



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

1a

**THURSDAY 24 SEPTEMBER 2015
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor J Goodfellow (Convenor)
Councillor S Akhtar
Councillor D Grant
Councillor W Innes
Councillor F McAllister
Councillor T Trotter

Clerk of the Licensing Board:

Mrs M Ferguson

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Administration Assistant
PC H Bowsher, Police Scotland
Insp A Harborow, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor S Currie

Declarations of Interest:

Councillor Goodfellow declared an interest in item 2 (iii) – The Linton Hotel and Steakhouse, 3 Bridge End, East Linton, as he knows the objectors.

Councillor Trotter declared an interest in item 3 (i) – Caffè Borsa, 49 High Street, Musselburgh, as he knows the individual requesting the Review.

1. MINUTES FOR APPROVAL – 27 AUGUST 2015

The minutes of the Licensing Board meeting of 27 August 2015 were agreed to be a true record.

2. VARIATION TO PREMISES LICENCE

(i) Aldi Stores Ltd, Bank Retail Park, Newhailes Road, Musselburgh

Mr N Hassard, Lindsays, was present to represent the applicant. Mr A Robson, Area Manager (East Lothian), Aldi Stores Ltd was also present. No objections had been received in respect of this application.

The Clerk stated that the application seeks to vary the licence to accommodate a seasonal increase in capacity of 9m² between 24 November and 9 January each year; and to make a consequential change to the wording in the operating plan.

Mr Hassard highlighted the pertinent points in his client's application.

There were no further comments from the Licensing Standards Officer or from Police Scotland.

Councillor McAllister, local Ward member, stated that this is a well run store.

Councillor Innes remarked that Aldi Stores Ltd is a responsible operator.

Decision

East Lothian Licensing Board agreed to grant the variation to the premises licence.

(ii) North Berwick Diner and Fry, 11 Quality Street, North Berwick

No one was present to represent the applicant. No objections had been received in respect of this application.

The Clerk stated that the application seeks to vary the licence to include funeral teas; birthdays; club or other group meetings; and live performances which may commence before core hours but not before 10 am; and televised sport. She pointed out to members that the addition of live music has been driven by successful performances at the premises during Fringe by the Sea.

Councillors Innes, Trotter and Goodfellow commented on the positive tourism and economic benefits resulting from Fringe by the Sea.

Decision

East Lothian Licensing Board agreed to grant the variation to the premises licence.

(iii) The Linton Hotel and Steakhouse, 3 Bridge End, East Linton

Having declared an interest in this item, Councillor Goodfellow withdrew from the meeting and left the Council Chamber.

In his absence, Councillor Innes proposed that Councillor Grant take the chair; this was seconded by Councillor Trotter.

Mr A MacDonald, MacDonald Licensing was present to represent the applicant. Mr P Cairney, licence holder and tenant manager, Linton Hotel, was also present.

One public objection had been received; the objector was not present.

The Clerk stated that the application seeks to vary the licence to include recorded music; live performances; televised sport; to add off sales from 11 am to 10 pm each day; to provide that certain activities will take place outwith core hours, taking into account the fact that the premises are a hotel; to clarify access by children and young persons, particularly when resident in the hotel; to amend on sale hours on Thursday, Friday and Saturday to 1 am, and on a Sunday to midnight; and to replace current provisions on seasonal variations and provide that the premises would like to take advantage of general extensions issued by the Board, and may apply for extended hours on certain occasions. She advised that the application also seeks to substitute a new layout plan to clarify the extent of the outside area; clarify the areas where children and young persons have access; rename the use of certain rooms; and change the name of the premises to The Linton Hotel and Steakhouse.

Mr MacDonald highlighted the key points in the application. He responded to the comments in the Police Scotland report by stating that he did not consider it realistic that the off sales of alcohol should be the same price that patrons pay to consume it on the premises; a point he re-iterated later in the meeting to Councillor Grant. Mr Cairney explained the need for a competitive price-point for alcohol off sales if the outside catering part of his business is to be successful.

Mr MacDonald advised the Board that Mr Cairney had spoken to his neighbours regarding their objections about privacy. He stated that their concerns would be resolved by re-instating fencing in the outside area of the premises, near the neighbouring residential property and restricting the licensed area to exclude the area immediately adjacent to the neighbours' property. He advised that an amended layout plan would be submitted and undertook to forward a colour copy to the licensing office.

The Licensing Standards Officer advised that he had no objections to the application.

Board members indicated that they were pleased that the applicant had demonstrated a responsible attitude to their neighbours.

Councillor Innes felt that it was unreasonable for Police Scotland to request that the price of off sales is identical to the price of purchasing alcohol on the premises. He suggested that any policy for off sales pricing in East Lothian should be discussed with the Licensing Forum. Councillor Grant advised that the alcohol pricing policy could be reviewed in 2016 when the Statement of Licensing Principles is revised.

Decision

East Lothian Licensing Board agreed to grant the variation to the premises licence subject to an amended layout plan showing the reinstatement of the external fencing and restriction of the licensed area.

Councillor Goodfellow rejoined the meeting and regained the Chair from Councillor Grant.

3. REVIEW OF PREMISES LICENCE

(i) Caffè Borsa, 49 High Street, Musselburgh

Having declared an interest in this item, Councillor Trotter withdrew from the meeting and left the Council Chamber.

The Clerk advised that the review had been requested by Mr K Potter, previously designated premises manager (DPM) at Caffè Borsa. Under delegated authority, the Clerk had agreed that this is a valid request for a review. She advised that reports from Police Scotland and the Licensing Standards Officer had been obtained and distributed to the Members of the Board and all other parties. These reports detail the circumstances leading to the review request which include the claim that Mr Richardson had been selling alcohol to be consumed outside the premises at tables placed on the footway at the front of the cafe while there were no outside drinking facilities granted in the licence.

