

**EAST LOTHIAN**

**Meeting 28 January 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

New Grant(s)	Premises	Applicant	Date Received	Comments
1	DUNBAR GARDEN CENTRE SPOTT ROAD DUNBAR EAST LOTHIAN EH42 1BF	DUNBAR GARDEN CENTRE	21 December 2015	

Date: 13<sup>th</sup> January 2016

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  
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Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**Licensing (Scotland) Act 2005**  
**Application for the Grant of Premises Licence**  
**Premises: Dunbar Garden Centre, Spott Road, Dunbar**

I refer to the above application made by Berwick Garden Centre Limited. I have to advise you that none of the connected persons have been convicted of any relevant offence. I am unable to confirm the existence of any foreign offence, committed outwith the United Kingdom, in respect of these connected persons.

It is pertinent to point out that this 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.

Its noted that the applicant is requesting outdoor drinking facilities and its is requested that, should the application be granted, a terminal hour of 10pm be placed on outdoor drinking due to the close proximity of residential areas.

This is reported for your information..

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**

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**Date: 23 December 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION – DECEMBER 2015**

**Dunbar Garden Centre, Spott Road, Dunbar, East Lothian EH42 1BF**

I refer to the above subject and can confirm that the premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the terms of the Licensing (Scotland) Act 2005.

I can also confirm that considerable liaison has been conducted with the owner and management of the premises over the past two years concerning the prospect of applying for a Premises Licence.

I support the grant of this licence.

R. Fruzynski  
Licensing Standards Officer

## Elworthy, Debbie

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**From:** Elworthy, Debbie  
**Sent:** 11 January 2016 10:52  
**To:** [REDACTED]  
**Subject:** FW: Premises licence response - Dunbar Garden Centre

Good Morning

Please see below comments received from Dunbar Community Council regarding the application for Premises Licence for the above premises. Your application is due to be heard at the 28<sup>th</sup> January Board Meeting to be held at 10am in the Town House, Haddington.

An agenda will follow in due course.

Kind Regards

Debbie

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

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**From:** [REDACTED]  
**Sent:** 10 January 2016 16:56  
**To:** Winter, Maree  
**Subject:** Premises licence response - Dunbar Garden Centre

Hi Maree  
Dunbar Community Council have considered the application.

There re no concerns about provision of a drink with a meal in the cafe.

However, there are mixed responses to the sale of alcohol in the farm shop. Some members are concerned about the duplication of sales on the High Street with the effect of footfall and sales in the town centre e.g. The Food Hamper

[REDACTED]  
Secretary/Vice Chair

## Dunbar Garden Centre

### Introduction

As 'Scotland's newest Garden Centre', Dunbar Garden Centre provides East Lothian residents with convenient and easy access to a large garden centre & restaurant. Our garden centre offers a range of products to suit a variety of tastes all under one roof, with easy parking and access. Over the two years since opening we have seen a significant increase in footfall; through our reward card system we are able to monitor where customers come from and can see a definite increase of customers from all areas of the Lothians, Borders and beyond, and in particular from our local community. Many tourists also come to the garden centre – due to easy access from the A1 – therefore we have a lot of passing traffic who would not normally stop at Dunbar or even elsewhere in East Lothian. We promote the garden centre as being 'Scotland's newest Garden Centre' and encourage customers to come for a trip to East Lothian, rather than heading into the city.

As a garden centre you may expect our core customers to be of the older age bracket however in reality we are seeing a much more varied age group. Our customers include many local individuals and community groups; mothers and toddler groups, family/friend get-togethers, work/business meetings, charity groups, local schools/nurseries trips, old people's homes as well as national coach trips and tourists.

### Farm Shop & Restaurant

Having a premise license to sell alcohol would allow a better dining experience for our restaurant guests – particularly for birthday lunches and special events. As you can imagine the type of business we are we will not be selling huge quantities of alcohol, however we would like to be able to offer alcohol for on-site consumption for customers to have with their restaurant meals, for example our festive Christmas lunch menu could include a glass of wine, or when we have carol singers we can offer mulled wine.

A premise license would also allow our farm shop to offer a greater amount of local produce. The type of alcohol we would offer would be at the higher end of the market, the more specialist local produce. We would be assisting the supplier by marketing their produce to a wider national audience who wouldn't usually buy from smaller outlets. Although there are other retailers in Dunbar & East Lothian who sell alcohol for off-site consumption, the types of products we would have on offer are not sold in many supermarkets, (as mentioned above we are looking at the more specialist locally-made products such as Scotts Cheer, North Berwick Gin etc).

Many customers looking to book in the restaurant would like a glass of wine with their meal, at present we are unable to offer this, and so those customers are not 100% satisfied. The same is the case in the farm shop, when customers are purchasing gifts or souvenirs they would often like a 'local produce' hamper, to include a bottle. We have also received queries from local alcoholic beverage suppliers asking us to stock their products as they can see they would benefit.

