
EAST LOTHIAN

Meeting 29 October 2015 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
-----------------------	-----------------	------------------	----------------------	-----------------

1	JO'S KITCHEN 73 MARKET STREET HADDINGTON EAST LOTHIAN EH41 3JJ	JOANNA MARGO LAWRENCE	25 August 2015	
---	--	-----------------------	----------------	--



**POLICE
SCOTLAND**

Keeping people safe

Date: 7th September 2015

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 a Provisional Premises Licence
Premises: Jo's Kitchen, 73 Market Street, Haddington**

I refer to the above application and in terms of Section 21 (4) (a) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connect persons have been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence, committed out with the United Kingdom, in respect of the applicant or any connected persons.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005:

It is pertinent to point out that this new 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.

Yours faithfully

PC Heather Bowsher
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: 15 October 2015

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – AUGUST 2015

Jo's Kitchen, 73 Market Street, Haddington, East Lothian EH41 3JJ

I refer to the above subject and can confirm that I have had considerable contact with the applicant who intends to provide an up market restaurant facility to which the consumption of alcohol will be ancillary.

This application is out with Part 4 of the East Lothian Statement of Licensing Policy on Overprovision, however, the likelihood of this business causing crime and disorder or detriment to health is very low.

At present there are six sit in restaurants in the immediate vicinity of the town centre. One is more a licensed cafe while the others comprise two Chinese, two hotels and one Indian restaurant. The applicant's premises will complement the existing facilities providing quality traditional food dishes.

The application relates to the old Pheasant Hotel, which has stood empty and decaying for almost ten years. The move to a nice new licensed restaurant is supported by the LSO and is preferable to a BYOB (bring your own bottle) facility.

R. Fruzynski
Licensing Standards Officer

Statement for Licensing Board in relation to Overprovision Statement

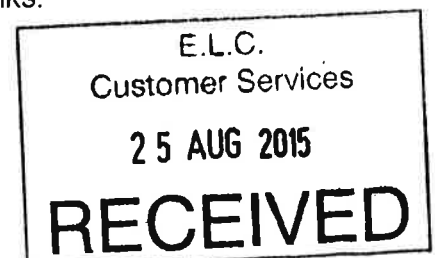
My name is Jo Lawrence and I operate a pop up and private catering business in East Lothian. I am now expanding my business and opening a bistro at 73 Market Street, Haddington, EH41 3JJ (formerly the Pheasant Hotel) I enclose an abridged version of my business plan to give you a feeling for the business.

The bistro will be family friendly with freshly cooked locally sourced food. This is something that I feel Haddington is crying out for and my market research has confirmed this.

I will need an alcohol license so I can offer wine, beers and spirits to complement the food offering. I am aware of the Overprovision statement however it is an essential part of my business to offer alcohol. I do not feel we will be able to exist on food sales alone and customers will demand to be able to have wine etcx with their meals. The food will be of a very high standard and we are intending to offer good wines, bottled beers, local cider and premium spirits and liqueurs. I think the impact of not being able to offer alcohol in this exciting new business would be considerable. I currently do BYOB for my pop ups but would not wish to go down this route as our only option in a fixed premises. Alcohol will not be the focus of my business but as an addition to the food. I will need an off sales licence so my customers will be able to take any unfinished wine home. If any customers were to ask to purchase wine to take home it would be charged at the same price as to drink it in.

The type of bistro I am opening will attract a fairly sophisticated clientele who like and appreciate good food and wine. I do not think we will appeal underage drinkers and we will not stock the cheap alcohol they are looking to purchase. Off sales will not be offered unless it is to take home aforementioned unfinished bottles. Drunkenness will not be tolerated and we will not serve anyone who we deem to be drunk. All staff will be trained in how to handle a conflict and how to deal with customers who have consumed too much alcohol. I have passed my personal license exam and now have my personal license and intend to hold a training session before we open to ensure all my staff have thorough knowledge of the law relating to alcohol.

Proof of ID will be asked for using the age card scheme and Challenge 25. We would be happy to join the Pub Watch Scheme and display material to discourage drink driving. We will intervene if we think someone is intending to drive after drinking. We will promote the designated driver scheme and offer free soft drinks to said driver. Wine will be sold in small and larger measures and this will be clear on our wine list. The list will also detail strength of alcohol in all drinks.



We will have around 40 to 45 covers and as all customers will require to be seated we will not be able to overcrowd. We are intending to install CCTV.

There are 3 escape routes from the building . 2 for public use and 1 for staff only.

We will stop serving food at 10pm and be closed by 11pm midweek and 12pm weekends. I am not concerned about noise or trouble at the end of the night as this will not be our type of clientele and as we are situated next to the Gardeners Arms any slight noise from us will be much less of a problem than a busy pub. We will have a sign asking our customers to respect our neighbours and leave quietly and our staff will be trained to ensure this happens.

We will be fitting a full Fire safety system in accordance with regulations and regular checks will be made.

I am first aid trained and there will be a full first aid kit on the premises. My husband is a firefighter, he will work weekends and is also first aid trained.

