

EAST LOTHIAN LICENSING BOARD

NOTICE OF MEETING of the EAST LOTHIAN LICENSING BOARD

COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON on
THURSDAY 28TH AUGUST 2014 at 10am

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, indentifying the relevant agenda item and the nature of their interest.

1. Minutes for Approval:

26th June 2014

2. Extension of Licensed Hours

Prestonpans Labour Party Club - Prestonpans

3. Grant of Provisional Premises Licence

- (i) Giancarlo's – 119 High Street, Tranent
- (ii) Caffe Borsa – 49 High Street, Musselburgh

4. Variations of Premises Licence –

- (i) Co-op – Brotherstone's Way, Tranent
- (ii) Gullane Delicatessen – 40 Main Street, Gullane
- (iii) Lidl – Olivebank Industrial Estate, Musselburgh.
- (iv) Lidl – Mercat House, High Street, Prestonpans
- (v) Pan Convenience Store – 5 Hawthorn Road, Prestonpans
- (vi) The Pine Martin – Spott Road, Dunbar
- (vii) Umberto's – 119-121 High Street, Dunbar

5. Premises Licence Review

Elphinstone Arms – Main Street, Elphinstone

6. Application to Terminate Closure Order

Elphinstone Arms – Main Street, Elphinstone

7. Personal Licence Refresher Training (Report by Clerk of the Licensing Board)

8. Air Weapons and Licensing (Scotland) Bill (Report by Clerk of the Licensing Board)

KIRSTIE MACNEILL
Clerk of the Licensing Board
Date: 20th August 2014

EAST LOTHIAN

Meeting 28 August 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Extended Hours(s)

Premises	Applicant	Date Received	Comments
1 PRESTONPANS LABOUR PARTY SOCIAL CLUB STREET ONLY KIRK STREET PRESTONPANS EAST LOTHIAN	PRESTONPANS LABOUR PARTY SOCIAL CLUB	13 August 2014	12 Midnight to 6am on 18th/19th September 2014

OCC Form 34

PC
RF

EAST LOTHIAN LICENSING BOARD

Licensing (Scotland) Act 2005

Application for Extension of Licensed Hours

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

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. Application must be lodged 14 days prior to the event.

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

1. LICENCE DETAILS (see note 1)	
Premises licence number	EL0258
Premises name and full postal address (including post code, which this application refers to)	PRESTONPANS LABOUR PARTY CLUB 5 KIRK STREET, PRESTONPANS EAST LOTHIAN, EH32 9EA

2. APPLICANTS DETAILS	
Name of individual	MATTHEW EDMOND Licence No EL 314
Company/Partnership	PRESTONPANS LABOUR PARTY CLUB

3. TELEPHONE NUMBERS	
Daytime	01875 810876
Evening	" "
Mobile	
FAX NUMBER	N/A
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail)	

4. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)

Day	Commencement Time	Terminal Hour
Monday		
Tuesday		
Wednesday		
Thursday	12 pm	
Friday		6am
Saturday		
Sunday		

5. DURATION OF LICENCE

From: [enter date] MIDNIGHT 18th SEPTEMBER 2014
 To: [enter date] 6am 19th SEPTEMBER 2014

6. THE EVENT OR OCCASION

Specify the type of event or occasion to be catered for on the premises and the organiser
 YES/NO VOTE FOR SCOTTISH INDEPENDANCE
 PRESTONBANKS LABOUR PARTY

7. CHECKLIST (Please tick yes/no)

• I have Made or enclosed payment of the fee for the application	YES/NO
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8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)

DECLARATION
 IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION
 The contents of this Application are true to the best of my knowledge and belief

SIGNATURE 	DATE 11 AUGUST 2014
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NOTES

- Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
 - a special event or occasion to be catered for on the premises, or
 - a special event of local or national significance.
- This application must be lodged at least 14 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.
- The extension of licensed hours may be for such period as is specified in the application or such other period as the Board considers appropriated, but it must not exceed one month.
- Data Protection Act 1998
 - The information on this form may be held on an electronic register which may be available to members of the public on request
- Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

Richardson, Debbie

Subject: FW: Liquor - Premises Licence - 2005 Act - Extended Hours - Prestonpans Labour Party Social Club, Street Only - 13/08/2014

From: Fruzynski, Rudi
Sent: 18 August 2014 15:37
To: Herkes, Gillian
Subject: RE: Liquor - Premises Licence - 2005 Act - Extended Hours - Prestonpans Labour Party Social Club, Street Only - 13/08/2014

I refer to the above subject and make the following observations:

- Ø The terminal hour applied for in this application, namely to 06:00 hours, is out with policy.
- Ø The premises are based in a predominantly residential area and the early morning dispersal from the premises has potential to cause disturbance.
- Ø The Scottish Independence Vote is a political hot potato and this extension to licensing hours could cause unforeseen issues in the locality.
- Ø I recommend that this application be referred to the Licensing Board for information and determination.

Rudi Fruzynski
Licensing Standards Officer

Subject: Liquor - Premises Licence - 2005 Act - Extended Hours - Prestonpans Labour Party Social Club, Street Only - 13/08/2014

Extended Hours application lodged - OCCEXT34 - Prestonpans Labour Club - 18th September, 2014

Matthew Edmond - 01875 810876

Please find attached details of applications lodged in this office for the above.

We await your response within 10 days of the receipt of this email.

Please reply with your responses to <mailto:licensing@eastlothian.gov.uk>

Regards

Licensing Team

EAST LOTHIAN

Meeting 28 August 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
2	GIANCARLO'S 119 HIGH STREET TRANENT EH33 1LW	PACITTI LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	22 July 2014	
3	CAFFE BORSA 49 HIGH STREET MUSSELBURGH EH21 7AB	BDL PROPERTY MANAGEMENT LTD.	22 July 2014	



**POLICE
SCOTLAND**

Keeping people safe

Date: 4th August 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE GRANT OF PROVISIONAL PREMISES LICENCE
PREMISES: GIANCARLO'S, 119 HIGH STREET, TRANENT**

I refer to the above application made by Pacitti Ltd, 23 Windsor Street, Edinburgh. I have to advise you that none of the connected persons have been convicted of any relevant offence. I am unable to confirm the existence of any foreign offence, committed outwith the United Kingdom, in respect of these connected persons.

It is pertinent to point out that this provisional application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Tranent and any additional ones would be surplus to requirements in terms of provision.

Yours faithfully

Divisional Licensing Officer

East Lothian Council
Licensing

7 - AUG 2014

Received

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

To: Kirstie MacNeill
Clerk to the Licensing Board

per:
ref:

per:
ref:

Date: 05 Aug. 14

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – AUGUST 2014

Giancarlo's, 119 High Street, Tranent, East Lothian EH33 1LW

I refer to the above subject and can confirm that the undernoted premises have been visited in relation to application for a Provisional Premises Licence. The mandatory site notice was noted as being displayed in accordance with the Act.

This variation is out with Part 4 of the Statement of Licensing Policy 2013-2016 in relation to overprovision.

There are 19 licensed premises in Tranent.

Licensed premises in the area of the applicant's premises are as follows:

East Lothian Co-operative Employees Bowling and Social Club, Ormiston Road – On Consumption and Off sales

Lodge Nisbet Social Club, Ormiston Road – On consumption

Scottish Co-operative Supermarket, High Street – Off sales

Whispers, High Street – On consumption and Off sales

Kashmir Valley Indian Restaurant, High Street – On consumption

New Plough, High Street – On consumption and Off sales

Tranent Post Office and Spar Shop, High Street – Off sales

Keepers Arms Bridge Street – On consumption – Off sales

Day Today, Bridge Street – Off sales

Tranent Superstore, Bridge Street – Off sales

R. Fruzynski
Licensing Standards Officer

Supporting Statement

Giancarlo's, 119 High Street, Tranent

Applicants Pacitti Limited

This is an Application for premises that are currently lying vacant on the High Street, Tranent, close to the junction with Ormiston Road.

Our client and his wife are both from well-known Italian families in the east of Scotland, and they would like to start their own business. They have found these premises in which they are prepared to invest a lot of money and turn it in to a place that they think that Tranent needs, and will appreciate.

They do not consider it to be the type of business that will cause any issues.

Full and Part time jobs will be created by this business.

It is considered that Tranent suffers from a lack of good quality family orientated restaurants and this will help fill the gap.

The position under the Statement of Licensing Policy with regard to overprovision in East Lothian had been explained to our clients and their requirement to show how the granting of this Licence would not be prejudicial to the Licensing Objectives. Going through each of these in turn we would comment as follows:-

1. Preventing Crime and Disorder

The Premises have obtained Planning Permission as a restaurant and will operate as such. The Application to be considered will determine whether or not our clients are allowed to sell the alcohol themselves or require to ask people to bring their own alcohol with them.

It is considered that the granting of the Licence under these circumstances does not prejudice this objective.

We think it would be generally accepted that restaurants in general do not cause the issues that other types of licensed premises might. People are seated, in a civilised environment, and often, certainly during the day and in the earlier part of the evening, in a family orientated environment. The possibility of unruly behaviour, we would suggest leading to disorderly conduct either within the premises or after patrons have left the premises, is relatively slim.

Notwithstanding this, our clients accept the fact that they have an obligation to create a suitable environment. That means an environment that is pleasant for the consumer and is therefore conducive to people behaving in a civilised manner. Standards of behaviour will be set and people not prepared to accept these, or contravening in any way, will be asked to leave.

That includes overconsumption of alcohol and unruly or unsocial behaviour.

2. Securing Public Safety

These will be newly fitted premises and therefore there should be no possibility of danger or inconvenience to the public. Before Building Control sign it off they will have complied with the appropriate regulations. Public safety is paramount to our clients and the tables will be set out in such a way as to minimise possibilities of inconvenience to customers who may be disabled, elderly, or young.

Our clients would also wish their staff to work in a pleasant and safe environment.

Similarly, it would be expected to patrons to behave as they are leaving. If waiting for taxis outside, or indeed people smoking outside will be asked to take into account the interest of the neighbours and to keep their voices down, including when they are on the telephone!

Music will be played, but it is not envisaged that there should be any noise escape that would cause inconvenience.

There will be a CCTV system installed.

3. Protecting and Improving Public Health

These will be food orientated premises, as will be appreciated, with the consumption of drink ancillary, but people in certain circumstances can consume too much, particularly perhaps if they have already consumed alcohol earlier. The behaviour of clients will be monitored to ensure overconsumption, which could be a danger to their safety as well, is minimised.

Staff will be trained as to the signs of people being drunk. It can sometimes be more difficult in a restaurant than in a bar because people are generally seated and it is perhaps only when they are leaving, or possibly visiting the toilet, that this is noticed.

Overconsumption of alcohol in Scotland is an issue and East Lothian Licensing Board have recognised this by their overprovision policy. Notwithstanding this, alcohol will be consumed in these premises whether a Licence is granted or not, and it is considered more appropriate for this to be regulated by a Licence, where the Board, the Licensing Standards Officers, and Licensing Police, are involved, rather than the unregulated BYOB. We would contend that granting the Licence will promote public health in this respect.

Our client's speciality will obviously be Italian wines, with some Italian beers as well. Liqueurs will be on offer.

Protecting Children from Harm

Our clients wish to have a very child friendly restaurant, where children and young persons can feel at home and parents enjoy bringing their families along.

Everything will be done to promote this.

With regard to underage drinking, this does happen in restaurants, perhaps parents attempting to provide their children with alcohol, when they are not of the appropriate age. This will be closely monitored and staff will be trained in this respect.

They will of course operate a Challenge 25 Policy, and indeed a Refusals/ Incidents Book.

EL 328

EAST LOTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

CIANCARLO'S 119 High Street Tranent East Lothian EH33 1LW

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

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2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

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2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Pacitti Ltd
23 Windsor Street
Edinburgh
EH7 5LA

Company No. SC474361

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

Giancarlo Paccitti
20 Durham Avenue, Edinburgh, EH15 1PA
29.08.1984 in Edinburgh
07880 327 100

Natascia Pacitti
20 Durham Avenue, Edinburgh, EH15 1PA
14.09.1982 in Edinburgh
07585 770 376

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* **NO**

If YES – provide full details

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Question 4

Previous convictions

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	NO
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**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

Restaurant with takeaway facility, located on the ground floor of a building on High Street, Tranent.

Question 6

6 *To be completed by members' clubs only*

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	<i>N/A</i>
<i>* Delete as appropriate</i>	

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  * (see note below)

Date *22/7/14*

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<i>X</i>
<i>Layout plan</i>	<i>X</i>
<i>Planning certificate</i>	<i>X</i>
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** 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.

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

GIANCARLO'S 119 High Street Tranent East Lothian EH33 1LW

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	23.00pm
<i>Tuesday</i>	11.00am	23.00pm
<i>Wednesday</i>	11.00am	23.00pm
<i>Thursday</i>	11.00am	01.00am
<i>Friday</i>	11.00am	01.00am
<i>Saturday</i>	11.00am	01.00am
<i>Sunday</i>	11.00am	00.00midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	22.00pm
<i>Tuesday</i>	11.00am	22.00pm
<i>Wednesday</i>	11.00am	22.00pm
<i>Thursday</i>	11.00am	22.00pm
<i>Friday</i>	11.00am	22.00pm
<i>Saturday</i>	11.00am	22.00pm
<i>Sunday</i>	11.00am	22.00pm

Question 4

SEASONAL VARIATIONS

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

Would like to take advantage of general or special extensions granted by the Licensing Board, and may apply, on specific occasions, for extended hours, or example.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	No	No	No
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	Yes	Yes	Yes
<i>Club or other group</i> <i>meetings etc.</i>	Yes	Yes	Yes
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	Yes	Yes	Yes
<i>Live performances –</i> <i>see 5(g)</i>	Yes	Yes	Yes
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	Yes	Yes	Yes

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

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

Activities may take place from 9am if the premises open for coffees, teas, snacks etc, but no alcohol would be sold until the commencement of core hours.

No activities will take place after core hours unless under the authority of an Extended Hours Application, during Seasonal Variations, or with the benefit of a Late Hours Catering Licence in the case of the sale of food.

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.

Takeaways
Deliveries
Outside Catering

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

The premises will be family friendly and children and young persons will be welcomed. Children will require to be accompanied by an adult in the restaurant. No restriction in the takeaway section.

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

No restriction (0-17 years).

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

No restriction, subject to management discretion.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

70 plus takeaways

Question 8

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

Personal details

8(a) *Name*

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address and telephone number*

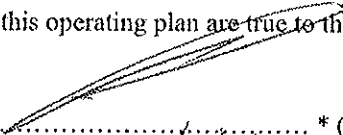
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  * (see note below)

Date 22/7/14

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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



**POLICE
SCOTLAND**
Keeping people safe

Date: 4th August 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE GRANT OF PROVISIONAL PREMISES LICENCE
PREMISES: CAFFE BORSA, 49 HIGH STREET, MUSSELBURGH**

I refer to the above application made by BDL Property Management Ltd, 24 Craigpark, Glasgow. I have to advise you that none of the connected persons have been convicted of any relevant offence. I am unable to confirm the existence of any foreign offence, committed outwith the United Kingdom, in respect of these connected persons.

It is pertinent to point out that this provisional application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Musselburgh and any additional ones would be surplus to requirements in terms of provision.

Yours faithfully

Divisional Licensing Officer

East Lothian Council
Licensing

7 AUG 2014

Received

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

per:
ref:

To: K. MacNeill
Clerk to the Licensing Board

per:
ref:

Date: 24 July 2014

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – JULY 2014

Cafe Borsa, 49 High Street, Musselburgh, East Lothian EH21 7AB

I refer to the above subject and can confirm that the provisional premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Act.

The application is subject to Part 4 of the Licensing Board's 'Statement of Licensing Policy 2013 – 2016' in respect of overprovision, however, I have no objections to the granting of this application.

For the information of the Licensing Board the following is a list of existing licensed premises in the locality of High Street Musselburgh:

Fine Wine Company Ltd, 25 High Street – Off-sales
Musselburgh News, 53 High Street – Off-sales
Sportsmans Bar, 58 High Street – On consumption & Off-sales
Shish Mahal Restaurant, 63A High Street – On Consumption
The Tollbooth Cafe Restaurant, 63D High Street – On consumption & Off-sales
The Stand, 72-74 High Street – On consumption (currently closed for conversion to a restaurant)
The Dragon Way, 81 High Street - On consumption
Burgh Arms, 83 High Street – On consumption & Off-sales
Coach and Horses, 110 High Street – On consumption & Off-sales
Day Today, 121 High Street – Off-sales
R.S. McColl, 160 High Street – Off-sales
Caprice Restaurant, 198 High Street – On consumption
The Old Doll Museum, 200 High Street – On consumption

R. Fruzynski
Licensing Standards Officer

BDL Property Management Ltd
24 Craigpark
Glasgow
G31 2LZ

Licensing Office
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Sirs,

Licence Application - Caffè Borsa Coffee House and Eatery, High Street, Musselburgh

In outlining the operating philosophy below it is the intention to illustrate that the nature of the business will ensure that Caffè Borsa quickly establishes itself as a positive and synergetic addition to the Musselburgh community, providing a safe, inclusive and wholly conducive social environment for customers to engage with each other.

