



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 28 APRIL 2016
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

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

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Attending:

Mr R Fruzynski, Licensing Standards Officer
Mrs D Elworthy, Licensing Admin Officer
PC H Bowsher, Police Scotland
Insp A Harborow, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 24 March 2016 were agreed to be a true record.

2. STATEMENT OF EXTENSION FOR HM THE QUEEN'S 90TH BIRTHDAY

Councillor Goodfellow, Chair of East Lothian Licensing Board read out the following statement of extension for the Queen's 90th birthday.

In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the Queen's 90th birthday weekend. This extension will apply from Friday 10 June 2016 to Saturday 11 June 2016 inclusive and will allow an extension of the terminal hour for the sale of alcohol during that period until 1 am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extension beyond this although any applications for extended hours outwith the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted not later than 18th May. There is no need for licensees to apply for the general extension to 1 am. On sales premises can utilise these hours to the extent they consider appropriate.

3. VARIATION TO PREMISES LICENCE

(a) Aldi, Whittinghame Drive, Haddington

Michael McDougall, Lindsay's Solicitors, was present to represent the applicant. Ms R Callaghan, Area Manager, Aldi, was also present.

The Clerk advised that the application seeks to vary the operating plan in respect of the alcohol display area. The current total alcohol display area of 28.125m² to be increased to a permanent display area of 23.625m² and a seasonal display area of 4.500m². The seasonal area will only be used between 24 November and 9 January annually. The application also seeks to amend the layout plan in respect of the slight increase in alcohol display capacity, internal reconfiguration and the introduction of tandem tills.

Mr McDougall referred to Board's over provision policy and explained the very minor nature of the increase in the alcohol display area, adding that the increase in display capacity is in response to customer demand.

Insp Harborow and the Licensing Standards Officer (LSO) had nothing to add to their written reports.

Local Ward Member, Councillor Trotter, supported the application.

Councillors Innes and Akhtar commented that Aldi is regarded as a responsible operator.

Decision

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

(b) King's Palace Chinese Restaurant, 129-131 High Street, Dunbar

Ms Wing Sze Cameron, Premises Manager, was present.

The Clerk advised that the application seeks to vary the premises licence to change on-sales hours to: 11am to 1am on Thursday to Saturday inclusive and 11am to midnight on Sunday (from: 11am to 11pm Thursday to Saturday and from 12.30pm to 2.30pm and from 6.30pm to 11pm on Sunday); allow young children/young persons

when accompanied by an adult until 11pm or closing time at special events (currently 8pm); add seasonal variation to take advantage of any general extensions; and change off-sales to 11am to 10pm Monday to Sunday inclusive (from: midday to 10pm Monday to Saturday and 6pm to 10pm on Sunday).

The Clerk informed Board members that there are no objections from Police Scotland or the LSO but one public objection had been received in respect of noise nuisance. The objector was not present.

Ms Cameron explained that the premises are a family run restaurant and that she was looking to update her operating plan and avoid the need to make any changes on an occasional basis in future.

The LSO stated that the premises are well run and that he has had no complaints regarding noise.

Insp Harborow advised that he has nothing to add to the Police Scotland report. He added that Police Scotland have not received noise related complaints regarding these premises.

Councillor Innes commented on the need to promote East Lothian as a tourist destination and supported the application.

Councillor Currie stressed the importance of there being no objections from Police Scotland or the LSO. He supported the application.

Decision

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

4. REVIEW OF PREMISES LICENCE

- (a) Tesco Extra, Olive Bank Road, Musselburgh**
- (b) Tesco Store, Newton Port, Haddington**
- (c) Tesco Store, Tantallon Road, North Berwick**

Ms Audrey Junner, Hill Brown Licensing, was present to represent Tesco Stores, in the event of there being questions from Board members.

The Clerk advised that items 4 (a), (b) and (c) would be dealt with together as they all relate to Tesco Stores. She reminded the Board that a hearing must be held when the Board is notified of a conviction elsewhere in the United Kingdom and pointed out that Tesco has self reported regarding health and safety convictions.

Councillor Goodfellow remarked that he was not in favour of the current legislation which required these hearings to take place; adding that the legislation would be changing soon.

Decision

East Lothian Licensing Board agreed to take no action.

(d) Co-operative Food Group Ltd, Main Street, Ormiston

Ms Audrey Junner, Hill Brown Licensing, was present to represent the applicant. Mr Andrew Leaper, National Licensing and Diligence Manager, Co-operative Group; Mr Eddie McNally, Area Risk Manager, Co-Operative Group; and Mr Graham Cranston, Area Manager for Ormiston Co-Operative store, were also present.

The Clerk advised that the review of the licence had been requested by Police Scotland following two alcohol test purchase failures.

Insp Harborow referred to the report from Police Scotland and explained in detail the background and circumstances relating to the two test purchase failures on 27 March 2015 and 10 December 2015. He added that re-tests had been carried out after both test purchase failures and advised that the re-tests had been passed on both occasions. He also informed members that there had been a test purchase failure on 17 March 2016 at another Co-Operative store in East Lothian.

In response to Councillors Goodfellow and Innes, the representatives from the Co-Operative Group answered questions regarding staff training and the age/gender of the staff involved in the test purchase failures.

The LSO reported that the due diligence systems at the Co-Operative store in Ormiston are excellent. He suggested that the problems are due to staff being unwilling to comply with processes and procedures.

Ms Junner tabled a comprehensive booklet which provided members with detailed information on the licensing training delivered by the Co-Operative Group. She provided extensive information, by way of a verbal presentation, regarding previous test purchase successes; the fact that, across East Lothian, the Co-Operative only failed three out of 27 test purchases in the period March 2015 – March 2016; the intensive staff training programme that is delivered to staff; the repercussions for the staff involved in the test purchase failures; and the weekly reporting of age challenges and sales refusals. She assured Board members that her client is not complacent; is an extremely responsible operator with a high awareness of the licensing objectives; and that there is no continued threat of crime or disorder from these premises.

Ms Junner answered questions from Board members regarding the till systems; staff numbers, including the number of staff who are personal licence holders; and the nature of staff contracts.

