



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

1

**THURSDAY 23 JUNE 2016
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

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

Attending:

Mrs D Elworthy, Licensing Admin Officer
Ms C Molloy, Legal Team Leader
PC H Bowsher, Police Scotland
Insp A Hogarth, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor W Innes
Councillor T Trotter

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 26 May 2016 were agreed to be a true record subject to a minor change to item 4; page 5; paragraph 1. The Board agreed that the word 'imminently' be added and the first sentence should read '*Mr Fortune advised that the Club were in the process of applying for a Premises Licence for these premises imminently, but wished to get the bowling section up and running while this application was pending.*'

2. VARIATION TO PREMISES LICENCE

Elphinstone Miners' Welfare and Social Club

Ivan Cameron, Chairman, Elphinstone Miners' Welfare and Social Club (the Club) was present to represent the applicant. James McGimpsey, Treasurer; and Peter Fairgrieve, Vice Chairman, were also present.

The Clerk advised that the application seeks to change the status of the club to an open licence and to take advantage of seasonal variation offered by the Board. She advised that there are no objections from Police Scotland or from the Licensing Standards Officer. She added that two public objections had been received and that the objectors, John Peace and Alexander Peace, were present.

Mr Cameron referred to the Club's written submission and invited questions from Board members.

Responding to Councillor McAllister, Mr Cameron answered questions regarding the car parking area; clarified the area under dispute; indicated that he would be comfortable with the car park being open permanently; and advised that there is no CCTV at the Club.

Mr Cameron advised Councillor Akhtar about the typical usage of the Club and that following contact with the Council, three 'Car Park' signs had now been put up. He stated that the Club is taking cognisance of the parking problem, which it is attempting to alleviate.

John Peace informed the Board that he is the farmer who owns the road and that the front access to the Club is on his property. He outlined, in detail, the difficulties he has experienced which include the farm entrance being blocked by vehicles; verbal abuse; and taxis and other vehicles turning in his driveway/on grass verges. He explained that this is an emotive issue which is affecting his work and personal life. He feels that the issues have escalated following recent management changes at the Club. He has discussed matters with Police Scotland who have suggested that he liaise with the Club. While he is happy to do so, he is of the view that the Club are making no effort to inform him about events and times when the premises are going to be busy.

In response to Councillor Akhtar, Mr Peace outlined the contact that he has had with Police Scotland regarding the issues. He indicated to Councillor McAllister that he is tempted to contact local taxi companies to seek their assistance regarding dropping off and picking up passengers.

Councillor Goodfellow suggested that there has been a breakdown in dialogue. Mr Cameron stressed that there would be no changes to the way that the Club has been run and that there has been little change in management. He stated that the Club is

applying for an Open Licence in preference to using occasional licences on an on-going basis.

In response to Councillor Goodfellow, Insp Hogarth advised that the premises are well run and the Club has co-operated fully with Police Scotland in regarding their licensing application. However, he fully appreciated the sentiments being expressed by Mr Peace and stated that it should not be for Mr Peace to contact local taxi companies. He mentioned that communication is absolutely necessary and that Police Scotland provides a mediation service, if required.

Councillor Akhtar made it clear that the solution is communication and co-operation. She stated that the Club is an important part of the community, as is working together.

Councillor Grant stated that he supported the application. While many of the issues were of interest to him as a local Ward member, they were not relevant for East Lothian Licensing Board and had nothing to do with the sale of alcohol. He urged the Club representatives to impress upon their committee members that Mr Peace must have clear access to his home and business at all times.

Councillor Currie supported the move to an Open Licence and stressed the need for the applicant to undertake to provide Mr Peace with advance notice of events and functions. As an alternative, he suggested that conditions could be attached to the licence, if granted.

Councillor McAllister supported the application and echoed the need for communication and co-operation.

In response to Mr Cameron, the Clerk advised that the Licensing Department would provide him with details of all taxi operators in East Lothian so that he could write and advise them about the drop off and pick up area at the Club.

The Board debated potential conditions that could be placed on the licence, if granted. These included the creation of a designated taxi drop off and pick up point; installing CCTV; appointing a designated person from the Club to liaise with Mr Peace; and having staff/committee members on the door at the premises.

Councillor Goodfellow commented that dialogue is needed between the Club and its neighbours and that it is essential that the farmer has access to his property. He pointed out that the neighbours could request a review of the Club's licence but hoped that issues would be resolved and that the matter would not be brought back to East Lothian Licensing Board.

Decision

East Lothian Licensing Board agreed to grant the Open Licence subject to the following conditions:

- (i) Elphinstone Miners' Welfare and Social Club will nominate a member to liaise with Mr Peace, in advance, to inform him of any functions or events to be held in the club.
- (ii) Elphinstone Miners' Welfare and Social Club will write to all taxi operators within East Lothian advising them to instruct drivers, when picking up and/or dropping off any persons attending the club, to do so in the rear car park.