It is the intention to offer an ancillary selection of beers and wines to compliment Caffè Borsa's core products of gourmet hot and cold beverages and high quality food. I enclose a copy of the current menu for information.

For this reason I am confident that the board's concerns about overprovision will be satisfied.

With the following statement I believe the act's 5 core licensing objectives can be satisfied collectively:

Caffè Borsa provides a safe, inclusive and family friendly environment for customers to relax and interact socially. Offering a comprehensive range of high quality, freshly prepared and nutritionally focused food dishes in addition to a broad selection of premium hot & cold beverages Caffè Borsa promotes an aspirational, continental, lifestyle approach to socialising where children are welcome at all times – Caffè Borsa provides baby changing facilities and a selection of toys, games and books.

The management team have a combined total of over 70 years experience in running café lifestyle focused food and beverage operations in the licensed sector and take great pride in their track record of providing a safe, inclusive and exceptional professionally run service for their customers at all times.

Caffè Borsa represents the natural evolution of the neighbourhood coffee house concept, offering increased consumer choice through the introduction of a liquor licence and an enhanced food offering – a 'home from home' established to provide a genuine alternative to city centre pubs, wine bars and coffee chains.

I would be more than happy to attend the board meeting to discuss our plans and proposals in more detail.

I trust that this information addresses any questions and concerns you may have but please do not hesitate to contact me if you require any further information.

Many thanks.

Yours sincerely

Gordon Richardson (Agent)
Mobile: 07817 143 669

ALL DAY BREAKFAST

BREAKFAST BOWL natural yoghurt, maple and maple	£2.95
HAM & CHEESE CROISSANT	£2.95
TOASTED WHOLEMEAL BAGEL with butter and jam	£1.45
with scrambled eggs	£2.45
with cream cheese, bacon & tomato	£3.45
STACKED PANCAKES with bacon & maple syrup	£4.25
CROQUE MONSIEUR grilled ham & cheese sandwich with a bechamel sauce	£4.25

THE DAWN PATROL (Available until 12 noon) £3.65
Any Regular Hot Drink with a fresh Muffin

SOUPS

Served with ciabatta bread	
THAI CHICKEN	£3.35
CLASSIC SOUP changes daily - ask your server for details.	£3.15

FRESH DELI SANDWICHES

Oven toasted and served with tortilla chips and slaw	
REUBEN HOUSE CLUB triple stacked pastrami, swiss cheese, peppers + relish	£5.25
BACON & BRIE MELT bacon, brie & onion marmalade	£4.65
BORSA BAGEL lemon scented hummus, sundried tomatoes & marrakeh olives	£4.75
ROAST CHICKEN CIABATTA roast chicken, sliced tomato, parmesan + green pesto	£4.85
TRIBECA BAGEL best tomatoes, mozzarella, rocket + red pesto	£4.75
TUNA MELT baked tuna, cheddar & red onion + mayo	£4.85
C.B.L.T. Cajun spiced chicken, bacon, lettuce and tomato + mayo	£5.25

EXPRESS LUNCH (Available from 12 noon until 5pm) £5.95
12 oz mug of our classic soup with any of our fresh deli sandwiches

CROQUE & VIN (Available from 11am) £6.95
croque monsieur and a glass of house wine (175ml)

PIZZETTAS

Hand rolled and shaped, then stonebaked for maximum flavour

THE FLATBREAD rock salt & rocket on a garlic infused base	£5.75
THE MEATPACKER salami, chorizo & olives	£6.25
THE PARMESANA parma ham, grana padano, sundried tomatoes & balsamic drizzle	£6.75
THE FIERY MARGHERITA mashed mozzarella with spicy jalapenos & chili flakes	£5.75
THE POLLO spiced chicken, red onion & roasted pepper pieces	£6.25
THE CAPRA crumbled goat's cheese, sundried tomato & rocket on a garlic infused base	£6.75

NACHOS

ORIGINAL mashed cheddar & jalapenos with salsa & sour cream	£6.25
CARNE add cajun chicken to our 3rd mil recipe	£7.25

THE 925 POST WORK WIND DOWN: £9.25
Your choice of stonebaked pizza with a glass of house wine or any plate of nachos with a bottle of ice cold beer (available from 5pm until closing time)

SALADS

CAESAR roast chicken, parmesan shavings & leaves served with a side of warm garlic bread	£6.95
SICILIAN goat's cheese, sundried tomato, crushed walnuts & leaves with a side of warm pitta bread	£6.95

QUESADILLAS

ROASTED PEPPERS, TOMATOES & ONIONS	£7.75
CAJUN CHICKEN & CHORIZO	£7.75

SHARING BOARDS

THE ITALIAN parma ham, sliced salami, tomato, mozzarella & olives served with a selection of dips & a bowl of warm garlic bread	£10.50
THE RUSTICANA brussels gale, brie & goat's cheese served with a selection of dips & a bowl of potatoes	£11.00
THE MOROCCAN hummus, olives & stuffed vine leaves, served with a selection of dips & a bowl of warm, salt crusted pitta breads	£10.50

ENJOY ANY OF OUR SHARING BOARDS WITH A BOTTLE OF HOUSE WINE FOR JUST £22.50

GLUTEN FREE OPTIONS

STONEBAKED PIZZA choose any of the options from our pizzetta section	From £5.75
FRESHLY MADE SANDWICHES choose any of the options from our fresh deli sandwiches section	From £4.75
GF TOAST served with butter & jam or spreading chocolate	£1.75
WARM CHOCOLATE BROWNIE with whipped cream	£2.95
HONEYBUN BARS snowy hill, caramel slice or almond moon	£2.15
BURT'S CRISPS	£0.95

KIDS

(under 12 only)	
CHEESE AND HAM TOASTIE	£1.95
BROWN BREAD & CHOCOLATE SPREAD	£1.95
TUNA MAYO & ONION PITTA POCKET	£2.25
KIDS CHEESY PIZZA	£2.75
MINI NACHOS melted cheddar over tortilla chips, topped with tomato ketchup	£3.25
A FLUFFY gently warmed, chocolate milk with a helping of marshmallows	£1.50
VANILLA MILKSHAKE	£2.50

CAFFÈ
BORSA
LOVE THE HOUSE OF BORSA

ESPRESSO	SMALL	REGULAR	LARGE
AMERICANO	£2.00	£2.20	£2.40
CAPPUCCINO	£2.20	£2.40	£2.60
ALMOND LATTE	£2.55	£2.75	£2.95
CARAMEL LATTE	£2.55	£2.75	£2.95
HAZELNUT LATTE	£2.55	£2.75	£2.95
VANILLA LATTE	£2.55	£2.75	£2.95
CAFFE LATTE	£2.20	£2.40	£2.60
FLAT WHITE		£2.25	
DOUBLE ESPRESSO		£1.80	
DOUBLE MACCHIATO		£1.80	

CHOCOLATE & CHAI

SPICED CHAI LATTE	£2.20	£2.40	£2.60
HOT CHOCOLATE	£2.20	£2.40	£2.60
MOCHA	£2.20	£2.40	£2.60
WHITE BERRY HOT CHOCOLATE		£2.95	
with real whipped cream			
DARK HAZELNUT HOT CHOCOLATE		£2.95	
with cream & crushed nuts			

BOLT ONS

EXTRA ESPRESSO or FLAVOURED SHOT	£0.35
REAL WHIPPED CREAM or MARSHMALLOWS	£0.35
SOYA MILK	£0.35

ALL OF OUR COFFEES CAN BE DECAFFEINATED

TEAPIGS WHOLE LEAF TEAS

EVERYDAY BREW	£1.70
CHAMOMILE FLOWERS	£1.70
DARJEELING EARL GREY	£1.75
MAO FENG GREEN TEA	£1.75
ASSAM CHAI TEA	£1.75
LEMON & GINGER	£1.80
LIQUORICE & PEPPERMINT	£1.80

LUXURY MILKSHAKES

Rich, indulgent & made with real ice cream

OREO COOKIES & CREAM	£3.25
PROPER POPCORN & MAPLE SYRUP	£3.10
RASPBERRY & WHITE CHOCOLATE	£2.95

CAFFE FRAPPES

Our signature blend of chilled espresso & chocolate

ALMOND	£2.95
CARAMEL	£2.95
VANILLA	£2.95

FRUIT COOLERS

Refreshing & fruity ice blended drinks

PEACH	£2.75
MANGO	£2.75
STRAWBERRY	£2.75

BEERS

	10 FLOZ	15 FLOZ
BIRRA MORETTI on tap (ABV 4.6%) refreshingly wet, seriously thirst quenching & downright delicious	£2.30	£3.45
INNIS & GUNN ORIGINAL (ABV 6.6%) oozes class & packs a punch	330ML £3.55	500ML
PERONI RED (ABV 4.7%) an Italian institution	£3.30	
GOOSE ISLAND HONKER'S ALE (ABV 4.2%) Chicago's finest, a Brit inspired craft brewed ale	£3.55	
HARVESTOUN'S BITTER & TWISTED (ABV 4.2%) straight up, zesty & blond	£3.30	
CRABBIIE'S GINGER BEER (ABV 4%) the original & still the best		£3.65
REKORDERLIG PREMIUM FRUIT CIDER (ABV 4%) beautifully Swedish (various flavours)		£3.65

WINES

	175ML	250ML	BOTTLE 75cl
PROSECCO dry, crisp, fizzy & undeniably tasty			£17.95
CHENIN BLANC dry, ripe, tropical fruits with a 'goes down easy', soft rounded finish	£3.95	£4.95	£14.85
MALBEC cherries, plums & warm spices sublime!	£3.95	£4.95	£14.85
MERLOT ROSE dry, light & slightly fruity - immensely quaffable	£4.15	£5.15	£15.45
PINOT GRIGIO dry, clean & fresh with a hint of fruit & citrus			£16.95
SICILIAN MERLOT deep, ruby red with aromas of violets, plums & red fruits. truly wicked			£16.95

FOOD SERVED ALL DAY UNTIL CLOSE

CHILDREN WELCOME

DELICIOUS BLENDED FRAPPES & MILKSHAKES TO STAY OR GO

SERVING THE BEST COFFEE & HOT CHOCOLATE IN TOWN

FULLY LICENSED FOR BEERS & WINES

WE'RE OPEN:

7.30AM - 8.00PM MONDAY - FRIDAY

8.00AM - 8.00PM SATURDAY

10.00AM - 6.00PM SUNDAY

EAST LOTHIAN LICENSING BOARD

**APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES
LICENCE***

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

Caffe Borsa
49 High Street
Musselburgh
EH21 7AB

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

[Empty rectangular box for providing details for question 2(a)]

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

BDL Property Management Ltd
24 Craigpark
Glasgow
G31 2LZ

Company Registration number : SC411725

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

Director: Rajan Pandey
Date of birth: 16/03/1980
Place of birth: Glasgow
Home address: 24 Craigpark Glasgow G31 2LZ

Director: Manish Khanna
Date of birth: 08/07/1986
Place of birth: Sussex
Home address: 2 Dullatur Rd Dullatur G68 0AF

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3

Previous applications

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? **NO***

If YES – provide full details

Question 4

Previous convictions

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	NO
-------------------------------------------------------------------------------------------------------------	-----------

**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

'Ground Floor Alcohol Licensed Premises located within the mainly commercial area, Musselburgh Town Centre comprising; Kitchen, Store Room, Bar Serving Area, Seating Area, Male, Female and Disabled Toilet with Baby Changing Facility'

Question 6

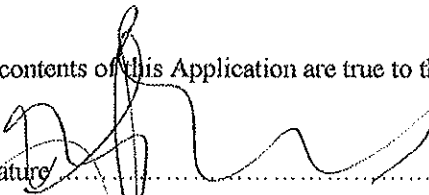
6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

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  * (see note below)
Date 29 MAR 2014
Capacity AGENT ~~APPLICANT/AGENT~~ (delete as appropriate)
Telephone number and email address of signatory 07817 143 669
hardon@duelbiggroove.com

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Caffe Borsa 49 High Street Musselburgh EH21 7AB

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00am	11.00pm
<i>Tuesday</i>	11:00am	11.00pm
<i>Wednesday</i>	11:00am	11.00pm
<i>Thursday</i>	11:00am	11.00pm
<i>Friday</i>	11:00am	11.00pm
<i>Saturday</i>	11:00am	12midnight

<i>Sunday</i>	11:00am	12midnight
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Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10:00am	10:00pm
<i>Tuesday</i>	10:00am	10:00pm
<i>Wednesday</i>	10:00am	10:00pm
<i>Thursday</i>	10:00am	10:00pm
<i>Friday</i>	10:00am	10:00pm
<i>Saturday</i>	10:00am	10:00pm
<i>Sunday</i>	10:00am	10:00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
--------------------------------------------------------------------------	------------

**If YES-- provide details*

The premises are entitled to and have the benefit of extended hours for the dates and times identified in the Licensing Board Policy from time to time in respect of the seasonal period and any other occasions specified by the board.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	No	N/A	N/A
Conference facilities	No		
Restaurant facilities	No		
Bar meals	Yes	Yes	Yes
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	Yes	Yes	Yes
Live performances – see 5(g)	Yes	Yes	No
Dance facilities	No		
Theatre	No		
Films	No		

<i>Gaming</i>	No		
<i>Indoor/outdoor sports</i>	No		
<i>Televised sport</i>	Yes	Yes	Yes
5(d) <i>Activity</i>	<i>Please confirm</i> 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
<i>Outdoor drinking facilities</i>	Yes	Yes	N/A
5(e) <i>Activity</i>	<i>Please confirm</i> 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
<i>Adult entertainment</i>	No		

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

1. Bar meals will be provided from 7am to accommodate persons partaking in our cafe service which will include but not limited to a selection of specialist coffees, blended drinks, cakes, pastries and snacks.
2. Receptions/Club or other group meetings may be catered for prior to on consumption hours.
3. Low level recorded music will be provided prior to on consumption for the benefit of patrons partaking in breakfasts and hot/cold beverages and also for the benefit of staff working at the premises.
4. Televised sport will be provided outwith core hours for the benefit of patrons and staff.

For avoidance of doubt alcoholic beverages will not be sold out with core hours

5(f) any other activities

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

Quiz nights, charity events, comedy clubs, open mic nights

In relation to musical entertainment the premises will provide an Automatic Music Playback System, Live Bands and DJ's.

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?	No
-------------------------------------------------------------------------------------------------------------	----

When fully occupied, are there likely to be more customers standing than seated?	No
*Delete as appropriate	

Question 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
	*Delete as appropriate	

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

<ol style="list-style-type: none"> 1. Children will be permitted access to the premises when accompanied by an adult 2. Young persons will be permitted access to the premises without the requirement to be accompanied by an adult but this access will be at the supervisors discretion.

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

<ol style="list-style-type: none"> 1. Children aged 0 - 15 years of age (baby changing facilities are located in the disabled toilet). 2. Young Persons aged 16 and 17.

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

1. Children will be permitted until 9pm Monday to Sunday.
 2. Young Persons will be permitted until 11pm Monday to Sunday.

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

Children and Young persons are permitted in all public areas of the premises.

Question 7

CAPACITY OF PREMISES

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

40 persons

Question 8

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

Personal details

8(a) Name

David Kennedy

8(b) Date of birth

14 August 1975

8(c) Contact address

26 Ringwell Gardens, Stonehouse, South Lanarkshire, ML9 3QW

8(d) Email address and telephone number

contactdavidkennedy@gmail.com

07845 789726

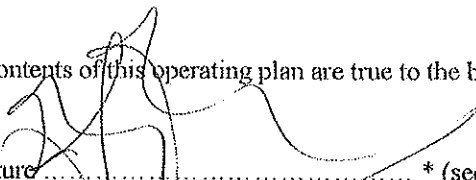
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
14 July 2010	City of Glasgow Licensing Board	GC04827

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  * (see note below)

Date 28 May 2014

Capacity AGENT

Telephone number and email address of signatory: 07817 143669/ gordon@onebiggroove.com

*** Data Protection Act 1998**

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

BDL Property Management Ltd
24 Craigpark
Glasgow
G31 2LZ

29 May 2014

Licensing Office
John Muir House
Haddington
East Lothian
EH41 3HA

East Lothian Council
Licensing
- 5 JUN 2014
Received

Dear Sirs,

Licence Application - Caffè Borsa, High Street, Musselburgh

Please find enclosed the completed provisional licence application for the above noted premises. In relation to the enclosed layout drawings, fully detailed plans will be submitted prior to applying for confirmation.

