areas; where their activities may impact on residents or other business premises; and where relevant representations have been received.

24.5 The Board believes that the impact licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open. The Board may stipulate shorter hours when considering a premises licence application, if it considers this to be appropriate depending on where the premises are situated or the likelihood of their becoming a source of antisocial behaviour. The Board will consider each case on its merits but may be inclined to stipulate a terminal hour as early as 6pm for the sale of alcohol in appropriate circumstances.

24.6 Applicants will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and character of their premises and events.

24.7 When addressing the issue of prevention of public nuisance, the following facts are relevant:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of opening, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features and a CCTV system, which complies with current legislative requirements
- the occupancy capacity of the premises
- the availability of public transport
- the wind down period between the end of the licensable activities and the closure of the premises
- the last admission time

24.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, for instance to ensure that customers leave quietly
- control of operating hours for all or parts of the premises, for instance garden areas, including deliveries and disposal of glass
- adoption of best practice guidance
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff and vehicular traffic and resulting queues, arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting and installation of an effective CCTV system which complies with current legislative requirements
- management arrangements for collection and disposal of waste and empty bottles
- effective ventilation systems to prevent nuisance from odour and noise from air conditioning units.

Return to [Contents](#)

25 PROTECTING AND IMPROVING PUBLIC HEALTH

25.1 The Board recognise the main strategic aim of the Scottish Government's Alcohol Strategy is to reduce per capita consumption of alcohol. The Board wishes to see premises thriving in the city but this cannot be at the expense of public health and wellbeing. The Board will have particular regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the City of Edinburgh. It will continue its representation on the Edinburgh Alcohol and Drugs Partnership and take advice from appropriate bodies, including those represented on the Forum. The critical importance of such close liaison is recognised as part of the wider alcohol agenda, particularly in relation to the public health and child protection licensing objectives.

25.2 Applicants will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. This will include such measures as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is available to address problem drinking.

25.3 A major concern about excessive alcohol consumption is its impact on people's health. There is ignorance of the advisable daily and weekly units of alcohol which may be consumed. There is also ignorance of the number of units in commonly consumed drinks, although some manufacturers are taking an initiative in this regard and publishing information on the labels of their products. The Board considers that greater awareness of this issue would be achieved by more overt displaying of information. It wishes to impress upon licence holders the importance of this issue and will expect prominent informative signage to be displayed in appropriate places within their premises. If necessary, and as the result of a relevant representation, such a requirement may be imposed by way of a condition on a premises licence.

25.4 The measures identified by an applicant may depend on the individual characteristics of the premises for which the licence is sought. The Board will be receptive to conditions which are proposed by individual applicants in respect of the promotion of this licensing objective. This might include the use of drink mats with sensible drinking messages and the use of posters on areas of circulation and in the toilet areas.

25.5 The Board is very aware of the risk of harm to children and young persons' health and this will be of paramount consideration when determining applications. Children and young persons may be adequately protected from harm by the action taken to protect adults but they also may need special consideration. It is recognised that no policy can anticipate every situation but applicants will be expected to demonstrate that they have given particular care to introduce measures designed to protect children and young persons' health while in or around their premises.

25.6 Licence applicants, door supervisors where employed and premises managers, as well as other staff employed in the premises, must remain vigilant at all times to the risks of excessive consumption; there should be established practice within the premises to ensure that a standard approach is taken where patrons' demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children and young persons or persons who are drunk.

25.7 In terms of the [mandatory conditions](#) set out in schedule 3 of the Act applicants must provide a wide selection of reasonably priced non alcoholic beverages during the whole period the premises are open. They are also encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcoholic beverages if they wish.

25.8 Adequate ventilation and sanitary provision must be provided by the applicant to the satisfaction of the Board.

Return to [Contents](#)

26 PROTECTING CHILDREN AND YOUNG PERSONS FROM HARM

26.1 The Board will seek advice from and have particular regard for the views of the most relevant body in the city of Edinburgh. This is currently the Edinburgh Child Protection Committee. The City of Edinburgh Licensing Forum will be another body from whom the Board will seek advice on achieving this objective.

26.2 The Board wishes to see family friendly premises thriving in the city; it will welcome applications from those who wish to operate a licensed premises which accommodates children and young persons. In determining any such application the risk of harm to children and young persons will be a paramount consideration for the Board. Following a recommendation from the Forum, the Board has agreed that where licence holders and applicants make applications seeking access or increased access to premises for children and young persons, where the Board considers it appropriate to do so it will carry out site visits of the premises to assess their suitability prior to considering applications.

26.3 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them, at the same time recognising that parents and other adults accompanying children and young persons also have responsibilities.

Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children and young persons from harm

26.4 Applicants will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to protect children and young persons from harm, relevant to the individual style and character of their premises and the licensable activities for which a licence is being sought.

26.5 When addressing the issue of protecting children and young persons from harm, the applicant must demonstrate that those factors, which may particularly impact on harm to children and young persons, have been considered. These factors include, whether:

- entertainment or services of an adult or sexual nature are commonly or regularly provided
- members of the current staff at the premises have been convicted for serving alcohol to children and young persons or offences against children and young persons
- there has been a known association with drug taking, drug dealing or other criminal activity on the premises, and
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there

26.6 The following examples of control measures are given to assist applicants who may adopt them in any combination, taking into account the individual style and character of their premises:

- effective and responsible premises management which may include the requirement for a policy on child protection
- appropriate instruction, training and supervision of those employed
- consideration of imposing a requirement for a Disclosure Scotland check
- consideration of imposing a limitation on the hours when children and young persons may be present

- consideration of imposing a limitation of the parts of the premises where children and young persons may be present
- consideration of imposing a requirement for children and young persons to be accompanied by an adult
- acceptance of only accredited proof of age cards e.g. passport, photographic driving licence or PASS scheme cards
- through enforcement and revocation based on complaints, police reports or related enforcement activity, measures to ensure children and young persons are not exposed to incidences of violence or disorder

26.7 The Board is aware of, and will apply, the relevant conditions included in the regulations issues by the Scottish Government and will have regard to the Guidance. The Board also expects that holders of a premises licence which allows children and young persons entry to the premises will seek to ensure that:

- accompanying adults are able to take responsibility for and supervise the children at all times
- children's food and drinks must be served in suitable and safe containers
- any stairs on the premises are risk assessed and where necessary shall be adequately guarded by a gate or other suitable means
- all heating appliances are risk assessed and where necessary shall be adequately guarded
- all electrical plug sockets in areas accessible to children shall be adequately protected
- all furniture and fittings shall be of safe design having regard to their use by children
- there is an accessible wash-hand basin with piped supplies of hot and cold water. Hot water shall be thermostatically controlled to 43°C
- the floor covering in the public toilets shall be a non-slip and easily cleaned material
- a menu shall be available at all times that children are allowed on the premises with either a children's section or indicating that half portions are available for children
- no gaming machines may be situated in the part of the premises accessible to children and young persons except in accordance with the provisions of the [Gambling Act 2005](#)

26.8 In addition, the Board expects that holders of a premises licence which caters for children under 5 years seek to ensure that :

- paper or plastic cups are available for children under 5 years
- a minimum of two high chairs that allow stable seating and have suitable safety restraints are provided
- adequate, clean and safe baby changing facilities will be provided that are accessible to both genders.
- a lidded, leak proof bin marked 'for the disposal of nappies' shall be provided
- the premises comply with the law on breast-feeding in public areas

26.9 The Board have imposed in most premises licences and occasional licences where children and young persons are admitted a condition creating an area adjacent to any bar of the premises where children and young persons are not allowed to stand or sit.