Mr G Richardson, the tenant and manager of Caffè Borsa, was present.

Mr Potter and the Licensing Standards Officer (LSO) advised that they had nothing to add to their written reports. In response to Councillor Goodfellow, the LSO confirmed that no alcohol was being consumed outside the premises when he visited on 31 August 2015 with PC Bowsher.

Insp Harborow referred to the Police report and advised that references to 30 August should read 23 August. He highlighted the final paragraph of the report and stressed that he is very concerned about Mr Richardson's dismissive approach to licensing legislation.

Mr Richardson confirmed that he understood the allegations and stated that the times of the alleged incidents are all inaccurate. He advised that he could verify that he was elsewhere on the stated dates and times if necessary. He apologised if he had appeared dismissive to the Police and commented that he has always valued the advice available from the LSO. He acknowledged that on the day he was visited by the LSO and PC Bowsher he did appear vague about the staff training records but asserted that this was the responsibility of Mr Potter in his role as DPM.

Mr Richardson answered a number of questions from Board members including: compliance with licensing training; his plans for recruiting a new DPM; discrepancies between his recollection of the conversation regarding the cheque which he had allegedly given to a Council officer from Transportation Department in respect of a permit for the use of tables and chairs outside the premises and that of the Police and LSO; his un-discharged bankruptcy; the fact that licensing legislation applies to premises of all sizes; and his experience in the licensed trade. Mr Richardson stated that he had been opportunistic in placing tables outside the premises without the necessary permissions but that he respects the licensing legislation and recent changes in licensing law.

Councillor Innes stated that the character of licence holders is very important and suggested that Mr Richardson was trying to mislead the Licensing Board regarding the permit for outside tables.

Councillor Goodfellow pointed out to Mr Richardson that both the Police and the LSO had concerns about his dismissive attitude and the failures to comply with licensing law that became apparent through their investigations. Mr Richardson replied that he had not intended to appear complacent or derogatory in relation to licensing legislation.

Mr Potter provided information about his employment with Caffè Borsa and told members that Mr Richardson had purported to be the owner of Caffè Borsa.

The members of East Lothian Licensing Board and the Clerk of the Board withdrew from the Council Chamber to debate the matter in private.

Returning to the Chamber and addressing Mr Richardson directly, Councillor Goodfellow, stated that the reports from Police Scotland and the Licensing Standards Officer led the Board to conclude that the premises are not being operated in accordance with conditions of the premises licence. The premises licence would therefore be suspended for one month until 24 October 2015. The Board urged that the opportunity be taken to appoint a qualified designated premises manager and to ensure that all staff are trained and have up to date training records. Councillor Goodfellow added that assistance could be sought from Police Scotland and the LSO.

Decision

East Lothian Licensing Board agreed to suspend the premises licence for one month until 24 October 2015.

(ii) Elphinstone Arms, Main Street, Elphinstone

Councillor Trotter rejoined the meeting.

Mr A MacDonald, MacDonald Licensing was present to represent the applicant. Mrs M Dodds, premises manager, was also present.

The Clerk advised that the review had been requested by Police Scotland and had been continued from previous meetings of the Licensing Board, subject to the condition that the premises did not re-open until the Board had held a review hearing.

Mr MacDonald updated Board members regarding the premises insurance claim and indicated that the repairs works would not start until early 2016. He assured members that the premises would not re-open until the Board are satisfied with the proposals and that previous issues are addressed to the Board's satisfaction.

The Clerk confirmed that a condition to this effect, without time limit, had been added to the licence following the Board meeting in May 2015.

Mr MacDonald therefore requested a further continuation, subject to that condition.

The LSO had no further comments. Insp Harborow advised that the views of Police Scotland remain consistent with those expressed previously.

Decision

East Lothian Licensing Board agreed to continue the matter for six months, subject to the condition that the premises would not reopen without the prior consent of the Licensing Board.

4. PERSONAL LICENCE APPLICATION

Grant D Dowie

Mr A MacDonald, MacDonald Licensing was present to represent the applicant. He advised the Board that the application was being withdrawn as his client's pending court case had now been heard. He advised that his client had been convicted and was awaiting sentencing.

Decision

East Lothian Licensing Board noted that the application had been withdrawn.

Signed

Councillor Jim Goodfellow
Convener of East Lothian Licensing Board



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN
LOCAL LICENSING FORUM**

1b

**THURSDAY 24 SEPTEMBER 2015
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor J Goodfellow (Convenor)
Councillor S Akhtar
Councillor D Grant
Councillor W Innes
Councillor F McAllister

Forum Members Present:

Mr D Dickson
Ms E Oldcorn

Clerk of the Licensing Board:

Mrs M Ferguson

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Administration Assistant
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor S Currie
Councillor T Trotter

Declarations of Interest:

None

1. ALCOHOL (LICENSING, PUBLIC HEALTH AND CRIMINAL JUSTICE) (SCOTLAND) BILL

The Clerk referred those present to the email issued to attendees which summarises East Lothian Council's consultation arrangements in respect of the Alcohol Bill. She pointed out that the email contains a link to the consultation page.

Councillor Goodfellow encouraged members of the licensed trade and other members of the public to provide feedback.

The Licensing Standards Officer (LSO) advised that the Licensing Forum had set up a working group who had completed the initial survey in June 2015.

Decision

The meeting noted this item.

2. GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

Councillor Goodfellow advised that the East Lothian draft statement was out for consultation and again encouraged feedback and participation in the consultation.

Decision

The meeting noted this item.

3. LICENSING (SCOTLAND) ACT POLICY STATEMENT

Councillor Goodfellow advised that East Lothian Council are required to have a new Policy Statement by 2016 and that a first draft is being prepared, with consultation planned for early 2016. He was keen that Forum members contributed to the process and suggested that this be an agenda item for the next meeting of the Forum.

The Clerk stated that the Forum has contributed in the past and that their input is invaluable as the voice of the licensed trade.

The LSO advised that the Forum would create a working group and would fully contribute. He stated that the Forum has concerns about the overprovision statement and believe that it has been ineffective as the Board is not fulfilling the need for applicants to provide evidence of 'exceptional' circumstances in the majority of the decisions which have been taken.

The meeting debated the matter of the overprovision statement at length and acknowledged the need for updated health and criminality statistics.

Councillor McAllister suggested that statistics from Scotland Fire and Rescue Services also be included.

Mr Dickson advised that the Forum have already requested that the health statistics, including those for hospital admissions from alcohol abuse, are presented in a more readable format. He commended the Police and the LSO for the support they provide to the East Lothian Licensing Forum.

Councillor Innes welcomed the future debate and remarked that there is evidence that most damage results from supermarket off sales of alcohol.

Decision

The meeting noted this item.

4. PERSONAL LICENCES
5. REPORT TO LICENSING BOARD – AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015

The Clerk advised that these agenda items are linked and alerted Forum members to the legislative changes in the Air Weapons and Licensing (Scotland) Act 2015. She stated that the changes effectively close the loop hole regarding the time-barring of re-application by personal licence holders whose training has lapsed.

Councillor Innes pointed out that the amended legislation allows for a 'fit and proper' person test.

The LSO noted that the changes in respect of personal licences take immediate effect.

The Clerk undertook to find out when the changes to the other legislation would take effect.

Decision

The meeting noted this item.

6. ANY OTHER BUSINESS

The LSO advised that he would request the Chair of the Licensing Forum to write to the Clerk with findings from recent working groups for circulation to Board members. In particular he mentioned that a group had met, at the request of the Board, regarding the matter of a village off sales premises carrying out home deliveries of alcohol.

The Clerk advised that, once received, the reports would be included in the agenda for the next Board meeting. She added that the Chair of the Licensing Forum would be welcome to attend and address the Board.

The meeting noted that there might have been some confusion regarding the logistics for this meeting, for which Councillor Goodfellow apologised.

Decision

The meeting noted this item and agreed that the Chair of the Licensing Forum be invited to address the Board regarding the outcomes of the recent Forum working groups.

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

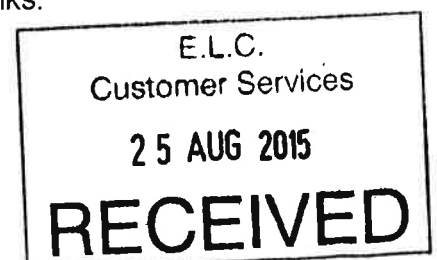
My name is Jo Lawrence and I operate a pop up and private catering business in East Lothian. I am now expanding my business and opening a bistro at 73 Market Street, Haddington, EH41 3JJ (formerly the Pheasant Hotel) I enclose an abridged version of my business plan to give you a feeling for the business.

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.

EAST LoTHIAN LICENSING BOARD

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

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

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

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

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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*
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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)

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*
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*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 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	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

[Redacted contact address]

8(d) Email address and telephone number

[Redacted 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 [Redacted] * (see note below)