I thought it might be pertinent to enclose a covering letter outlining the operating philosophy at Caffè Borsa.

Evoking the aspirational café culture promoted through coffee houses and eateries in the United States, Australia, New Zealand and Southern Europe, with the aim of offering a simple, relaxed, clean and highly customer focused environment that has cross demographic appeal, Caffè Borsa will demonstrate true market differentiation.

Laidback and feel good Borsa is the perfect place to meet, eat, drink and converse; whether the agenda is business or pleasure. Catch up with friends, family and colleagues. Bring the kids – they'll be very welcome – sit back and soak up some great music while relaxing over a cold beer or espresso and a bite to eat.

It is the intention to trade from 7.00am through to 11pm (midnight Friday/Saturday) offering a broad selection of; gourmet coffees, beers, wines, soft drinks and accompanying patisserie, baguettes, sandwiches and pastries. The food offering, available all day, will extend to mouth watering pizza, soups, salads, nachos and tapas – with healthy options for children.


Borsa represents the natural evolution of the neighbourhood coffee house concept, offering increased consumer choice through the introduction of a liquor licence and an enhanced food offering – a 'home from home' established to provide a genuine alternative to city centre pubs, wine bars and coffee chains.

At Caffè Borsa it's about the recipe – great food and drink, an outstanding soundtrack and fantastic company - a unique blend of ingredients that combine to create the perfect, vibrant yet reassuringly relaxed environment.

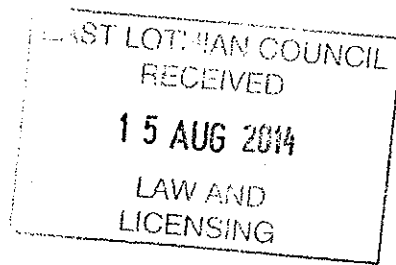
I trust that this information addresses any questions you may have but please do not hesitate to contact me if you require any further information.

Many thanks,

Yours sincerely


Gordon Richardson (Agent)
Mobile: 07817 143 669

High Street
Musselburgh
EH21 7AB



August 13, 2014

Dear sir/madam

We (my husband and myself) are writing to lodge an objection to the **Application for Provisional Premises Licence On and Off-sales, Caffè Borsa, 49 High Street, Musselburgh**. We live with our two children in the property directly beside this proposed business and thus directly affected by any changes

1. Firstly, there is no need for another off-licence in this area of Musselburgh. Currently we have the Sportsman Bar directly across the road, there is an off-licence at 25 High Street and the shop directly below us at 53 High Street now has an off-licence facility. How much alcohol does a neighbourhood need?
2. I note that the application includes provision of **recorded and live music** as well as **outdoor drinking facilities** under the list of possible Activities. As the premises are right in the middle of an area of residential properties, including our own, there is concern over the potential increase in noise nuisance. I am particularly concerned with the possibility of **outdoor drinking facilities**. There has never been (to my knowledge) such a facility ever before at this location. With our own property and other residences in such close proximity to the proposed business, I see this option, quite frankly, as unworkable and object to it strongly.
In the event of live/recorded music, I would like to know what safeguards are in place to ensure that noise levels do not adversely impact my family and other residents in the area?
3. We are concerned about the potential increase in exposure to second-hand smoke within our home. With the shop below us at 53 High Street extending its opening hours along with its provision of an off-licence facility, there has been a noticeable increase in the number of customers lingering on the pavement below our windows or in our doorway and smoking. Whether our windows are open or closed, we are unable to prevent the ingress of noxious tobacco smoke into our home. With the proposed business at 49 High Street being an eating/drinking establishment along with an off-licence facility, customers will undoubtedly be gathering outside to smoke. As our home is immediately adjacent to the business, the result will be an increase in my family's exposure to second-hand smoke. I am sure the board is well aware of the dangers of passive smoking and as my husband is asthmatic, along with the presence of our 2 children in our home, I'm sure you will appreciate our extreme concern. I would like to know what safeguards are in place to discourage customers from smoking outside the premises and in/around our doorway and thus exposing my family to the dangers of passive smoking?
4. We are concerned in the potential increase of anti-social behaviour in the immediate vicinity outside our property. We have already directly experienced an increase in violent drunken behaviour over the last year - our car has been vandalised twice while parked overnight in the car park immediately outside our property. Both times the event was captured on cctv and the perpetrators apprehended by police (incident nos. 0727/10.02.2013 and 0036/27.11.2012). The police informed us that in both instances

alcohol was a significant factor. We also have to put up with numerous petty instances of drunken anti-social behaviour, particularly at the weekend eg. Litter bin with concrete base outside of shop routinely tipped over, drunken arguments in the street below the windows of our property, noise from music and people milling about outside the Sportsman Pub. An increase in the availability of alcohol in the area can only worsen such incidents and affect our quality of life.

I would ask that you take the above points into serious consideration when you are making your decision.

Yours faithfully



Marjorie Fisher & Neil Ferguson

Richardson, Debbie

Subject: FW: Provisional Premises Licence - Cafe Borsa - 49 High Street, Musselburgh

LATE OBJECTION

From: Jason Rose
Sent: 19 August 2014 20:36
To: Richardson, Debbie
Subject: Re: Provisional Premises Licence - Cafe Borsa - 49 High Street, Musselburgh

Hello Debbie,

I appreciate the date for lodging objections was yesterday but if there's any chance of getting our views on the record and considered, that would be a comfort. I've been very busy and have only just had time to look at the proposals properly.

Firstly I would say that as neighbours (we live just a couple of doors along the street) we had no notification of the application - neither the planning nor the licence - and would ask the council to address this.

As for the licence itself our questions are:

- What levels of outside noise are expected, given the plan to operate until midnight on Saturdays and Sundays, and given the tendency for smokers to gather at the front door of a pub.
- Why has the planning application for a cafe not been pursued?
- What proposals are there for outside drinking to the rear of the property and what assurance is there that any such activity would not disturb neighbours?
- Can the property owner guarantee the use of proper doors to prevent the leakage of noise from the premises? The Sportsman Bar opposite is still terrible at leaving its doors propped open, allowing loud music and noisy patrons to disturb the High Street and properties such as ours where due to listed building status we do not have double glazing to mitigate the noise.
- Does the licensing board not consider another alcohol license to represent over provision in this area? We already have a pub opposite, and two within very close walking distance on the High Street and another a short walk away at the corner of Newbigging and Inveresk Rd.

Thanks,

Jason

Jason Rose
High Street
Musselburgh

EAST LOTHIAN

Meeting 28 August 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
4	CO-OPERATIVE GROUP FOOD LTD BROTHERSTONE'S WAY SOUTH TRANENT EAST LOTHIAN EH33 2QF	THE CO-OPERATIVE GROUP FOOD LTD C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	7 July 2014	To increase capacity from 31.68m2 to 34.2 m2
5	GULLANE DELICATESSEON 40 MAIN STREET GULLANE EAST LOTHIAN EH31 2AP	U. CROLLA & SONS LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	30 June 2014	To add on-sales core hours as follows: Monday, Tuesday, Wednesday & Sunday - 11am to midnight. Thursday to Saturday 11am to 1am. To benefit from seasonal variations. To add restaurant facilities, Club or other group meetings, recorded & live music, TV sports. To add deliveries, takeaways &



**POLICE
SCOTLAND**

Keeping people safe

Date: 4th August 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: CO OPERATIVE GROUP FOOD LTD
PREMISES: CO OPERATIVE GROUP FOOD LTD, BROTHERSTONE'S WAY
SOUTH, TRANENT**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

I note the applicant is wishing to increase the off sale capacity from 31.68 square metres to 34.2 square metres.

This increase in capacity is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

East Lothian Council
Licensing
7 * AUG 2014
Received

Submitted for your attention in consideration of this application.

Yours faithfully

A handwritten signature in cursive script, appearing to read "H. Bowler".

Divisional Licensing Officer

EAST LOTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

per:
ref:

To: K. MacNeill
Clerk to the Licensing Board

per
ref:

Date: 24 07 2014

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JULY 2014

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objection to the grant of this premises licence variation.

Premises Inspected:

The Co-operative Group Food Ltd, Brotherstone's Way South, Tranent, East Lothian EH33 2QF

R. Fruzynski
Licensing Standards Officer



**POLICE
SCOTLAND**

Keeping people safe

Date: 4th August 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: LUCIANO CROLLA, 2 SOUTHFIELD TERRACE, EDINBURGH
PREMISES: GULLANE DELICATESSON, 40 MAIN STREET, GULLANE**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The premises currently operates an 'off sale' Monday – Sunday – 1000 – 2200 hours.

I note the applicant is wishing to operate an on sale from 11am each day until midnight Monday, Tuesday, Wednesday and Sunday and 1am Thursday, Friday and Saturday.

It is pertinent to point out that midnight on a Monday, Tuesday and Wednesday is outwith Board Policy and as such I would request that the terminal hour for these days is reduced to 2300 hours as per Board Policy

East Lothian Council
Licensing

scotland.police.uk  @PoliceScotland  PoliceScotland

7 - AUG 2014


Received

This major variation is also out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Gullane and any additional on sales/hours would be surplus to requirements in terms of provision.

Submitted for your attention in consideration of this application.

Yours faithfully

A handwritten signature in cursive script, appearing to read "A. Barber".

Divisional Licensing Officer

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

per:
ref:

To: Kirstie MacNeill
Clerk to the Licensing Board

per
ref:

Date: 04 Aug. 14

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – AUGUST 2014

Gullane Delicatessen, 40 Main Street, Gullane, North Berwick, EH31 2AP

I refer to the above subject and can confirm that the undernoted premises have been visited in relation to application for a Premises Licence variation. The mandatory site notice was noted as being displayed in accordance with the Act.

This variation is out with Part 4 of the Statement of Licensing Policy 2013-2016 in relation to change of core hours and the addition of on consumption capacity.

Licensed premises in the area of the applicant's premises are as follows:

Bissets Hotel, Main Street – Closed as of June 2014
Golf Inn and Restaurant, Main Street – On Consumption
La Potiniere, Main Street – On Consumption
Gullane Mini Market, 2A Stanley Road – Off sales
Co-operative, 1B Roseberry Place – Off sales
Gullane Golf Club Visitor Centre, Main Street – Club licence with On Consumption
Gullane Golf Club, West Links Road – Club licence with On Consumption

R. Fruzynski
Licensing Standards Officer

Gullane Deli – Major Variation

To add on-sales core hours as follows:

Monday, Tuesday, Wednesday & Sunday - 11am to midnight.

Thursday to Saturday 11am to 1am.

To benefit from seasonal variations.

To add restaurant facilities, Club or other group meetings, recorded & live music, TV sports.

To add deliveries, takeaways & outside catering as activities.

Children & young persons access. (children to be accompanied by an adult)

Capacity for on-sales - 53

Change name. (still to be advised)

EAST LOTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-

(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0181

2(b) Name and Address of Premises

Gullane Delicatesson
40 Main Street
Gullane
East Lothian

Post Code EH31 2AP

Phone No.

2(c) Full Name and Address of Current Licence Holder

U. Crolla & Sons Ltd
1a Torphichen Street
Edinburgh

Post Code EH3 8HX

Phone No. [REDACTED]

SECTION 3: NATURE OF VARIATION

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

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

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

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

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

To provide for on sales from 11am each day until midnight Monday, Tuesday, Wednesday and Sunday, and 1am Thursday, Friday and Saturday, and to amend Question 1 accordingly.

To provide that the premises may benefit from Seasonal Variations as decided by the Board for certain general events and specific occasions.

To add Restaurant Facilities, Receptions, Club or Other Group Meetings, Recorded Music, Live Performances, and TV Sport as Activities.

To add Deliveries, Takeaways and Outside Catering as Activities.

To provide for access by children and young persons. Children will require to be accompanied by an adult.

To add a capacity of 53 for on sale consumption.

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan must accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

To substitute a new Layout Plan showing the layout of the restaurant premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

To change the description of the premises to "Ground floor restaurant with ancillary takeaway service".

To change the name from Gullane Delicatessen.

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
 - The licence has already been returned to the Board in respect of an earlier application for transfer
 - Other (provide details)
-

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature

..... (See note 5 below)

Date

..... 27/6/14

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

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

.....
Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

40 Main Street
Gullane
East Lothian
EH31 2AP

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	00.00midnight
<i>Tuesday</i>	11.00am	00.00midnight
<i>Wednesday</i>	11.00am	00.00midnight
<i>Thursday</i>	11.00am	01.00am
<i>Friday</i>	11.00am	01.00am
<i>Saturday</i>	11.00am	01.00am
<i>Sunday</i>	11.00am	00.00midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	22.00pm
<i>Tuesday</i>	10.00am	22.00pm
<i>Wednesday</i>	10.00am	22.00pm
<i>Thursday</i>	10.00am	22.00pm
<i>Friday</i>	10.00am	22.00pm
<i>Saturday</i>	10.00am	22.00pm
<i>Sunday</i>	10.00am	22.00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--------------------------------------------------------------------------	------------

**If YES – provide details*

The premises may benefit from Seasonal Variations as decided by the Board for certain general events and specific occasions.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 <i>To be provided during core licensed hours – please confirm</i> YES/NO	COL. 4 <i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	No	No	No
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> YES/NO	<i>To be provided during core licensed hours – please confirm</i> YES/NO	<i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	Yes	Yes	Yes
<i>Club or other group meetings etc.</i>	Yes	Yes	Yes
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> YES/NO	<i>To be provided during core licensed hours – please confirm</i> YES/NO	<i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Recorded music – see 5(g)</i>	Yes	Yes	Yes
<i>Live performances – see 5(g)</i>	Yes	Yes	Yes
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	Yes	Yes	Yes

5(d) <i>Activity</i>	<i>Please confirm</i> 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
<i>Outdoor drinking facilities</i>	No	No	No
5(e) <i>Activity</i>	<i>Please confirm</i> 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
<i>Adult entertainment</i>	No	No	No

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

Certain Activities answered “yes” in column 4 may take place during periods of Seasonal Variations or Extensions to Permitted Hours.

5(f) any other activities

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

Deliveries
Takeaways
Outside Catering

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? YES/NO*

When fully occupied, are there likely to be more customers standing than seated? YES/NO*

*Delete as appropriate

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and young persons are welcome on the premises. Children require to be accompanied by an adult.

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

No restriction (0-17 years).

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

No restriction.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

On Sale 53 Off Sale 7.7 m ²

Question 8

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

Personal details

8(a) Name

Mark Cervi

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

[REDACTED]

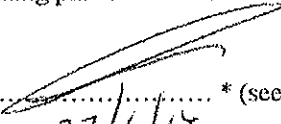
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 st September 2009	East Lothian Licensing Board	EL156

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  * (see note below)

Date 27/6/14

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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

Richardson, Debbie

Subject: FW: Gullane deli

From: Jennifer Dudgeon [mailto:████████████████████████████████████████]
Sent: 31 July 2014 08:19
To: Licensing
Subject: Gullane deli

I see a planning application for extension to hours for live music and take away.
I would like to object on noise and litter grounds. This is a quiet residential area .

Sent from Jennifer's iPhone
████████████████████

Richardson, Debbie

Subject: FW: Gullane Deli - Change of Licence.

From: Paul Du Vivier [mailto:████████████████████]
Sent: 31 July 2014 09:41
To: Licensing
Subject: Gullane Deli - Change of Licence.

To Whom It May Concern,

I am writing to object to the application for a change of Licence conditions for the Gullane Deli premises. I do so on the grounds that, firstly, it will lead to traffic congestion at a particularly difficult part of Gullane's Main Street, with consequent safety implications, secondly the output from the kitchen will produce unsavoury smells in the immediate vicinity, much to the discomfort of local residents, and, thirdly, the noise generated by the playing of music will cause most unwelcome disturbance in a quiet village environment.

Yours sincerely,

Mr and Mrs Paul Du Vivier.
Sent from my iPad

Richardson, Debbie

Subject: FW: Application for license at Gullane Deli

From: MICHAEL BLACK [REDACTED]
Sent: 31 July 2014 10:05
To: Licensing
Subject: Application for license at Gullane Deli

Dear Sir,

I am objecting to the application of a license at Gullane Deli for the following reasons. The owners of the premises already have a track record of flouting the law when they had been requested to make provision to get rid of the smells coming from their other premise in the village The Gullane Super Fry. The license is for permission to serve alcohol until 1am Thursday to Saturday and this is very disturbing as it is bound to lead to more noise and disruption to those of us who live in the surrounding area. They also have applied to be able to play live music until 1am on the same week days and this will only compound the noise and disturbance issue.