The Board is aware that the terms of this condition are not identical in all licences and wishes to emphasise it expects that licenceholders subject to a condition in these general terms operate and manage their premises to ensure that children and young persons are not encouraged to stand or be seated adjacent to bars.

Return to [Contents](#)

APPENDIX 1

DELEGATION OF LICENSING FUNCTIONS

APPENDIX 2

OVERPROVISION LOCALITIES

APPENDIX 3

CITY OF EDINBURGH LICENSING BOARD

GUIDANCE ON DANCE ENTERTAINMENT

IN LICENSED PREMISES

This guidance was adopted by the City of Edinburgh Licensing Board in order to promote the licensing objectives in licensed premises where any form of dance entertainment is provided. Once section 45A of the Civic Government (Scotland) Act 1982 has been commenced, as with [Chapter 16](#) of the policy, this guidance will be updated. For the meantime the guidance sets out what the Board expects the operating plans of premises offering dance entertainment to indicate: that due regard has been taken to the terms of this guidance. Failure to do so may be taken into account in a review of the premises licence. This guidance has not been drafted in the manner of a legal document with interpretation clauses. Words and expressions used should therefore be given their usual and normally accepted meaning. Licence holders should seek further guidance from the Licensing Board if in doubt as to the requirements of the following guidance or if they wish to seek exemption from any of the stated requirements either generally or in respect of a particular occasion or event.

1. Code of Conduct

The licence holder shall have in place a code of conduct for behaviour of staff and customers, copies of which shall be available to staff and customers. The code will deal with matters such as information for the dancers on distance to be maintained from customers during a dance, prohibitions on sexual behaviour and propositioning, and what to do if a customer breaches the rules.

2. The Dancers

The licence holder should maintain a register of dancers engaged to perform in the licensed premises. The register should show the name, age and current address of the dancer. The licence holder should require photographic proof of identity which should be via the production of the dancer's passport if available. Foreign Nationals must be asked for their passport and the licence holder should take appropriate steps to ensure that there are no restrictions on the dancer's entitlement to stay and work in the United Kingdom. No dancer, below the age of 18, should be engaged.

3. Changing Facilities

The licence holder should provide suitable changing facilities for the dancers to comply with the following basic standards:-

- a) the facilities should have a minimum floor area of 1.86m² per dancer engaged to perform at any one time;
- b) the facilities should be secure, private and for single sex use only and should not be accessible by patrons;
- c) the facilities should be located near to, but not within, sanitary conveniences;
- d) the facilities should include private and lockable storage units for each dancer for the safe-keeping of valuables and clothing;
- e) the facilities should include a plentiful supply of wholesome chilled drinking water for all dancers;
- f) a strict no smoking policy should be enforced.

4. Performances

Dancers should generally only perform in the open public areas of the licensed premises which should at all times be appropriately stewarded and covered by CCTV cameras. There shall be no private booths. Dancers' genitalia should be covered with clothing at all times. There should be no touching between dancers and patrons at any time during a performance, the only contact

allowed being the hand to hand payment of money at the conclusion of the performance. Any advertising of performances outwith the licensed premises whether by way of newspaper advertisements or notices at the premises may only depict dancers clothed as aforesaid. Performances involving the removal of clothes should not be visible from outwith the premises.

5. Supervision

The licensed premises should be appropriately stewarded by personnel licensed by the Security Industry Authority. Stewards should be provided in all public dance areas in addition to at least one steward positioned at each entrance to and / or exit from the premises. All public dance areas and entrances and exits should be monitored constantly while the premises are open to the public via the use of CCTV. CCTV should be provided of a high quality to ensure that individuals may be clearly identified whilst in any part of the premises. Licence holders should ensure that the CCTV cameras operate properly whenever dancers are performing on the premises. CCTV recordings should be retained for a period of at least 2 months and made available to the Licensing Standards Officers when required.

6. General Health and Safety Issues

A. Risk Assessment

A risk assessment should be undertaken and appropriate control measures should be implemented in respect of

- the precise work activities required of dancers
- the personal safety of dancers
- the use of chemicals which may come into contact with dancers' skin.

This is not an exhaustive list and licence holders should ensure that all hazards are assessed. In addition, the premises should be subject to a fire risk assessment to the standard of the Fire Precautions (Workplace) Regulations 1997 as amended. This assessment should be recorded and kept available for inspection by a duly authorised fire safety officer of the Scottish Fire and Rescue Service.

B. Ventilation

All dance areas and the changing facilities provided for dancers should be mechanically ventilated with fresh or purified air. There should be at least ten air changes per hour.

C. Temperature

All dance areas and the changing facilities provided for dancers should be maintained with a minimum temperature of 25 Celsius / 72 Fahrenheit. A thermometer should be provided in all rooms used by dancers. Portable LPG heaters are not an acceptable form of permanent heating.

D. Lighting

All dance areas, changing facilities provided for dancers and sanitary conveniences should have lighting of a sufficient standard to enable dancers and others to move around safely.

E. Cleanliness

All dance areas, changing facilities provided for dancers and any furniture, fittings etc. should be kept clean. The surfaces of floors, walls and ceilings of all dance areas, changing facilities and other parts of the licensed premises to which dancers have access should be capable of being kept clean.

F. Sanitary Conveniences

Sanitary conveniences should be provided in accordance with the requirements of the Workplace (Health Safety & Welfare) Regulations 1992. The facilities should be for the exclusive use of dancers and should provide privacy and security from intrusion by members of the opposite sex and from patrons.

G. Washing Facilities

Wash hand basins and showers should be provided in accordance with the requirements of the

Workplace (Health Safety & Welfare) Regulations 1992 and the currently approved Code of Practice made thereunder. Such facilities should be for the exclusive use of staff and should have a supply of warm, or hot and cold water and provide privacy and security from intrusion by members of the opposite sex and from patrons. Washing facilities should be provided in the immediate vicinity of the sanitary conveniences and the changing facilities.

H. Condition of Floors

Every floor used for dancing or for access to the dancing areas should be of a construction suitable for the intended uses and should be kept free from obstruction and from any substance that may cause a dancer to trip or slip.

I. Facilities to Eat Meals

Eating facilities to include a table, chairs, kettle and sink with hot and cold water should be provided. Good hygiene standards should be maintained in the facility

6. Public Order Issues

In the interests of providing for and maintaining public order and safety in the premises during the hours when they are open to the public, the licence holder should ensure that empty glasses and bottles are regularly cleared from areas to which the public have access. Any receptacles provided on the premises for the collection, or disposal by patrons, of empty bottles should be of solid construction, emptied regularly by staff and designed so that bottles already deposited therein cannot be retrieved by patrons. No glasses or bottles should be permitted in cloakrooms, sanitary conveniences or dance floors located on the premises. Sufficient shelves, ledges, tables and counters should be provided on the premises to accommodate glasses and bottles before collection.

7. Compliance

Licence holders should seek their own professional advice if they are in any doubt as to whether their premises comply with the requirements of the guidance. Advice on health and safety issues may be sought from the City of Edinburgh Council's Environmental Health Services. The council's licensing standards officers will visit the premises from time to time to check for compliance with all aspects of this guidance.

