



AGENDA FOR THE MEETING OF EAST LoTHIAN LICENSING BOARD

**THURSDAY 25 SEPTEMBER 2014, 10.00 am
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Agenda of Business

Apologies

Declarations of Interest

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

1. Minutes for Approval

East Lothian Licensing Board 28 August 2014 **(pages 1-10)**

2. Variations of Premises Licence

(i) Golf Inn and Restaurant – Main Street, Gullane **(pages 11-30)**

(ii) Umberto's – 119-112 High Street, Dunbar **(pages 31-48)**

3. Request to hold a review of Premises Licence

(i) Martin McColl Ltd – 160 High Street, Musselburgh
55 Delta Drive, Musselburgh **(pages 49-52)**

**Kirstie MacNeill
Clerk of the Licensing Board
17 September 2014**

EAST LOTHIAN

Meeting 25 September 2014 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 GOLF INN & RESTAURANT GOLF HOTEL MAIN STREET GULLANE EAST LOTHIAN EH31 2AB	GRAHAM DRUMMOND BLACK	20 August 2014	
2 UMBERTOS 119-121 HIGH STREET DUNBAR EAST LOTHIAN EH42 1ES	BRENDA COCKBURN	30 June 2014	

**The Golf Inn, Gullane
Variation of Premises Licence**

2(i)

Include seasonal variations.

Conference Facilities, Restaurant Facilities, televised sport & outdoor drinking facilities all amended to show used outwith licensed hours from 7am onwards but no alcohol will be served unless there is a granted application for extension of hours.

To provide activities such as pool & darts outwith core hours.

Increase total capacity from 100 to 378 -

Bar - 70, Dinging Room - 50, Garden room - 40, Beer garden - 50, Function room - 120, bedrooms - 28, Main Road Section - 20.

To include outdoor drinking area - beer garden to the rear of the premises and tables and chair to the front of the property.



**POLICE
SCOTLAND**
Keeping people safe

Date: 27th August 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

Tel: +44 (0)131 663 2855
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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: GRAHAM BLACK
PREMISES: THE GOLF INN, 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.

I note that the applicant is wishing to increase the capacity of the premises, change the operating plan to allow for outdoor drinking, conference facilities, restaurant facilities and televised sport.

Whilst I have no objections to this request it is pertinent to point out that the increase in capacity is out with Board policy in relation 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

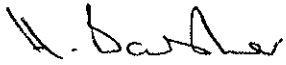
- 4 SEP 2014

Received

I would request that outdoor drinking is terminated no later than 2200 hours, due to the close proximity of residential properties etc.

Submitted for your attention in consideration of this application.

Yours faithfully

A handwritten signature in black ink, appearing to read "A. Barber". The signature is written in a cursive, slightly slanted style.

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:

Date: 06 Aug. 14

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

Golf Inn, Main Street, Gullane, East Lothian EH31 2AB

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

It should be noted that the increase in capacity of the premises is out with Part 4 of the Statement of Licensing Policy.

The Inn is a very popular and well run venue for dances, dinners and other events. The new licensee and DPM have liaised frequently with the LSO, showing a desire to comply with the conditions of their Premises Licence, to embrace the licensing objectives and to resolve any minor problems that have arisen to date.

On 2nd July 2014 a complaint was received from a neighbouring resident that there had been noise from persons in the rear garden at 00:45 hours. Contact with the premises manager revealed that an event had taken place on the premises that evening. It was a very warm night and after clearing up, at the conclusion of the event, the staff had gone out into the garden for a coffee and a short debrief before going home. Agreement was reached with the DPM that the garden would not be used in the future, after 22:00 hours, to prevent potential disturbance to neighbours. There have been no further complaints.

In relation to this application, I am satisfied that the Operating and Layout Plans are in accordance with the Act and, therefore, have no objections to its grant.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Development Control Manager **To:** Clerk to the Licensing Board
Per: Neil Millar **Per:** Licensing Board
Cc:

Date: 13th August 2014

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Golf Inn, Gullane

Application type: Variation other than a minor variation

I have no objection to the variations applied for as detailed in the application forms with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

I note that the licensing application forms state that details of the external beer garden were contained within the grant of Building Warrant (Ref: 93/00053/BW) relating to an extension to the hotel kitchen in November 1993. The operating plan details also confirm that the external beer garden forms part of this submitted licensing application.