As a resident in the village you cannot help but notice the increase in the amount of litter that has been created by the Gullane Super Fry and by allowing this new application to act as a takeaway will only make this problem worse. The existing Gullane Super Fry has led to motorists continually parking illegally to use the premises which has led to dangerous driving on the main street as well as danger to pedestrians. This new license application is in an even worse location and there is real concern of the consequences of people parking illegally when using the takeaway.

As residents of a beautiful East Lothian Village we enjoy and welcome all the wonderful facilities we have but this application will only be to the detriment of the local community and I do not see why it should be allowed and therefore strongly object.

From Michael and Nicky Black,

[REDACTED]
Hill Road,
Gullane,
EH31 2BE.
[REDACTED]

Richardson, Debbie

Subject: FW: Gullane Delicatessen - takeaway food licensing application

From: Iain McLean [mailto:ir. [REDACTED]]
Sent: 30 July 2014 21:54
To: Licensing
Subject: Gullane Delicatessen - takeaway food licensing application

Dear Sir

I refer to the licensing application for the above

I am a resident of Gullane and wish to make some representations

1 the location is a key location for our village - in fact the entry point to the village from the east and care should be taken to ensure that it looks attractive - I am not sure a takeaway fits the bill

2 there is the danger of traffic issues at that corner

3. There is one takeaway in the village and it seems to cause litter issues from time to time particularly with overflowing bins with seagulls them raiding empty chip papers and spreading them around - not a pretty sight. Another takeaway could exacerbate this

4 I don't think we need two takeaways within 50 or so yards of each other.

5 I am not convinced that the risks of additional cooking smells and music until 1am are appropriate in what is also a residential area and with a house above.

Please consider carefully before granting the license or in attaching conditions

Iain R McLean
● Marine Terrace
Gullane
EH31 2AY

[REDACTED]

The Licensing Board
East Lothian Council

[REDACTED]
Main Street
Gullane
East Lothian
EH31 2AL

30 July 2014

Dear Sir,

Objection to Licensing Application

U. Crolla & Sons, Gullane Delicatessen, 40 Main Street, Gullane, EH31 2AP

As near neighbours of the above premises, we learnt at the week-end that they are applying for various extensions to their licence. We are surprised that we were not formally notified of this application and that a piece of paper stuck on the window of the premises was deemed adequate.

This is a quiet residential area and we understood that U. Crolla & Sons (Crolla) were planning a "family restaurant" which would not be allowed to do carry-outs. We object to the granting of a 1am licence to sell alcohol and the application to play live music (presumably also to 1am on occasion). This application includes off-licence as well as on-licence, it includes live television and takeaway. It appears that Crolla are applying for just about everything, leaving us neighbours (and, I assume, ELC also) in a state of confusion as to what is actually intended with this premises. In addition, parking is limited in the area and there is some confusion as to whether they plan a 22 or 53 seater restaurant. We would urge the Council to obtain specific plans from Crolla.

The Council will be aware that Crolla also run the Gullane Fry in our village. The litter that arises from this is dreadful and one reason why we are anxious not to have another "takeaway" five doors down the street. Furthermore, you would learn from your colleagues in the environmental department that the Gullane Fry causes the area to smell like a deep fat fryer on a regular basis. This problem has still not been satisfactorily resolved and your environmental officer visits regularly to follow up on complaints.

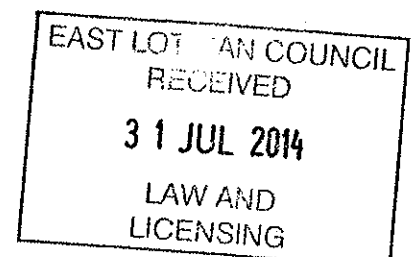
In conclusion, Crolla appear to be seeking the right to conduct all sorts of different businesses in this premises. A "family restaurant" may be appropriate but this licensing application goes way beyond the needs of that. Indeed, it would seem to allow them to run a night club till 1am three days a week should they so choose!

We would urge the Licensing Board to reject this broad application.

Yours faithfully,

[REDACTED]

Mr and Dr T Walker



Richardson, Debbie

Subject: FW: Objection to music licence for the Deli at 40 Main Street Gullane
Attachments: DELI LICENCE.docx

From: Ken & Win Wright [mailto:████████████████████]
Sent: 30 July 2014 13:25
To: Licensing
Subject: Objection to music licence for the Deli at 40 Main Street Gullane

Please find attached our objection to the music licence for the new restaurant to replace the delicatessen at 40 Main St Gullane.

I trust that this will be dismissed in a high quality residential area.

Regards

Ken and Win Wright

████████████████████
Hill Road
Gullane
EH31 2BE
████████████████████
████████████████████

Ken & Win Wright

[REDACTED]
*Hill Road
Gullane
EH31 2BE*

E-mail: [REDACTED]

Macdonald Licensing
21a Rutland Square
Edinburgh
EH1 2BB

27 July 2014.

To whom it concern.

GULLANE DELICATESSEN. 40. MAIN STREET GULLANE EH31 2AP
OBJECTION.

This refers to the application given for licensing for the old delicatessen located at 40 Main Street Gullane for U. Croalla & Sons.

We wish to lodge an objection to a license being given for the period up to 0100 for the Thursday, Friday and Saturday for alcohol and music.

I believe there will be serious objection to agree to a music licence being approved.

However we have absolutely no objection to a new restaurant being approved in this facility with the requisite alcohol licence.

Yours faithfully

Mr & Mrs Kenneth M Wright

Goose Green Road
Gullane
East Lothian
EH31 2BA

EAST LoTHIAN COUNCIL
RECEIVED
30 JUL 2014
LAW AND
LICENSING

26th July 14.

Dear Ms Richardson,

licence No. EK0181

Gullane Delicatessen

40 Main Street

Gullane.

I wish to object strongly to
the extension of the above licence.
The reasons for my objection are the

following

1. when the original licence was granted it was specifically stated


that a take-away licence would not be granted.

2. This is a residential part of the village and it would be totally inappropriate to have recorded and or live music especially as they are asking for an extension of operating hours which I would also object to.

3. As if evidence by the level of rubbish from their existing take away any additional facilities of this kind would merely exacerbate the problem, especially in the house free area.

Please can you take into account these objections when coming to your objection.

Yours



[REDACTED]
WEST LINKS ROAD,
GULLANE,
EH31 2BB.

E-mail: [REDACTED]
Telephone: [REDACTED]

28th July, 2014

Clerk to the Licencing Board,
East Lothian Council,
John Muir House,
Haddington.

Dear Sir,

Application by U. Crolla and Sons, Gullane, Delicatessen, Main Street, Gullane.

I am writing to you regarding the above.
I am concerned about some of the clauses in this application.

Firstly I would like to object to the opening hours being extended to 1a.m on Thursday to Sunday, especially as there is an application to play recorded and live music during opening hours. This would cause a nuisance to the neighbouring houses and to ourselves who live across the road.. It could be that this is for background music which would be acceptable as long as the sound would be kept to a low level. But it would not be acceptable if a disco or a pop band with loudspeakers were to be involved. The funfare on Goose Green has to stop at 10p.m and slightly later on Saturday.

Secondly, I find it unacceptable that there is an application for Off Sales until 1a.m on Thursday to Sunday. I was led to believe that this application was for a restaurant and cannot see why Off Sales would be necessary. We already have two premises in Gullane who have an Off Sales Licence.

Thirdly, there is an application to provide takeaway food. Mr. Crolla already has a takeaway outlet in the same street. This is a source of rubbish as the bin outside the Co-op is inadequate and the gulls pull it all out and strew it around the pavement and road. Another takeaway would increase this nuisance.

Fourthly there is an application for T.V. Sport. I presume that this would be for football matches. Is this necessary in a restaurant? Are these premises to become a pub?

Yours faithfully,

[REDACTED]

East Lothian Council
Licensing

29 JUL 2014

Received

Judith Cuthertson (MRS)

[REDACTED]

West End
Main St
Gullane.
EH31 2AL

The Clerk of the Licensing Board,
East Lothian Council.

31.07.14

Dear Sir

Application for licensing hours etc.
Gullane Delicatessen - 40 Main St, Gullane. EH31 2AP

I wish to lodge an objection to the above
on the grounds that the hours and activities proposed would
lead to a marked deterioration in amenity for adjacent
domestic premises.

Yours faithfully

[REDACTED]

COUN BROUGH.

EAST LoTHIAN COUNCIL
RECEIVED
01 AUG 2014
LAW AND
LICENSING

[REDACTED]
Nisbet Road
Gullane
East Lothian, EH31 2BQ
[REDACTED]

30/07/2014

Clerk of the Licensing Court,
East Lothian Council,
John Muir House,
Haddington

Dear Sir,

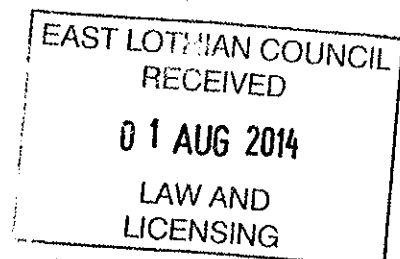
We would like to register a strong objection to the applications for live music and Sky sports TV at the proposed new restaurant at the west end of Gullane Main Street. The noise would cause disturbance to nearby residents and the hours suggested are far to late.


We would also object to the application for carry out food and drink which would increase the noise and litter on a most attractive part of the village.

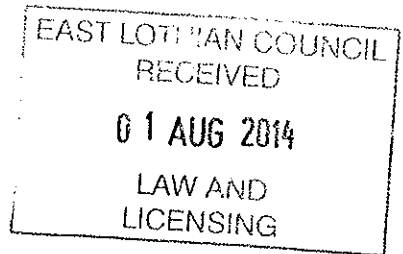
Yours faithfully,

Dr Derek Sneddon
Mrs Margaret Sneddon

[REDACTED]




Main Street
Gullane
EH31 2AL
East Lothian



Dear Sir

Application for Premises Licence
Applicant U Crolla & Sons LTD
Premises – Gullane Delicatesson, 40 Main Street, Gullane, EH31 2AP

As residents of the property above the proposed restaurant we would like to strongly object to the terms of the licence application.

When we were approached (by Luciano Crolla) about a restaurant being operated in the premises we were advised that there would be no take away food, as they already had an outlet 50 yards along the road which met these requirements. Neither music nor an off licence element were mentioned and we were told that it would be a family restaurant with last food orders at 9.30. Clearly the terms of the application contradict this on a number of counts and we, along with several neighbours, would have objected to the original application had this information been conveyed at the outset. The extra noise we would experience from the regular footfall of a take away would have a significant impact on us and we also have concerns about the noise from both customers and the kitchen if the restaurant would be operating until late.

Additionally, the terms of the Officer Report (13/00643/P) dated 10/10/13 state that "A hot food takeaway use could not be made of the premises unless a separate planning permission for it was applied for and granted. The applicant's agent has confirmed in writing that this application is for a restaurant and not for a hot food takeaway."

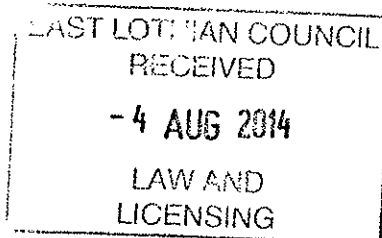
We feel that we were misled at the outset and, based on this, feel that the terms of the licence should be restricted along the lines of what was initially discussed. If indeed it were to be granted at all we would suggest that the licence should be restricted to no later than 11pm to protect the residential amenity.

Yours Faithfully


Pamela Dunlop

Templar Place, Gullane EH31 2AH

The Clerk to the Licensing Board
1st Floor
John Muir House
Haddington
EH31 4AH



1 August 2014

Dear Sir,

Application to vary Premises Licence ("the Application")

Applicant: U. Crolla & Sons Ltd

Premises: Gullane Delicatessen, 40 Main Street, Gullane EH31 2AP

I wish to make the following objections with a view to the refusal of the Application:

1. As at the date of this letter I understand that no rebuttal of the presumption that the Application should be refused has been received by the Licensing Board. I endorse the general policy and am of the view that there is no specific need for a further licensed restaurant in Gullane which is already well catered for both in the village and in the vicinity. As regards the provision of Italian food, the fish and chip shop a few doors along already serves pizza and pasta. Clearly, it is not possible to address this issue in any detail until the rebuttal is received.
2. The Application is inconsistent with the licensing objective of preventing public nuisance.
- 2.1 The particular concern is with the inevitable noise nuisance which will result from the activities outlined in the Application and the Operating Plan. The immediate neighbourhood of the Gullane Delicatessen has three specific characteristics.

First, residential accommodation outnumbered business premises by roughly two thirds to one third. The needs of residents should therefore be given material weight.

Second, it is very quiet at night.

Third, the houses and flats are very close to the bottom end of the service road which brings tractors, grass-cutting vehicles, sprayers etc. from the groundsmen's huts across the main road and past the Visitors Golf Club House each morning. In summer these activities commence from 5.30am onwards. Accordingly, some of the residents already have interrupted or curtailed sleep early in the morning. Others

also have to start early for work. Lack of sleep is increasingly being recognised as a major health issue and East Lothian Licensing Board would doubtless not wish to deprive residents of the possibility of 7 hours sleep. While I note that the objective of protecting and improving public health appears to focus on alcohol consumption by customers of licensed premises, the actual statement has a wider ambit which would include the effects of sleep deprivation.

There will be significant increased disruptive noise after 10.30pm, if the Application is granted, from car and taxi doors banging, engines starting up and loud farewells on the pavement after customers have had a few drinks. Indeed it is likely to be more than a few drinks where the timing allows for departure from the pub into the restaurant to eat and continue drinking. There is no reference in the Operating Plan to how the takeaways and deliveries would operate in practice, but again there will be increased vehicle movements and consequent noise.

The problem will be compounded by the proposals for the provision of music referred to in the Operating Plan. Live music in particular is usually louder than taped music and, while some acoustic baffling will presumably be required, there will inevitably be blasts of noise as front and rear doors open. The reference to an 85db level is of particular concern in relation to a very quiet locality like Gullane where night noise travels particularly in the summer when bedroom windows have to be open. 85db is more appropriate for a city centre where there is constant background white noise. As is well known, a persistent bass beat is particularly irritating at night.

A number of residents have had a recent problem with a nearby diesel generator running noisily at night and are very concerned that nothing which has the same effect should occur eg noisy ventilators or cooling fans. I note that there are planning pre-conditions relating to these, but experience with the noise from the nearby Co-operative's ventilators teaches that these often start running noisily and need repair/servicing which they do not always receive timeously.

The crashing of bottles into a recycling bin is also particularly noisy.

- 2.2 There is also a concern that there will be noxious cooking odours throughout the restaurant hours. There is a continuing existing problem with the foul odour of heated cooking oil from the nearby fish and chip shop (also operated under Mr Crolla's direction), where the extended height chimney fails to shift the smell on anything other than a windy day. Not only is it a blight for the local residents, but it also creates a bad impression for golfing visitors as it wafts over the starting holes of the courses. This cannot be good for local tourism. The proposed chimney for the restaurant appears to be lower than the one for the fish and chip shop, so that odour dissipation is likely to be even less efficient.
- 2.3 The large and numerous recycling bins required for such a business (including, next year, food waste recycling) will cause a nuisance when they are outside the restaurant.

Given the nuisance issues raised above and how long and arduous a process it can be to obtain proper mitigation of public nuisance problems, it would not seem that the Application should be granted.

If the Licensing Board is not minded to refuse the Application, then I wish the above points to be taken as representations to seek to have the public nuisance problems at least partially alleviated by:

- A. limiting on-sales to 10.30pm on Monday, Tuesday, Wednesday and Sunday and 11.00pm on Thursday, Friday and Saturday (with seasonal concessions within the Licensing Board's existing policy);
- B. limiting the music to half an hour beyond the above hours;
- C. any other appropriate conditions which the Licensing Board can reasonably impose.

While a thriving community is to be encouraged, the Application overall detracts rather than adds to the conservation area amenity which attracts tourists and new residents to the area and will cause public nuisance problems.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

M.S. Coutts

Richardson, Debbie

To: Licensing
Subject: RE: Gullane Deli Change of Use - EL0181

From: GIBB [mailto:barbara [REDACTED]]
Sent: 01 August 2014 10:37
To: Licensing
Subject: Gullane Deli Change of Use - EL0181

Dear Sirs

While not immediately affected by the proposed change of use of these premises, we are residents of Gullane and understandably concerned about the general appearance and amenity of the village.

Our main reservations are in respect of the granting of any takeaway licence for these premises and we would raise the following issues;

- At the moment the main, and significant, litter impact of the Gullane Superfry seems to be on Goose Green where there are litter bins and there is a general expectation of picnicking. The location of the Gullane deli will drive people to the war memorial lawn which must be wholly unacceptable or onto Gullane Golf course one of the counties prime leisure amenities which brings substantial outside revenue to the county.
- The location on a corner will create a significant traffic hazard as takeaway customers "hover" double parked.

