



**POLICE
SCOTLAND**

Keeping people safe

Date: 6TH August 2015

Your Ref:

Our Ref: J/LIC/4462/JL

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 VARIATION – SECTION 29
APPLICANT: ARISTIDE CUCCHI, [REDACTED]**

**PREMISES: NORTH BERWICK DINER AND FRY, 11 QUALITY STREET, NORTH
BERWICK**

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 applicant is requesting to variate the operating plan to include social functions, entertainment including live performances (which may commence prior to core hours but not before 10am) and television sport.

There are no police objections to the grant of this variation.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer

EAST LOTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 31 July 2015

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JULY 2015

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 this application.

Premises Inspected:

North Berwick Diner and Fry, 11 Quality Street, North Berwick, East Lothian EH39 4HJ

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: 4th August 2015

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: North Berwick Diner and Fry, 11 Quality Street, North Berwick
Application type: Variation other than a minor variation of premises licence

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

Herkes, Gillian

From: Environmental Health/Trading Standards
Sent: 03 August 2015 12:13
To: Licensing
Subject: FW: Major Variation - North Berwick Diner and Fry

Janet Dunlop
Support Services & Systems Development Officer Environmental Health & Trading Standards
ext 7365

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

From: Slight, Lynn
Sent: 31 July 2015 15:12
To: Environmental Health/Trading Standards
Subject: RE: Major Variation - North Berwick Diner and Fry

Satisfactory subject to satisfactory conditions

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

From: Cowe, Ann On Behalf Of Environmental Health/Trading Standards
Sent: 30 July 2015 14:55
To: Slight, Lynn
Subject: FW: Major Variation - North Berwick Diner and Fry

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

From: Elworthy, Debbie
Sent: 30 July 2015 14:47
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception
Subject: Major Variation - North Berwick Diner and Fry

Hello

Please find attached application for report.

Thanks

Debbie

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

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

From: "Elworthy, Debbie" [<mailto:delworthy@eastlothian.gov.uk>]
Sent: 30 July 2015 14:06
To: Elworthy, Debbie
Subject: Attached Image

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).

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0143

2(b) Name and Address of Premises

North Berwick Diner and Fry
11 Quality Street
North Berwick
East Lothian

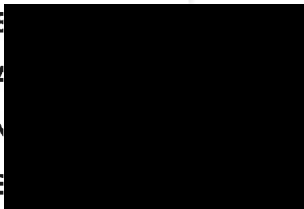
East Lothian Council
Licensing
20 JUL 2015
Received

Post Code	EH39 4HJ	Phone No.	01620893246
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2(c) Full Name and Address of Current Licence Holder

Aristide Cucchi

E
A
N
E



Post Code		Phone No.	
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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 change.

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)

We would wish to update our Operating Plan with the inclusion of the following:

- Social Functions - Include funeral teas, birthdays etc and also club or other group meetings – see Section 5(b).
- Entertainment – Include Live performances – see Section 5(g). (please note that this would be only be a solo artist or duet playing music during the occasional event such as Fringe By The Sea or the like.
- In addition to the above entertainment, we would wish to include televised sport. We currently provide the facilities of normal terrestrial channels but would like to show such events as cricket, golf, tennis and the like, broadcast on normal television channels, for the entertainment of our customers - see Section 5(g).

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.

No change.

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)

Live performances may commence before core hours, but not before 10am for the purposes of events associated with fringe by the Sea or the like.

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 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-

- 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

8/7/15

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

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

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

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

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	
1(c) Will alcohol be sold for consumption both ON and OFF the premises	
*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	23:00
Friday	11:00	23:00
Saturday	11:00	23:00
Sunday	11:00	23:00

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

NOTES:

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	NO
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**If YES – provide details*

NONE

Question 5

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

5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided <u>outwith</u> core licensed hours please confirm 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 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 <u>outwith</u> core licensed hours please confirm 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 Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO
<i>Music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES

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

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

THE PREMISES MAY OPEN AT 11AM ON A SUNDAY MORNING FOR FOOD, SOFT DRINKS, COFFEES ETC, BUT NO ALCOHOL WILL BE SERVED BEFORE THE COMMENCEMENT OF THE CORE HOURS.

THE PREMISES MAY OPEN FOR CLUB OR OTHER GROUPS MEETINGS, FUNERAL TEAS, CHILDREN'S PARTIES OR THE LIKE EARLIER THAN THE COMMENCEMENT OF CORE HOURS, BUT NOT BEFORE 10AM. NO ALCOHOL WILL BE SERVED OUTWITH CORE HOURS EXCEPT UNDER THE AUTHORITY OF AN EXTENDED HOURS APPLICATION.

LIVE PERFORMANCES MAY TAKE PLACE BEFORE THE COMMENCEMENT OF CORE HOURS FOR THE OCCASIONAL SPECIAL EVENT SUCH AS THAT OF FRINGE BY THE SEA AND THE LIKE, BUT NOT BEFORE 10AM. NO ALCOHOL WILL

BE SERVED OUTWITH CORE HOURS EXCEPT UNDER THE AUTHORITY OF AN EXTENDED HOURS APPLICATION.

NO ADDITIONAL ACTIVITIES WILL TAKE PLACE AFTER CORE HOURS (WITH OR WITHOUT THE PROVISION OF ALCOHOL) UNLESS UNDER THE AUTHORITY OF AN EXTENDED HOURS APPLICATION.

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.

TAKEAWAY FISH AND CHIP SHOP, PLUS OTHER HOT FOODS, CONFECTIONARY, ICE-CREAM ETC.

CIGARETTES, TAKEAWAY COFFEES, TEAS AND SOUPS.

PARTICIPATION IN FRINGE BY THE SEA, EXHIBITIONS, AND OTHER SPECIAL EVENTS OF LOCAL OR NATIONAL PROMINENCE.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details

Will the music level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	
*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

CHILDREN AND YOUNG PERSONS WILL HAVE ACCESS TO THE PROPERTY WITHOUT RESTRICTION, AS IT IS CONSIDERED THAT THE ATMOSPHERE IS CONDUCTIVE TO THAT, CHILDREN ON THEIR OWN ARE MONITORED.

THERE MAY BE STAFF UNDER 18.

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

NO RESTRICTION (0-17 YEARS). THE PREMISE ALREADY HAS BABY CHANGING FACILITIES.

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*

CUSTOMERS WILL BE RESTRICTED TO PUBLIC PARTS OF THE PREMISES.
STAFF HAVE NO RESTRICTION.

Question 7

CAPACITY OF PREMISES

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

ON SALES - 72

Question 8

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

Personal details

8(a) Name

FRANCO CUCCHI

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

[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 SEPTEMBER 2009	CITY OF EDINBURGH LICENSING BOARD	08/20927