Return to [Contents](#)

APPENDIX 4

LIST OF CONSULTEES RESPONDING TO CONSULTATION ON PREPARATION OF DRAFT STATEMENT OF LICENSING POLICY

In consulting on the terms of this statement of licensing policy, the Board required to have regard to the 2005 Act and Guidance and consult with:

- the Licensing Forum
- such other person or persons who appear to the Board to be representative of:
- holders of premises and personal licences
 - persons having functions relating to health, education or social work
 - young people
 - persons resident within the licensing forum's area
 - such other persons as the Board thinks appropriate, and
 - the relevant health board for the Board area.

In developing the statement, the Board consulted widely and gave due consideration to the views of those who responded. The Board carried out an initial consultation towards the end of 2017, considered the responses to that consultation and conducted hearings in May 2018. The responses to the initial consultation helped inform the Board in its preparation of a draft statement of licensing policy on which it consulted formally during August to October 2018.

Details of those who responded to the two consultations are set out below.

Responses to the Board's consultations were received from the following:-

Return to [Contents](#)

APPENDIX 5

LATE HOURS CATERING – COUNCIL POLICY ON HOURS OF OPERATION

Details of the Council's Late Hours Catering policy, for take-away premises, etc are set out on the Council's website – [link here](#)

CITY OF EDINBURGH COUNCIL – LATE HOURS CATERING POLICY

Policy on Hours of Operation

Petrol Stations, Supermarkets and Retail Shops

Provided the premises are not being used primarily as a fast food takeaway premises and there are no environmental issues to address there will normally be a recommendation to grant the licence from 11pm to 5am.

Takeaway premises

All premises are categorised by location and in order to prevent crowd migration from clubs to takeaway premises, no Late Hours Catering licences will be granted with a closing hour beyond 3am.

City Centre

Where a premises is located within Ward 11 (Edinburgh city centre) the licence will not generally be granted beyond:

- 2am (Sundays to Thursdays)
- 3am (Fridays and Saturdays)

Hours may be restricted in areas which are significantly residential or where previous complaints or compliance issues have been identified.

Premises situated on arterial and main bus routes but out with City Centre Ward 11

Where premises are situated on arterial routes giving access and egress from the city the licence will not generally be granted beyond:

- 1am (Sundays to Thursdays)
- 2am (Fridays and Saturdays)

This may be restricted in areas which are significantly residential or where previous complaints or compliance issues have been identified.

Beyond City Centre

Where premises are located beyond the City Centre (Ward 11) the licence will not generally be granted beyond:-

- 12pm (Sundays to Thursdays)
- 1am (Fridays to Saturdays)

Tenement style property

Where premises are located in tenement style property, the licence will not generally be granted Beyond 12 Midnight.

In this regard consideration will be given to additional hours provided the applicant can evidence the consent of neighbours having been obtained in respect of the hours applied for.

Tenement style property is defined as property when residential accommodation is located above the applicant premises (e.g. a takeaway shop located below flats).

Residential Streets

When premises are located in residential locations or situated in areas where there is a history of complaints the licence will not generally be granted beyond:

12 midnight (Fridays and Saturdays only)

Residential streets areas are defined areas where there are no other businesses operating.

Premises falling into more than one category

Where premises fall within more than one of the categories the category that allows the least number of trading hours would apply. In these circumstances it would open to an applicant to make an application to be considered as an exception to the policy.

Return to [Contents](#)

APPENDIX 6

Definitions: - In this statement the following words shall have the meaning set out:-

“Act” means the [Licensing \(Scotland\) Act 2005](#) as amended from time to time

“Board” means the City of Edinburgh Licensing Board constituted in terms of section 5 and schedule 1 of the Act

“Chief Constable” means the Chief Constable of Police Scotland

“Council” means the City of Edinburgh Council constituted in terms of the Local Government etc. (Scotland) Act 1994 and subsequent legislation

“Forum” means the City of Edinburgh Licensing Forum established by the Council in terms of section 10 and schedule 2 of the Act

“Guidance” means the Guidance for Licensing Boards and Local Authorities issued by the Scottish Ministers in terms of section 142 of the Act on 4 April 2007

“Late Night Conditions” means the conditions of licence specified in the [Licensing Conditions \(Late Opening Premises\) \(Scotland\) Regulations 2007](#) and set out in Appendix 10 below

“LSOs” means the Licensing Standards Officers appointed by the Council in terms of section 13 of the Act, details in Appendix 7 below

“Mandatory Conditions” means the conditions of licence specified in Schedules 3 and 4 to the Act and in Regulations all as amended from time to time – Appendices 9 and 10 below

“Rules” means the rules and procedures set down and agreed by the Board from time to time, in terms of Schedule 1 to the Act

“Website” means the Board’s website at

http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/edinburghs_licensing_board

Return to [Contents](#)

APPENDIX 7

LICENSING STANDARDS OFFICERS

LSOs are an integral part of the monitoring and compliance regime under the Act. Their role is :

- providing information and guidance concerning the operation of the Act to licenceholders, members of the public and other interested persons
- supervising compliance with licence conditions, Board policies and other requirements under the Act by premises licenceholders and holders of occasional licences.
- providing mediation services in order to avoid or resolve disputes or disagreements between the holders of premises or occasional licences and other persons concerning
- issues of compliance.

There is a firm commitment to ensuring that the LSOs are enabled to carry out their functions efficiently. This will include LSOs participating in licensed trade schemes such as Pubwatch and UNIGHT, as well as the Forum. LSOs will work alongside the trade, and are available for the most part during the licensed hours enjoyed by the trade in Edinburgh.

The Board recognises the interests of both citizens and businesses and will work closely with its partners, to assist licenceholders to comply with the law and the five licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit offences. The Board expects enforcement agencies to adopt a similar approach and will seek to work actively with them to enforce the licensing legislation. In particular the Board intends to work closely with the police, sharing information where appropriate in order to enhance the promotion of the five licensing objectives.

LSO Contact details. The Council’s Licensing Standards Officers may be contacted:

- by email : licensing.standards@edinburgh.gov.uk
- in writing : C.07 Courtyard Level, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG

- by telephone : 0131 469 3871 or 0131 529 3030

Return to [Contents](#)

APPENDIX 8

POOL CONDITIONS – OCCASIONAL LICENCES

Management / Supervision

1. The applicant or another suitably trained person with managerial responsibility is present throughout the event and when alcohol is served. A contact phone number will be readily available at all times.
2. The applicant will ensure that their contact details including a contact phone number, or those of a personal licence holder if application is made in their name, will be readily available at all times for Police, Licensing Standards Officers or other Authorised Officers.

Inspection

3. The occasional licence and / or public entertainment licence if applicable is to be kept on the premises and made available for inspection when requested by a Licensing Standards Officer, Police Officer or other Authorised Officer, and any reasonable request by them is complied with.

Children & Young People

4. Children will be prevented from gaining immediate access to any bar area.
5. Children will not be permitted access to the premises after 23:00 hours. Young persons will not be permitted access to the premises after 01:00 hours.
6. Children permitted within the venue must be accompanied by a responsible adult at all times.
7. If not already provided, baby-changing facilities will be made available for children under the age of 5 years, in accordance Licensing Board's Policy concerning the Protecting Children from Harm objective.