However, I can confirm that there are no records of a grant of planning permission for the use of a beer garden / external drinking area within the grounds of the hotel premise. I can also confirm that, according to our own licensing records, this matter has been raised in the past when we have been consulted on other licensing applications at this address.

It should therefore be noted that it is the responsibility of the licensee to confirm what planning permission is in place for this use or demonstrate that planning permission is not required for it. Otherwise I would advise that a planning application is sought, retrospectively, for the use of land as a beer garden/external drinking area. Failure to do so may result in the Council, as Planning Authority, undertaking formal enforcement action on this matter.

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



The Golf Inn
[Redacted]
[Redacted]
[Redacted]
[Redacted]

29 July 2014

Dear Sirs,

Licence # of Premises EL0179. Licensing (Scotland) Act 2005, Section 29.
Application for Variation other than Minor Variation.

We have pleasure in enclosing the various documents required in support of our Application.

In addition to the enclosed we would comment as follows:-

1. As the licensee of the property I am conscious of our moral commitment to the community as a whole. Gullane, in particular the Golf Inn, has the reputation for compliance and is conscious of our obligations to uphold sobriety in the village.
2. It would appear that the East Lothian region is increasingly being used as a venue for sports – golf in particular - and the arts. We would very much like to be a part of this expansion and are suitably fitted out to participate. This can only benefit the local community without undermining the overall ambience to the village. To this end our staff – particularly serving the bar area – are very conscious of maintaining sensible levels of sobriety at all times and policing, in particular, our licensing hours.
3. In relation to overprovision we believe that we have and will continue to demonstrate that all factors which impact on crime and disorder have been considered to the best of our ability and that we are playing our part in ensuring that the licensed premises are run in such a way as not to contribute to crime and disorder.
To the best of our knowledge The Golf Inn has an exemplary record and we will continue to manage it in such a manner as previously, hopefully without complaint or problem.
4. We will also continue to comply with the five licensing objectives as described in the attached schedule

The undersigned would very much like to be in attendance at your meeting held to approve our application in order to answer any questions the Board might have. Could you please advise when this might be?

Yours Faithfully

[Redacted Signature]

Graham D. Black
Licensee

EAST LOTHIAN COUNCIL
RECEIVED
30 JUL 2014
LAW AND
LICENSING



The Licensing Objectives

The following forms an integral part of our Application for Variation other than Minor Variation.

1. Preventing Crime & Disorder

We are mindful of our responsibilities in this regard and have implemented control measures – constantly being reviewed – to ensure we comply, wherever possible, with the Licensing Objectives.

2. Securing Public Safety

The Golf Inn has been operating as a hotel since 1836. We have recently – since the end of 2013 – undergone a major refurbishment of the premises and believe that, to the best of our ability we can demonstrate that all factors which impact on public safety have been considered.

3. Preventing Public Nuisance

We believe that we are very conscious of our responsibilities to our neighbours. We have tried over the past 8 months (since the new management took over the premises) – to keep our neighbours fully informed of our activities. To our knowledge we have received no complaints but only praise of our operation. Our staff are fully aware of our obligations in this regard.