Date ... 02.09.2015

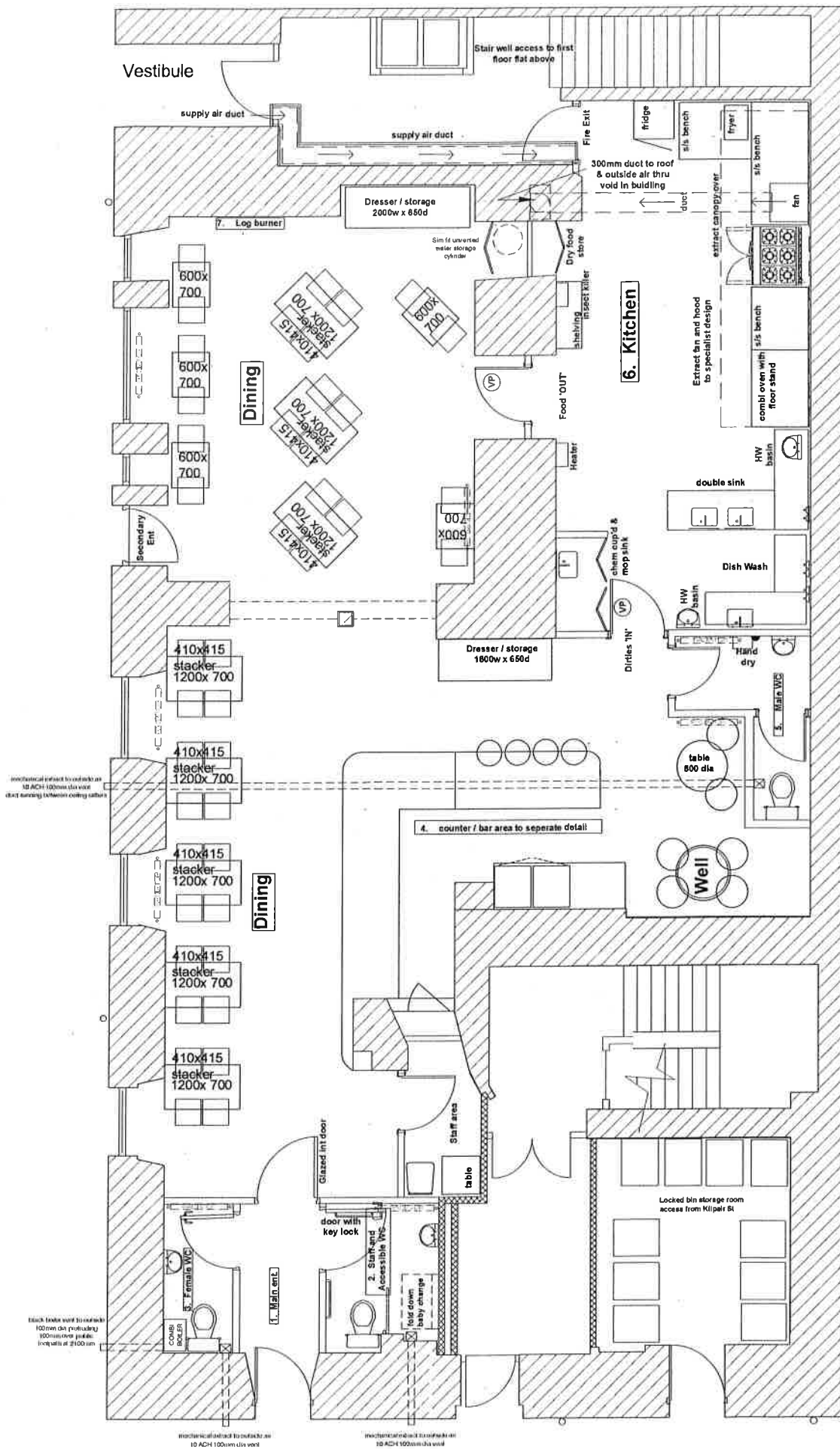
Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

[Redacted telephone number and email address]