Sound proofing is being installed by the developer of the building in full accordance with regulations and the laying of commercial grade flooring will help with acoustics.

A full ventilation system is being fitted which will again comply fully with regulations. As the developer and landlord also owns the flats above the bistro it is essential for him that noise and odours are avoided so as not to upset his tenants.

We are gathering quotes for waste collection and recycling. We will have a locked bin store so bins will only be out on our allocated day/days.

We will have a good selection of non alcoholic drinks as well as low alcoholic choices.

As we are a family establishment the safety of children is paramount. Children will have to be seated with their accompanying adults and we will provide colouring sheets, art stuff and board games to keep them occupied. Children will not be permitted within 1.5m of the bar unless it is to access the toilets.

I really hope the board will support my application for a license to enable me to go forward with this exciting plan to offer something new and much wanted within Haddington.

ELO332

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)

E.L.C.
Customer Services
25 AUG 2015
RECEIVED

Question 1

Name, address and postcode of premises to be licensed.

JO'S KITCHEN (FORMERLY PHEASANT HOTEL).
73 MARKET STREET, HADDINGTON,
EAST LoTHIAN, EH41 3JJ.

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.

JO LAWRENCE [REDACTED]
[REDACTED]

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

[REDACTED]

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

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.**

*** 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?* **YES/NO***

If YES – provide full details

--

Question 4

Previous convictions

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	YES/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)

JOLS KITCHEN WILL BE A FAMILY BISTRO OFFERING FRESHLY COOKED HOME MADE MEALS USING THE BEST LOCAL INGREDIENTS. IT WILL HAVE TWO EATING SPACES SEPARATED BY BI-FOLD DOORS AND A BAR SERVERY.

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 05.08.15

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

Telephone number and email address of signatory 

AMENDED PLAN

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Jols Kitchen (formerly Pheasant Hotel) 73 Market street Haddington - EH41 3GJ

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/NO*
1(b) Will alcohol be sold for consumption solely OFF the premises?	YES/NO*
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES/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 am	11 pm
Tuesday	11 am	11 pm
Wednesday	11 am	11 pm.
Thursday	11 am	1 am
Friday	11 am	1 am
Saturday	11 am	1 am.
Sunday	11 am.	12 am (midnight)

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11am	10pm
Tuesday	11am	10pm
Wednesday	11am	10pm
Thursday	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm.
Sunday	11am	10pm.

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	<input checked="" type="radio"/> YES <input type="radio"/> NO*
---	--

*If YES – provide details

* We will apply for extended hours opening at Christmas, New Year as well as occasional private functions. We would wish to take advantage of any extensions granted.

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
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 outwith core licensed hours please confirm YES/NO
Accommodation	NO.	N/A	N/A
Conference facilities	NO	NO.	NO.
Restaurant facilities	YES	YES	YES.
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	YES.	YES	NO.
Theatre	NO	YES NO	NO
Films	NO	YES NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO.	NO	NO
Televised sport	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
Outdoor drinking facilities	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
Adult entertainment	NO	NO	NO

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

*

we intend to offer coffee, cake & breakfasts from 9am. We may offer cooked food earlier than 11am. Early morning funerals & other private functions will be catered for on occasion. Clubs and groups will be able to hold meetings in our premises from 9am. Recorded music will be played from 9am. Televised sport will sometimes be shown from 9am. (local events - i.e. golf open).

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.

Children & young persons
I will run training courses on occasion
from 9am.

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* <input checked="" type="radio"/>
---	--

When fully occupied, are there likely to be more customers standing than seated?	YES/NO* <input checked="" type="radio"/>
--	--

*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	<input checked="" type="radio"/> YES <input type="radio"/> NO*
	*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 ~~any age~~ will be welcome on the premises with accompanying adults until 10pm or until the end of a private function.
Young persons will be allowed entry till 10pm but will not be served alcohol at any time.

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

Children 0-15 - will be allowed with adults until 10pm - it is a family bistro
Young Persons 16-17 - will be allowed in for coffee, soft drinks & meals but no alcohol.

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

* Until 10pm or the end of a private function.

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 have access to all public areas apart from the bar servery or within 1.5m of the bar servery.

Question 7

CAPACITY OF PREMISES

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

40-50 covers.

Question 8

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

Personal details

8(a) Name

Jo Lawrence.

8(b) Date of birth

[REDACTED]

8(c) Contact address



8(d) Email address and telephone number



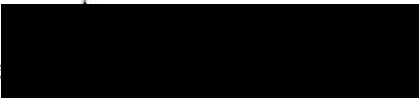
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
3/02/2015	East Lothian Licensing Board	EL 1156

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

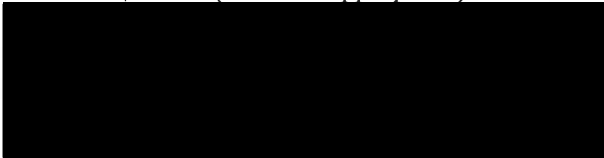
If signing on behalf of the applicant please state in what capacity.

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

Signature  * (see note below)

Date ... 02.09.2015

Capacity 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.