4. Protecting & Improving Public Health

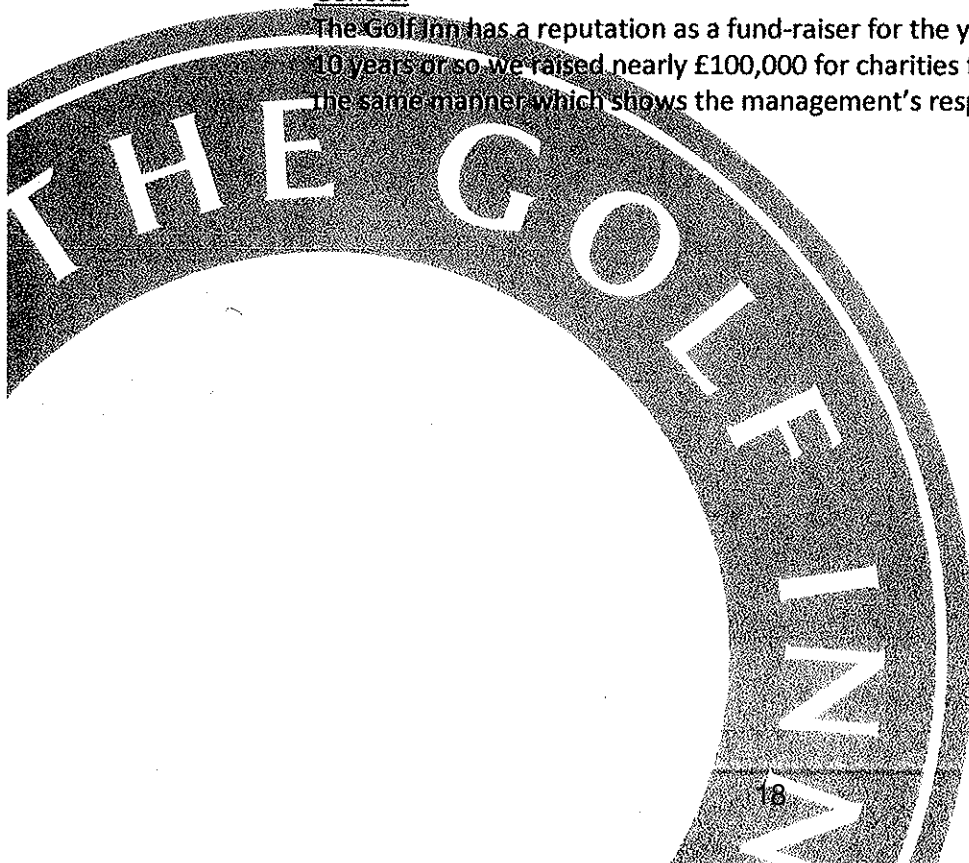
We do everything possible to ensure that The Golf Inn complies with all laws relating to this subject.

5. Protecting Children from Harm

We actively encourage young families to use our facilities to such an extent that, provided they are accompanied, they have full access to the facilities of the premises. Accordingly we are fully aware of our responsibilities in this regard.

General

The Golf Inn has a reputation as a fund-raiser for the younger generation. Over the past 10 years or so we raised nearly £100,000 for charities for children. We will continue in the same manner which shows the management's responsibility to our community.



**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

EL0179

2(b) Name and Address of Premises

THE GOLF INN
MAIN STREET
GULLANE

Post Code	EH31 2AB	Phone No.	01620843259
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2(c) Full Name and Address of Current Licence Holder

GRAHAM D BLACK
YAIR
TEMPLAR LANE
GULLANE

Post Code	EH31 2AJ	Phone No.	01620842249
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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

NO VARIATION TO THE CONDITIONS OTHER THAN AREA CODE OF LICENCEE. ALL VARIATIONS UNDER 3B APPLY.

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)

VARIATIONS TO OPERATING PLAN ARE :-

Q4 – SEASONAL VARIATIONS

Q5 – TO INCLUDE THE FOLLOWING :

- CONFERENCE FACILITIES – COLUMN 4 CHANGED TO YES

From time to time we may be required to supply our customers with alcohol out with core hours from 7:00am onwards to benefit our customers. This may be necessary due to the International nature of sports (golf/football in particular) coverage on television and in East Lothian’s plan to market the area. No alcohol will be served out with core hours except on the application of an extended hours licence.

RESTAURANT FACILITIES – COLUMN 4 CHANGED TO YES

From time to time we may be required to supply our customers with alcohol out with core hours from 7:00am onwards to benefit our customers. This may be necessary due to the International nature of sports (golf/football in particular) coverage on television and in East Lothian’s plan to market the area. No alcohol will be served out with core hours except on the application of an extended hours licence.

TELEVISED SPORT

– COLUMN 4 CHANGED TO YES

From time to time we may be required to supply our customers with alcohol out with core hours from 7:00am onwards to benefit our customers. This may be necessary due to the International nature of sports (golf/football in particular) coverage on television and in East Lothian's plan to market the area. No alcohol will be served out with core hours except on the application of an extended hours licence.

- OUTDOOR DRINKING FACILITIES – COLUMN 4 CHANGED TO YES

From time to time we may be required to supply our customers with alcohol out with core hours from 7:00am onwards to benefit our customers. This may be necessary due to the International nature of sports (golf/football in particular) coverage on television and in East Lothian's plan to market the area. No alcohol will be served out with core hours except on the application of an extended hours licence.