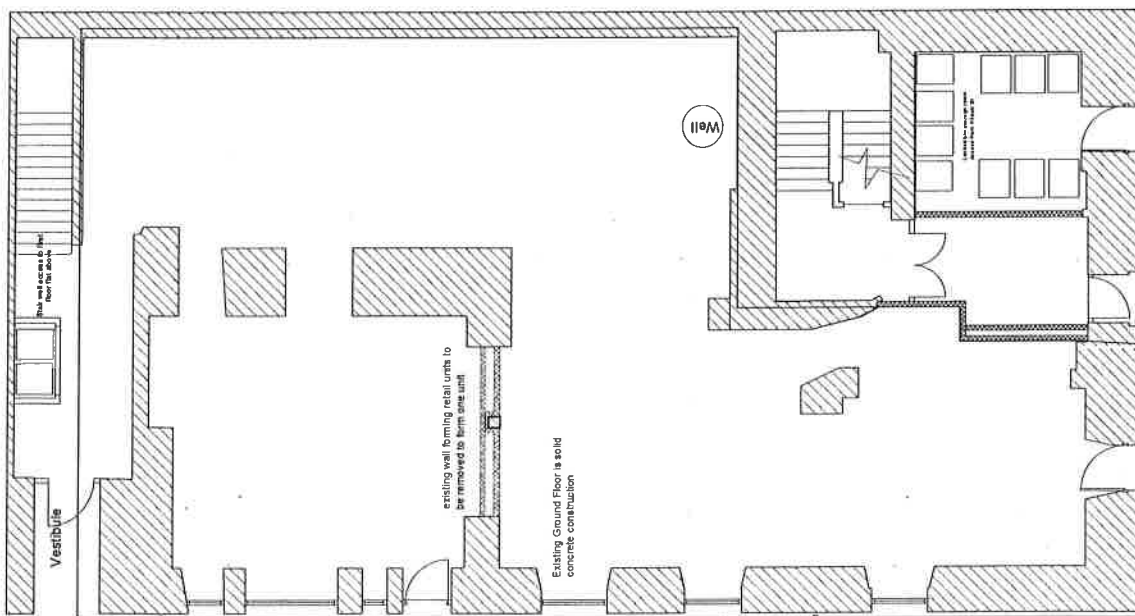
*** Data Protection Act 1998**

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

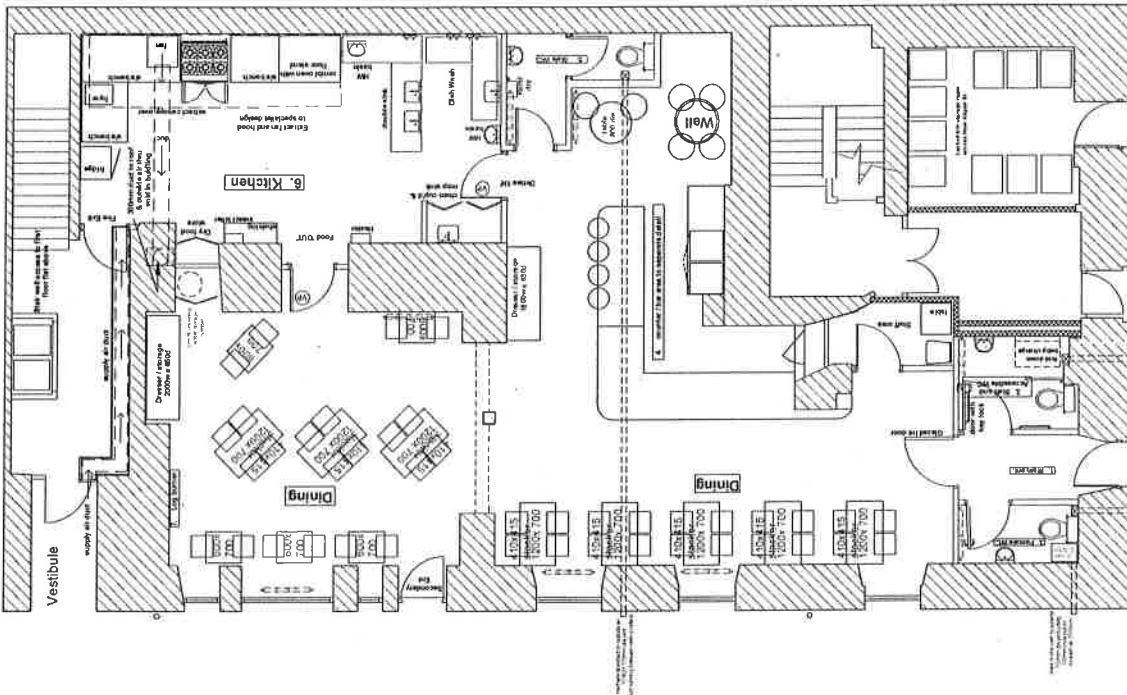


Proposed Ground Floor Layout

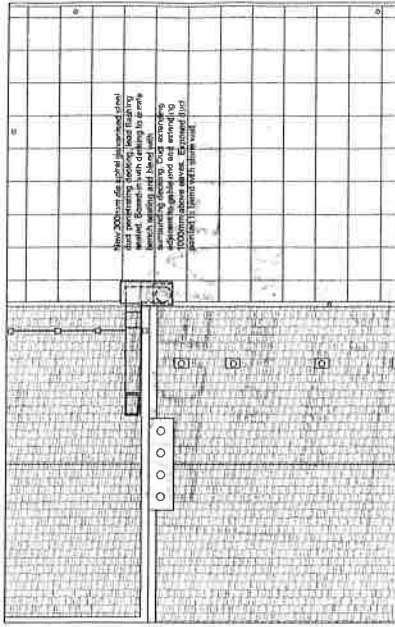
E.L.C.
Customer Services
25 AUG 2015
RECEIVED



Existing Ground Floor Scale 1:50
development curtilage outlined in red



Proposed Ground Floor Layout
Scale 1:50



Part Roof Plan-Extract
Scale 1:50

- Proposed scope of works**
1. New entrance door with seating for approx 50-60 covers
 2. Screen, transition of entrance floor, ramp
 3. Change of floor materials (internal lobby)
 4. Installation of new glass entrance door (incl. frames) and attached to construction on premises
 5. Installation of new door
 6. Installation of new door
 7. Installation of log burner in the kitchen (to be working chimney to be installed in compliance with current regulations)

Existing walls to be retained in compliance with 2.10.1 of the Building Handbook for Compliance with the Building Regulations Scotland for all escape routes within the building.

New internal walls to be plasterboard finish taped and finished ready for decoration.

Internal partitions to be formed with 75 x 50mm dry wall on concrete floor to a maximum height of 2.10m. Partitions to be fixed between studs and fixed both sides with 25.5mm x 100mm x 10mm plasterboard. Partitions to provide a minimum airborne sound insulation level of 45dB.

Air infiltration to be limited in full accordance with the Building Standards (Scotland) Regulations 2015 to below:-

- Air infiltration to be limited to 0.5 l/s/m²
- Draft stopping around all windows and door openings to comply.

All ducts and service pipes to be insulated. All ducts and service pipes to be fixed to the building structure and be fitted with appropriate and identifiable controls on water filled radiators.

Water Boiler (Buderer boiler)
 Potterton G6-K2 24HE combination condensing boiler
 A Radiator vented to outside 100mm dia black
 Mechanical extract - Wall mounted Memorex LFC60
 150 fan with built in filter achieving 10 ACH
 extract to outside air in compliance with BS5702 : 1979

Kitchen: Ventilation
 Canopy: Stainless steel construction canopy plumbed for fan with disposable filter canopy.

Fan: centrifugal Fan providing an extraction rate of 30 ACH (air change per hour) Fan to have separate condenser, carbon filter unit and grease trap. Fan to be ducted to roof through a 1000mm diameter duct.

Ducting: 300mm dia spiral to roof

300mm dia Asbestos abatement (BEMCO)

Supply air duct from outside air 255mm dia (min 85% of extract duct also, based in with 15mm gasket based providing 1hr fire protection)

Drawn	Checked	Date	Scale
		11.01.15	1:50
		12.01.15	1:50
		13.01.15	1:50
		14.01.15	1:50
		15.01.15	1:50



**POLICE
SCOTLAND**

Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
EAST LOTHIAN LICENSING BOARD
FOR THE PERIOD
1ST April 2014 to 31ST March 2015**

LVRD/ 04/05/2015 V.1

Foreword

I am pleased to present my Annual Report for 2014/15, in accordance with the requirements of the Licensing (Scotland) Act 2005 (S12A).

This report is set against a backdrop of recorded crime in Scotland reaching a 40 year low and outlines the comprehensive activity which has been undertaken in East Lothian over the last twelve months. Going forward, this report confirms the steps we will take in 2015/16 to ensure we continue to improve on our performance and positively impact upon the lives of people throughout Scotland.

Over the last year, our Licensing focus has centred on prevention, supplemented by intervention and enforcement measures. Collectively, these measures are designed to improve our consistency of approach, reduce violence and positively influence behaviour and cultural attitudes towards alcohol across Scotland.