Councillor Currie sought an explanation for the test purchase failures, especially given the extent of the due diligence and staff training. Mr Leaper advised that the Co-Operative's policy is to strive for perfection but this can be difficult to achieve when individuals are making decisions. Councillor Currie made the point that many premises in East Lothian do achieve perfection and pass all test purchases; often with a lot less in the way of training and due diligence than has been evidenced in the Co-Operative Group's presentation booklet.

Councillor Innes commented on the comprehensive information that is available regarding sales records and suggested that the management team need to review how they use this information to reduce the potential for human error.

In response to Insp Harborow, the Clerk advised that the license review is solely in respect of the Co-Operative Food Group store at Ormiston, East Lothian.

Board members adjourned to deliberate in private.

On reconvening Councillor Currie expressed concerns at the test purchase failures, given the level of training and due diligence. He repeated the fact that other premises have achieved perfection in relation to test purchases.

Councillor Goodfellow then advised that the Board had established that there are grounds to review the licence. He stated that, per section 39(2)(a) of the Licensing (Scotland) Act 2005, the Board had decided to issue a written warning as the Board take a very serious view of test purchase failures. He made it clear that if the premises are before East Lothian Licensing Board for a similar offence in future, the Board will take the matter extremely seriously. He reported that it is the Board's view that the increased management has been beneficial to the store and resulted in recent test purchase passes. He made it clear that any review before the Board is only a review of the licence for the particular premises in question.

Decision

East Lothian Licensing Board agreed to place a written warning on the licence of the Co-Operative Food Group, Main Street, Ormiston, East Lothian.

5. APPLICATION FOR PERSONAL LICENCE

(a) Nicola Burdell

Miss N Burdell was present and confirmed that she had received copies of the paperwork that is before the Board today.

The Clerk advised that an objection had been received from Police Scotland.

Insp Harborow stressed that he supported the report from Police Scotland in the strongest terms.

Board members discussed the reports before them, which contained personal information. PC Bowsher provided background information regarding conversations that had informed the content of the Police Scotland report.

Ms Burdell stated to the Board that the situation is unfair as she had not received relevant correspondence from her previous employer referred to in the Police report. She is also of the view that she is being victimised by Police Scotland.

The Board adjourned briefly to deliberate the matter.

On reconvening, Councillor Goodfellow advised that, based on the evidence before them today, the decision of East Lothian Licensing Board is to refuse Ms Burdell's application for the grant of a personal licence. He added that the Board had felt it necessary to come to this decision, for the purpose of preventing crime and disorder, per Section 73 (4) of the Licensing (Scotland) Act 2005.

Decision

East Lothian Licensing Board agreed to refuse to grant the application for a personal licence.

6. REVIEW OF PERSONAL LICENCE

(b) Ryan Baynham

The Clerk advised that Police Scotland has requested a review of Mr Baynham's personal licence and the matter is called before the Board today to comply with statutory timescales. However, Mr Baynham has requested that the item be continued until the meeting of East Lothian Licensing Board on 26 May 2016.

Decision

East Lothian Licensing Board agreed to continue the review of the personal licence until the meeting on 26 May 2016.

DRAFT

EAST LOTHIAN

Meeting 26 May 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	179 NORTH HIGH STREET 179 NORTH HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 6AN	ZOHAIB MALIK C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	24 April 2016	
2	SAINSBURY'S STORE GATESIDE WEST HADDINGTON EAST LOTHIAN	SAINSBURY'S SUPERMARKETS LTD. C/O SHEPHERD & WEDDERBURN LLP 5TH FLOOR 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH	23 March 2016	



14th April 2016

Kirstie MacNeil
Clerk to the Licensing Board
East Lothian Licensing Board
John Muir House
Haddington
EH41 3HA

East Lothian Council
Licensing

2a

18 APR 2016

Received

Y
Dear Sirs

Ref: KMacN/mjw/EN/LL1V

179 North High Street, Musselburgh, EH21 6AS

I refer to your letter and application for an alcohol licence at the White Eagle Polish Deli, situated directly beneath my living room and kitchen.

As with previous applications for same and similar I completely object to the possibility of this premises selling alcohol and probably opening later and later to encourage the not so desirable element back into North High Street.

Recently North High Street seemed to be getting more on track, encouraging nicer, different and even quirkier shops but here we go again. Soon it will be back to more carry out shops and booze purchasing encouraging rubbish dropping and late night squabbles etc.

In the past we have been plagued by louts hanging around, knocking against the windows, setting alarms off, finding ways into the stair and drinking, even setting fire to one of our recycling boxes full of newspapers. We have had to buy and install new locks to the stair door to discourage them. Fights on the weekend were very common and sleepless nights were often the norm. I do NOT want to go back to that.

At present the newsagent next door to the deli, closes between 9 and 10pm most nights. As I find the shop to be quite dirty I do not go into it, so am not entirely sure if they still have a licence for alcohol, this used to be the place where teenagers went to purchase their cheap vodka. Either way there is Lidl, Aldi, Tescos, and another small supermarket near the theatre and numerous places in the High Street where alcohol can be purchased – cannot see why a deli needs to be selling booze, whether it is cheap alcohol or top of the range wines.

Regarding the recorded music - I do not understand exactly what this means and would appreciate clarification. [REDACTED] can assure you the sound proofing is terrible and we can hear any loud noise, music would certainly be unwelcome particularly if it is going on later to encourage the sale of their alcohol.

I sincerely hope I am not the only person with this opinion and would appreciate my letter being taken seriously.

Yours sincerely



Date 18th April 2016



**POLICE
SCOTLAND**

Keeping people safe

Your Ref:

Our Ref: J/LIC/3705/HB

Philip Gormley QPM
Chief Constable

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
179 NORTH HIGH STREET, MUSSELBURGH
ZOHAIK MALIK, [REDACTED]**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant has not been convicted of any relevant offence.

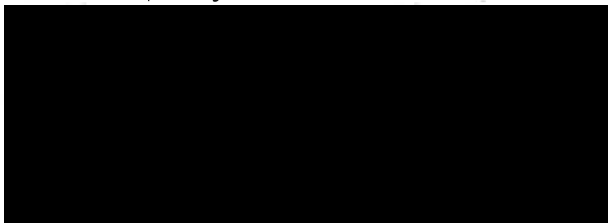
I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

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

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.