3. APPLICATION FOR PERSONAL LICENCE

Cameron S Ross

The Clerk advised that the agent for Mr Ross was unable to attend the meeting and had requested that the matter be continued.

Decision

East Lothian Licensing Board agreed to continue the personal licence application until the meeting on 22 September 2016.

DRAFT

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

| New Grant(s) | Premises | Applicant | Date Received | Comments |
|--------------|---|--|---------------|----------|
| 1 | CUCINA AMORE 37-39 QUALITY STREET NORTH BERWICK EAST LOTHIAN EH39 4HR | CAMPANA SCOTLAND LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB | 19 July 2016 | |

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR 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.

Cucina Amore
37-39 Quality Street
North Berwick
East Lothian
EH39 4HR

01620 892 216

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.*

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

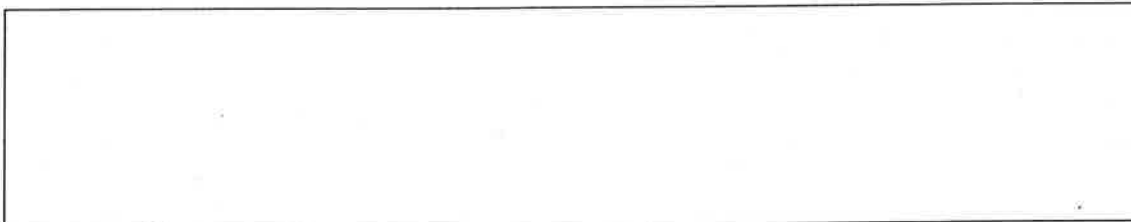
2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Campana Scotland Ltd
2 Lanark Road
Edinburgh
EH14 1TQ

Company No. SC478768

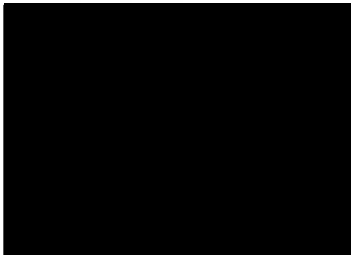
Franco Cucchi 

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.**

Franco Cucchi



* 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

| | |
|---|----------------|
| <i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i> | <i>YES/NO*</i> |
|---|----------------|

**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

| <i>Name & position (if applicable)</i> | <i>Date of conviction or sentence</i> | <i>Court</i> | <i>Offence</i> | <i>Penalty</i> |
|--|---------------------------------------|--------------|----------------|----------------|
| | | | | |

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

| |
|--|
| Bistro/ Restaurant located on ground floor of premises on Quality Street, North Berwick. |
|--|

Question 6

6 *To be completed by members' clubs only*

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature ...  * (see note below)

Date 18/7/16

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

| <i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i> | |
|--|---|
| <i>Operating plan</i> | X |
| <i>Layout plan</i> | X |
| <i>Planning certificate</i> | X |
| <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.

37-39 Quality Street
North Berwick
East Lothian
EH39 4HR

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 |

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> | 11.00 | 23.00 |
| <i>Tuesday</i> | 11.00 | 23.00 |
| <i>Wednesday</i> | 11.00 | 23.00 |
| <i>Thursday</i> | 11.00 | 00.00 |
| <i>Friday</i> | 11.00 | 00.00 |
| <i>Saturday</i> | 11.00 | 00.00 |
| <i>Sunday</i> | 11.00 | 00.00 |

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

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

To take advantage of general and specific extensions granted by East Lothian Licensing Board, such as Christmas/ New Year and special occasions.

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> | YES | YES | YES |

| 5(b) Activity Social functions including: | Please confirm YES/NO | To be provided during core licensed hours – please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
|---|--|--|---|
| <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> 5(g) | YES | YES | YES |
| <i>Live performances –</i> see 5(g) | 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 |

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

| 5(e) <i>Activity</i> | Please confirm YES/NO | To be provided during core licensed hours – please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
|--------------------------------|--|--|---|
| <i>Adult entertainment</i> | NO | NO | NO |

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

With regard to those Activities answered “yes” in column 4, these may take place prior to the commencement of core hours, if the premises decide to open for breakfasts, snacks, teas and coffees etc but no alcohol will be sold until the commencement of core hours.

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.

Deliveries
Takeaways
Outside Catering

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> | YES/NO* |
|--|----------------|

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

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*

Children and young persons will be welcomed onto the premises. Children will require to be accompanied by an adult.

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.

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

Children and young persons will have access to all public areas.