Working in partnership to deliver results remains at the heart of policing. We continue to seek out new partnership opportunities, whilst maintaining and building upon our existing relationships to support the licensed trade, relevant authorities and local communities.

Police Scotland strives to ensure the safety and wellbeing of people, places and communities across Scotland and our focus remains 'Keeping People Safe'.

Sir Stephen House QPM
Chief Constable
Police Scotland

Police Scotland Licensing Overview

Licensing Structure

Following the inception of Police Scotland in 2013; a two tier structure for Licensing was adopted, to support both national and local priorities and service delivery. This is defined through a national policy unit and local licensing teams.

National Perspective

The National Liquor and Civic Licensing Policy Unit (NLCLPU)

The NLCLPU is a specialist department within Licensing and Violence Reduction Division (LVRD) which exists to support territorial divisions across Police Scotland.

It consists of a Chief Inspector, Inspector, Sergeant and a Constable and is based at Dalmarnock Police Office, Glasgow.

Working with divisional licensing teams the NLCLPU shape policy and strategy around the police licensing function and provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing Commanders.

The NLCLPU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and that all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of preventing and reducing violent crime and disorder.

The National policy unit has particular focus on;

- Scrutiny of the most serious incidents of violence and disorder linked to licensed premises.
- Identifying opportunities to impact on serious and organised crime groups who may seek to exploit the licensed trade
- Working closely with partners to identify and address licensed premises issues and inform personal licence holder training.
- Engaging with Major event and festival organisers to agree alcohol management plans that will set out how alcohol sale, supply and risk are to be controlled.
- Support the development of the National Licensing ICT solution "Innkeeper"

Local Perspective

Police Scotland comprises of 14 divisions each of which has a dedicated licensing team within a Divisional Coordination unit which consist of Police officers and members of police staff.

These teams service the statutory obligation placed on the Chief Constable to respond to the 34 Licensing Boards and have oversight of all licensable activity with their division.

Local Licensing teams regularly work in partnership with the licensed trade and any other relevant body, to prevent violent incidents and vulnerability occurring in and around licensed premises.

Where problems are identified local problem solving is adopted, licensing staff generally take an incremental approach and try to agree a proactive and positive way forward to address ongoing issues.

However, on occasions enforcement activity or an application to review a premises licence may be the solution to the problem and local Licensing teams will report to COPFS and/or Local Licensing Boards as necessary.

Priorities

Both the National Liquor and Civic policy unit and Divisional Licensing work towards Police Scotland National priorities;

Violence, Disorder and Antisocial behaviour

Serious organised Crime

Counter Terrorism

Protecting people at risk of harm

Road Safety and Road crime

PART 1: EAST LOTHIAN LICENSING BOARD AREA

The Licensing Board area is policed by J Division, the Lothian's and Scottish Borders Division, which includes West, Mid, East Lothian and the Scottish Borders.

Senior Officers

Chief Superintendent Imery is the Local Police Commander who has the responsibility for all day-to-day policing functions.

The Local Area Commander Chief Inspector Matt Paden is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Mr Paden is supported by two sector Inspectors, Andrew Harborow who is based at Tranent and Alan Hogarth who is based at Haddington.

The East Lothian Licensing Boards are attended by either Inspector Harborow or Inspector Hogarth.

Local Policing Priorities

Following our public consultation process, the policing priorities for East Lothian, as set out in our Local Policing Plan are as follows;

- Reducing Antisocial Behaviour
- Tackling Substance Misuse
- Reducing Violence
- Protecting People
- Tackling Serious & Organised crime
- Making our Roads safer
- Reducing Housebreaking

The Command Area of East Lothian serves approx. 101,000 local residents along 40 miles of coastline and in an area covering 262 square miles. The policing headquarters sit in the historic market town of Haddington.

There are currently 206 'on sales' and 89 'off sales' premises within East Lothian.

East Lothian Licensing Board Statement of Licensing Policy Nov 2013 – Oct 2016 includes an overprovision statement, declaring that East Lothian has sufficient on and off sales outlets and that there should be a rebuttable presumption against the grant of an application for any new premises licence or increase in capacity of an existing premises licence within the Boards area as a whole.

During this reporting year there have been 2 new Provisional Premises Licences granted by the Board and no refusals.

PART 2: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Licensing Department in East Lothian consists of one Constable based at Haddington Police Station. A Sergeant, Inspector and Chief Inspector are based at Dalkeith Police Station and provide additional licensing support.

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander.

This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied to support the Licensing Objectives and the Local Policing Plan for East Lothian.

Summary

The following objections/representations and reviews have been submitted.

Objections / Representations & Licence Reviews		Total
Section 22 Objections / Representations		52
Premises Licence (Sec 36)	On Sale	2
	Off Sale	0
Personal Licences (Sec84A)	On Sale	1
	Off Sale	0
Closure Orders (Sec 97)	On Sales	1

In East Lothian there were 440 reported incidents in licensed premises between 1st April 2014 and 31st March 2015, this is a decrease on previous years. The proactive use of exclusion orders and anti social behaviour legislation continues to contribute hugely to this reduction.

During this period there were 2 Premises Licence Reviews and 1 Personal Licence Review.

The premises, which were reviewed twice in this reporting period was the Elphinstone Arms, Elphinstone, Tranent. This was following a number of serious incidents including an assault on the owner of the premises, masked males attending at the premises and two fire raising incidents. There was also a Closure Order requested following the first fire raising incident. The Closure Order was the first of it's kind in East Lothian, requested by Police Scotland.