Submitted for your consideration. There are no police objections.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquires please contact the Licensing dept on 01620 826 147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 07 Apr. 16

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – MARCH 2016

North News, 179 North High Street, Musselburgh, East Lothian EH21 6AN

I refer to the above subject and can confirm that the above premises were visited on 6th April 2016 when they were inspected in relation to this application.

At the time of visit it was noted that the mandatory site notice, intimating details of the application to the public, was clearly displayed in the shop window.

It should be noted that this application is out with Part 4 of the East Lothian Statement of Licensing Policy on Overprovision.

I have no objection to this application.

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE

Licensing (Scotland) Act 2005, section 20

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

Question 1

Name, address and postcode of premises to be licensed.

179 North High Street
Musselburgh
East Lothian
EH21 6AN

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.*

Zohaib Malik

DOB: [REDACTED]

Contact number: [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?* **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>	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>
N/A				

(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.

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	
<i>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout 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.

179 North High Street
Musselburgh
East Lothian
EH21 6AN

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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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>	10.00 am	10.00 pm
<i>Tuesday</i>	10.00 am	10.00 pm
<i>Wednesday</i>	10.00 am	10.00 pm
<i>Thursday</i>	10.00 am	10.00 pm
<i>Friday</i>	10.00 am	10.00 pm
<i>Saturday</i>	10.00 am	10.00 pm
<i>Sunday</i>	10.00 am	10.00 pm

Question 4

SEASONAL VARIATIONS

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

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No

5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	No	No	No
<i>Club or other group</i> <i>meetings etc.</i>	No	No	No

5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	Yes	Yes	Yes
<i>Live performances –</i> <i>see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No

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

<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <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 shop may open from 7am for the sale of groceries etc but no alcohol will be sold or supplied until the commencement of licensed hours.

The shop may remain open until 11pm but no alcohol will be sold or supplied after 10pm.

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.

Takeaways

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>
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Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

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

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

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

Question 7

CAPACITY OF PREMISES

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

8.65m ²

Question 8

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

Personal details

8(a) *Name*

--

8(b) *Date of birth*

--

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>

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 23/3/16

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** 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.

Date 12th April 2016

Your Ref: EL0336

Our Ref: 3705/HB



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander

The Lothians and Scottish Borders Division

Haddington Police Station

39-41 Court Street

Haddington

EH41 3AE

2b

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
SAINSBURYS STORE, GATESIDE WEST, HADDINGTON
SAINSBURY'S SUPERMARKETS LTD**

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

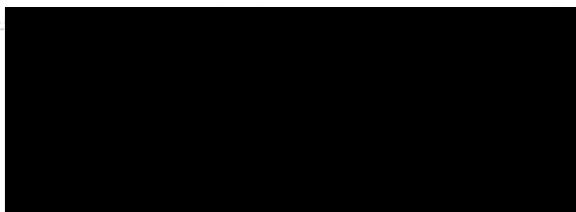
I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

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

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.

Submitted for your consideration. There are no police objections.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquires please contact the Licensing Dept on 01620 826147

EAST LOTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Frúzynski
Licensing Standards Officer

To: K. MacNeill
Clerk of Licensing Board

Date: 06 Apr. 16

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – MARCH 2016

Sainsbury's Store, Gateside West, Haddington, East Lothian

I refer to the above subject and can confirm that this provisional premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of this licence.

R. Frúzynski
Licensing Standards Officer

ELO336

EAST LOTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

Question 1

Name, address and postcode of premises to be licensed.

**Sainsbury's Store
Gateside West
Haddington**

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 answer to Question 2(a)]

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

[Empty box for answer to Question 2(b)]

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

Sainsbury's Supermarkets Ltd
33 Holborn
London
EC1N 2HT
Reg No. 03261722

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.**

See paper apart.

* 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
--	-----

**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

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty
See paper apart				

(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)*

A supermarket in a stand-alone location at Gateside West, Haddington.

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)

Date15 March 2016.....

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

Telephone number and email address of signatory: Emma Summers

Shepherd and Wedderburn LLP, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL

Tel: 0131 473 5276 Email: emma.summers@shepwedd.co.uk

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input checked="" type="checkbox"/>
<i>Building standards certificate</i>	<input type="checkbox"/>
<i>Food hygiene certificate</i>	<input type="checkbox"/>

*** 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout 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.

<p>Sainsbury's Store Gateside West Haddington</p>
--

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>	YES/NO*
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES/NO*
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES/NO*
<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>	N/A	
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/NO*</i>
--	----------------

**If YES – provide details*

Question 5

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

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

8(c) Contact address

[Empty rectangular box for contact address]

8(d) Email address and telephone number

[Empty rectangular box for 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>

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 15 March 2016.....

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

Telephone number and email address of signatory: Emma Summers

Shepherd and Wedderburn LLP, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL

Tel: 0131 473 5276 Email: emma.summers@shepwedd.co.uk

Data Protection Act 1998

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

Best for Food and Health: Responsible Alcohol Retailing

Sainsbury's was founded in 1869 and today we operate over 1,200 stores. We employ 161,000 colleagues, serving over 24 million customer visits per week. We have a market share of 16.8 per cent.

About Sainsbury's

Our vision is to be the most trusted retailer where people love to work and shop. Our company is based on five corporate values, including being the 'Best for Food and Health'. This means making it easy and economical for our customers to enjoy a healthier, balanced lifestyle. A key part of this is having a responsible approach to the sale, labelling and development of our alcohol range.

Our Commitments

As part of our 20x20 Corporate Responsibility Strategy we have committed to doubling the sale of lighter alcohol wine (defined internally as 10.5% ABV or below) and reducing the average alcohol content (ABV) of our own brand wine, beer and cider by 2020. Through these targets we are driving a culture change towards lighter alcohol, allowing us to help our customers lead healthier, balanced lives.

We are also committed to being a responsible retailer and making a positive difference in the communities in which we operate. We believe in working in partnership to tackle issues associated with alcohol misuse.