Training

8. All staff employed in a position involving the sale or service of alcohol to undergo a minimum of two hours training prior to commencing duty (as defined in the Licensing (Training of Staff)(Scotland) Regulations 2007) with a record of this training being kept at the location and available for inspection by Police or Licensing Standards Officers.

Signage

9. A notice advising whether children and young persons are admitted, and the terms of admission is displayed at each point of entry.
10. Signage must be displayed at the entrance to each designated area listing the conditions of entry.
11. Appropriate signage must be clearly displayed, at every point of sale of alcohol, relative to age restrictions, alcohol provision and the relevant conditions of the licence. Signage should clearly identify:
 - No under 18s served alcohol
 - A Challenge 25 policy
 - The closing time of individual bars
 - Responsible drinking message
 - Be clearly legible

Stewards

12. Appropriate stewarding to be provided to supervise admission, monitor occupant capacity and ensuring control of all patrons on the premises. All those persons engaged in such duties to be registered as door stewards with the Security Industry Authority, and authorisation must be clearly displayed.
13. Appropriate steps are taken to supervise admissions to the event and to objectively monitor the occupant capacity.
14. There is a written policy in respect of the management of dispersal.

Music and Vocals

15. All amplified music and vocals to be controlled to the satisfaction of the Director of Place.

16. All amplified music and vocals shall be controlled as to be inaudible in the nearest noise sensitive premises after 23.00 hours.
17. All amplified music and vocals shall be controlled as to be inaudible in the nearest noise sensitive premises.
18. Amplified music and vocals are not permitted.
19. Music and vocals performances are not permitted.

Outside areas

20. The licensed area complies with the area permitted by the relevant tables and chairs permit and it is clearly defined and enclosed by suitable barriers and controlled so that no drinks are allowed to be taken from it. All tables and chairs are removed from the street in accordance with the relevant Tables and Chairs Permit's approved hours of operation.
21. The use of the tables and chairs area shall cease at [TIME TO BE ADDED AS APPROPRIATE] hours each evening.
22. All street furniture including tables and chairs, barriers, etc. must be off the street and in storage by [TIME TO BE ADDED AS APPROPRIATE] hours.
23. At least one designated member of staff to be present within the area at all times to supervise admissions and to objectively monitor the occupant capacity, and to have an effective means of communication with the premises.
24. The designated area will be regularly serviced and must be kept clear of empty receptacles, unattended glassware and all refuse removed.
25. The licensed area is fully monitored and recorded by CCTV.
26. All drinks will be supplied or decanted into plastic or paper containers.

94

27. Supply of alcohol will only be permitted to persons seated at tables and as an ancillary to a substantial meal.
28. No alcohol should be removed from the delineated licensed area or taken between two licensed areas with the exception of staff carrying out their duties.
29. Staff to be trained in conflict resolution in order to deal with drunks, under-age sales, beggars and problematic customers attempting to use tables, beg or steal from customers or alternatively appropriate SIA registered stewards to be employed.

Voluntary Organisations (No personal licence holder)

30. The serving of alcohol by all staff must be undertaken in a responsible and safe manner.

Events

31. A personal licence holder is present for supervision at all times when open for trade.
32. A site plan (specific to name of event) showing the proposed licensed area is provided to the City of Edinburgh Council Licensing Board and there are no changes to this prior to, or during, the event.
33. Appropriate steps must be taken to ensure that the number of patrons within the public area does not exceed the agreed capacity of the premises.
34. The Alcohol Management Plan, Drug Awareness Policy, Medical Plan, Event Plan and Stewarding Plan submitted prior to the event will be adhered to for the duration of the event.
35. Appropriate stewarding will be in place to provide adequate control of the premises and is to be in accordance with the Stewarding Plan submitted to the EPOG for the event. The said Stewarding Plan will be adhered to for the duration of the event.
36. Appropriate provision is to be made in order to care for persons refused entry to the event due to intoxication or being under the influence of other substances – such persons are not to be left unattended.
37. The applicant will comply with all reasonable / lawful requests made by authorised officers of the Council and/or Police Officers.
38. All reasonable requests, which do not have an operational impact, made by the Police or other council official should be complied with. All requests of an operational nature must be directed through the MACC.
39. A daily written record to be maintained by security staff/ bar staff, to detail refusals and

incidents and state circumstances.

Return to [Contents](#)

APPENDIX 9

Details of mandatory conditions – Occasional Licences – Schedule 4 of 2005 Act

1 In this schedule, “*the premises*” means, in relation to any occasional licence, the premises specified in the licence.

2 (1) Alcohol may be sold on the premises only in accordance with the terms of the licence.

(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2)

3 Any other activity to be carried on in the premises may be carried on only in accordance with the description of the activity contained in the licence.

4 (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to the holder of a premises licence or personal licence.

(2) Every sale of alcohol made on the premises to which the licence relates must be authorised (whether generally or specifically) by the holder of a personal licence.

5 (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to a representative of a voluntary organisation.

(2) Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities.

5A (1) Alcohol must not be sold on the premises at a price below its minimum price.

(2) Where alcohol is supplied together with other products or services for a single price, subparagraph (1) applies as if the alcohol were supplied on its own for that price.

3) The minimum price of alcohol is to be calculated according to the following formula—

MPU x S x V x 100

Where—

MPU is the minimum price per unit,

S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

(5) For the purposes of sub-paragraph (3), where—

(a) the alcohol is contained in a bottle or other container, and

(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions,

the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

(6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).

5B (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale.

(2) Sub-paragraph (1) applies—

(a) only where each of the alcoholic products is for sale on the premises separately, and

(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph, “*alcoholic product*” means a product containing alcohol and includes the container in which alcohol is for sale.

6 Where the price at which any alcohol sold on the premises for consumption on the premises is varied—

(a) the variation (referred to in this paragraph as “*the earlier price variation*”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

6A Where the price at which any alcohol sold on the premises for consumption off the premises is varied—

(a) the variation (referred to in this paragraph as “*the earlier price variation*”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

7 (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—

(a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,

(b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,

(d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,

(f) is based on the strength of any alcohol,

(g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or

(h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—

(a) add further descriptions of drinks promotions,

(b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “*drinks promotion*” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8 (1) The conditions specified in this paragraph apply only to the extent that the occasional licence authorises the sale of alcohol for consumption on the premises.

(2) Tap water fit for drinking must be provided free of charge on request.

(3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

9 (1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An “*age verification policy*” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

Return to [Contents](#)

APPENDIX 10

Mandatory Conditions – Premises Licences – Schedule 3 of 2005 Act

1 In this schedule, “*the premises*” means, in relation to any premises licence, the premises specified in the licence.

2 (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.

(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).

3 Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

4 (1) Alcohol is not to 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, or
- (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.

(2) In sub-paragraph (1), “*appropriate licensing qualification*” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).

(3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

5 Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—

- (a) the premises manager, or
- (b) another person who holds a personal licence.

6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person—

- (a) making sales of alcohol, or
- (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

(2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.

(3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—

- (a) provide for the accreditation by the Scottish Ministers of—
 - (i) courses of training, and
 - (ii) persons providing such courses,for the purposes of the regulations,
- (b) prescribe different training requirements in relation to different descriptions of persons,
- (c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
- (d) require training to be undergone again at such intervals as may be prescribed in the regulations.