Thank you for your attention.

Barbara and Richard Gibb
[REDACTED]
Goose Green
Gullane

Richardson, Debbie

Subject: FW: New Gullane Restaurant

From: Joy Grey [mailto:joy. [REDACTED]]

Sent: 31 July 2014 13:25

To: Licensing

Subject: New Gullane Restaurant

Dear Sirs

Reference: Licence no. EL0181

I am writing to comment on the above License application by the owners of the new proposed restaurant in Gullane.

I understand that the restaurant was originally awarded a Class 3 Licence. Now an application has been lodged to extend this to allow the serving of take-away food with closing at 1am on some regular nights of the week and permission to play music.

I am concerned.

We already have a take away restaurant in this small village - I see no need for another. The existing take away restaurant generates a significant amount of rubbish both along the main street and up into Goose Green. There are also smells and traffic disruption.

The new restaurant is on an already dangerous corner with very poor visibility. There is a Traffic Island opposite the restaurant and opposite the island is the Memorial Green which people are encouraged not to walk on. There is little scope for extra vehicles to park. There will be the temptation to park illegally and inappropriately. I struggle to see how more traffic coming and going on this corner can do anything but add to the current dangers on this corner.

I hope that you will appreciate the negative aspects of another take away restaurant and that the Licence will not be granted.

Kind regards

Joy Grey

Joy Grey

[REDACTED]
[REDACTED]
Goose Green

GULLANE

East Lothian

EH31 2AT
[REDACTED]
[REDACTED]
[REDACTED]

Richardson, Debbie

Subject: FW: U.Crolla, Gullane Delicatesan, Gullane

From: David Forrest [REDACTED]

Sent: 31 July 2014 21:07

To: Licensing

cc: [REDACTED]

Subject: U.Crolla, Gullane Delicatesan, Gullane

Reference the above application to the Licensing Board for extended opening hours for the proposed restaurant/take-away at the above premises, I wish to register my objection to the application. The applicant is seeking permission to open the premises till midnight Sunday to Wednesday and 1 a.m. Thursday to Saturday.

These premises are in a residential area with flats immediately above them and other residences in close proximity. The residents are going to be subjected to an increase in what are normally referred to as after hours noise and nuisance, certainly more than they could have anticipated when they moved into this area.

For seven years I have been subjected to the objectionable cooking smells from the applicants other premises, Gullane Super-Fry, and despite court action and numerous letters to East Lothian Council the smell is still as bad as it was. I use this example to illustrate that the applicant appears to have little consideration for environmental issues in the pursuit of trade.

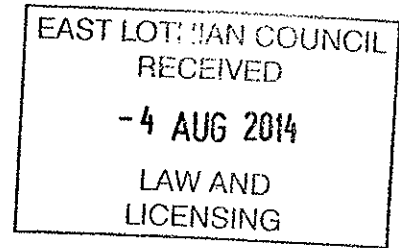
I cannot see the need for these premises to be open beyond 11p.m. in consideration for the residents in this Conservation Area, after all there are more of them than this one restaurant--who should be given the most consideration.?

David.R.Forrest

Sent from Windows Mail

[REDACTED]
North Berwick, EH39 5PW

Licensing Board,
East Lothian Council,
John Muir House,
Haddington



Dear Sirs,

OBJECTION TO LICENSE APPLICATION EL0181 – Copy of email

I would like to object to the Change of License application EL0181 for the proposed restaurant which is going to be in the previous premises occupied by Gullane Deli, Gullane.

It is unacceptable to have a late license to serve takeaway food till 1 am Thursday – Saturday, as this will inevitably cause noise disturbance to that part of the village. The length of these hours is completely unnecessary in a village like Gullane and does nothing to enhance what is a CONSERVATION village.

There is a strong argument that the position of the restaurant is on a long bend where stopping cars will be dangerous when they are coming and going at night both in the dark winter nights and even when it is light.

It is also unacceptable that the usual problem with any kind of take-away restaurant causes, which is litter discarding, would inevitably occur and as we know, this can be a windy part of the country where litter can travel far and make what is a lovely village into an eyesore creating more work for council workers and giving a bad impression to tourists to a Scottish Conservation village.

With the Scottish Open Golf coming to Gullane in July, 2015 this type of restaurant will not be appropriate in both its position and its impact on the businesses of existing restaurants in the village.

Lastly, the idea of a restaurant with live music, which is also a restaurant serving take-away food – i.e. the door is always opening and closing – is unacceptable and ill thought through. This sort of development is not appropriate in a conservation village, whose charm is its peace and quiet.

The Applicant who also owns another business just nearby has not proved to have a good track record over previous action which had to be taken over the inadequate extraction of smells from their business at Gullane Fry. This still appears to attract complaints from around their business and therefore because of all these points, I commend you to refuse this application.

Yours faithfully,

[REDACTED]
Alison, Lady Burt

Richardson, Debbie

Subject:

FW: EL0181

From: willie Biggart [mailto: [REDACTED]]

Sent: 01 August 2014 08:49

To: Licensing

Subject: Re: EL0181

Dear Sirs

I happened to notice that the new owners of the old Deli in Gullane having been granted a restaurant licence have now applied for extended opening hours, a takeaway licence and for permission to play live music. As you will be aware from your files we objected previously on this basis. A further takeaway will undoubtedly cause more litter issues and more importantly create further traffic problems in an already congested High street. And loud music until anti social hours is unacceptable. I would ask that you give serious consideration to my objection and do not grant permission for this extension.

Yours faithfully

WM Biggart

Willie Biggart
[REDACTED]
[REDACTED]

[REDACTED]
*Templar Place
Gullane
East Lothian
EH31 2AH*
[REDACTED]

The Clerk to the Licensing Board
East Lothian Council
1st Floor
John Muir House
Haddington
EH41 3HA

1st August 2014

Dear Sir

Gullane Deli – Change of License

I understand that the new owners of the Gullane Deli are applying for a License to serve takeaway food, to remain open late and to play live music. As I understand it, the owners of the Deli are the same people who own the "Gullane Super Fry", which has distinguished itself in the amount of litter that it generates and in the smells which emanate from its chimneys. The Gullane Super Fry has not proved to be a good neighbour and the idea that a similar operation is planned for a few doors along the main street is unacceptable.

When the original Planning Application was made for a change of use at the Deli I made the observation in my objection that the location of the Deli, on the corner, would increase the risk of accidents as a result of careless parking. It seems clear to me that if the applied for License is granted, the risk of accidents and general disturbance will increase unacceptably.

I have no faith that the owners of the Gullane Deli will manage their property and therefore their License responsibly with thought and consideration for their neighbours and their neighbourhood. Their track record in Gullane is evidence for that lack of faith.

I feel strongly that what is sought by the owners of the Gullane Deli is not appropriate and I should like to object to the change of License. I had been led to believe that the plan was for a small Italian restaurant. That might, arguably, have served a market but what is now proposed is unacceptable and I trust that the Licensing Board will refuse the Application.

Yours faithfully
Dictated by Michael Walker
and signed in his absence

[REDACTED]
Michael J Walker

Richardson, Debbie

Subject: FW: Gullane Deli application for late license

From: Judy Reid [mailto:████████████████████]
Sent: 01 August 2014 16:01
To: Licensing
Subject: Gullane Deli application for late license

Dear Sirs

We write to lodge an objection to the relevant application at Gullane Deli to serve takeaway food, to remain open until 1 a.m. Thurs. to Saturday and to play loud music.

Happily to date Gullane has proved to be a relatively quiet village in the evenings with little disturbance later at night and we believe this suits the profile of the residents at the west end of the village. We believe that late opening and loud music will materially change this and is almost bound to cause an influx of outsiders rather than being of benefit to the residents. Inevitably where alcohol is involved there is likely to be a lot of noise and potential trouble.

As regards takeaway food over the last few years we have had The Gullane Fry in the same block of shops and we have found that the increase in litter has been considerable (discarded takeaway packaging) and this frequently arrives in our property. Furthermore dependent on the wind direction the cooking smells can be pungent!

Judy and William Thomson

████████████████████
Sandy Loan
Gullane EH31 2BH

Richardson, Debbie

Subject: FW: Application no. EL0181

From: Frank Gerstenberg [mailto:████████████████████]

Sent: 01 August 2014 21:12

To: Licensing

Subject: Application no. EL0181

I wish to object to the application by Gullane Superfry for a takeaway licence at the premises currently known as Gullane Delicatessen. The reasons for my objection are:

1. The length of hours - until 1 am, in a residential area
2. The potential for litter, which currently spoils the area around the Superfry
3. The location is approaching a bend, where parking at present permitted can be dangerous
4. If music is permitted, this will greatly affect the local residents
5. The proprietors have already ignored earlier conditions imposed on them.

Altogether, this is an entirely unnecessary application which would be very harmful to the area, and I very much hope the application will be rejected.

Frank Gerstenberg

████████████████████
Whim Road

Gullane

Richardson, Debbie

Subject: FW: Gullane Deli Change of License

From: Terry Doherty [mailto:████████████████████]
Sent: 02 August 2014 14:50
To: Licensing
Subject: Gullane Deli Change of License

I am writing to protest most vigorously concerning the above. The proposed permission to allow loud music and services into the early hours will destroy the peace and environmental security for all residents within a wide earshot range. We already suffer the indignity of having abundant litter and other filth from the existing "Super Fry" establishment and dread the prospect of even further, similar happenings extended into the depth of night. If implemented, this proposal will change the whole character of the village and have wide ranging repercussions to the detriment of East Lothian generally and existing attractions that now bring visitors our way. Personally, we have no axe to grind commercially. Our expressed view is based entirely on environmental concerns and the protection of one of East Lothian's places of natural beauty.

DOHERTY.

Richardson, Debbie

Subject: FW: 40 Main Street gullane license change

-----Original Message-----

From: Jennifer Hartt [mailto: [REDACTED]]

Sent: 03 August 2014 17:34

To: Licensing

Subject: 40 Main Street gullane license change

To whom it may concern

I am writing to express my concerns over the recent application of a change of license for 40 Main Street, Gullane. I live at 9a Rosebery place, Gullane and my property is just beside the proposed new restaurant/take away.

These are as follows -

1. The level of noise from the late opening license from people leaving the restaurant.
2. The level of noise from the kitchen area of the restaurant.
3. The smells that will be emitted from the cooking if there is not sufficient extraction. This extraction could also be very noisy at night.
4. The proposed live music does not fit in with the quiet residential area that makes Gullane so appealing. This is a village not a city.
5. If a take away is also granted, there will be more litter. This is very obvious from the chip shop on the main street also owned by the applicant.
6. The late licence of 1am on Thursday - Saturday nights will make it extremely hard for the residents living close by to sleep as there will be a lot of noise from car doors shutting, people speaking/shouting.
7. Another take away can also attract people who do not respect the safe, quiet community that Gullane represents.

I am very anxious that this application will be granted. I have two small children and I am a Primary Teacher. We all need a good nights sleep and I know this will be disrupted severely if you allow this application to go through.

I think you have to consider the needs of the residents and their emotional health over the desire of one man to make more money from a small quiet village.

I look forward to receiving information on the outcome of this application.

Jennifer Hartt
[REDACTED]
[REDACTED]

Sent from my iPhone

Richardson, Debbie

Subject: FW: Gullane Delicatessen

-----Original Message-----

From: [REDACTED]
Sent: 04 August 2014 13:27
To: Licensing
Cc: [REDACTED]
Subject: Gullane Delicatessen

Dear Sir, We would like to object to the Gullane Delicatessen change of use application. Originally, I was led to believe that there would be a restaurant with limited opening hours so that the residents would not have problems with noise, traffic, dangerous parking on the blind corner, major disruption at West Links Road (which is already dangerous with golfers and walkers around the starter's box and pro-shop), smells, litter, etc..

The new application, if granted, will cause the problems mentioned above. The applicant may be taking advantage of the residence above the site being up for sale due to the timing of their proposed change.

We hope that you take our concerns seriously,

Jane and Alan Campbell

[REDACTED] Whim Road, Gullane, EH31 2BD

[REDACTED]
WHIM ROAD,
GULLANE,
EAST LOTHIAN, EH31 2BD

Telephone: [REDACTED]
Email: [REDACTED]

3 August 2014

Licensing Application for Gullane Delicatessen, 40 Main Street, Gullane (dated 10 July 2014).

Dear Sirs,

We are aware of this application and wish to object strongly to :

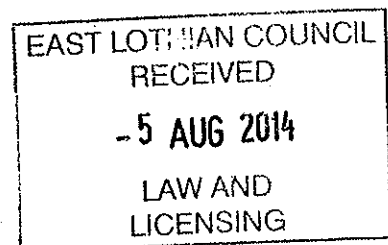
- the On Sales until Midnight (Monday to Wednesday and Sunday) and until 0100hrs (Thursday to Saturday).
- the proposed recorded and live music and TV Sports.

Our objections are based on the following:

- We believe the quiet and good of the neighbourhood will be disturbed, especially for those living next to/above the proposed location. Why should those who have purchased/rented neighbouring property suddenly have to put up with the noise from recorded music, slamming car doors and associated noise especially late at night?
- The proposed location is on a busy road bend. With planned capacity of 53 on-sales the lack of suitable car parking needs to be considered.
- The proposed location is close to 2 places of worship.

[REDACTED]
Yours sincerely,

Susannah and Tim Jackson.



EAST LOTHIAN

Meeting 28 August 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
6 LIDL UK GMBH (STORE 1144) OLIVEBANK INDUSTRIAL ESTATE NEWHAILES ROAD NEWHAILES MUSSELBURGH EAST LOTHIAN	LIDL UK GMBH	4 June 2014	To include the provision of recorded (background) music.
7 LIDL UK GMBH (STORE: 721) MERCAT HOUSE 6 HIGH STREET PRESTONPANS EAST LOTHIAN EH32 9AN	LIDL UK GMBH	9 June 2014	Include the provision of recorded (background) music. Increase capacity to 40.5m2 from 36.17m2.
8 PAN CONVENIENCE STORE 5 HAWTHORN ROAD PRESTONPANS EAST LOTHIAN EH32 9QW	ABDUL KAREEM NADEEM C/O WHITE LAW ASSOCIATES KITLEYBRIG CARLOPS PENICUIK EH26 9NJ	20 May 2014	Variation to Terminal core hours - Monday to Sunday - 10pm (previously 8pm). Variation to opening hours on a Sunday to 10am (was 12.30pm). Minor changes to shelving.



**POLICE
SCOTLAND**

Keeping people safe

Date: 2nd July 2014

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

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Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: LIDL UK GmbH, 19 WORPLE ROAD, WIMBLEDON, LONDON
PREMISES: LIDL UK GmbH, MERCAT HOUSE, 6 HIGH STREET, PRESTONPANS**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

I note the applicant is wishing to increase the capacity of the alcohol display area from 36.18m square to 40.5m square.

It is pertinent to point out that this major variation is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

Submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer

scotland.police.uk @PoliceScotland PoliceScotland

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

per:

ref:

To: K. MacNeill
Clerk to the Licensing Board

per

ref:

Date: 06 June 2014

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JUNE 2014

Lidl UK, Mercat House, 6 High Street, Prestonpans, East Lothian EH 32 9AN

I refer to the above subject and can confirm that these premises have been visited and inspected in relation to application for a Premises Licence variation.

The variation applied for is out with the Licensing Board's policy on overprovision in relation to the increase of the current display capacity of 36.18m² to 40.50m², an increase of 4.32 m².

It should be noted that on 25th March 2013, Lidl applied for the alcohol display capacity granted at the time of a variation in 2011 to be reduced from length 36.5m x height 1.8m (total 65.70m²) to length 21.55m x height 1.8m (total 38.79m²).

During the period that Lidl used the larger area of 65.70m² there were no operational problems identified or complaints received by Licensing Standards. Therefore, I have no objection to the grant of the current application, which relates to a display capacity that is considerably smaller than that granted in 2011.

This is a very well run store.

R. Fruzynski
Licensing Standards Officer

Supporting Statement

Lidl, Mercat House, 6 High Street, Prestonpans

We have applied for a non-minor variation to our premises licence for the above store. The application seeks an increase of the alcohol display area at the premises from 36.18m² to 40.5m².

It is respectfully submitted that, notwithstanding the terms of the Board's Statement of Licensing Policy at Part 4 headed "Overprovision", namely that the Board area may be overprovided for, in all the circumstances of the case, this application should be granted.

This application is made by reason that our store is to undergo a refurbishment and refranchising exercise known within our organisation as "SuperFresh". By this process, we have reduced our areas of ambient and Non Food lines and significantly increased our provision of fresh fruit and vegetables, meat and poultry, and chilled goods in our growing attempt to provide high quality produce and continue to improve our shopping experience.