Our Progress

Reformulation

Focusing on our popular ranges, we are reducing the alcohol content in our own brand wine, beer and cider. We have already reduced the alcohol content in our basics range of wine from 11% ABV to 10.5% ABV and reduced the alcohol content of our basics cider by 0.2% ABV. This has removed 450,000 alcohol units per year from these lines.

In September 2014, we took our Taste the Difference Conegliano Prosecco down to 10.5% ABV from 11% ABV without compromising on quality or enjoyment. Taste the Difference Prosecco is one of our best-selling lines and this change required permission from the Prosecco authorities. This work alone will remove six million units from the marketplace by 2020.

Single Serve Wines

Since 2011 we have introduced 14 new single serve wines (i.e. small bottles containing enough for one glass of wine) to our range, and our customers have told us they very much value this help in managing their alcohol intake. Sales of these products have increased by over 10% and our range includes products from across our different tiers, including Taste the Difference and Winemakers by Sainsbury's.

Labelling

We are committed to clear and transparent labelling across our business and alcohol is no different. We are currently rolling out new labelling across our own brand lines which puts the alcohol content information consistently on the front of the bottle, in colour, and in a font that is 10% larger than required by law. We also use our labelling to provide food matching information to help promote eating while drinking and all our own brand products include the Government's approved label regarding unit content and consumption guidelines.

Calories

We are currently introducing calorie labelling on all our 400 own brand alcohol lines. In a recent survey we commissioned, 85% of those asked did not know how many calories are in a glass of wine, and two thirds wanted to see calorie labelling on alcohol.

New Products

Our range of lighter alcohol products has increased significantly. We account for almost one in four bottles of 'wine-style' drinks (5.5% ABV and under) sold by the major multiples and we've also introduced a new range of spritzers to further increase the choice available.

Permanent responsible drinking signage
We were one of the first retailers to introduce responsible drinking information across our alcohol displays, and we are now adding this information permanently across our whole store estate.

Responsible Sale and Promotion

We were one of the first retailers to introduce the Think 25 approach to under-age sales. All customer-facing colleagues receive comprehensive training to ensure



Calorie labelling is being introduced on all own brand alcohol lines

450,000

alcohol units per year removed from Sainsbury's basics wine and cider ranges.

85%

of people don't know how many calories are in wine. So we're applying calorie labelling to our 400 own brand lines.



Think 25

Every six months, we provide relevant colleagues with refresher training on the 'Think 25' scheme to promote best practice responsible alcohol selling.

32%

We've seen 32% growth in the volume of lighter alcohol wine sold since 2010.

those under-age are prevented from buying alcohol. Training is refreshed every six months and externally tested. We also hold Think 25 focus weeks at key times throughout the year - such as half terms and Christmas.

Partnership Working

Some of the ways in which we are working with stakeholders include:

Community Alcohol Partnerships (CAPs)

Working with communities to tackle under-age sales in an area, share intelligence and encourage diversionary activity, CAPs achieve dramatic falls in alcohol related anti-social behaviour. We are active in over 23 CAPs and will always be involved when a CAP is set up locally.

Drinkaware

Drinkaware plays an important role in raising awareness of alcohol issues. We incorporate the Drinkaware logo across our labelling, advertising and point-of-sale communications. Our pharmacies have also supported a recent trial to provide kits to customers that help them to understand better their unit consumption.

What We Need From You

You can help support the responsible retailing of alcohol through:

Introducing a definition of lighter alcohol wine and addressing the restrictions related to health claims and promotion based on alcohol strength. This would enable us to promote the lighter alcohol category better to customers. Currently, we are prohibited from talking to customers about our efforts to reformulate our most popular products or new products naturally lower in alcohol.

Introducing a duty cut for wine lower in alcohol, but above the 5.5% ABV threshold. This would incentivise the industry to innovate in this area and grow the production of lighter alcohol wine.

Addressing the specific product restrictions currently in place. Many appellations within wine-making countries mandate specific rules which can prohibit customer-friendly changes. For example, Rioja mandate the use of corks rather than screw caps. This makes it harder to save and store wine, discouraging people wishing to moderate their intake.

Relaxing restrictions of alcoholic strengths. Many products' alcoholic strengths, such as vodka, are legally defined. Should these restrictions be relaxed, we could remove millions of alcohol units from the marketplace.

Ensuring that policy and initiatives are evidence-based and take into account customer insight, store operations and commercial reality. For example, Sainsbury's supports the Public Health Responsibility Deal. Greater focus should be given to encouraging those businesses that do not.

For more information, please contact:

Alison Clews,

Public Affairs Adviser

alison.clews@sainsburys.co.uk

020 7695 4727 / 07880 182004



In September 2014, Sainsbury's re-launched its Taste the Difference Prosecco, having reduced the alcohol content from 11% to 10.5% ABV

Promotion of Licensing Objectives

Sainsbury's Supermarkets Ltd undertake a number of steps in the course of daily business to promote the licensing objectives of the Licensing (Scotland) Act 2005. These steps are integral to the day to day business activities and include (but are not limited to) the following indicative measures:-

Protecting and improving public health

Sainsbury's Supermarkets Ltd participate in a range of initiatives to protect and improve public health. These initiatives are not solely directed at the consumption of alcohol but also feature schemes to promote health and wellbeing amongst its customers in general.

As an example, Sainsbury's have donated over £2,900,000 worth of sports equipment and experiences to Schools in Scotland through their "Active Kids" scheme. This marks the biggest donation ever of its kind to schools and other youth organisations by a retailer.

Specifically alcohol related, Sainsbury's initiatives include such matters as the introduction of alcohol labelling to all own brand beers, wines and ciders. These labels will give the units of alcohol per glass or bottle and the Governments recommendation for the daily alcohol intake for men and women. Sample labelling is available upon request. The labels will also include the Drinkaware.co.uk logo and the suggestion that pregnant women seek medical advice before consuming alcohol.