Q6 – WE HAVE INSERTED MORE DETAILS

Q7 – DETAILS OF CAPACITY OF PREMISES BY LOCATION, INSERTED

Q8 – CHANGE OF ADDRESS AND PREMISES MANAGER

From time to time we may be required to supply our customers with alcohol out with core hours from 7:00am onwards to benefit our customers. This is maybe necessary due to the International nature of the sports (golf/football in particular) coverage on television and in East Lothian's plan to market the area. No alcohol will be served out with core hours except on the application of an extended hours licence. In general to be able to provide indoor activities such as pool table and darts.

In general to be able to provide indoor activities such as a pool table and darts.

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.

THE LAYOUT PLANS OF THE PROPERTY ARE IN ACCORDANCE WITH THE LATEST APPLICATION BUILDING WARRANT REF : BW53/93/dd29/11/93 CONTAINED IN THE FILES IN JOHN MUIR HOUSE, HADDINGTON AND INCLUDE BOTH THE BEER GARDEN TO THE NORTH OF THE PREMISES AS WELL AS THE SECTION BETWEEN THE PAVEMENT AND THE BUILDING TO THE SOUTH OF THE PREMISES AS INDICATED IN THE REVISED LAYOUT PLAN ATTACHED.

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

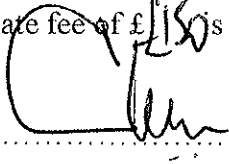
(e.g. Alteration to the description of the premises contained within the Premises Licence)

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

As previously submitted - Alternatively 18 Aug 2014

Capacity: APPLICANT / AGENT (delete as appropriate)

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

.....
.....
.....

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.

THE GOLF INN & RESTAURANT MAIN STREET GULLANE, EH31 2AB

Question 1

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

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

Question 2

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11.00	23.00
Tuesday	11.00	23.00
Wednesday	11.00	23.00
Thursday	11.00	01.00
Friday	11.00	01.00
Saturday	11.00	01.00
Sunday	11.00	12 MIDNIGHT

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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

<p>We would wish to take advantage of –</p> <p>Any general extension of licence hours afforded by the licensing board in relation to local or national events of importance.</p>
--

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
<i>Accommodation</i>	YES	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	NO
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
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	NO
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	NO
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
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	NO
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	YES	YES	NO
<i>Films</i>	YES	YES	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	YES

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

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

Conference facilities –

The Local Council are marketing the Lothian's as "the place to be ". The Golf Inn management are mindful of this and believe we are in a position to help by extending the use of facilities we have to encourage corporations and others to use East Lothian as a destiny of choice. Such facilities will comply with core times as outlined under Question 2 above.

Restaurant facilities –

The Golf Inn has extensive restaurant facilities which we would like to make better use of. We are mindful of "problems with alcohol/drug abuse" and are extremely conscious of managing these problems in the right manner.

Televised Sport-

This will help us cover international sport which is becoming more accessible through various sporting TV channels. No alcohol will be served out with core hours except on the application of an extended hours licence.

Outdoor Drinking Facilities –

The Premises include the "Beer Garden" and the "Licensed Tables & Chairs" Areas. We wish to ensure that these are included in this Operating Plan.

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.

--

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

Only where accompanied by parents/guardians or adults with parental responsibility.

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

No Age restriction.

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

During Licensed hours or at any other time if resident.

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?

To increase on-sales capacity to the following breakdown in the reviewed capacity plan

Bar - 70

Dining Room - 50

Garden Room - 40

Beer Garden - 50

Function Room - 120

Bedrooms - 28

Main Road Section - 20

Question 8

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

Personal details

8(a) *Name*

Derek Fraser Johnstone

8(b) *Date of birth*

25th May 1983

8(c) Contact address

18 Muirfield Apartments
Gullane
EH31 2H2

8(d) Email address and telephone number

stay@golfinn.co.uk
01620843259

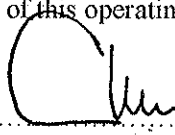
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
19 th February 2014	East Lothian Licensing Board	R35004

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 ~~As previously submitted~~ ~~or~~ Alternatively 18/Aug 2014

Capacity ~~APPLICANT/AGENT~~ LICENCE HOLDER APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory ... 01620 843259
stay@golfinn.co.uk

*** 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.

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 cursive script, appearing to read "H. Baister".