6A (1) Alcohol must not be sold on the premises at a price below its minimum price.

(2) Where alcohol is supplied together with other products or services for a single price, subparagraph

(1) applies as if the alcohol were supplied on its own for that price.

(3) The minimum price of alcohol is to be calculated according to the following formula—

MPU x S x V x 100

Where—

MPU is the minimum price per unit,

S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

(5) For the purposes of sub-paragraph (3), where—

(a) the alcohol is contained in a bottle or other container, and

(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions,

the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

(6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).

6B (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.

(2) Sub-paragraph (1) applies—

(a) only where each of the alcoholic products is for sale on the premises separately, and

(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph, “*alcoholic product*” means a product containing alcohol and includes the container in which alcohol is for sale.

7 Where the price at which any alcohol sold on the premises for consumption on the premises is varied—

(a) the variation (referred to in this paragraph as “*the earlier price variation*”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

7A Where the price at which any alcohol sold on the premises for consumption off the premises is varied—

(a) the variation (referred to in this paragraph as “*the earlier price variation*”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

8 (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—

(a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,

(b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,

(d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,

(f) is based on the strength of any alcohol,

(g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or

(h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—

(a) add further descriptions of drinks promotions,

(b) modify any of the descriptions of drinks promotions for the time being listed in it, or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “*drinks promotion*” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

9 (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.

(2) Tap water fit for drinking must be provided free of charge on request.

(3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

9A (1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An “*age verification policy*” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

10 (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect

of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).

(2) The fee must be paid as required by the regulations.

11. (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.

(2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which—

(a) states that persons under the age of 18 are not permitted on the premises; or

(b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

12. (1) The condition specified in this paragraph applies only in the case of premises—

(a) which are not—

(i) a vehicle;

(ii) a vessel;

(iii) a moveable structure; or

(iv) used wholly or mainly for the purposes referred to in section 125(1);

(b) on which alcohol is sold for consumption on the premises; and

(c) to which children under the age of 5 are to be admitted.

(2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

13.(1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be

displayed only in one or both of the following—

(a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or

(b) a single area of the premises which is inaccessible to the public.

(1A) Sub-paragraphs (1B) to (1D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.

(1B) Any drinks promotion on the premises may take place only in any one or more of the following—

(a) an area referred to in sub-paragraph (1)(a) and (b),

(b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.

(1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.

(1D) For the purposes of sub-paragraph (1C), the “*vicinity*” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is—

(a) a non-alcoholic drink

(b) packaged with, and may be purchased only along with, alcohol

(c) a branded non-alcoholic product, or

(d) a newspaper, magazine or other publication.

(2A) Sub-paragraph (2) is without prejudice to sub-paragraph (1B).

(3) This paragraph does not apply in respect of premises—

(a) whose main function is to provide a visitor attraction, and

(b) where—

- (i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or
- (ii) the visitor attraction is used principally to provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.

(4) In this paragraph—

“branded non-alcoholic product” means a product which does not consist of or contain alcohol and which—

(a) bears a name or image of, or

(b) is an image of,

an alcoholic product (namely, a product consisting of or containing alcohol),

103

“drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is—

(a) a branded non-alcoholic product for sale on the premises, or

(b) a newspaper, magazine or other publication—

(i) for sale on the premises, or

(ii) if not for sale on the premises, which does not relate only or primarily to alcohol.

Mandatory Conditions – Late Night Premises

All premises operating after 1:00am:-

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—

(a) the time at which the premises next close; and

(b) 5:00 am.

All premises operating after 1:00am and with a capacity of which is at least 250 people and which—

(a) will regularly provide at any time in the period between 1:00 am and 5:00 am—

(i) live or recorded music with a decibel level exceeding 85dB;

(ii) facilities for dancing; or

(iii) adult entertainment; or

(b) when fully occupied, are likely to have more customers standing than seated.

2. A designated person who is the holder of a personal licence must be present on the premises from 1:00

am (on any day when the premises are open at that time) until whichever is the earlier of—

(a) the time at which the premises next close; and

(b) 5:00 am or such other time as the Licensing Board may specify.

3. There must be written policies in existence concerning—

(a) the evacuation of the premises; and

(b) the prevention of the misuse of drugs on the premises.

4. A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.

5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.

6. A person who holds a licence granted under section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—

(a) the time at which the premises next close; and

(b) 5:00 am or such other time as the Licensing Board may specify.

Return to [Contents](#)

MINUTES OF MEETING

MONDAY 30 OCTOBER 2023

Board members present: Councillors Louise Young (Convenor); Jason Rust (Vice-convenor); Chas Booth; Lezley Marion Cameron; Pauline Flannery; Catherine Fullerton; Margaret Graham; David Key

Apologies: Councillor Norman Work

Police: Sergeant Barry Mercer; Superintendent David Happs (via Teams)

Council Officers: Veronica McMillan (Regulatory Team Leader); Colin McCulloch (Senior Building Standards Surveyor); Nick Fraser (Depute Clerk)

In its consideration of items 1 to 5 below the Board deliberations were broadcast using the Council's webcast system. A copy of the webcast can be viewed [here](#)

1. Convenor's Update

Recording of meetings – the Convenor noted arrangements for the recording of Board business were working well. Board policy items were continuing to be webcast, while applications business was being recorded for internal use, to provide support for the depute clerk.

Consultation – the Convenor noted this was being promoted via the Council's social media accounts and that consultees had been emailed about the details of the consultation.

Resource and response times – the Convenor noted that application response times were impacted by workload pressures across other licensing areas, in particular short term let licensing and noted that recruitment was under way, which would hopefully lead to improvements.

The Convenor asked the Depute Clerk to provide an update on a recent meeting of the Licensing Forum. He confirmed the Forum had met on 6 October, and had discussed arrangements for responding to the Board's policy consultation.

2. Annual Financial Report – 2022/23

The Depute Clerk advised of the requirement for the Board to consider the terms of its annual financial statement for 2022/23, with a view to the report being approved and published.

The Board heard in detail from Andrew Mitchell on the terms of the report and from Catherine Scanlin and Alun Stein. Board members sought clarification on a number of matters set out in the appendix to the report on income and expenditure. The Board agreed to continue approval of the report to the November meeting, for clarification to be provided on the expenditure figures.

3. Chief Constable's Annual Report – 2022/23

• EDINBURGH •

LICENSING BOARD

Superintendent David Happs presented the terms of the Chief Constable's annual report. Board members asked a number of questions to follow up on the terms of the report.

4. Records Management Plan

The Depute Clerk confirmed this matter would be reported to the Board at its November meeting.

5. Minutes of meeting of 25 September 2023, decisions and matters arising

The Board approved the minutes and decision list for the meeting of 25 September 2023.

6. Applications – major variations, new provisionals/premises licences, etc – details as set out in separate list

The Board considered the applications as listed in the draft decision list appended to these minutes, to be approved.

7. Personal Licence Review – Joao Viera

The Board noted the personal licence holder was not present and agreed to continue the hearing to the November meeting. The Board considered Mr Viera should be advised there was a possibility the hearing would proceed in his absence.