In respect of alcohol display, we have improved the layout and appearance of the alcohol display (by removing boxes etc). The display is visually more attractive and represents a move away from a "discount feel". We have introduced the Wine Cellar, which focuses on the Award Winning Wines that we stock many of which are priced at the higher end of the wine market.

For example, during September, we intend to feature French Wines. Whilst some wines will be introduced at the competitive end of the market (less than £10 per bottle), we intend to feature a range of wines priced from over £10 per bottle up to range priced at over £30 per bottle. On any view, these price points are not attractive to either under-aged persons or any persons looking to acquire a volume of alcohol at a discount price.

We will continue our policy of not stocking "cheap" alcohol products such as larger bottles of strong cider and fortified wines which might be attractive to under aged persons.

Moreover, the Board should recognise that in relation to these premises, whilst this application seeks a small increase in the alcohol display area, the proposed capacity is still well below the alcohol display area which we have previously held at these premises.

We note as follows:-

Capacities -

Original grant:	57.51m ²
Variation 02.2011	65.7m ²
Variation 02.2013	38.79m ²
Variation 06.2014	36.18m ² (minor) and then this increase 40.5m ² (non-minor)

We have previously taken steps to reduce the size of our alcohol display areas in order to meet the needs of our business at that time. We believe that is unique amongst supermarket operators in circumstances where we under others would simply take larger capacities and, when not required, these areas would temporarily be used for soft drinks. Our view is to hold only that capacity which is required by the business at the relevant time.

We believe that the Wine Cellar proposal is an improvement to our offer and the grant of this application to allow the increase in the capacity will not prejudice the licensing objectives or the Board's approach to overprovision.



**POLICE
SCOTLAND**

Keeping people safe

East Lothian Council
Licensing
- 9 JUN 2014
Received

Date: 6th June 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: MOHAMMED YOUNIS, 213 GUARDVILLE TERRACE, EDINBURGH
PREMISES: PAN CONVENIENCE STORE, 5 HAWTHORN ROAD, PRESTONPANS**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The premises currently operates an 'off sale' Monday – Saturday – 1000 – 2000 hours and Sunday 1230 – 2000 hours


I note the applicant is wishing to increase the 'off sale' hours to 1000 – 2200 hours 7 days a week.

It is pertinent to point out that this major variation is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Prestonpans and any additional hours would be surplus to requirements in terms of provision.

Submitted for your attention in consideration of this application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Barber', written in a cursive style.

Divisional Licensing Officer

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: Rudi Fruzynski
Licensing Standards Officer

per:
ref:

To: K. MacNeill
Clerk to the Licensing Board

per
ref:

Date: 04 Jun. 14

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JUNE 2014

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

Pans Convenience Store, Hawthorn Road, Prestonpans, East Lothian EH32 9QW

Rudi Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 28 August 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
9 THE PINE MARTEN SPOTT ROAD LOCHEND/HALLHILL ESTATE DUNBAR	MARSTON'S OPERATING LTD. C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	4 July 2014	To extend terminal hours on Thursday to Sunday until midnight from 11pm. Accommodation (Hotel) to be re-instated. Amend childrens access to Non-resident children to be allowed access to the premises under adult supervision until 10pm. Off-sale to also show Deir display area. New off-sale capacity to show:

Pine Martin – Major Variation

To extend terminal hours on Thursday to Sunday until midnight from 11pm.

Accommodation (Hotel) to be re-instated.

Amend childrens access to 'Non-resident children to be allowed access to the premises under adult supervision until 10pm.

Off-sale to also show Deli display area.

New off-sale capacity to show:

Bar servery 4.7m(L) x 6m(D) x 2.2m(H) m2.

Deli display area: 1.8m(L) x .25m(D) m2.

Off-sale Shelving: 1.025m(L) x .3m (D) m2

New layout plan showing hotel.



**POLICE
SCOTLAND**

Keeping people safe

Date: 4th August 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
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Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: MARSTON'S OPERATING LTD
PREMISES: THE PINE MARTEN, SPOTT ROAD, DUNBAR**

*East Lothian Council
Licensing
7 - AUG 2014
Received*

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

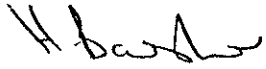
I note the applicant is wishing to increase the terminal hour from 2300 hours on Thursday - Sunday evenings to Midnight, whilst this is within Board Policy for hours, it is out with Board policy in relation to the overprovision statement.

They are also requesting an increase in capacity due to a "deli display area" and "off sale shelving".

This increase in hours/capacity is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

Submitted for your attention in consideration of this application.

Yours faithfully

A handwritten signature in black ink, appearing to be 'H. B. ...' with a stylized flourish at the end.

Divisional Licensing Officer

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

per:

per

ref:

ref:

Date: 25 07 2014

Subject: LICENSING SCOTLAND ACT 2005, SECTION 29
APPLICATION FOR PREMISES LICENCE VARIATION (MAJOR)

I refer to the above subject and can confirm that the undernoted premises has been visited and the licence variation application has been given due consideration. I am satisfied that the varied Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the requested licence variation.

Premises:

Pine Marten, Spott Road, Dunbar, East Lothian, EH42 1RS

R. Fruzynski
Licensing Standards Officer

Pine Martin, Dunbar – Proposed Variation to Licence

East Lothian Licensing Board – Thursday 28th August 2014

Introduction

This is an application which will not be unfamiliar to the Board. The development has formerly been approved by the Board at their meeting of the 26th April 2012. The hotel lodge formed part of the intended development at that time. During the planning and construction of the premises it was deemed appropriate to delay the construction of the hotel lodge and as such this element was varied from the provisional licence. The primary aim of this application is to reinstate the hotel element.

This proposed development of a 28 hotel lodge to stand alongside the existing 354 capacity pub restaurant. The development will provide not only significant employment to those living in the immediate area but also a new facility at this location sympathetic to the tourism economy whilst providing an environment in which alcohol (being a small proportion of the anticipated trade within the premises) is consumed in a responsible, controlled and supervised way.

Marston's PLC is a FTSE top-250 company and one of the UK's leading independent licensed retailer & brewing companies with an industry leading investment programme in new build family pub restaurant developments. Marston's directly employs over 13,000 people throughout the UK.

The company trades from over 2,100 pubs & restaurants across the UK, of which it's managed house company runs and directly operates some 570+ of the portfolio owned by the plc, in a similar capacity to that proposed here. As you would expect for a company of this size, it has extensive systems in place in terms of due diligence.

The current policy statements reflect the importance of tourism:

"7.1 The Licensing Board will make arrangements to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in their considerations."

The proposed development will appeal not only to local people in the West Dumbarton area more as importantly, if not more so, to the tourists visiting East Lothian.

We are aware of Police Scotland's representation of the 4th August 2014. In this representation the Police state:

"The increase in hours/capacity is out with Board Policy with regards to the overprovision statement"

If it is the Police's intended assertion, the Applicant does not agree that the proposed hours increase is in conflict with the Board's Policy which states:

'19.3...Taking these factors into account, the Board considers that there should be a rebuttable presumption against the grant of an application for a new premises licence or the increase in capacity of an existing premises licence within the Board's area as a whole.'

The proposed variation of hours, which is within the Boards stated policy at para 15.1, is not a relevant issue as defined by para 19.3 above. The hours increase is not subject to the presumption against the grant.

The Applicant accepts there is a rebuttable presumption in respect of the proposed increase in capacity.

Increase of Off-Sale Capacity



The increase to off-sale display area is to permit the display of souvenir alcoholic beverages. It is not intended that the additional display area will be used for general display and retail of alcoholic beverages.

Marston's have a long and distinguished history of brewing. The operation of pubs, although now a substantial business, initially grew as an ancillary business to the brewery in Wolverhampton. Marston's have acquired a number of other breweries during their history which match the history and traditions of their own. These breweries include:

- Bank's, also of Wolverhampton,
- Brakespear, based in Oxfordshire,
- Jennings, based in Cumbria,
- Ringwood, based in the New Forest, &
- Wynchwood, based in Whitney

The Marston's Beer Company mission is to operate the perfect blend of traditional heritage & contemporary breweries, crafting a portfolio of cask beers with appeal for all types of drinkers, suiting different occasions and the perfect accompaniment to all types of food dishes.

Alongside the regularly produced ales such 'Pedigree', Marston's produce further top quality ales that guest in their pubs. Some are old favourites that the pub wouldn't normally serve, others are brewed for a special occasion. The unit price of the alcohol displayed for sale in the proposed area would not be subsidised and would not be intended to compete with other local supplier such as the adjacent ASDA supermarket. We would anticipate on average a higher unit price of alcohol.

There is a different guest ale every month. The off-sale area proposed will contain a range of produce such as pickles and chutneys alongside a range of Marston's beers including seasonal and limited edition ales which cannot be found in off-licence premises elsewhere in East Lothian.

This aspect of the business is considered to be ancillary and would be classify these sales as 'Souvenirs', purchases mainly arise from customers who have attended the premises for a meal. The premises does not have experience of persons attending the premises for the single purpose of making an off-sale purchase. The current trade is distinct from that of a dedicated off-licence premises, convenience store or supermarket. Below we will detail the measure implemented by Marston's in their daily operations which promote the objectives. It is not anticipated that the increase area will lead to a corresponding increase of sales. The increase area will allow the premises to have greater flexibility as to where products are displayed and increased room for seasonal displays.

The increase in off sale area is modest in scale and will not lead to an increase in alcohol related problems as referred to in the Board's Policy.



The Pine Marten 'Christmas display'

[Increase of Overall Capacity](#)

The increase in licence area creates a licensed corridor linking the Pine Marten to the hotel accommodation. The hotel accommodation will also be included within the demise of the licence area.

Although the net gain is considerable this will not lead to an increase in the capacity of the trading area (the Pine Marten). It is not intended to increase the capacity of the current trading area. Access to alcohol to non-resident members of the public will be unaffected by this application. The Applicant does not intend to install mini bars within the accommodation.

The Board will recognise the Applicant's proposal as common amongst hoteliers and other licensed business which also offer accommodation.

It is anticipated that the vast majority of alcohol sold for consumption on the premises will be consumed within the Pine Marten or its designated external areas. The purpose of the application is not to increase the overall capacity of the premises for the purpose of increasing profits from alcohol sales but to allow the consumption of alcohol by persons resident in the hotel within their own rooms. Marston's would anticipate that any increase of alcohol sales will be extremely limited in relation to the overall increase in area. These sales would be considered to be sales for consumption on the premises.

If approved, this application would allow customers to carry drinks from the bar to their hotel room for consumption. The sale of alcohol to hotel guests would be subject to the permitted hours prescribed by the licence. If the remainder of this application were successful, this would allow guests to purchase alcohol and carry and consume the same in their hotel room until 11pm, Monday to Wednesday and Midnight Thursday to Sunday. This would allow a hotel guest arriving late at the hotel to retire to their accommodation with drinks purchased from the Pine Marten.

If the hotel accommodation were not included within the licence sales to hotel guests wishing to retire to their accommodation would be considered to be sales for consumption off the premises and therefore restricted to 10pm daily.

The Applicant foresees limited increase sales as a result of any increase to the area.

This application is therefore distinct from an application, for example, to approve an extension to an existing bar in order to increase the capacity of the trading area or to increase volume sales by the addition of a larger bar servery.

The increase will have an insignificant impact upon the licensing objectives and will not contribute to an increase in alcohol related problems as referred to in the Board's Policy.

As stated above, this development has formerly been approved by the Board at their meeting of the 26th April 2012 and the hotel lodge formed part of the intended development at that time. At that time the application, which included the hotel accommodation, was approved and not deemed to undermine the aims of the Policy or undermine the objectives.

Promotion of the Licensing Objectives

The Board's Policy makes a number of recommendations regarding the promotions of the Licensing Objectives. The following is a table of those recommendations with comments from the Applicant. It is the aim of this section to demonstrate to the Board the high standard of management and practices at the Pine Marten which will prevent any increase alcohol related problems as referred to in the Board's Policy.

Preventing Crime & Disorder

Policy Recommendation	Pine Marten Policy
Appropriate instruction, training and supervision of staff to include conflict management and preventing crime and disorder	All employees of the Pine Marten are required to complete training addressing a range of issues including the prevention of crime and disorder. Training materials and resources are supplied by head office and are of the highest standards. Prior to being allowed to work unsupervised induction training must be completed. Continued professional development is a core principal of the Company.
Acceptance of accredited proof of age card schemes	The Pine Marten accepts accredited proof of age cards.
Provision of effective CCTV in and around the premises	An effective CCTV is installed and maintained at site.
Security policies and regular toilet checks	The Pine Marten abides by Marston's policies on security. Cover, but not limited to, security procedures for cash takings, working patterns and minimum staff levels, access to premises keys and security of non-public areas. Toilets are checked and cleansed on a regular basis, with increased frequency during peak periods.
Employment, when necessary, of Security Industry Authority licensed door staff	The use of door staff is subject to the management's assessment of risk. Door supervisors would be employed when deemed necessary. The Pine Marten is a family friendly, food led premises. The use of door supervisors has not been deemed necessary to date. There

	have been no incidents of notes which would have required door supervisors.
Proper management of people entering and leaving the premises	The premises is constructed in such a way so as to allow excellent supervision of entrance, exits and the trading area. All staff are trained to be vigilant as to those entering the premises. The premises would aim to challenge promptly any person who appear to be drunk, any unaccompanied youths, or undesirable.
Active membership of Pubwatch or a similar scheme	The Pine Marten is an active member of the local Pubwatch scheme.
Provision of litter bins and lighting outside the premises	Appropriate external lighting is provided at the premises. The Pine Marten ensures that external areas are kept clean and free from litter. External areas are monitored and cleansed on a regular basis by members of staff.
Prominent display of material discouraging drink driving Promoting awareness of schemes such as the designated driver scheme	Marston's provide training regarding the service of alcohol to persons who are drunk and the dangers of driving while under the influence of a drug. Although literature is not currently displayed at the Pine Marten drink driving is discouraged verbally.
Choice of size of measures, particularly for wine	Marston's offer a full range of size options to their customers including small (125ml – still wine and ½ pint beers & lagers). Availability of these choices is advertised within the sales literature and staff are fully trained in this regard.

Securing Public Safety

Policy Recommendation	Pine Marten Policy
Carrying out risk assessments	The premises carry out and document a range risk assessments. These assessment address all aspects of the premises ranging from the food

	preparation and storage to the use of cellar equipment. These assessments aim to protect members of the public and staff from harm. The basis of the assessments, which are internally and externally audited, are drawn from the vast experience of Marston's PLC.
Provision of effective CCTV in and around the premises. The Board would support the use of such systems and particularly encourage licensees to use them.	See earlier comments on this issue.
Active membership of Pubwatch or a similar scheme	See earlier comments on this issue.
Employment of adequate numbers of suitably trained staff	The premises maintains a high ratio of staff to customers through a group of full time and part time staff. Training is a requirement for all employees.
Appropriate first aid facilities	A first aider and appropriate first aid items are present on site throughout the trading periods. All staff are provided with a degree of training on how to deal with medical emergencies.
Proof of regular testing and, where appropriate, certification of procedures, appliances and safety systems	The Pine Marten is subject to internally and external audits of all safety equipment. Regular audits are conducted to ensure all certification is up to date and relevant.
Employment, when necessary, of Security Industry Authority licensed door staff	See earlier comments on this issue.

Preventing Public Nuisance

Policy Recommendation	Pine Marten Policy
Appropriate instruction, training and supervision of staff to prevent incidents of public nuisance	All employees of the Pine Marten are required to complete training addressing a range of issues including the prevention of public nuisance.
Proper management of people entering and leaving the premises	See earlier comments on this issue.

Installation of sound proofing and sound limiting devices	Entertainments are not a feature at these premises. The lack of relevant entertainments and the remote location of the premises (in relation to sound sensitive premises) limits the relevancy of this recommendation.
Sound tests for equipment used in providing live or amplified music	See above.
Liaison with public transport providers	The premises monitors dispersal from the premises and due to the nature of the business dispersal is not the cause of Public Nuisance.
Effective ventilation systems to prevent nuisance from odour	The premises have been constructed in accordance with planning permission and building standards approval. Modern and effective ventilation systems have been installed.
Active membership of Pubwatch or a similar scheme	See earlier comments on this issue.
Provision of effective CCTV in and around the premises. The Board would support the use of such systems and particularly encourage licensees to use them.	See earlier comments on this issue.
Employment, when necessary, of Security Industry Authority licensed door staff	See earlier comments on this issue.
Management arrangements for the collection and disposal of waste and empty bottles	All staff are required to maintain the premises as a clean and waste free environment. All waste is collected and secured at the premises pending its disposal through the use of contracted third parties.