Since 2007 Sainsbury's have been partners in the Community Alcohol Partnership (CAP) model which brings together retailers, the Police, Local Authorities, Schools, Clubs and the press to drive down underage drinking through education, enforcement and public perception. There are now more than 35 Community Alcohol Partnership schemes around the Country and Sainsbury's have agreed to take the lead in setting up further CAP schemes in areas where they have stores and there is sufficient local interest. Sainsbury's agents are currently actively contacting Licensing Standards Officers throughout Scotland to ascertain what levels of interest exist in particular areas. Sainsbury's and their agents would welcome contact from any particular Licensing Standards Officer or other members of Licensing Board's and their staff interested in learning more and what benefits the scheme might bring to their area.

Sainsbury's also provide support and funding to "Drinkaware" and have recently supported their "Why let the good times go bad?" campaign to promote responsible drinking in their advertising.

Sainsbury's have subscribed to the pledges contained in the UK Government Public Health Responsibility Deal and have pledged to maintain their support for Drinkaware and to foster a culture of responsible drinking throughout the UK

A significant factor in improving public health is Sainsbury's belief that offering lighter alcohol alternatives is a key part of encouraging responsible drinking. To this end a commitment has been given to double the sales of lighter alcohol wines and reduce the average alcohol content (ABV) of own brand wine and beer by 2020. Sainsbury's are looking into yeast development that reduces alcohol in fermentation, specifically targeting countries whose wines have higher ABV averages such as Argentina and South Africa and is considering lowering their average alcohol level across their entire range of wines, an average which at 12.2% is already below the market average. In 2010 Sainsbury's introduced their "Taste the Difference" Brachetto, a new, lighter style of wine which maintains the taste customers expect yet only contains an ABV of 5%

Sainsbury's Supermarkets Limited are committed to promoting not only the responsible use of alcohol by its customers but also to improving health standards in general. Sainsbury's Corporate Responsibility report details various programs the Company are involved in to assist with this. Copies available upon request.

Protecting Children from Harm

The operation of Sainsbury's "Think 25" Policy by all store staff, a policy which applies to all age related products meets or exceeds the requirements of the current mandatory licensing conditions.

All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 25. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. Refresher training takes place at regular intervals (Currently 6 monthly).

Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

The Cash register systems employed provide a "Till Prompt" Scheme which displays the minimum date of birth required to purchase age restricted products. These systems assist staff in dealing with such queries quickly and efficiently. These prompts help eliminate the "human error" which can occur in calculating age. The stores operate both an electronic and manual Challenge and Refusal Log covering all age related products.

Sainsbury's employ significant use of signage at key points regarding age restricted products.

Additionally Sainsbury's Supermarkets Ltd conduct their own "mystery shopper" scheme whereby stores are targeted in respect of age restricted product lines to ensure stores are complying with the "Think 25" Policy. This scheme does not target solely alcohol but relates to any age restricted product sold in store. Typically such "mystery shopper" exercises are conducted quarterly but are not on a fixed schedule.

Preventing Public Nuisance

Signage will be displayed at the exit of premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

Litter bins are available at various locations to allow customers to dispose of any litter/waste safely and responsibly.

A contract is in place with an approved Waste Contractor for the uplift of rubbish to prevent the accumulation of waste. Where possible/practical the use of compacting machines are utilised to further reduce the quantity of waste.

Deliveries to the store are scheduled to minimise disruption and noise to neighbours outwith normal working hours. The applicants have received no complaints from neighbours on this count. If any complaints are received the applicants will endeavour to reach a conclusion wherever possible that provides satisfactory results to all concerned.

As aftermentioned a CCTV system will be installed, or the existing system maintained/improved to ensure that any such system will be fit for the purpose.

Sainsbury's Supermarkets Ltd have adopted these standards across their entire network and strive for 100% compliance.

Security Public Safety

Securing and maintaining Public Safety is very important to Sainsbury's Supermarkets Ltd. The Company wishes to ensure that all customers visiting its stores can do so in a safe manner.

Sainsbury's Supermarkets Ltd will, at all times, use their best endeavours to ensure that the levels of staff on site are maintained at such a level to maintain public safety and enhance the Customers shopping experience. Staff levels at individual stores are available and will be disclosed on request, to the Licensing Board and police.

All portable electrical appliances used in the premises are tested annually in accordance with the Portable Appliance Test Regulations and records are retained in the store for inspection purposes.

An accident reporting system for both staff and customers is in place for the prevention and reduction of accidents on the premises. Records are retained in store for inspection purposes.

As mentioned previously A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

Sainsbury's Supermarkets Ltd will have an appropriate fire risk assessment in place. This risk assessment will be reviewed periodically in accordance with statute to reflect any changes which occur. Regular inspection and maintenance of fixed fire protection equipment, fire fighting equipment and emergency lighting is undertaken by an approved contractor. All staff are trained in emergency evacuation procedures.

Preventing Crime and Disorder

In preventing crime and disorder, the use of CCTV systems can prove to be a valuable tool to the retailer. Sainsbury's Supermarkets Ltd have adopted the following points as the minimum standard acceptable to them to assist in this measure.

A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed subject to compliance with the Data Protection legislation, with the police from time to time. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions after which fresh cassettes will be utilised. The system will display on any recording the correct time and date of recording. A system will be in place to maintain the quality of the recorded image and complete audit trail maintained. Notices informing customers of the operation of the system shall be on display. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Any breakdowns or other failures in any equipment related to CCTV system will be addressed as quickly as possible.

Store colleagues will, in following their daily duties, be vigilant in relation to groups of persons hanging around store entrances. Action would be to call the police if trouble or disruption was envisaged.

Sainsbury's employ their own Security Guards in almost all stores to assist with any issues as and when they might arise, including issues such as preventing children from harm by assisting colleagues in looking out for any attempts by children to purchase alcoholic products from the store.

On occasion, some of the spirits on display will be security tagged in order to address any localised issues that may arise.

The premises, when closed benefit from a burglar alarm system. All external doors/entrances are lockable and when closed, the premises are secure.

All staff will be trained in dealing with the sale of alcohol. Refresher training will take place regularly (currently every 6 months) and such training will be monitored from out with the store to ensure that Sainsbury's required levels of achievement are attained and maintained. Where necessary additional training will be provided on an Ad hoc basis.

