

## SUMMARY OF PREMISES LICENCE

Issued by Midlothian Licensing Board – under the terms and conditions of the  
Licensing (Scotland) Act 2005

Premises licence number: 2008/0127/PREM

Date of commencement of licence: 1 September 2009

**Postal address of premises:**

POLTON INN  
POLTON ROAD  
LASSWADE  
MIDLOTHIAN

Postcode: EH18 1BS

Telephone number:

**Description of premises:**

Town local public house with restaurant conservatory area and enclosed walled car park to the side of the premises.

**Name and postal address (or registered address if a company) of premises licence holder:**

[REDACTED]

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

Company number [REDACTED]

**Name of premises manager named in the operating plan**

[REDACTED]

**Local Conditions**

1. The licensee shall co-operate fully with the Director, Strategic Services and appointees to ensure all music, amplified or otherwise, is controlled in accordance with the guidance contained in the *"Good Practice Guide on the Control of Noise from Pubs and Clubs"* Institute of Acoustics, March 2003.
2. All reasonable steps shall be taken to ensure that customers going outside to smoke do not cause nuisance by creating noise, litter etc.
3. No children shall be permitted in the public bar or within 1 metre of the bar in the lounge area.

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)  
The Premises Licensing (Scotland) Regulations 2007 Schedule 5 Regulation 6

<b>1.</b>	<b>Question 1</b>	
Statement regarding alcohol being sold on premises/Off Premises or both		
<b>1(a)</b>	Will alcohol be sold for consumption solely ON the premises?	NO
<b>1(b)</b>	Will alcohol be sold for consumption OFF the premises?	NO
<b>1(c)</b>	Will alcohol be sold for consumption both ON and OFF the premises?	YES

<b>2.</b>	<b>Question 2</b>	
Statement of CORE times when alcohol will be sold for consumption ON premises		
<b>Day</b>	<b>ON Consumption</b>	
	<b>Operating time</b>	<b>Terminal hour</b>
<b>Monday</b>	11.00	00.00
<b>Tuesday</b>	11.00	00.00
<b>Wednesday</b>	11.00	00.00
<b>Thursday</b>	11.00	01.00
<b>Friday</b>	11.00	01.00
<b>Saturday</b>	11.00	01.00
<b>Sunday</b>	11.00	00.00

<b>3.</b>	<b>Question 3</b>	
Statement of CORE times when alcohol will be sold for consumption OFF premises		
<b>Day</b>	<b>OFF Consumption</b>	
	<b>Operating time</b>	<b>Terminal hour</b>
<b>Monday</b>	11.00	22.00
<b>Tuesday</b>	11.00	22.00
<b>Wednesday</b>	11.00	22.00
<b>Thursday</b>	11.00	22.00
<b>Friday</b>	11.00	22.00
<b>Saturday</b>	11.00	22.00
<b>Sunday</b>	11.00	22.00

<b>4.</b>	<b>Question 4</b>	
Seasonal variations		
	Does the applicant intend to operate according to seasonal demand?	YES

\*If YES – provide details

To permit the sale of alcohol for consumption on the premises until 01.00am on 24 December and 03.00am on 31 December into 1 January

<b>5.</b>	<b>Question 5</b>
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Please indicate the other activities or services that will be provided on the premises in addition to supply of alcohol

<b>Column 1</b>	<b>Column 2</b> <b>Please confirm</b>	<b>Column 3</b> <b>To be provided during core licensed hours – please confirm</b>	<b>Column 4</b> <b>Where activities are also to be provided outwith core licensed hours – please confirm</b>
<b>5(a) Activity</b>	<b>YES/NO</b>	<b>YES/NO</b>	<b>YES/NO</b>
Accommodation	NO	N/A	N/A
Conference facilities	NO		
Restaurant facilities	YES	YES	NO
Bar Meals	YES	YES	NO

	<b>Please confirm</b>	<b>To be provided during core licensed hours – please confirm</b>	<b>Where activities are also to be provided outwith core licensed hours – please confirm</b>
<b>5(b) Activity</b> <b>Social functions including:</b>	<b>YES/NO</b>	<b>YES/NO</b>	<b>YES/NO</b>
Receptions Including weddings, funerals, birthdays, retirements etc	YES	YES	NO
Club or other group meetings etc	YES	YES	NO

	<b>Please confirm</b>	<b>To be provided during core licensed hours – please confirm</b>	<b>Where activities are also to be provided outwith core licensed hours – please confirm</b>
<b>5(c) Activity</b> <b>Entertainment including</b>	<b>YES/NO</b>	<b>YES/NO</b>	<b>YES/NO</b>
Recorded music - see 5(g)	YES	YES	NO
Live performances – see 5(g)	YES	YES	YES
Dance facilities	YES	YES	YES
Theatre	NO		
Films	NO		
Gaming	YES	YES	NO
Indoor/Outdoor sports	YES	YES	NO
Televised sport	YES	YES	NO

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

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

Activities / services may continue during the extended hours specified in Question 4 above

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

Karaoke

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

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? N/A

When fully occupied are there likely to be more customers standing than seated? N/A

**6 On Sales ONLY**  
**CHILDREN AND YOUNG PERSONS**

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry? YES

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

Children and young persons will only be allowed access if accompanied by an adult

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

0-17 years

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

11.00 – 21.00 unless attending a private function in which case they must be off the premises by the end of the private function.

<b>6(e)</b>	<b>Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry</b>
Lounge and toilets and routes to access them.	

**CAPACITY OF PREMISES**

<b>7.</b>	<b>Question 7</b>
What is the proposed capacity of the premises to which this application relates?	
270	

<b>8.</b>	<b>Question 8</b>
Premises Manager (NOTE: not required where application is for grant of provisional premises licence)	
<b>8(a)</b>	<b>Name</b>
[REDACTED]	

<b>8(b)</b>	<b>Date of birth</b>
[REDACTED]	

<b>8(c)</b>	<b>Contact address</b>
[REDACTED]	

<b>8(d)</b>	<b>Email address</b>
[REDACTED]	

<b>8(e)</b>	<b>Personal Licence</b>	
<b>Date of Issue</b>	<b>Name of Licensing Board Issuing</b>	<b>Reference no. of personal licence</b>
[REDACTED]		

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

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

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

Signature 'Flint Bishop'	Date 3 July 2018
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Capacity	AGENT
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Telephone number and email address of signatory

[REDACTED]

[REDACTED]

**\*Data Protection Act 1998**

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

## **Premises Licence Mandatory Conditions**

### **Interpretation**

1. Premises means, in relation to any premises licence, the premises specified in the licence.

### **Compliance with the Operating Plan**

2. (1) Alcohol is to be sold on 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.

### **The Premises Manager**

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.

### **Authorisation of sales of alcohol**

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

### **Training of Staff**

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 the 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.



## **Pricing of Alcohol**

6(b).

(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.

## **Irresponsible drinks promotions**

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.

### **Provision of non-alcoholic drinks**

9. (1) the conditions specified in this paragraph apply 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 supplied free of charge on request.  
(3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

### **Requirement for Age Verification Policy**

- 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.

### **Payment of annual or recurring fees**

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.

### **Notices – admission of persons under 18**

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; or  
b. States that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

### **Baby changing facilities**

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 premises facilities for baby changing which are to be accessible to persons of either gender.

### **Display, or promotion of the sale, of alcohol for consumption off the premises**

13. (1) 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 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)

'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