Protecting and Improving Public Health

Policy Recommendation	Pine Marten Policy
Displaying material discouraging drink driving	See earlier comments on this issue.
Making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines	Marston's PLC, as member of the BPPA, support the Public Health Responsibility Deal an initiative of the current UK Government which

	makes a variety of pledges relating to public health including improved customer unit awareness information to continued industry funding for Drinkaware.
Having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises	Marston's operate an open door policy in respect of all staff health issues including alcohol related problems.
Ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small. medium and large measures should be available	See earlier comments on this issue.
Ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer	See earlier comments on this issue.
Availability of low alcohol alternatives	The Pine Marten has a full range of alcoholic beverages across the spectrum of ABV values together with a range of non-alcoholic beverages.
Providing contact details where assistance for alcohol related problems may be sought	The Pine Marten does not currently have this material. The majority of customers attending the premises consume alcohol as an ancillary to food. This is not a vertical drinking premises and the atmosphere is not intended to be conducive to excess consumption.
Having in place a policy/practice to deal with patrons who have consumed excessive alcohol	All employees of the Pine Marten are required to complete training addressing a range of issues including dealing with drunk individuals.

Protecting Children from Harm

Policy Recommendation	Pine Marten Policy
Appropriate instruction, training and supervision of staff	All employees of the Pine Marten are required to complete training addressing a range of issues including the protection of Children from harm.

Appropriate measures to ensure that children and young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of section 105(5) of the Act)	The premises operates the required Challenge 25 protocols and staff received specific training on this issue. Periodic refresher training on this issue is ongoing throughout a members of staff's career.
Appropriate checks for staff who will be working in premises where children and young persons will be present	All staff are subject to initial reference checks. The Pine Marten does not conduct events such as children parties where staff are solely responsible for supervising children. Staff are trained in all aspects of customer relations including appropriate conduct around children.
Acceptance of accredited proof of age card schemes	See earlier comments on this issue.
Measures to ensure that children are not exposed to strong language, violence or disorder	The Pine Marten is a family friendly premises and relies heavily on the patronage of families. It is the management goal to ensure that a warm family welcome is extended at all times. Strong language, violence or disorder would not be tolerated to any degree.

Conclusion

Each application must be considered on its own merits. Although this application does represent a modest increase in off-sale area and the addition of the hotel accommodation block for the reasons detailed above and the evidence of the trading history of the premises demonstrates that the premises would not adversely impact upon the Licensing Objectives or attribute directly or indirectly to an increase alcohol related problems as referred to in the Board's Policy.

The granting of this application would not undermine the Board's Policy.

John Gaunt & Partners – August 2014

EAST LOTHIAN

Meeting 28 August 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises Applicant

Date Received

Comments

10 UMBERTO'S
119-121 HIGH STREET
DUNBAR
EAST LOTHIAN
EH42 1ES

BRENDA COCKBURN

30 June 2014

Core hours on a Sunday to be
11am to Midnight (previously
12.30-2.30pm & 6.30 to 11pm)
Core hours extended to
midnight Thursday, Friday &
Saturday (previously 11pm each
day)
To add seasonal variations to
take advantage of festive
period etc.
To include off-sales Monday to
Sunday 10am - 10pm
Ta add recorded & live music

Umberto's – Major Variation

Core hours on a Sunday to be 11am to Midnight (previously 12.30-2.30pm & 6.30 to 11pm)

Core hours extended to midnight Thursday, Friday & Saturday (previously 11pm each day)

To add seasonal variations to take advantage of festive period etc.

To include off-sales Monday to Sunday 10am - 10pm

To add recorded & live music

To include televised sports



**POLICE
SCOTLAND**

Keeping people safe

Date: 9th July 2014

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division

Dalkeith Police Station

Newbattle Road

Dalkeith EH22 3AX

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

**EAST LOTHIAN COUNCIL
LICENSING**

17 JUL 2014

RECEIVED

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: BRENDA COCKBURN, 24 HERDMANFLAT, HADDINGTON
PREMISES: UMBERTOS, 119/121 HIGH STREET, DUNBAR**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The premises currently operates an 'on sale' only Monday – Saturday – 1100 – 2300 hours and Sunday 1230 – 1430 & 1830 - 2300 hours.

I note the applicant is wishing to increase the 'on sale' hours to Monday - Wednesday 1100 – 2300 hours and Thursday – Sunday 1100 - midnight.

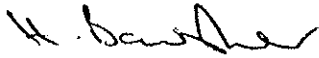
I also note that the applicant wishes to offer an 'off sale' Monday – Saturday 1000 – 2200 hours and Sunday 1100 – 2200 hours.

It is pertinent to point out that this major variation is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Dunbar and any additional hours would be surplus to requirements in terms of provision.

Submitted for your attention in consideration of this application.

Yours faithfully

A handwritten signature in black ink, appearing to read "H. Baister". The signature is written in a cursive style with a prominent initial "H" and a long, sweeping tail.

Divisional Licensing Officer

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

per:
ref:

per:
ref:

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JULY 2014

Date: 24 07 2014.

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to this application for a Premises Licence variation.

I am satisfied that the Operating Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of this application.

Premises Inspected:

Umbertos, 119/121 High Street, Dunbar, East Lothian EH42 1ES

R. Fruzynski
Licensing Standards Officer

Richardson, Debbie

Subject: FW: Consultations re Premises Licences :Dunbar Community Council :Information to Clerk to Licensing Board

From: Jacqueline Bell [<mailto:jacquie.bell50@gmail.com>]

Sent: 22 July 2014 07:39

To: Licensing; k.MacNeill@eastlothian.gov.uk

Subject: Consultations re Premises Licences :Dunbar Community Council :Information to Clerk to Licensing Board

Dunbar Community Council have received your recent communications regarding licensed premises. We had not received them before and wondered if we should have a recurring agenda item for such communications as we do for planning.

We usually meet on the 3rd Monday of each month.

Regarding the 2 applications for variations on premises licenses sent to us we discussed the applications at our meeting last night.

The Pine Martin

It is noted that the request is related to the original concept of the pub/hotel complex but that the hotel development has been delayed. Dunbar Community Council have no concerns or comments.

Umbertos

Music : Some members expressed concerns about the regular use of music until midnight with regard to consideration for neighbours. We are aware of issues raised at other premises about late noise. It was suggested that Umberto's might make requests for occasional licences e.g. if music was to be offered as part of the Dunbar Traditional Music Festival rather than as an ongoing permission.

b) Sports TV Some members expressed concerns about the provision of a TV with sports coverage on the premises. It was felt that some local pubs already offer this. It was felt that the TV sports provision could change the ambience of Umbertos for some clientele and put them off eating at the premises e.g. if it became more of a sports bar than a local trattoria.

c) Off Sales Some members expressed concerns about off sales as 7 day a week purchase is already available through other local stores e.g. Co-op and Asda. There was some concern about over provision of such a facility.

Jacquie Bell
Secretary/Vice Chair
Dunbar Community Council

EAST LOTHIAN LICENSING BOARD MEETING

28th August 2014 at 10am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Premises	Applicant	Date received	Comments
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Premises Licence Review

11	ELPHINSTONE ARMS MAIN STREET ELPHINSTONE EH33 2LT	POLICE SCOTLAND	6 August 2014
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Application to Terminate Closure Order

12	ELPHINSTONE ARMS MAIN STREET ELPHINSTONE EH33 2LT	MF PUBLICANS LTD C/O MACDONALD LICENSING	13 August 2014
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EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION ANDS DEMOCRATIC SERVICES

From: Rudi Fruzynski
Licensing Standards Officer

To: Kirstie MacNeill
Clerk to the Licensing Board

Date: 11 Aug. 2014

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – ELPHINSTONE ARMS, MAIN STREET,
ELPHINSTONE, EAST LoTHIAN EH33 2LT

On Tuesday 5th August 2014 I received intimation in terms of Section 38(3) (b) of the licensing (Scotland) Act 2009 that the Licensing Board had decided, on receipt of an application from Police Scotland, to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act I have prepared a report for the consideration and information of Licensing Board Members. My comments are as follows:-

- In 2010 the Elphinstone Arms Premises Licence was transferred to Elphinstone Arms Ltd, 14 Abbotsford Terrace, Lanark and the Designated Premises Manager was nominated as Margaret Dodds, who was also a director in the company.
- During the course of the operation of the licence, the LSO regularly visited the premises when it was found that Margaret Dodds was approachable, very helpful and ran that pub without any identified issues.
- Over a weekend in February 2014 the police were called to an undisclosed incident at the premises and later checked the Companies Register and discovered that Elphinstone Arms Ltd had been dissolved on 09/03/2012.
- As a result of the premises having continued to trade following dissolution, contrary to the Licensing (Scotland) Act 2005, Section 1, namely the Premises Licence had ceased to exist as per Section 28 (1) (b) & 5 (e) of the Act whereby the partnership or company was dissolved, the police called at the Elphinstone Arms at 15:20 hours on 24/02/2014 and required that it be closed.
- In March 2014, Mr Malcolm Fleming applied for a new Premises Licence for the Elphinstone Arms, as a sole trader under the company name of M F Publicans Limited. The premises were leased from the property owner, Mr Scott Dodds, for a period of three years. Caledonian Heritable Ltd is guarantor of the loan on the property. Mr Fleming took up residence in the flat above the premises.

- Mr Fleming stated, at the time of the Premises Licence application, that he was aware that the pub had closed due to problems with the Licence and that he felt he had the desire to become active again in the licensed trade. This had prompted him to take over and apply for the re-instatement of the pub's licence. He stated that, other than paying the rent for the lease to Scott Dodds, the pub would be a personal enterprise for himself and that Mr Dodds would not have any other interest in the business and have no financial concern in same. Mr Fleming stated that he was also aware of the drugs issues, which were linked to the pub and Mr Dodds. He also stated he abhorred drug misuse and could therefore re-assure the Licensing Board that Mr Dodds would not be permitted access to or have any involvement in the premises at any time.
- Mr Fleming acknowledged that a link to the Dodds family would continue through the appointment of Mrs Margaret Dodds, as the Designated Premises Manager. However, Mr Fleming stated that Mrs Dodds was a long standing friend whom he knew to be an experienced landlord, who he was confident had no connections with drugs or any other criminal activity and who he trusted implicitly to run the pub on a day to day basis. He stated he would not only be the premises licence holder, but be fully committed to operating the business with a hands on approach, especially in the evenings and at weekends.
- During the LSO's inspection visit to the Elphinstone Arms, at the time of the Premises Licence application, Mr Fleming and Mrs Dodds were present to answer questions and it was found that both were friendly, open and fully co-operated with the LSO.
- On Thursday 24th April 2014 the Licensing Board granted MF Publicans Ltd a Premises Licence.
- On Wednesday 21st May 2014 intimation was received that an arson attack had taken place at the Elphinstone Arms. The LSO attended at the premises and discovered that someone had apparently poured accelerant through the main entrance door letter box and set fire to it. There was significant fire damage to the paintwork on the exterior of the door and limited damage to the back letterbox with smoke damage to the small internal hallway. It was hoped that the culprit would be identified through the recently upgraded CCTV system, but the police confirmed that the system's recording facility had not been operating at the time of the incident.
- At the time of the fire, Malcolm Fleming had been asleep in the flat above. The premises intruder alarm was activated around 06:00 hours and a village resident discovered the damage to the property a short time later, by which time the fire had long since burnt itself out. No one was injured in this incident.
- On Thursday 22nd May 2014, the LSO attempted to contact Malcolm Fleming and was informed by his sister that he had been admitted to hospital with a suspected heart attack, which was attributed to the stress brought on by the fire.
- On Thursday 27th May 2014, the LSO telephoned Malcolm Fleming to enquire how he was. He stated he had nothing further to do with the Elphinstone Arms and had signed MF Publicans Ltd over to Mrs Margaret Dodds on 24th May. This was later confirmed through a check with companies House.

- At 14:00 hours same date, Malcolm Fleming and his sister called in without any prior intimation and asked to see the LSO. Mr Fleming stated that he was terrified with the events that had happened and had moved out of the flat above the Elphinstone Arms. He further stated that he had been told by his landlord, Scott Dodds, that he no longer had anything to do with the premises or its lease as of 24th May. At the meeting, Malcolm Fleming handed over to the LSO a letter of confirmation that he no longer was the leaseholder of the Elphinstone Arms or a partner in the company MF Publicans Ltd.
- On Friday 30th May 2014, Police Scotland made an application to the Board requesting a Closure Order for the premises. The order was granted that day, at a special hearing by the Board, for a period of 3 months, pending a review hearing.
- At 17:30 hours that same day the 'Closure Order' was served by the Police on Margaret Dodds.
- On Saturday 7th June 2014 a further arson attack was made on the premises. A neighbour discovered the premises alight around 02:00 hours and the fire service was alerted. Again, no one was injured in the fire, but on this occasion the premises were extensively damaged.
- Police Scotland investigations into the various incidents continue.
- I can confirm that since the grant of the Closure Order on 30th May 2014 and subsequent arson attack, the premises have been closed for business.

This report is submitted for the information of Licensing Board members.

R. Fruzynski
Licensing Standards Officer



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

East Lothian Council
Licensing

13 AUG 2014

11 August 2014
Our Ref: C14/8

Received

Dear The Clerk

Elphinstone Arms, Main Street, Elphinstone, Tranent

On behalf of MF Publicans Ltd ("the Premises Licence Holder") we hereby intimate our concerns with regard to the Closure Order that has been in place, in terms of the Board's decision on 30th May.

We are aware of the fact that there will be a Review, at the request of the Police, on 28th August.

We consider however that it is appropriate at this stage for our clients to comment on the Closure Order, and in particular:-

- That information contained in the application by Police Scotland, dated 28th May 2014 is incorrect.
- The period issued by the Board is excessive and has no logistical basis to explain why such a period is required.
- That the premises remaining closed is unnecessary for the promotion of the Licensing Objectives and no information was provided in the Police application to justify the closure of this premise on this basis.

Taking each of these points in turn, with regard to the incident, and in particular the second paragraph commencing "on Police and fire attendance..." this is accepted.

Margaret Dodds had been working in the public house that evening and had locked up around 10.15pm. She then returned home (which is next to the premises) and went to bed.

She answered her door at approximately 7.40am the next day to take in her grandchildren who she looks after on occasions, and one of the neighbours asked her what had happened to the door of the premises. On checking she noted that it had been damaged, as explained in the Police report, and telephoned the Police and Fire Brigade.

The Police took over two hours to arrive.

When the Police arrived Margaret was washing down the door and the area that had been marked by smoke. Scott Dodds (owner of the property) also arrived. The Police, who were on duty that day, suggested that Scott help his mother, but he advised that he was not allowed in the premises. The Policeman told him that in the circumstances it would be okay.

Since then there has been a more serious attack on the premises, where the fire ignited. It is understood that the Police may have apprehended somebody with regard to that matter. That would appear to be the ultimate solution to this issue.

The incidents referred to on 22nd February and 23rd February have been dealt with by the Board previously. Accordingly until the paragraph commencing "on Friday 23rd May", the letter does not deal with anything that has not already been dealt with by the Board.

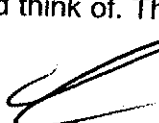
With regard to the said paragraph, this indicates that Scott Dodds was repainting the front door. This is simply not true. Somebody else was painting the door, and a letter from him confirming this is enclosed. He was there painting the door when the Police arrived! At no time was Scott Dodds involved in the painting of the door. Margaret Dodds has spoken to the Policeman involved (Officer Keith McKay) and he has confirmed that he did not advise Police Licensing, or CID, that Scott Dodds was painting the door.

Margaret Dodds did not tell CID Officers that Scott worked on Monday, Tuesday and Thursday. That is completely wrong. She mentioned that he previously did, but by that time it had been established that Scott was not allowed in. The Local Policeman said that he could enter to help, and Inspector Harborow confirmed that this was okay. When Scott Dodds expressed concern about Heather Bowsher's position on this, the Inspector indicated that he was about to meet her and would let her know! A copy of a letter from a resident is enclosed.

That is the first time that Scott Dodds had been in the premises since the Licensing Hearing. The Board will recall that previously Scott had helped out occasionally but enclosed is a letter from him confirming that he no longer does. The resident confirms this as well. Why would he work in the premises when he knew that an undertaking had been given by his mother and Malcolm Fleming that he wouldn't. The Police could come in at any time and check!

Members of the public will be able to confirm that Scott Dodds has not worked during that period. That is completely wrong.

Neither Scott nor Margaret Dodds knew who was responsible and they did not suggest that there was a feud with a local Tranent family which stemmed back several years. That simply was not the case. Scott Dodds told the Police that his mother had had a stalker and that was the only thing that they could think of. That was all.