Board Decision:

The first Review resulted in a 6 months suspension of the premises licence, the Closure Order was supported by the Licensing Board and the second Review is still pending due to be heard at the Board in September 2015.

The Personal Licence Review related to a Designated Premises Manager being charged and convicted of two drink driving offences. On both occasions she was seen by police driving away from the premises she managed in Haddington.

Board Decision:

The Board revoked her Personal Licence.

The Board decisions in these cases were welcomed by Police Scotland and sends a clear message to the licensed trade that there is a high standard of management expected and that premises licence holders are expected to operate in a manner that is consistent with the licensing objectives.

Partnerships

Licensing Standards Officer (LSO)

In East Lothian the Police Licensing Officer works closely with the LSO, sharing information and carrying out joint visits to licensed premises, dealing with any noise complaints or antisocial behaviour issues. This unified approach has resulted in a number of successful resolutions.

More recently the Police Licensing Officer and LSO carried out a joint inspection at a Musselburgh premises, which had been on the 'monitored' list for some time. There were a number of serious concerns and issues raised by both the LSO and the Police, regarding the condition and management of the premises. This was fed back to the licence holders, who after some negotiation closed the premises earlier than planned with the intention of refurbishing it and re opening at some point in the future, under new management and a predominately food led operation.

This joint approach had a huge and beneficial impact on the closure of a, problematic premises.

Best Bar None (BBN)

BBN is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities.

The process of becoming recognised by BBN includes meeting minimum standards and culminates with an award night with category winners and an overall winner. Responsible operators are recognised and able to share good practice with others.

March 2015 saw three licensed premises in Musselburgh, Ormiston and North Berwick attaining a Silver Award, a premises in Dunbar attaining a Gold Award and narrowly missing out on a National Award.

Pub Watch

Pub watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local community police officers.

There are a number of pub watch schemes operating in East Lothian all of which are working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers.

RASP – a pub watch scheme covering the Tranent & Musselburgh area is also working with Anti Social Behaviour Teams at East Lothian Council to use Anti Social Behaviour Orders (ASBO's) against people who persistently flout barring orders imposed by the pub watch.

Problem Solving

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises. Police Scotland are actively working with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence.

Police Scotland utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the licensing department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations provided by the licensing department in close consultation with the licence holder. This is recorded on an intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows SMART objective settings:

Specific
Measurable
Achievable
Realistic
Timed

The premises would then become 'monitored'. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action. If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review. Pending a review hearing the premises would then become 'problematic'.

During the period 1st April 2014 – 31st March 2015 there were

6 Monitored Premises and

1 Problematic Premises

in the East Lothian area, a reduction on the previous year.

Exclusion Orders - Section 94 of the Licensing (Scotland) Act 2005

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises a request for an exclusion order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the courts, 'on conviction', and can exclude a person from specific licensed premises for between 3 months and up to 2 years. The Police Licensing Officer proactively drives the use of exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises.

Over the last couple of years there has been a decrease in reported incidents in licensed premises. The proactive use of exclusion orders has contributed hugely to this reduction. The use of exclusion orders is fast becoming second nature to officers working in East Lothian and has had a huge impact on reducing violent incidents in and around our licensed premises. Persistent offenders can also be dealt with under the Anti Social Behaviour legislation.

We are committed to keeping people safe and improving the quality of life for residents in East Lothian.

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	Total
Section 1 (unlicensed sale of alcohol)	1
Section 63 (allowing consumption out with permitted hours)	1
Section 102 (sale of alcohol to a child)	5
Section 103 (allowing the sale of alcohol to a child)	0
Section 105 (purchase of alcohol by or for a child)	2
Section 111 (drunk persons within licensed premises)	0
Section 112 (obtaining alcohol by or for a drunk person)	0
Section 113 (sale of alcohol to a drunk person)	0
Section 114 (DPM not to be drunk)	0
Section 115 (disorderly conduct within licensed premises)	1
Section 116 (refusal to leave licensed premises)	7

PART 3: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Activity

In terms of Section 105 of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a young person to buy or attempt to buy alcohol to determine whether an offence is being committed.

The use of young persons to conduct test purchase operations provides police with an effective tool in the fight against underage sales and represents an important safeguard against underage drinking and the resultant antisocial behaviour that adversely affect many communities.

A standard operating procedure, which ensures operations are carried out safely, fairly and effectively, was prepared only after consultation with various stakeholders, including:

- Scotland's Commissioners for Children & Young People;
- Society of Chief Officers for Trading Standards in Scotland;
- Association of Chief Police Officers in Scotland;
- Convention of Scottish Local Authorities;
- Scottish Executive Enforcement Advisory Group on Age Restricted Sales; and
- Crown Office.

The operating procedure provides that a test purchase operation may be carried out on premises for any of the following reasons:

- Where there is intelligence to suggest that alcohol is being sold illegally to persons under 18 years of age from specific licensed premises;
- Where there is intelligence indicating that persons under 18 years of age are consuming alcohol in the locality where the licensed premises are situated; and/or
- Where the premises are in a locality in which all premises are being subjected to test purchase operations in a non-discriminatory manner, to raise awareness in relation to the illegal sale or purchase of alcohol in licensed premises.

There were 3 Test Purchase Operations carried out in East Lothian during the reporting year with a total of 53 'off sale' premises tested resulting in 5 failures.

There were no 'on sale' premises tested in this reporting year.