8. Provisional Premises licence extension requests

The Board considered applications for extension of provisional premises licences, as follows:-

49 Forrest Road – extension granted to 31 January 2024

165 Lothian Road – extension request continued to November meeting

9. Premises Licence Review Hearing – 15-19 Lochend Road

The Board heard the details of a premises licence review application submitted by Police Scotland. Sergeant Mercer presented the terms of the application and Veronica Macmillan confirmed the LSO report details. The Board then heard from Alistair Macdonald on behalf of the licence holder.

Following a detailed hearing of the representations made, the Board agreed to issue the premises licence holder with a written warning.

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Continued Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	495372	Buzzworks Hospitality Limited	Black Hay Solicitors 45/47 Main Street, Prestwick, Ayrshire, KA9 1AF	1/7, Port Edgar, Shore Road, South Queensferry, EH30 9SQ	No	No	Yes	To add to section 5 of the operating plan - hot beverages, food and non alcoholic drinks can be purchased at the facility known as "Outboard" before core times. During core times alcohol may be purchased within the "Outboard" area. Operation of the Outboard area will be under the supervision of management and staff on duty. To add Plan B showing the location and extent of the "Outboard" area. Plan A is the existing premises licence approved plan CC LSO	Continued from September Licensing Board CONTINUED to January Licensing Board meeting. Occasional Licences will be referred to Licensing Board. Part heard – Cllrs Young, Rust, Booth, Flannery, Fullerton, Graham

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	501400	Edinburgh Curling Club	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	13a Riversdale Crescent, Edinburgh, EH12 5XN	Yes	No	No	Reconstruction of interior of premises on ground floor to change shop to office, refurbishment of accessible WC and change of ice staff room to Food and Drink Store. Changes on first floor to move bar from above ice rink area into viewing area, to increase size of viewing area but not overall capacity, to create new kitchen, accessible toilet and accessible lift. CC BSR	GRANTED Capacity remains at 250

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	504679	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	166 Glasgow Road, Edinburgh, EH12 8LS	No	Yes	No	Increase the overall alcohol capacity detailed in the operating plan due to changes being proposed to the internal layout. The internal layout changes relate to the inaccessible spirits area located behind the counter in the gantry. The overall capacity has increased from 9.35 linear metres to 9.80 linear metres. The internal layout plan contained in the premises licence needs to be varied to match the proposed overall increase in alcohol capacity due to the inaccessible spirits area behind the counter in the gantry increasing. CC LSO	GRANTED Capacity – 9.8m shelving

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	504673	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	19-21 Glasgow Road, Edinburgh, EH12 8HW	No	Yes	No	To increase the overall alcohol capacity detailed in the operating plan due to changes being proposed to the internal layout. The internal layout changes relate to the inaccessible spirits area located behind the counter in the gantry. The overall capacity has increased from 12.15 linear metres to 13.5 linear metres. The internal layout plan contained in the premises licence needs to be varied to match the proposed overall increase in alcohol capacity due to the inaccessible spirits area behind the counter in the gantry increasing. CC LSO	GRANTED Capacity – 13.5m shelving

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	503860	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	7 Seafield Road, Edinburgh, EH6 7LE	No	Yes	No	The variation is proposing to increase the inaccessible alcohol area behind the counter (spirits) contained within the gantry. As a result the overall capacity has increased, a new operating plan is required. CC LSO	GRANTED Capacity – 6.3m shelving

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	495764	1A PSQ Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	1a Parliament Square, Edinburgh, EH1 1RF	Yes	No	No	To delete local conditions 2 & 3 To add off sales, for use with tastings and tutorials To add tastings and tutorials as additional activities To add live performances as an activity To substitute a new ground floor plan (the rest of plans remain the same) CC BSR	GRANTED No on sales of alcohol after 2300, except for residents Capacity 266

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	503456	Caledonian Heritable Ltd	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	21-23 Marionville Road, Edinburgh, EH7 5UD	No	No	Yes	To amend the layout plan to show the outdoor drinking area. Licence Holder will apply for Tables and Chairs permit for this area. To amend question 5d of the operating plan to Y for outdoor drinking facilities CC LSO	GRANTED 2200hrs terminal hour for outdoor area

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	500153	Inverhow Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	29a Waterloo Place, Edinburgh, EH1 3BQ	No	No	Yes	Amendment to Question 7 of the operating plan to include the external area capacity of 40 persons. Variation to include the external area within the boundary of the licensed premises as shown on submitted plan. CC LSO BSR	GRANTED 2200hrs Terminal hour for outdoor area Capacity remaining at 216 (40 in the outside area)

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	502831	Punch Partnerships (PTL) Limited	Flint Bishop LLP Pinnacle Building, 2 Prospect Place, Derby, DE24 8HG	3 Melville Place, Edinburgh, EH3 7PR	No	No	Yes	To amend operating plan to permit on and off sales on Sunday's from 11:00; permit conference and restaurant facilities during and outwith core hours; permit receptions outwith core hours; permit theatre during and outwith core hours; permit outdoor drinking facilities during and outwith core hours. Add festival events such as comedians etc. To allow take-away and delivery of food and drink. To allow takeaway and delivery of alcohol to take place during permitted core hours for consumption off the premises. To permit children or young persons aged 5-17 years to be allowed entry accompanied by an adult from opening until 22:00 hours in all public parts of the premises CC LSO BSR Ox1 West End Community Council	GRANTED 2200hrs terminal hour for outdoor area Capacity remains at 112

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
9.	502320	Black Sheep Coffee Bar Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	30 St James Square, New Town, Edinburgh, EH1 3AX	No	No	Yes	Major Variation to increase capacity figure from 50 persons to 75 persons, in accordance with proposed layout plan LC02 Rev B. There is no change to the internal configuration of the premises, and the layout plan has only been amended to include the new capacity figure. The capacity breakdown is as follows: Cafe Seating Area: 51 persons Mall Seating Area: 24 persons CC LSO BSR	GRANTED 2200hrs terminal hours for outdoor area Capacity 75 (internal 51, external 24) Cllr Booth dissent noted

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	500169	Chardon Edinburgh (RM) Limited	Gosschalks LLP 61 Queens Gardens, Kingston Upon Hull, HUI 3DZ	300 Cowgate, Edinburgh, EH1 1NA	Yes	No	No	On sales hours to be amended to 09.00 to 01.00 on Mondays to Saturdays inclusive and 11.00 to 01.00 on Sundays. Q4 (Seasonal variations) in the operating plan is to be amended to reflect the fact that the premises wish to take advantage of any extended hours permitted in line with the policy of the licensing board from time to time, in particular over the festive period, Edinburgh International and Fringe Festivals each year. Q5 in the operating plan is to be amended such that the answers to the provision of Conference facilities during core hours is to be amended to read "No". Q5 of the operating plan is to be amended to reflect the fact that both restaurant facilities and bar meals may be provided both within and outwith core licensed hours. The reference to breakfast being continental not cooked is to be removed from Q5. CC	GRANTED

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
11.	500175	Mellis Cheese Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	30a Victoria Street, Old Town, Edinburgh, EH1 2JW	No	Yes	No	To amend the wording of the local condition - "Alcohol sales restricted to wines only" to "Alcohol sales restricted to wines, whisky and cider". Variation to the layout plan to reflect current layout of the premises as per attached plan 5676224 resulting in reduction of capacity from 6 linear metres to 5 linear metres. CC	GRANTED