The Board heard that Malcolm Fleming's arrangement to lease the premises involved him having the use of the flat but really making very little in the way of income, as he had another job. It is fair to say that after this he decided that he did not wish to lease the premises anymore. When he agreed to take the place on there was a Licence, there had been no Licensing Hearings, and although he dismissed the initial incidents, if it got to the stage where for the reward it was simply not worthwhile. He did tell the Dodds that he didn't want to be involved anymore and they accepted that position.

We are advised that he did not state that he wished to surrender the Licence. He indicated that he would happily give up his shareholding and directorship of the company, to Margaret, which he duly did.

We are advised that Malcolm Fleming had been in the premises that evening but was not aware of anything. Indeed he had gone to work the next morning and it was not until he had been contacted by Scott Dodds to advise him of the incident that he was aware of it.

The CCTV was not recording. That is true. It was showing on the monitor but they didn't realise that it wasn't recording and hadn't been since March.

Margaret did go across to the shop across the road which has external CCTV and they managed to pick up some footage of a car parked outside the premises that evening. She advised the Police accordingly and it is understood that they have viewed that CCTV.

As the Board will appreciate the damage was caused when the pub was empty.

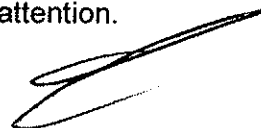
The incident happened on 20th May. The Police asked for the Closure Order on 30th May. The Police did not consider this to be of sufficient importance to implement an Emergency Closure Order, for instance, which they could have done on the day and taken it straight to the Board the next day. If there was a serious risk to the public, then it took ten days for the Police to do anything about it!

The Board are asked to accept that our client has not done anything wrong.

It is clear that the Police have tried to cast doubt on our client's behaviour, in particular with regard to undertakings that they gave to the Board, which would indicate to the Board that these undertakings have not been implemented. It is accepted that a breach of such undertakings would be serious. It is reasonable to assume that the comments made by the Police in their letter in this respect were believed by the Board and that these were taken into consideration when making their decision.

It is reasonable to assume that the Board's decisions may have been different if they had had the correct information in front of them.

The only issue here is public safety. It is fair to say that our client takes this far more seriously than the Police, who took two hours to attend when they were advised of the arson attack, and ten days to bring the matter to the Board's attention.





Margaret Dodds is a well-known and well respected person within the village and I do think that any of the residents would accept that she has their best interests at heart.

The only people that have won here are the thugs. The only message that is being sent out here is that if you carry out criminal acts then you will be able to keep these premises closed.

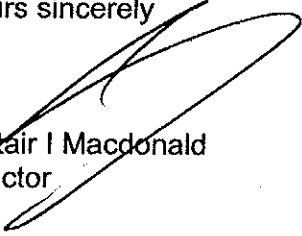
The general consensus of the village is that instead of the Closure Order that the Police should be concentrating on finding the person or persons involved. The Police appear to have admitted defeat and that instead of apprehending the people involved it is easier just to close the premises.

There is to be a Review of the Licence at the Board Meeting on 28th August and we would ask for this to be considered at the same time, if not before.

Await hearing from you.

Kind regards

Yours sincerely


Alistair I Macdonald
Director

Enclosures:-

- Letter from resident, I. Sharp
- Letter from John Gourley, the painter
- Letter from Scott Dodds

15 Traient Road,
Elphinstone
EH13 3 2LS

Dear Sir

17/06/2014

I am writing to confirm that I attended the Elphinstone Arms several times a week during the period 2 May to 30 May 2014. At no point did I see Scott Dodds working behind the bar.

Since the Licensing Board meeting on 1st May, when Scott Dodds voluntarily banned himself from the premises, he has not set foot in the pub without police permission.

As regards the painting of the front door. On the several times a day I passed the pub I only saw John Gourlay working.

I must say I find it amazing that the police took a week to close the

pub, given their concern about "public safety." Or were they deliberately closing it down at the weekend so the Dods couldn't fight the closure?

After having been at the Licensing Board meeting it seems that the police will stop at nothing to close the pub.

I always thought that our laws stated that you were innocent until proven guilty. Obviously not under our new one force police. If police have "intelligence" on you that appears to be enough to deprive someone of a livelihood. Never mind about little things called proof and evidence.

Yours faithfully
F. Sharp

TO THE LICENCING BOARD.

JOHN GOURLAY.

01875 848525

THERE SEEMS TO BE SOME DISCREPENCY AS TO WHO DID THE PAINT WORK TO THE ENTRANCE OF THE ELPHINSTONE ARMS PUBLIC HOUSE.

I WOULD LIKE TO ASSURE YOU THAT IT WAS I JOHN GOURLAY.

I WASHED AND SCRAPED DOWN ALL WALLS AND CEILING + DOORS. TO WHICH I APPLIED 2 COATS OF GREY PRIMER PAINT.

THE DOORS & SKIRTINGS HAVE BEEN COATED WITH ATLANTIC BLUE. AND I AM AWAITING ON MORE PAINT TO FINISH IT.

ALSO DURING THE DECORATION THE DELIVERY'S ARRIVED AND THE CARPET FITTER AS WELL AS 2 CUSTOMERS. AND AN INSURANCE MAN AND 2 C.A.D. OFFICERS

AT NO TIME DID SCOTT DODDS DO ANY WORK TO THE FRONT ENTRANCE OF THE ELPHINSTONE ARMS IT WAS I.

IF YOU WISH FOR ANY MORE INFORMATION PLEASE FEEL FREE TO CONTACT ME AT ANY TIME AT THE ABOVE PHONE NO.

John Gourlay.

Bellyford, Main Street,
Elphinstone, East Lothian

2 July 2014.

Dear Sir/Madam,

In relation to the Police Scotland Application to Licensing Board for Closure Order dated 28 May 2014, I feel that it is only right and proper that certain inaccuracies contained in the report should be brought to the attention of the licensing board.

Paragraph 3 of the report states 'that a male (Scott Dodds) was being assaulted outside, near to the Elphinstone Arms'. An assault assuredly took place but the location of that assault is misleading as it took place at the top of Buxley Road, Elphinstone, some 200 yards or so from the Elphinstone Arms. This could hardly be described as outside near to the public house.

The same paragraph goes on to state 'Scott Dodds was also under the influence of alcohol, having been drinking in the Elphinstone Arms, so arrangements were made to speak with him the following day when he was sober'. Given that the report states that arrangements were made to speak with me when I was sober implies that I was too intoxicated to be interviewed at that time. By what scientific measure or alternatively in whose opinion was I considered to be under the influence of alcohol at the time?

Paragraph 9 of the report states 'Police Scotland's Criminal Investigations Department visited the premises and spoke with Scott Dodds, who was repainting the front door of the premises. The premises manager Margaret Dodds was also spoken to and in conversation stated to the CID officers that Scott Dodds worked in the premises on a Monday, Tuesday and Thursday'. These statements are completely inaccurate as I did not repaint the front door which is capable of being proven by reference to CCTV recordings. The CID have since indicated to me that no such statement was made regarding the repainting of the front door. Furthermore, my mother Margaret Dodds did not indicate that I was working in the public house. Quite to the contrary, I have never worked in, nor even entered the Elphinstone Arms since the new licence was granted on April 24th 2014. It is a fact that the police have entered the premises on frequent occasions since the granting of the new licence and at no time have they encountered me in the premises during these visits. Unfortunately, the inaccuracy regarding me working in the Elphinstone Arms is reiterated in paragraph 12.

These statements are at best misleading to councillors and other parties responsible in respect of delivering the responsibilities of the East Lothian Licensing Board and at worst could be described as being vexatious. Vexatious statements in this context could be viewed similarly to vexatious litigation where a legal action is brought, regardless of its merits, solely to harass or subdue an adversary. It may take the form of a primary frivolous lawsuit or may be the repetitive, burdensome, and unwarranted filing of meritless motions in a matter which is otherwise a meritorious cause of action. Filing vexatious litigation is considered an abuse of the judicial process and may result in sanctions against the offender. *In this case it could be that the offender is the police.*

It is also worth considering some of the dialogue which took place during the licensing board hearing on April 24th 2014 when the new licence was granted.

During this hearing, Inspector Harbarow stated that as long as I was drawing an income from the Elphinstone Arms he would oppose the granting of a new license.

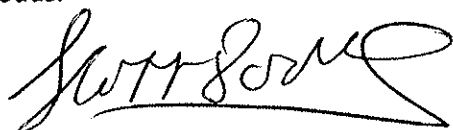
The inspector also stated that although there is no evidence to prosecute me, there is a difference between proof to prosecute and police intelligence. The inference being therefore that the police are basing their reasoning on police intelligence rather than any known proof. This is completely improper and unreasonable. If there is proof to prosecute then the police should proceed with a court action. Otherwise the matter, or any suspicion arising therefrom, should be set aside and not brought forward as grounds for depriving an individual of earning an honest living.

Further to this, the inspector stated that it is not the good people of Elphinstone we are trying to keep out of the pub it is Scott Dodds. As mentioned in the paragraph above this is an unacceptable statement for the reasons mentioned therein.

In conclusion, it should be noted that my family have received many messages of support from within the local community. All of these people expressing such support have indicated deep regret that the Elphinstone Arms, which is very important meeting point for the community, is no longer open for business. These expressions of support are vitally important as they indicate strongly the importance of the public house as a hub of the community.

Yours sincerely,

Scott Dodds.

A handwritten signature in black ink, appearing to read 'Scott Dodds', with a stylized flourish at the end.

REPORT TO: Licensing Board

MEETING DATE: 28/08/2014

BY: Clerk of the Board

SUBJECT: Personal Licence Refresher Training

1 PURPOSE

- 1.1 To inform the Board of the requirement for personal licence holders to undertake refresher training within 5 years of issue of the licence and for the requirement for licences to be revoked unless such training is undertaken.
- 1.2 To delegate to the Clerk and Depute Clerks of the Board power to revoke personal licences where such training has not be undertaken within statutory timescales.
- 1.3 To inform the Board of the potential impact of failure to comply with this requirement on businesses and individuals

2 RECOMMENDATIONS

- 2.1 To note the content of the report
- 2.2 To delegate authority to the Clerk or one of the Depute Clerks to East Lothian Licensing Board to revoke Personal Licences in terms of Section 87(3) of the Licensing (Scotland) Act 2005.

3 BACKGROUND

- 3.1 In terms of Section 87 of the Licensing (Scotland) Act 2005, Personal Licence holders must complete prescribed training during the period of 5 years beginning with the date on which the licence was issued and during each subsequent period of 5 years. Evidence of completion is to be provided to the Board not later than 3 months after the expiry of the 5 year period.

- 3.2 In terms of Section 87(3), failure to undertake the training means that the Board must revoke the Licence. There is no discretion available to the Board. The effect of revocation of a licence is that the holder of the licence will not be able to apply for a new licence until the expiry of 5 years after revocation.
- 3.3 All Personal Licences that were applied for in the transition period up to 30 September 2009 were deemed to have been issued on 1 September 2009. There are approximately 500 in East Lothian that are deemed to have been issued on 1 September 2009. To date only approximately 204 personal licence holders have provided evidence that they have undertaken the required training. It is anticipated, therefore, that a considerable number of licences may have to be revoked. Normally revocation would follow a hearing at a Board meeting and the delegation is sought to avoid holding unnecessary hearings where there is no alternative but to revoke.
- 3.4 Despite national widespread publicity and reminders having been sent to individual personal licence holders, Licensing Boards throughout the country have reported a similar position as in East Lothian. It appears that many Personal Licence holders are unaware of the requirement to undertake refresher training and the consequences of that failure.
- 3.5 If a Personal Licence is revoked the holder will no longer be able to be a designated premises manager. The consequences for some businesses are that they will require to employ someone who holds a Personal Licence incurring additional cost and perhaps leading to the redundancy of the existing DPM. If the business is small and the owner is currently the DPM they may not be able to employ anyone else and there is the possibility that they will no longer be able to sell alcohol.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - There will be some pressure on existing staff in order to process the evidence of refresher training or the revocation of Licences but this can be handled within existing resource.

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Licensing (Scotland) Act 2005

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Clerk of the Licensing Board
CONTACT INFO	01620 827164 kmacneill@eastlothian.gov.uk
DATE	25/7/14

REPORT TO: Licensing Board

MEETING DATE: 28/08/2014

BY: Clerk of the Licensing Board

SUBJECT: Air Weapons and Licensing (Scotland) Bill

1 PURPOSE

- 1.1 To inform the Board of proposed changes to Alcohol Licensing Law contained within the Air Weapons and Licensing (Scotland) Bill.

2 RECOMMENDATIONS

- 2.1 To note the report and to delegate authority to the Clerk of the Board to respond to the consultation on behalf of the Board

3 BACKGROUND

- 3.1 On 14 May 2014 the Air Weapons and Licensing (Scotland) Bill ("the Bill") was introduced in the Scottish Parliament. It is anticipated that it will take about a year to progress and that it will become law in 2016.
- 3.2 Some consultation questions listed in Appendix 1 have been published and the responses are sought by 1 September 2014.
- 3.3 Part 2 of the Bill applies to Alcohol Licensing proposes changes to the existing legislation. The relevant changes are listed in Appendix 2 to the report.

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
6.2 Personnel - none
6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Licensing (Scotland) Act 2005
7.2 Air Weapons and Licensing (Scotland) Bill

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Clerk of the Licensing Board
CONTACT INFO	01620 827164 kmacneill@eastlothian.gov.uk
DATE	31/7/14

Name/Organisation:

3. General Licensing Issues

You may respond to all questions or only those you have a specific interest in.
(Text boxes have no word limit, they will increase in size accordingly).

23. Is the current Scottish licensing regime, as set out in the Civic Government (Scotland) Act 1982 and the Licensing (Scotland) Act 2005, fit for purpose?

24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. 'city space' etc.)?

25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?

26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?

27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?

Name/Organisation:

4. Alcohol Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

28. In what ways will the Bill's provisions on alcohol licensing allow for reductions in crime and the preservation of public order?

29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?

30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?

- 31. In what ways will the re-introduction of the “fit and proper person” test assist with the implementation of the licensing objectives set out in the 2005 act?**

- 32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of areas?**

- 33. Which, if any, types of spent relevant offences should be required to be disclosed and what do you think the benefits of disclosure will be?**

- 34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?**

Appendix 2

Fit and proper person test

The Bill reintroduces the concept of a “fit and proper person” test that was removed by the 2005 Act. The Board will be able to “consider, having regard to the licensing objectives” whether the applicant is a fit and proper person. The test will apply to new premises licence applications, transfers, personal licence applications and reviews. The Bill does not include a definition of fit and proper which will be left up to the Board to determine, in consideration with the licensing objectives.

Premises Licence Transfers

The police currently provide information to the Board as to whether a transferee, or connected person has been convicted of a relevant or foreign offence. A new amendment means that the police can also provide “any information” in relation to a transferee or connected person to the Board.

Personal licences

The Board will have to give more notice to personal licence holders regarding expiry of their licence. Currently the Board has to give three months’ notice but this is extended to nine months giving licence holders more time to submit renewal applications.

The Bill also removes the 5 year ban on applying again for a personal licence following revocation as a result of failure to complete the requisite refresher training within prescribed timescales.

Whilst this is to be welcomed it will not help those licence holders who are facing a fast approaching deadline in relation to the current requirement to complete training by the end of August 2014.

Spent convictions

S129 of the 2005 Act is to be repealed so that the Board will be permitted to consider not only current but also spent convictions of applicants.

Supply of alcohol to a child or young person

It will be an offence to supply or buy alcohol for a child **or young person** under 18 for consumption in a public place.

The gap in relation to young persons outlined by the case of Tesco v Midlothian Licensing Board in 2012 has also been filled by extending the licensing objective of “protecting children from harm” to include young persons aged 16 and 17.

Overprovision

The Board’s discretion in relation to overprovision is widened as it will be able to consider licensable hours as well as the number and capacity of licensed premises in the locality. It can also determine that the whole of its area is a locality affected by overprovision.

Licensing board's duty to produce annual financial report

The Board must publish a financial report no later than three months after the end of each financial year. The report should include the amount of relevant income received and the amount of expenditure.

Licensing policy period

The Bill removes the reference to the three year period for the review of licensing policy statements and replaces this with a requirement to publish a statement of policy 18 months after a local government election takes place.

Duty to notify changes in relation to interested parties' changes scrapped

A premises licence holder will no longer have to notify changes to the Board in relation to interested parties, i.e. a party who has an interest in the premises such as an owner or tenant.

Acknowledgement of application and period of determination

The Board must give an acknowledgement to an applicant as soon as practicable confirming whether or not the application meets the prescribed requirements.

The Board must determine each relevant application that meets prescribed requirements within nine months.

A sheriff can, on application by the Board, extend the period for determination if they have good reasons for doing so and no previous extension has been granted. When the Board fails to determine an applications before the end of the 9 month period, the application will be deemed granted on the expiry date. The Board will be unable to impose any conditions (other than mandatory ones) on a deemed granted application.