### Licensing Objectives

We work hard to attract customers to the garden centre, restaurant and East Lothian countryside; as soon as our customers enter the building we try to ensure that each customer has the best experience we can offer and will return. Therefore we obviously ensure that public safety is at the forefront of everything we do, in particular young persons and children. As a garden centre our ethos is to encourage an active enjoyment & education outside, either in the customer's own gardens & allotments or family outings.

Below is a list of how we as a garden centre and restaurant address the five licensing laws:

- **Preventing crime & disorder**– We already have staff training on this in place, if a premise license is granted this training would be developed in house and with guidance from the council.

We have procedures in place to deal with disturbances if they occur.

We are also in the process of setting up CCTV in the premise, this should be up and running by February 2016.

- **Public safety** - Health and safety inspections are carried out by managers on a daily basis, and staff are encouraged to highlight any issues they notice. We also have an external health & safety advisor who inspects and reports back every month. Any issues are dealt with immediately.

- **Preventing public nuisance** – Due to the remote location of the garden centre and the main opening hours of 9am-6pm (apart from occasionally opening later for special events), we have not seen any issues with noise or car park lighting.

We have external & internal bins for public waste which are emptied regularly. All waste is collected and stored on site, it is removed once a week, with as much recycled as possible.

- **Protecting & improving public health** – To protect public health we ensure that all our products, equipment and hardware are up to standard before they reach the shop floor or kitchens.

The very nature of our business encourages the improvement of public health and education both in growing nutritious food and being active outdoors. We have never sold tobacco etc and our core products promote gardening & outdoor living as much as possible. We have good links with the local schools and community groups to encourage this education from a young age, with local school trips & talks about gardening, we hold special events such as 'Wildlife Week' which focused on educating children about their garden wildlife.

- **Protecting children from harm** - We have signs up at the entrance saying 'Children & young persons must be accompanied by an adult', this supervision is required by parents/guardians at all times whilst in our garden centre and restaurant, including at any special events such as Santa's grotto.

Our tills can be controlled so that they automatically prompt the cashier that an age restricted item has been scanned (we currently have this for the kitchen knives).

## Conclusion

Overall we feel it is important to highlight the fact that Dunbar Garden Centre is a community-friendly, family led premise. The license would allow some of our customers to purchase locally made alcoholic beverages and allow greater marketing for our local suppliers. If a premise license is granted, as a garden centre, alcohol will not be the reason why customers visit, merely a bonus to a few when they are here, and therefore the quantities sold will be minimal compared to other restaurants and shops.

It is perhaps also worth mentioning that we have sold alcohol in our other garden centre & restaurant in Berwick upon Tweed for the last 15 years. During this time we have never had an issue with drunken disorder or nuisance. We feel that this is due to the nature of our business & customers, staff training and the higher end products on offer. All of these items will be mirrored in our Dunbar branch if a premise license is granted.

EL 333

**EAST LoTHIAN LICENSING BOARD**

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

\*Delete as appropriate

**Licensing (Scotland) Act 2005, section 20**

East Lothian Council  
Licensing

21 DEC 2015

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

Received

**Question 1**

*Name, address and postcode of premises to be licensed.*

**Dunbar Garden Centre  
Spott Road  
Dunbar  
East Lothian  
EH42 1BF**

**Question 2**

*Particulars of applicant*

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

[Empty box for providing details for Question 2(a)]

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

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

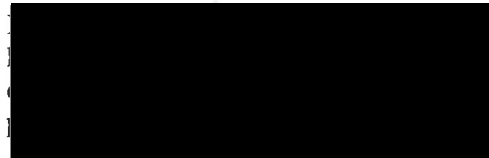
Company Name: Berwick Garden Centre Ltd  
(Dunbar Garden Centre is a branch of Berwick Garden Centre Ltd)  
Company Registration Number: SCO79988  
Registered Office: Westerside  
Coldingham  
Eyemouth  
Berwickshire  
TD14 5QE

*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 number 1 –

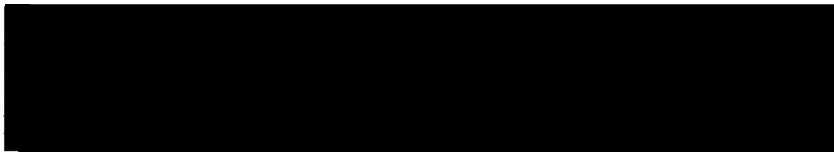


, Berwickshire TD145QE

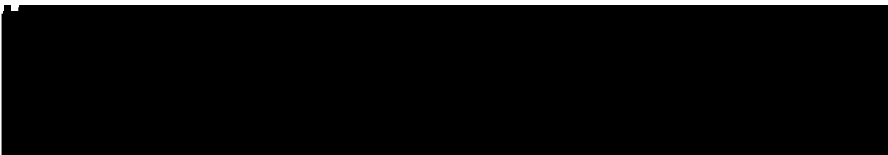
Connected person number 2 –



Connected person number 3 –



Connected person number 4 –



\* 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 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	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 &amp; position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

**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)*

(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.