Sainsbury's Supermarkets Ltd operates a "Think 25" policy which was introduced some considerable time ago and ahead of any statutory requirements in this area. This policy is not restricted purely to the sale of alcohol but has been introduced in respect of all age restricted products available for sale in the store irrespective of what they might be. Staff therefore have one simple, clear policy to follow in respect of any age restricted item. Without suitable means of verifying the age of the customer (Passport, Photocard Driving Licence or identity card approved by the British Retail Consortium for the purposes of its proof of age "Pass" Scheme) then no sale is to take place. To assist staff, the Cash Register Display provides prompts to the cashier by way of the minimum date of birth required to purchase any age restricted product. The appropriate date(s) change daily.

Additionally Sainsbury's Supermarkets Limited conduct their own "mystery shopper" scheme whereby stores are targeted in respect of age restricted product lines to ensure stores are complying with the "Think 25" Policy. This scheme does not target solely alcohol but relates to any age restricted product sold in store. Typically such "mystery shopper" exercises are conducted quarterly but are not on a fixed schedule.

These are not however the only measures Sainsbury's Supermarkets Limited adopt which assist in the prevention of Crime and Disorder. A number of measures which are designed to Prevent Children from Harm are also effective for the prevention of Crime.

Note

We would like to make you aware that whilst the above represents Sainsbury's Supermarkets Ltd's current policies and procedures these do evolve over time and changes may be made from time to time to suit changes in demand and business needs. At all times the statutory minimum requirements will be met or exceeded. For example the current "Think 25" policy in place has been extended to apply to all age related products including those for which there are no statutory requirements (such as lottery tickets etc.). Staff training is currently refreshed every 6 months. Accordingly elements of the foregoing may be subject to change from time to time as such policies/procedures and best practice evolves. Irrespective of any changes introduced the policy in force will meet or exceed that required by statute.

EAST LOTHIAN

Meeting 26 May 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
3	GIANCARLO'S 119 HIGH STREET TRANENT EH33 1LW	PACITTI LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	7 April 2016	



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Date: 14th April 2016

Your Ref: EL328

Our Ref: J/LIC/3705/HB

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
GIANCARLO'S, 119, HIGH STREET, TRANENT
PACITTI LTD, [REDACTED]**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an amendment to the operating plan to allow outside drinking as an activity and an amendment to the layout plan showing the outside area as part of the licensed premises.

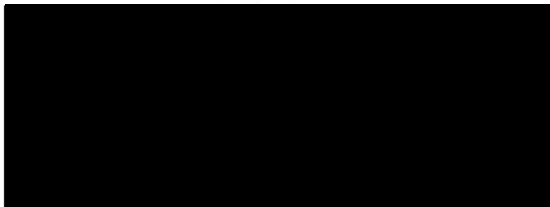
In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

I would request that any use of the outside area terminate at 2200 hours, due to the close proximity of neighbouring residential properties.

Any increase in licensed area is also out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquires please contact the Licensing dept on 01620 826 147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 13 May 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE VARIATION APPLICATION

GIANCARLO'S, 119 HIGH STREET, EAST LoTHIAN EH33 1LW

I refer to the above subject and can confirm that the variation application in respect of Giancarlo's restaurant has been assessed, in line with the requirements of the Licensing (Scotland) Act 2005, and is in order.

The premises are a popular new dining facility on Tranent High Street, which has attracted no licensing issues since opening in August 2015.

I would recommend that this licence be granted by the Board to follow the conditions of the tables and chairs permit issued by East Lothian Council Transportation Division in April 2016, as shown in the attached document.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL
DEPARTMENT OF SERVICES FOR COMMUNITIES
TRANSPORTATION DIVISION

**CONSENT FOR THE OCCUPATION OF THE FOOTWAY WITH
TABLES AND CHAIRS OUTSIDE LICENSED PREMISES**

To: Mr Giancarlo Pacitti [REDACTED]

I refer to your recent letter and application to place and tables and chairs on the footway outside Giancarlo's Italian Restuarant for the 2016/17 Season.

East Lothian Council as Roads Authority for the purposes of the Roads (Scotland) Act 1984 for East Lothian having considered the application by Mr Giancarlo Pacitti grant consent under Section 59 of the Roads (Scotland) Act 1984 to the above named for occupation of a defined area of the footway with tables and chairs outside the Giancarlo's Italian Restuarant

The following conditions are attached to this consent and must be complied with:

1. The consent is only valid until 30 April 2016. If you wish to place tables and chairs on the footway in future years you must re-apply to the Head of Infrastructure for consent.
2. East Lothian Licensing Board have confirmed that the license for the premises includes the area identified in this consent
3. I can confirm receipt of a signed and dated report confirming the condition of the building structure and constructional elements over the intended external seating areas.
4. **The consent is for two defined areas measuring 2.37 x 4.70 metres and 7 x 3.4 metres as shown on the attached drawing and the occupation must not exceed this area.**
5. The tables and chairs must be removed daily from the footway by 21:00 hrs and not placed before 10:30 hrs.
6. No amplified music or speech shall be permitted outside the premises.
7. The area around the tables and chairs must be kept clean and tidy.
8. The proprietor of the food business shall comply with relevant Food Safety Legislation.

9. The proprietor of the food business shall comply with relevant Health & Safety Legislation.
10. The furniture to be used must be agreed with the Head of Infrastructure.
11. There is no obstruction to fire exits.
12. A minimum width of 1.5m must be available for the passage of pedestrians and emergency vehicular traffic.
13. The consent holder must delineate the limits of the area allowed to be occupied and shown on the attached drawing to the satisfaction of the Head of Infrastructure and retain the tables and chairs in the area when in use. The delineation should take the same form as that used for protecting excavations in the road although they should be a plain colour (white or yellow).
14. No permanent fixings are to be placed on the footway.
15. Access to any Public Utility plant in the area occupied must be made available when required.
16. The consent is suspended if Public Utility works or roadworks are carried out in the area.
17. The consent holder shall indemnify the East Lothian Council as Roads Authority from and against all actions, claims, demands, costs, charges, losses and expenses of whatsoever kind of nature which may be brought or made against them or incurred by them in the occupation of the road granted under the consent.
18. The Head of Infrastructure or Chief Constable can suspend or terminate the consent at any time.
19. A charge of £200.00 has been levied with the issue of this consent to cover the cost of site inspections that will be made by Departmental Staff.