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: 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 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

From: Brenda Cockburn [REDACTED]
Sent: 08 September 2014 23:04
To: Richardson, Debbie
Subject: Re: Supporting Statement re Overprovision

Umbertos
119-121 HIGH STREET
DUNBAR
EH42 1ES
BRENDA COCKBURN

Umbertos has been a family run business for over twenty-eight years. I took over from Umberto in April 2011 after working for him all this time. I now employ fifteen locals including my son keeping it a family concern. This for I have kept things the same but with your permission would like to make a few changes to sustain the business and keep up with the ever increasing competition. I will maintain the high standards that have always been in place with our challenge 25. We also offer disabled and baby changing facilities. I feel these new changes will increase my foot flow.

I have applied to change core hours on Sunday 12am-12pm so customers may enjoy wine with their meal in the afternoon and the extension for Thursday, Friday and Saturday night for the same reason. May I please add seasonal variation to take advantage of the general extensions granted by the board in relation to festive hours or any other periods of local or national importance.

I'd like permission to include off sales Monday-Sunday 10am-10pm. The main reason for this is if customers are unable to finish their wine and ask to take it away I would be able to allow it.

I would also like to add to my music licence so I could take part in the local music festival and place a 42" T.V. to play a muted news channel with subtitles and televised sport such as the Gold Open or Tennis. I would not be showing football.

Hope all these points will be taken into your consideration.

Yours
Brenda Cockburn

On 8 September 2014 21:41, Brenda Cockburn <[REDACTED]> wrote:

Supporting Statement
For
Umbertos
119-121 HIGH STREET
DUNBAR
EH42 1ES
BRENDA COCKBURN

Umbertos has been a family run business for over twenty-eight years. I took over from Umberto in April 2011 after working for him all this time. I now employ fifteen locals including my son keeping it a family concern. This for I have kept things the same but with your permission would like to make a few changes to sustain the business and keep up with the ever increasing competition. I will maintain the high standards that have always been in place with our challenge 25. We also offer disabled and baby changing facilities. I feel these new changes will increase my foot flow.

I have applied to change core hours on Sunday 12am-12pm so customers may enjoy wine with their meal in the afternoon and the extension for Thursday, Friday and Saturday night for the same reason. May I

Richardson, Debbie

From: Richardson, Debbie
Sent: 11 August 2014 14:26
To: 'jacquie.bell50@googlemail.com'
Subject: FW: Consultations re Premises Licences :Dunbar Community Council :Information to Clerk to Licensing Board

Good Afternoon

Sorry for the delay in coming back to you.

I refer to your objection/representation received on 22nd July 2014, in respect of the application for Umberto's. In accordance with Section 22 of the Licensing (Scotland) Act 2005, I have passed a copy of your objection/representation to the applicant concerned.

This application will be considered by the Licensing Board at its meeting taking place on 28th August 2014. The meeting is to be held in Council Chambers, Town House, Haddington at 10am. Should you wish to speak to your objection/representation you may be in attendance at this time.

If you are unable to attend in person you may appoint another person to speak on your behalf, you must however provide this person with written authorisation which sanctions them to do so and this must be produced at the meeting.

An agenda for the Board Meeting will follow in due course.

Kind Regards

Debbie

Debbie Richardson
Licensing Administration Officer
Licensing, Administration and Democratic Services
John Muir House
Haddington
T. 01620 827217
E. drichardson@eastlothian.gov.uk or licensing@eastlothian.gov.uk

From: Jacqueline Bell [REDACTED]
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

NMS ✓ POL ETC ✓
NOTICE ✓ CC ✓
Reign ✓
EAST LoTHIAN COUNCIL
LICENSING

EAST LoTHIAN LICENSING BOARD

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

30 JUN 2014

RECEIVED

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

ELO05

2(b) Name and Address of Premises

119/121 High Street
Dunbar

Post Code Phone No. 01368862354

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

Brenda Cockburn T/A
24 Herdmanflatt
Haddington
East Lothian

Post Code Phone No. 0120824862c

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

Change to core hours Sunday increase hours to 12am to 12midnightso customers may enjoy a wine with their meal in the afternoon. Extend hours to 12 midnight Thursday, Friday and Saturday again so customers may enjoy a drink with their meal.

Please may I add in seasonal variation to take advantage of any general extentions granted by the board in relation to feative hours or any other perioda of local or national importance.

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

To add music so we may take part in the local music feativel and such like.

To include televised sport for the golf championships; tennis and the likes.

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)

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

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.

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)

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

Does the appropriate Premises Licence accompany this application?