A purpose built garden centre and restaurant on the outskirts of Dunbar, East Lothian, which opened in July 2013. The overall 5 acre site houses it's own car park, garden centre building, glasshouse restaurant, outdoor plant area, as well as delivery area and warehouse.

On sale at the garden centre are a variety of products - gardening equipment, plants, homewares, pets & aquatics, farm shop products and country clothing.

There is also a restaurant joined onto the garden centre building, with two walls and the ceiling constructed of glass. Next to the restaurant is an outside seating area with children's play area joining this.

The trading hours for the garden centre are 7 days a week 9am – 6pm, the restaurant again is 7 days but only open until 5.30pm.

In the Operating Plan we have stated later hours than the above for occasions when there maybe a function and we would want to be open later such as a Christmas Shopping Event etc.

**Question 6**

6 *To be completed by members' clubs only*

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

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

Signature ..... \* (see note below)

Date .....

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

Telephone number and email address of signatory .....

.....

A purpose built garden centre and restaurant on the outskirts of Dunbar, East Lothian, which opened in July 2013. The overall 5 acre site houses it's own car park, garden centre building, glasshouse restaurant, outdoor plant area, as well as delivery area and warehouse.

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* 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 ..... 22/10/15 .....

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

Telephone number and email address of signatory ..... 018907 71203 .....

 @ BEARWICKGARDENCENTRE.CO.UK

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

Dunbar Garden Centre  
Spott Road  
Dunbar  
East Lothian  
EH42 1BF

### Question 1

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

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

### Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	1am
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	12pm

**Question 3**

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

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

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>YES/NO*</b>
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*\*If YES – provide details*

To take advantage of any times that allow for local or national trading hour general extensions

**Question 5**

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

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

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

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

The restaurant is open from 9am each morning therefore breakfasts, teas & coffees are on offer to the public prior to the commencement of core hours.

The same is true for group meetings, conferences and functions etc which may take place from 9am each day due to the restaurant being open from 9am.

The garden centre & restaurant are open from 9am each day therefore recorded music is played before the commencement of core hours, starting at 9am daily. The same circumstances apply for music & dance facilities as we may have performances outwith core hours, such as 'carol singers' in the run up to Christmas.

The outside seating area & children's play area will also be used outwith core hours as the garden centre & restaurant are open to the public from 9am daily.

**To be clear, no alcohol will be sold or supplied outwith core hours except under grant of an occasional extension**

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.*

<p>Fundraising events for charities</p> <p>Seasonal garden centre events &amp; talks.</p> <p>Community exhibitions</p>
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*5(g) Late night premises opening after 1.00am*

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

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

<i>6(a)</i>	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES/NO*</i>
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*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

Signs at entrance say – children must be accompanied by an adult

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

0-17 years of age are allowed entry to garden centre & restaurant

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

All public (including children & young people) will be permitted access to all public areas of the garden centre from 9am until 6pm each day.

For 'special events' closing times may be extended until 10pm, such as a late night Christmas shopping event.\*

\*The only exception to this will be when public are attending an arranged function when they will be permitted to stay until the terminal hour.

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

Children & young people will be allowed entry to the same public areas as adults, which is all public areas of the garden centre and restaurant – see layout plan attached.

### **Question 7**

#### ***CAPACITY OF PREMISES***

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

Restaurant indoor public seating area = approx. 350m<sup>2</sup>, (approx. 180 covers). Outside public seating area next to restaurant = approx. 140m<sup>2</sup>. \*Area within restaurant where alcohol will be displayed approx. 1m<sup>3</sup>

Farm Shop public area within garden centre = approx. 116m<sup>2</sup> \*Area within farm shop where alcohol will be displayed in an 'open' area - approx. 10m<sup>3</sup>

\*in addition to this a small display of alcohol may be on sale next to the main till area this would be no more than 1m<sup>3</sup> in size and this would be a 'closed' area - where customers would need to ask the staff at the tills for the item they would like to purchase.

Garden Centre & restaurant (including car park) – total area as a whole = 5 acres (20235m<sup>2</sup>)

### **Question 8**

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

*Personal details*

8(a) Name

Claire Cathro

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

[Redacted]@dunbargardencentre.co.uk  
01368 238038

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
28 <sup>th</sup> June 2013	East Lothian Licensing Board	EL976

**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 ..... 22/10/15 .....

Capacity ..... MANAGING DIRECTOR ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory ... 01890971203

[Redacted]@BERWICKGARDENCENTRE.CO.UK