Date

Signed

On behalf of Head of Infrastructure

07 APR 2016

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

Received

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL328

2(b) Name and Address of Premises

Giancarlo's
119 High Street
Tranent

Post Code EH33 1LW

Phone No.

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

Pacitti Ltd

Post Code EH7 5LA

Phone No.

Giancarlo

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

To add Outside Drinking as an Activity.

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

To amend the Layout Plan showing the outside area as part of the licensed premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence

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

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
 - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
 - Other (provide details)
-

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

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

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature

[Redacted Signature]

(See note 5 below)

Date

5/4/16

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

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

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

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

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

119 High Street Tranent East Lothian EH33 1LW
--

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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<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>	11.00am	23.00pm
<i>Tuesday</i>	11.00am	23.00pm
<i>Wednesday</i>	11.00am	23.00pm
<i>Thursday</i>	11.00am	01.00am
<i>Friday</i>	11.00am	01.00am
<i>Saturday</i>	11.00am	01.00am
<i>Sunday</i>	11.00am	00.00midnight

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>	11.00am	22.00pm
<i>Tuesday</i>	11.00am	22.00pm
<i>Wednesday</i>	11.00am	22.00pm
<i>Thursday</i>	11.00am	22.00pm
<i>Friday</i>	11.00am	22.00pm
<i>Saturday</i>	11.00am	22.00pm
<i>Sunday</i>	11.00am	22.00pm

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

<p>Would like to take advantage of general or special extensions granted by the Licensing Board, and may apply, on specific occasions, for extended hours, or example.</p>
--

Question 5

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

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

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

Activities may take place from 9am if the premises open for coffees, teas, snacks etc, but no alcohol would be sold until the commencement of core hours.

No activities will take place after core hours unless under the authority of an Extended Hours Application, during Seasonal Variations, or with the benefit of a Late Hours Catering Licence in the case of the sale of food.

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.

Takeaways Deliveries Outside Catering Off sales – alcohol will only be sold with a takeaway meal

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>
--	----------------

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

The premises will be family friendly and children and young persons will be welcomed. Children will require to be accompanied by an adult in the restaurant. No restriction in the takeaway section.

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

No restriction (0-17 years).

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

No restriction, subject to management discretion.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

70 plus takeaways

Question 8

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

Personal details

8(a) *Name*

Mrs Natascia Pacitti

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
21st April 2015	City of Edinburgh Board	289903

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 5/7/16

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** 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.

EAST LOTHIAN

Meeting 26 May 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Occasional(s)	Premises	Applicant	Date Received	Comments
4	MACMERRY BOWLING CLUBHOUSE WEST BANK ROAD MACMERRY EH33 1HA	MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB	5 May 2016	Start date of event: 26/05/2016 End Date of Event: 08/06/2016 Outdoor Bowling Games & Indoor Social Events Children and young persons are permitted during the following times: 0-15 years - 11am to 10pm 16/17 years - 11am to Close of premises.



**POLICE
SCOTLAND**

Keeping people safe

Date: 16th May 2016

Your Ref:

Our Ref: J/LIC/3705/HB

Philip Gormley QPM
Chief Constable

The Clerk of the Licensing Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Local Area Commander
The Lothian and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 – REPRESENTATION
APPLICATION FOR OCCASIONAL LICENCE – 211
APPLICANT: MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB
PREMISES: MACMERRY BOWLING CLUB**

I refer to the above application for an occasional licence to cater for outdoor bowling games and indoor social events.

I note that the applicant is requesting to be licensed between 26th May and 8th June 2016.

It is pertinent to note that the Macmerry Miners Welfare are the holders of an 'open licence' and no longer operate as a private members club. They applied for and were granted several occasional licences last year (2015) to cover bowling events held at the Macmerry Bowling Club. We received ten (10) applications in total between April 2015 and August 2015.

Board Policy states:

Repeated applications for occasional licences for the same premises and which are

- Not for specific events; and/or
- For activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months

will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. It is generally expected that the premises in question should consider an application for a Premises Licence.

Section 59(6) of the Act specifies the grounds for refusal of an application for Occasional Licence. These grounds include "that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives". These licensing objectives include:

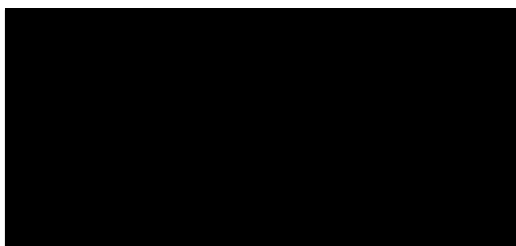
- Securing public safety
- Protecting and improving public health

The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.

The applications received so far for the Macmerry Bowling Club have all been for identical events with the Macmerry Miners operating the bar for profit, as a business. Therefore, in line with Board Policy, Police Scotland will no longer support this or any future occasional licences of this nature.

Submitted for your consideration.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquires please contact the Licensing dept on 01620 826 147

From: Fruzynski, Rudi
Sent: 28 April 2016 14:53
To: Herkes, Gillian
Subject: RE: Liquor - Premises Licence - 2005 Act - Occasional - Macmerry Bowling Clubhouse, West Bank Road - 19/04/2016

From a Licensing Standards point of view, I offer the following observations on this application:

@ The applicant is the holder of an open premises licence, namely Macmerry Miners Welfare and Social Club.

@ The applicant seeks to operate the bar in the premises leased to MacMerry Bowlers under a separate lease from East Lothian Council on a profit making basis. None of the proceeds go to the bowling club.

@ The applicant applied for consecutive 14 day occasional licences for a period exceeding 3 months in 2015.

@ The current application, for the first of several intended 14 day applications, is contrary to Section 18 of the East Lothian Statement of Licensing Policy 2013 - 2016, which states "*Repeated applications for Occasional Licences for the same premises and which are:- For activities that have been occurring (either identical or largely similar terms) on the premises regularly over a period of at least 3 months*" the policy continues by stating such applications "*will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority, but will require a hearing before the Board. It is generally expected that the premises should consider an application for a Premises Licence*".