YES

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 variation or 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 £170 (see note 4 below)

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


Variation Application for Transfer of Premises Licence followed by Application for

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 £ is enclosed.

Signature  (See note 5 below)

Date 12/6/14

Capacity: APPLICANT / AGENT (delete as appropriate)

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

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

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

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Umbertos 119/121 High Street Dunbar EH42 1ES

Question 1

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

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

Question 2

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11:00:00	23:00:00
Tuesday	11:00:00	23:00:00
Wednesday	11:00:00	23:00:00
Thursday	11:00:00	12:00:00
Friday	11:00:00	12:00:00
Saturday	11:00:00	12:00:00
Sunday	11:00:00	12:00:00

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour

<i>Monday</i>	10:00:00	22:00:00
<i>Tuesday</i>	10:00:00	22:00:00
<i>Wednesday</i>	10:00:00	22:00:00
<i>Thursday</i>	10:00:00	22:00:00
<i>Friday</i>	10:00:00	22:00:00
<i>Saturday</i>	10:00:00	22:00:00
<i>Sunday</i>	11:00:00	22:00:00

Question 4

SEASONAL VARIATIONS

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

**If YES - provide details*

To take advantage of any general extensions granted by the board in relation to festive hours or other events of local or national importance.

Question 5

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

COL. 1	COL. 2	COL. 3	COL. 4
<i>5(a)</i>	<i>Please confirm</i>	To be provided	Where activities are
<i>Activity</i>	<i>YES/NO</i>	during core licensed hours - please confirm	also to be provided outwith core licensed hours please confirm

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

		confirm YES/NO	licensed please confirm YES/NO	hours
Adult entertainment	NO	NO	NO	

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

The premises operate as a restaurant and will provide such facilities for customers from 09:30 each day.

Recorded music may be played as low level background entertainment from opening time at 09:30 onwards.

Live performances will infrequently be provided by solo artists or duets during the Dunbar Music Festival or the like.

Televised sport will be shown for the benefit of customers interested in the golf open, tennis and the like, which might be televised out with core hours.

No alcohol will be served out with core hours unless an extended hours application has been applied for and granted.

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.

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*

<i>*Delete as appropriate</i>	
-------------------------------	--

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*
	<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 of all ages accompanied by adult will be permitted until 22:00. or until the termination of core hours on the odd occasion a special function may be held. Young persons will be permitted at all times.

A challenge 25 proof of age scheme is operated in the restaurant.

There is a strict rule of no standing at the bar due the design of the restaurant which operates on a table service only policy. Therefore, all patrons, including children, are required to be seated for safety reasons.

Baby changing facilities are provided.

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

All ages permitted entry.

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

Children will be allowed entry between 09:30 /22:00 Monday to Saturday and 11:00/22:00 Sunday and until the conclusion of core hours on the odd occasion when a special event is taking place.

Young persons will be permitted at all times.

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

Children and young persons will be allowed in all public areas of the restaurant.

Question 7

CAPACITY OF PREMISES

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

Can seat 50

Question 8

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

Personal details

8(a) Name

Brenda Cockburn

8(b) Date of birth

20/04/64

8(c) Contact address

24 Herdmanflatt
Haddington
East Lothian EH41 3LW

8(d) Email address and telephone number

bcockburnc5@gmail.com

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
27 th feb 2022	East Lothian Licence Board	EL826

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 B. Cockburn..... * (see note below)

Date 12/6/14.....

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

Telephone number and email address of signatory

* 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: 2nd September 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

APPLICANT: MARTIN MCCOLL LIMITED

PREMISES: McColls, 55 Delta Drive, Musselburgh, 61 High Street, Haddington & R.S McColls, 160 High Street, Musselburgh

East Lothian Council
Licensing

- 4 SEP 2014

Received

I refer to the copy letter dated 17th July 2014 relative to recent convictions involving the holder of a premises licence, Martin McColl Limited.

In terms of Section 44 of the Licensing (Scotland) Act 2005 I am able to confirm the existence of the following recent convictions:

Date	Court	Offence	Disposal
26/06/14	West Suffolk PSA Magistrates	Section 146(1) & (7) Licensing Act 2003	Fine £1500
		Section 146(1) & (7) Licensing Act 2003	Fine £2000(x2)
		Section 147A Licensing Act 2003	Fine £13500 Victim surcharge of £120 also levied.