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
12.	499690	Common Blue Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	36 Broughton Street, Edinburgh, EH1 3SB	No	No	Yes	To delete the current condition on amplified music and vocals, and to replace it with the new condition " all amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises". To add conference facilities as an activity. To add training and tasting as additional activities. To permit children and young persons into the lower ground floor, as well as the ground floor. CC LSO BSR	GRANTED Capacity noted as 120 All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
13.	501920	Meadowhead Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	50 Mortonhall Gate, Edinburgh, EH16 6TJ	No	No	Yes	To delete the current noise conditions on amplified music and vocals, and to replace it with the new condition "All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises". To amend the rules on access by children and young persons, to provide that children must be accompanied by an adult, but do not need to be there for the purpose of having a meal or attending a function. Young persons do not require to be accompanied and do not necessarily have to be having a meal or attending a function. Children and young persons will have access to all public areas including the courtyard. Children will require to vacate the premises by 11pm (unless attending a private pre-booked function in which case they may remain until 1am) and young persons must vacate the premises by 1am. To provide that the outside area may be used prior to the commencement of core hours for the consumption of food and non-alcoholic drinks, for breakfasts for example. No alcohol will be sold or supplied until the commencement of licensed hours. To change the designated premises manager.	GRANTED All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises
								CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
14.	496575	Mitchells & Butlers Retail Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	71-73 York Place, Edinburgh, EH1 3JD	No	No	Yes	Layout Plan to include the external area within the licensed boundary as per the proposed Layout Plan (EDLP1). CC LSO	GRANTED 2200hrs terminal hour for outdoor area Capacity remains 174

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
15.	501003	Ms Virginie Brouard	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	Gf, 9 Randolph Place, Edinburgh, EH3 7TE	No	No	Yes	Change of core hours to commence on and off sale at 11:00 Monday to Saturday. Inclusion of seasonal variations. Change in activities to include Recorded Music outwith core hours and Theatre within core hours with associated change in wording and revised wording in relation to receptions outwith core hours. Inclusion of range of activities in 5(f) to include: product launches and demonstrations, food tasting events, sampling of alcohol/wine tastings, language classes, charity events, educational activities relating to food and drink, sale of food and other items and order and dispatch of food and drink from the premises. Change in relation to admission of children and young persons to allow accompanied admission of children until 11pm or 1am if attending functions and for young persons until 1am. Expansion of external area to include an area of pavement. Revision of drawings to clarify admission of children and young persons to rear area. Revision of drawings to more clearly define communal areas and areas to which children and young persons do not have access. Amendment of description to read "Wine Bar/ Restaurant on ground, mezzanine and first floor levels with external seated area"	GRANTED 2200hrs terminal hour for outdoor area Capacity remains at 160
								CC LSO BSR Ox1 Mr Scholefield	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
16.	502625	RSC Management Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	The Royal Scots Club, 30 Abercromby Place, Edinburgh, EH3 6QE	No	No	Yes	To add outdoor drinking facilities as an activity, including prior to licensed hours, from 9am. To provide that the premises are a fringe venue hosting various shows. To substitute new layout plans (six) showing additional areas, partly within the ownership of the property and partly on the adjacent pavement, into the licensed area, and tidying up generally. No increase to capacity. CC LSO Ox1 Mr David Brew	GRANTED Undertaking from Applicant to update Operating Plan to state no entertainment will take place in outdoor area.

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	502347	Meininger Hotels U.K. Limited	DWF Law LLP 5 St Paul's Square, Old Hall Street, Liverpool, L3 9AE	1-5 Osborne Terrace, Wester Coates, Edinburgh, EH12 5HG	Yes	No	No	<p>Premises will operate as a hotel and hostel type accommodation to resident guests and will consist of a lower ground floor, principally with guest accommodation and provision for guest services and staff services. A ground floor which again will have guest accommodation together with a lobby / reception area including a bar and lounge, breakfast area which can be used for small functions, preparation areas for food, toilet facilities, office facilities, luggage storage and a kitchen available for use by guests and a laundry area. There will be an outside ground floor terrace as shown on the plans which will be available to be used by guests until 23:00 There will then be first, second, third and fourth floors which will all have guest accommodation with some service facilities. It is proposed there will be a total of 157 rooms in the premises. All door widths and fire precautions will comply with the current required practice and subject to approval by Building Control. The hotel is situated in its own grounds and will have parking facilities and a garden area to the rear.</p> <p>CCx2 LSO BSR Ox 10 Dr Stalker Mrs Smith Mrs Hutchison Murrayfield Community Council Mrs Dickson DAAA Ms East Revd Warnes Mr Smith Mrs Cullen Mr McCombie 1x note of support Ms Macpherson</p>	<p>GRANTED on division</p> <p>All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises'</p> <p>2200hrs terminal hour for outdoor area.</p> <p>Non-resident ch&yp – 2300, unless attending private function</p> <p>Terraced area – no seasonal variation, no extension of hours</p> <p>Capacity 699: 549 bedrooms, 150 reception, lounge and external areas</p> <p>Undertaking by the applicant to consider closure of terrace during major Murrayfield events or use of door stewards during Murrayfield events.</p> <p>Motion to REFUSE Cllr Booth, Cllr Graham.</p> <p>Proposal to GRANT as</p>

THE CITY OF EDINBURGH LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

									<p>sought with music condition attached. – Cllr Key, Cllr Fullerton</p> <p>Proposal to GRANT with music condition with undertaking by the applicant to consider closure of terrace during major Murrayfield events or use of door stewards during Murrayfield events.</p> <ul style="list-style-type: none">- Cllr Young, Cllr Key, Cllr Flannery, Cllr, Cameron, Cllr Fullerton, Cllr Rust
--	--	--	--	--	--	--	--	--	---

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	502716	Mr Bhavishya Dahiya	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	28 Dalry Road, Dalry, Edinburgh, EH11 2BA	No	Yes	No	Convenience store located on the ground floor of a property on Dalry Road CCx2 LSO BSR	GRANTED Capacity 18.4 linear meters Music condition – no audible nuisance

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	503528	Mr Deepak Kumar Singh	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	60 Angle Park Terrace, Edinburgh, EH11 2JR	No	Yes	No	Retail unit located on the ground floor of premises on Angle Park Terrace, with basement storage. CCx2 LSO BSR Ox1 Ms Allan	GRANTED 38.5 linear meters All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises'

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

30 October 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	501030	Reis Short & Company	Brodies LLP 58 Morrison Street, West End, Edinburgh, EH3 8BP	Broughton Hotel, 37 Broughton Place, Broughton, Edinburgh, EH1 3RR	Yes	No	No	Guesthouse over 3 floors in Edinburgh city centre CCx2 LSO BSR	GRANTED Capacity 30 All amplified music and vocals shall be controlled so as not to be an audible nuisance in neighbouring residential premises'.