@ In 2015, the Miners Welfare Committee, who lease the bar, were advised of the Board's policy, as stated above, and were given full details on how to apply for a full licence, which is required in relation to profit making activities. No Premises Licence application has since been made.

@ The Statement of Licensing Policy 2013 - 2016 Section 18 also states "*The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing of public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.*"

@ To continually operate a bar using Occasional Licences is in a sense gaining licensed facilities on the cheap and is in conflict with the interests of those who have applied for and been granted Premises Licences.

@ The Premises Licence in relation to MacMerry Bowling Club was surrendered in 2014 due to circumstances outwith licensing interests, but should be applied for anew if the bar is to be run on a seasonal or continuous basis from now on.

It is for the foregoing reasons that I cannot support this or future applications for Occasional Licences to operate a profit making bar in the premises known as MacMerry Bowling Club.

Rudi Fruzynski
Licensing Standards Officer

OCC211/16
Ael 6/5

EAST LOTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable) (MACMERRY MINERS CLUB)	
Personal licence number (if applicable)	
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
Mr			
Surname	Fortune		
Forenames	James		
DATE OF BIRTH	Day	Month	Year
	■	■	■
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
■			
Post town		Post code	
TELEPHONE NUMBERS			
Daytime	■		
Evening			
Mobile			
FAX NUMBER			

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)



3. THE PREMISES

Description of premises

Macmerry Bowling Club (Pavilion)

Description of activities to be carried on in the premises – (including number of persons expected to attend)

OUTDOOR BOWLING GAMES

INDOOR SOCIAL EVENTS

120 PERSONS MAXIMUM (60 PERSONS INSIDE / 60 PERSONS OUTSIDE)

Full postal address of premises which this application refers to

Macmerry Bowling Club (Pavilion)

Westbank Road

Macmerry

East Lothian

EH33 1PL

4. DURATION OF LICENCE - (include dates and times required for event)

From : 23rd May 2016

To: 6th June 2016

5. Is alcohol to be sold on & off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises 11.00am - 11.00pm Sunday to Thursday 11.00am - 12 midnight Friday & Saturday	Times for sale of alcohol for consumption off premises 11.00am - 10.00pm Monday to Sunday
--	--

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry 0 -17 years	Times at which children or young persons permitted entry 0 -15yrs 11.00am - 10.00pm 16/17yrs 11.00am - Close
--	--

Parts of premises to which children or young persons permitted entry
Within designated area and 1.5m from bar

7. CHECKLIST

I have - Please tick for yes

- Made or enclosed payment of the fee for the application

8. Signature and declaration by applicant (see note 3)

DECLARATION

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

SIGNATURE	DATE 5th May 2016
-----------	----------------------

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only:-
- The holder of a premises licence;
 - The holder of a personal licence; or

- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

EAST LoTHIAN

Meeting 26 May 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Personal Licence Review(s) Licence Holder	Applicant	Date Received	Comments
--	------------------	----------------------	-----------------

RYAN BAYNHAM

POLICE SCOTLAND

13 April 2016



**POLICE
SCOTLAND**

Keeping people safe

Date: 13th April 2016

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

Telephone Licensing Dept – 01620 826 147

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A
PERSONAL LICENCE REVIEW APPLICATION
PERSONAL LICENCE HOLDER – RYAN BAYNHAM**

I refer to the above and in terms of Section 84A (1) of the Licensing (Scotland) Act 2005 (as amended by the Criminal Justice and Licensing (Scotland) Act 2010), the Chief Constable would like to bring to the Licensing Boards attention a recent incident involving the personal licence holder Mr Ryan Baynham, born ([REDACTED])

The Chief Constable feels that Mr Baynham has acted in a manner, which is inconsistent with the licensing objectives namely:

- Preventing crime and disorder

The details of this incident are narrated in the appendix to this letter for the Boards consideration and attention.

Ryan Baynham was granted his personal licence by the East Lothian Licensing Board on 31st October 2011, Licence number EL778.

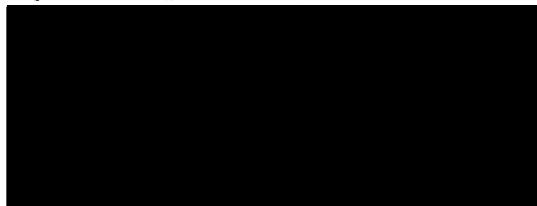
Mr Baynham is currently the designated premises manager of the Mercat Hotel, 73-74 Market Street, Haddington. This is a family run business and has been for several years.

As the Board will appreciate being a designated premises manager, is a position of responsibility and respect. Mr Baynham's conduct during this incident is extremely concerning and unacceptable, considering the persons and premises involved, are located in the same town (Haddington) as Mr Baynham operates his own premises.

This Chief Constable's view is that the Board should consider all the options open to them under Section 84(7) of the Act.

In signing this report, I confirm that this Personal Licence Review Application is made under the authority of the Chief Constable of Police Service of Scotland.

Signed:

A large black rectangular redaction box covering the signature of Philip Gormley.

Philip Gormley QPM
Chief Constable

Date: 13/04/2016

For enquires please contact the Licensing dept on 01620 826 147

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EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**From: Rudi Fruzynski,
Licensing Standards Officer**

**To: Kirstie MacNeill
Clerk to the Licensing Board**

Date: 16 May 2016

**Subject: LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE REVIEW – APRIL 2016
RYAN BAYNHAM, PERSONAL LICENCE No EL778**

I cannot comment on the circumstances leading up to this review, as reported by the police, however, Mr Baynham is the Designated Premises Manager of the Mercat Hotel, Haddington and I can inform the Board that there have been no issues concerning the operation of the premises since commencement of the new licensing regime in 2009. This is a reflection on Mr Baynham's operation of the premises as manager and Personal Licence Holder.

Mr Baynham frequently communicates with the Licensing Standards Officer seeking advice on licensing procedures and sales promotions and has demonstrated a desire to operate his premises in a proper manner.

From a Licensing Standards perspective, I have experienced no problem with Mr Baynham as a Landlord or Personal Licence Holder.

R. Fruzynski
Licensing Standards Officer