Sent Pouce 18/7/14

DWF LLP
5 S Paul's Square Old Hall Street Liverpool L3 9AE DX 14128, Liverpool
T +44 (0)151 907 3000 F +44 (0)151 907 3030 www.dwf.co.uk



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

Your Ref:

Our Ref:

DDC/CB/N18913/193

Please quote this when replying

Date:

17th July 2014

Please ask for:

David Crank

Ext:

683381

Direct Dial:

0151 907 3381

E-mail:

David.Crank@dwf.co.uk

Direct Fax:

0151 907 3030

East Lothian Council
Licensing

18 JUL 2014

Received

Dear Sir/Madam.

Our Client: Martin McColl Limited.

McColls 55 Delta Drive, Musselburgh, Midlothian, EH21 8HL

R. S. McColl, 160 High Street, Musselburgh, East Lothian, EH21 7DZ

McColls, 61 High Street, Haddington.

We write in respect of our above client and the above premises pursuant to the obligation that currently exists under the Licensing (Scotland) Act 2005 to notify the Board of any relevant or foreign convictions pursuant to Section 43 of the Act.

We would confirm that we have received notification from the client that the company has been prosecuted in Suffolk as a result of a number of offences under the Licensing Act 2003, the matter being disposed of on 26 June 2014 at Suffolk Magistrates sitting at Bury St Edmunds .

The company was prosecuted and pleaded guilty to the following offences;

In Sudbury, Suffolk contrary to Section 146 (1) and (7) of the Licensing Act 2003 sold on 30 January 2013 and was fined £1,500

At Bury St Edmunds, Suffolk contrary to S146 (1) and (7) of the Licensing Act 2003 on two occasions on 7 March 2013 and was fined £2,000 on each offence.

At Newmarket, Suffolk contrary to Section 147A of the Licensing Act 2003 on two occasions on 7th March 2013 and 30 May 2013 and was fined £13,500 for the offence.

In respect of all matters the Company was also ordered to pay a victim impact surcharge of £120 and costs of £2,785.

DWF LLP is a limited liability partnership registered in England and Wales with registered number OC328794. The term Partner is used to refer to a Member of DWF LLP or an employee or consultant with equivalent standing and qualifications.

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We understand the procedure to be followed by the Board in respect of a notification of foreign offence under the Act. We have commenced by similar letter the process of notification to a number of Boards in respect of over 90 licences the Company holds in Scotland. The Board will be aware the Company is a substantial company. It has some 1300 stores generally with over 800 of those stores holding Premises Licences, covering England, Scotland and Wales. We confirm we hold the relevant Premises Licences to your order.

In advising of these convictions we do seek to stress that the Company has in place significant due diligence procedures which seek to avoid the errors that lead to any incident of this type. The writer was not involved in the case but does seek to confirm in summary the steps that the Company already has in place to support the licensing objectives.

The Board will be aware that in recent years the Company has installed in each store a digital CCTV system linked to an electronic till with the facility both to record each sale and also record electronically all challenges and refusals. This system allows the manager and area manager to monitor the actions of the staff in making refusals.

The company, in addition to ensuring that all members of staff have the statutory 2 hour licensing training completed and recorded in writing, rolls out on 3 occasions per year updated training to refresh and remind staff of their responsibilities under the Act. This training includes a DVD to remind staff of their responsibilities and to assist them in showing how to deal with customers who may attempt to purchase illegally. It is customised to Scottish Legislation and reviewed and updated as required by changes in the law.

It operates and maintains a minimum Challenge 25 system within the estate and advertises that by way of posters, both at the display points and at sales points.

It has embarked on a partnership with a company producing approved identification to complement those who prove their age by passport or photo-card driving licence. It also continues to accept Young Scot cards.

It tests the Challenge 25 procedure processes by internal test purchasing. Stores are visited by mystery shoppers who will carry out test purchases using 18 year olds, to check that the store is applying the Challenge 25 procedure.

It maintains a disciplinary process whereby failure of any test purchase is regarded as gross misconduct and this is recorded in each employee's contract of employment and, in addition to any criminal penalty, will potentially lead to dismissal.

The Company remains mindful of the duty it has under the Act and continues to review and refresh procedures as appropriate to ensure compliance.

17th July 2014



We appreciate the matter now has to be referred to the Chief Constable and the Board would be required to consider any report. We await your further consideration of the matter and will provide any further information the Board requires.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DWF UK'.

David Crank
Associate
for DWF LLP