Page 163

PERSONAL LICENCE APPLICATIONS

KIERRAN SIME – not present – CONTINUED to NOVEMBER meeting, with Mr Sime to be advised of specific time for attendance

ABBAS ALI AFZAL – not present – CONTINUED to NOVEMBER meeting

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Transfer and Variation PREMISES LICENCE APPLICATIONS

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	505611	Mr Jun-Hay Au	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	27 Sciennes Road, Edinburgh, EH9 1NX	No	No	Yes	Transfer application. To introduce on sale licensed hours on Sunday from 11am to 9.45pm and off sales to 10pm. To increase the on sale licensed hours on Monday to Thursday to 9.45pm and on Sunday to 10pm. To substitute a new layout plan showing a slightly larger outside area. To change the name of the premises to Pomello. To change the premises manager CCx2	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	504621	HIN JB Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	1-3 Baxter's Place, Edinburgh, EH1 3AF	No	No	Yes	Major variation to layout plan to account for the inclusion of the terraced area on Level 05 in the licensed footprint, per proposed layout plan 140318 L31-105. There is no change to the capacity figure. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	502422	Scots Guards Association Club Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	2 Clifton Terrace, Edinburgh, EH12 5DR	No	No	Yes	<p>To replace music condition to "All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises". To commence on sale hours at 9am each day, except Sunday 11am. To add off sales. To add Seasonal Variations, Restaurant Facilities, and Indoor/ Outdoor Sports as Activities.</p> <p>To provide that certain Activities may take place outwith core hours namely from 8am, when functions such as funerals might take place, or club or other meetings might take place Recorded Music would be played, food might be available. To add Tastings as an Activity. To amend access by children and young persons, so that children and young persons must be accompanied by an adult. Children are permitted until 11 pm, unless attending a private pre-booked function in which case they may remain until 1am. Young Persons may remain until 1am. Children and Young Persons will have access to all public areas. To substitute new Layout Plans, showing the additional outside area, and various changes to the layout of the premises, particularly on the top floor. To add premises manager</p> <p>CC LSO BSR</p>	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Continued Provisional PREMISES LICENCE APPLICATIONS

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	477275	Mr Adnan Majeed	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	16 Newkirkgate, Edinburgh, EH6 6AD	No	Yes	No	Retail unit located within the Newkirkgate Shopping Centre, at the foot of Leith Walk. CCx2 LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	503919	The Linton Collection Limited	TLT Solicitors 9th Floor, 41 West Campbell Street, Glasgow, G2 6SE	19-21 Blackfriars Street, Old Town, Edinburgh, EH1 1NB	No	No	Yes	Restaurant within converted church building with accommodation above. CCx2 LSO BSR Ox1	
2.	503288	T.J Morris (Scot) LTD	Gosschalks Solicitors Queens Gardens, Hull, HU1 3DZ	7 Moray Park, Meadowbank, Edinburgh, EH7 5TS	No	Yes	No	Retail store CCx2 LSO BSR	
3.	504048	Mr Ugur Yavuz	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	54 West Port, Edinburgh, EH1 2LD	No	No	Yes	Small coffee/shop cafe located on the ground floor of a building on West Port. CCx2 LSO BSR Ox1	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	504032	Pizza Dalry Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	148-150 Leith Walk, Edinburgh, EH6 5DT	No	No	Yes	Restaurant/takeaway unit located on the ground floor of a building on Leith Walk, with outside seating area. CCx2 LSO BSR	
5.	504186	Mr Mohammed Din	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	42-44 South Bridge, Old Town, Edinburgh, EH1 1LL	No	No	Yes	Restaurant/Takeaway on ground floor and basement of premises on South Bridge, Edinburgh CCx2 LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE

27 November 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	502652	Miss Susan Jane Hunt	Miss Susan Jane Hunt 4 Saughton Crescent, Edinburgh, EH12 5SH	24 Forth Street, Broughton, Edinburgh, EH1 3LH	No	No	Yes	An office within a business centre. No direct access to the public CCx2 LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE APPLICATIONS
27 November 2023

New Applications

No	Reference	Applicant	Agent Details	Comments	Decision
1.	505931	Mr Kieran Sime	Macdonald Licensing	CC (Continued - September 2023 and October 2023 Licensing Board)	
2.	479862	Mr Paramvir Singh	Macdonald Licensing	CC (Continued - October 2022 and November 2022 Licensing Board)	
3.	505424	Mr Abbas Ali Afzal		CC (Continued - October 2023 Licensing Board)	
4.	505052	Mr King Low	Macdonald Licensing	CC (Continued - September 2023 Licensing Board)	
5.	512627	Mr Jing Shen	Macdonald Licensing	CC	

Applications called for 14:00

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATIONS
27 November 2023

No	Reference	Premises	Dates and times	Comments	Decision
1.	514070	14 St Mary's Street, Edinburgh	20/11/2023 - 03/12/2023 Off Sales: 1000 - 2200	Represented by Alistair Macdonald Conditions accepted	

PERSONAL LICENCE REVIEW – SECTION 84A – JOAO VIERA

1. Purpose

- 1.1 To advise of a requirement to hold a personal licence review hearing.

2. Main Report

- 2.1. Joao Viera holds a personal licence issued by the Edinburgh Licensing Board. Police Scotland have applied for review of his personal licence.
- 2.2. The details of the review application are set out in a letter from Police Scotland, a copy of which has been sent to Mr Viera. The Board is required to hold a hearing on the terms of the review application and decide what action is considered necessary for the personal licence. The Board should firstly hear from the police representative on the terms of the application, before then providing Mr Viera with an opportunity to respond to the terms of the application.
- 2.3. At the conclusion of the hearing, if the Board is satisfied that it is necessary to take action for the purposes of any of the licensing objectives, it may make an order:-
- (a) revoking;
 - (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
 - (c) endorsing
- the personal licence.
- 2.4. The application was on the Board's agenda for 30 October 2023. Noting Mr Viera was not present, the Board agreed to continue the matter to enable his appearance.
- 2.5. If it is considered, having regard to the licensing objectives, that the licence holder is no longer fit and proper to hold the licence, the Board must revoke the licence.

3. Recommendation

- 3.1 The Board should:-
- (a) hold a hearing on the personal licence, allowing the licence holder the opportunity to be heard; and
 - (b) decide what action should be taken, having regard to the licensing objectives.

4. Background Papers

- 4.1 Letter from Police Scotland dated 3rd July 2023.

Depute Clerk of the Licensing Board

APPLICATIONS TO EXTEND PROVISIONAL PREMISES LICENCES

1. Purpose

- 1.1 To ask the Board to consider applications to extend the duration of provisional premises licences.

2. Main Report

- 2.1. A number of requests for extension of provisional premises licences have been received.
- 2.2. A provisional premises licence is granted for a period of four years from the date of issue of the licence. If not confirmed before the end of the provisional period, the licence is revoked. Confirmation is obtained upon receipt by the Licensing Board of clear [Section 50](#) certificates (Planning, Building Standards and, where necessary, Food Hygiene).
- 2.3. A provisional premises licence holder may apply to the Board before the end of the provisional period, requesting an extension by such further period as the Board considers appropriate.
- 2.4. In granting such an extension, the Board must be satisfied in terms of [Section 45\(8\)](#) of the 2005 Act that (a) completion of the construction or conversion of the premises to which the licence relates has been delayed and (b) the delay has been caused by factors outwith the premises licence holders' control.
- 2.4 Details of premises for which requests have been made are provided below. Provisional licence expiry details will be confirmed at the Board meeting.

3. Recommendation

- 3.1 In the event the Board is satisfied with the reasons given, the Board is asked to reach a decision on the duration of any extension of the provisional premises licence for each of the requests.

4. Background Information

- 4.1 165 Lothian Road – first time request
- 4.2 47-49 Duke Street – first time request
- 4.3 Mortonhall Farm Shop – first time request
- 4.4 8 Salamander Place – second request, previously extended six months

Depute Clerk of the Licensing Board