Date of Operation	Number of 'off sale' Premises Tested	Number of Premises Failed	Location of Failures
13/03/2015	9	2	Musselburgh & Wallyford
14/03/2015	28	2	Prestonpans & Tranent
27/03/2015	16	1	Ormiston

Following these failures the Police Licensing Officer visited each premises to offer advice and assistance in relation to their processes and procedures. Prior notification letters have also been sent out to all 'off sales' in the East Lothian area, informing them that Test Purchasing will continue.

It is fully expected and hoped that following these initial failures there will be a huge reduction next time around.

Officers will continue to routinely proactively visit premises licensed for 'off sales' to ensure that they are aware of their responsibilities under the 2005 Act and in particular in the run up to school holidays.

Likewise officers will continue to routinely proactively visit premises licensed for 'on sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

The provision of 'Test Purchasing', in terms of Section 105 of the principal legislation, is a tactic that is used by Police Scotland and the East Lothian Command Area, will continue to use this tactic as and when required.

PART 4: TACKLING SERIOUS AND ORGANISE CRIME

Serious and organised crime has far reaching consequences that affect a large proportion of society and the economy. Those involved have spread their activity into an increased variety of criminal enterprises including illegal drugs, money laundering, fraud, human trafficking, fake goods, and the licensed trade.

It is important to highlight that all applications submitted in respect of the Licensing (Scotland) Act 2005 are scrutinised in terms of the applicant (whether individuals or companies), the premises and the activity applied for; to ensure that granting the application will not be a contravention of the Act, Board Policy Statement or detrimental in relation to any of the five Licensing Objectives and any connection to Serious and Organised Crime.

This process includes interrogation of police computer systems, checks with external databases e.g. Companies House and, if relevant, scrutiny of financial arrangements. The police licensing officer will thereafter interview individuals. Where the application falls short in respect of any of the aforementioned areas, an objection or representation will be submitted to the East Lothian Licensing Board for consideration.

REPORT TO: EAST Lothian LICENSING BOARD
MEETING DATE: 29 October 2015
BY: Clerk of the East Lothian Licensing Board
SUBJECT: Request for Reviews of Premises Licences

5

1 PURPOSE

- 1.1 To seek the Board's agreement to instigate review proceedings in respect of Premises Licences where the Annual Fee for 2015/2016 remains unpaid, that being a breach of the Mandatory Conditions attached to those Premises Licence.

2 RECOMMENDATIONS

That the Board agrees:-

- 2.1 To hold a Review Hearing in respect of the Premises Licences listed in Appendix 1 on the basis that the Annual Fees for 2015/2016 have not been paid and this constitutes a breach of Mandatory Condition number 10 and is a ground for Review Hearings, at the Board's initiative in terms of Section 37 of the Licensing (Scotland) Act 2005.

3 BACKGROUND

- 3.1 In terms of Condition 10 of the Mandatory Conditions attached to Premises Licences in terms of Section 27(1) of the Licensing (Scotland) Act 2005, the holder of a Premises Licence must pay the annual fee in respect of the licence in terms of the appropriate regulations.
- 3.2 All holders of Premises Licences in East Lothian were sent a letter advising of the Annual Fee due in respect of their licence on 31 July 2015 and payment was requested by 1 October 2014. The holders of the Premises Licences for the premises listed in Appendix 1 have failed to make payment. All other licence holders throughout East Lothian have paid.
- 3.3 In terms of Section 37 of the Licensing (Scotland) Act 2005, the Board can undertake a review of a Premises Licence at its own initiative where it is satisfied that one of the grounds for review exists. In terms of Section 36(3) of the Act, one of the grounds for review is "that one or more of the conditions to which the Premises Licence is subject has been breached".

- 3.4 Given that there is a competent ground for review, the Board is recommended to instigate reviews and hold a review hearing at the next scheduled Board meeting on 26th November 2015.
- 3.5 All of the premises listed in Appendix 1 were sent a second reminder on 5th October 2015 asking for immediate payment and a verbal update on those fees that remain outstanding will be given at the Board on 29th October 2015. It may therefore be unnecessary to decide to hold a review for those who have made payment by that date.

4 POLICY IMPLICATIONS

- 4.1 It is in the interest of fairness and efficiency that all licence holders should pay the Annual Fee when it falls due and those who do not should be subject to the consequences set out in the Licensing (Scotland) Act 2005.

5 RESOURCE IMPLICATIONS

- 5.1 Financial – Not applicable.
- 5.2 Personnel – Not applicable.
- 5.3 Other - None

6 BACKGROUND PAPERS

- 6.1 Licensing (Scotland) Act 2005

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Clerk of East Lothian Licensing Board
CONTACT INFO	<u>kmacneill@eastlothian.gov.uk</u> Telephone: 01620 827164 13 October 2015

Premises Name	Address	Address	Annual Fee	Status
1 Castle Park Golf Club	Castlepark Golf Club	Gifford	£280.00	
2 Dragon Way	81 High Street	Musselburgh	£280.00	
3 Giancarlo's	119 High Street	Tranent	£220.00	
4 New Bayswell Hotel	16 Bayswell Park	Dunbar	£280.00	
5 North Berwick Masonic Social Club	8 Forth Street	North Berwick	£180.00	
6 Ormiston Post Office	18A Main Street	Ormiston	£220.00	
7 The Drovers Inn	5 Bridge Street	East Linton	£220.00	Closed
8 Dolphin Inn	Queens Road	Dunbar	£220.00	Closed
9 George Hotel	91 High Street	Haddington	£280.00	Closed
10 Madisons (Formerly-The Mayfair)	Olivebank	Musselburgh	£500.00	Closed
11 Musselburgh Doll Museum	200 High Street	Musselburgh	£220.00	Closed