Question 7

CAPACITY OF PREMISES

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

60

Question 8

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

Personal details

8(a) Name

Emilia Alice Cucchi

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

01620 892216


8(e) Personal licence

| <i>Date of issue</i> | <i>Name of Licensing Board issuing</i> | <i>Reference no. of personal licence</i> |
|---------------------------|--|--|
| 9 th July 2015 | City of Edinburgh Board | 296481 |

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 18/7/10

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 26th July 2016



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Your Ref: EL338

Our Ref: J/LIC/3705/HB

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

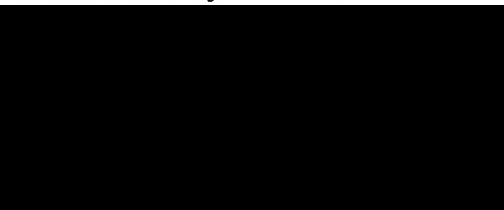
Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
CUCINA AMORE, 37- 39 QUALITY STREET, NORTH BERWICK
CAMPANA SCOTLAND 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.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department 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: 20 Jul. 16

Subject: LICENSING SCOTLAND ACT 2005 - PREMISES LICENCE APPLICATION

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act, and, therefore, have no objections to the granting of this application.

Premises Inspected:

Cucina Amore, 37-39 Quality Street, North Berwick, East Lothian EH39 4HR

It is relevant to note that under the previous Premises Licence in respect of this restaurant there were no adverse reports or complaints received by Licensing Standards concerning the operation of these popular and well run premises.

R. Fruzynski
Licensing Standards Officer

Supporting Statement

Cucina Amore, 37-39 Quality Street North Berwick East Lothian EH39 4HR

Applicants: Campana Scotland Ltd (Franco & Emilia Cucchi)

The Board may be confused about this Application, because back in 2012 they granted an Application for a Provisional Licence for these premises, which was subsequently Confirmed, and the premises have been operating since.

The problem arose due to the fact that the Premises Licence Holder under that Licence was dissolved (i.e. struck off the Register of Companies House). This is a matter that is not dealt with satisfactorily in the legislation and it is fair to say that it is dealt with differently in different parts of the country. The first question is whether the Licence is actually come to an end and most Boards, outwith Glasgow and the surrounding area, consider that it does not. They will therefore allow the Licence to be transferred.

A Transfer Application was lodged and when the background was discovered, the Police told our clients to stop selling alcohol and threatened to charge them. The decision as to how this matter had to be dealt with was therefore taken by the Police.

In those circumstances our clients had no option but to re-apply, but in the meantime they have, with the cooperation of the Board, been selling alcohol under Occasional Licences.

This therefore is simply a replacement for the previous Licence. Whereas in most situations for new Licences we require to present to the Board a scenario where our clients do not believe that they will infringe the Licensing Objectives, in this case we can say that our clients have a track record of nearly three years, where that can be proved to be the case.

The position under the Statement of Licensing Policy with regard to overprovision in East Lothian had been explained to our clients, and notwithstanding the fact that there was a Licence in place previously, that there is a requirement to show how the granting of this Licence would not be prejudicial to the Licensing Objectives. Going through each of these in turn we would comment as follows:-

1. Preventing Crime and Disorder

The Premises obtained Planning Permission as a restaurant will operate as such.

It is considered that the granting of the Licence under these circumstances does not prejudice this objective.

We think it would be generally accepted that restaurants in general do not cause the issues that other types of licensed premises might. People are seated, in a

civilised environment, and often, certainly during the day and in the earlier part of the evening, in a family orientated environment. The possibility of unruly behaviour, we would suggest leading to disorderly conduct either within the premises or after patrons have left the premises, is relatively slim. This

Notwithstanding this, our clients accept the fact that they have an obligation to create a suitable environment. That means an environment that is pleasant for the consumer and is therefore conducive to people behaving in a civilised manner. Standards of behaviour will be set and people not prepared to accept these, or contravening in any way, will be asked to leave.

That includes overconsumption of alcohol and unruly or unsocial behaviour.

2. Securing Public Safety

These are fairly newly fitted premises and therefore there should be no possibility of danger or inconvenience to the public. Before Building Control signed it off they will have complied with the appropriate regulations. Public safety is paramount to our clients and the tables are set out in such a way as to minimise possibilities of inconvenience to customers who may be disabled, elderly, or young.

Our clients also wish their staff to work in a pleasant and safe environment.

2. Preventing Public Nuisance

It would be expected that patrons to behave as they are leaving. That has been the case. If waiting for taxis outside, or indeed people smoking outside will be asked to take into account the interest of the neighbours and to keep their voices down, including when they are on the telephone!

Music is played, but it is not envisaged that there should be any noise escape that would cause inconvenience, as there has not been in the past

There is a CCTV system installed.

4. Protecting and Improving Public Health

These are food orientated premises, as will be appreciated, with the consumption of drink ancillary, but people in certain circumstances can consume too much, particularly perhaps if they have already consumed alcohol earlier. The behaviour of clients will be monitored to ensure overconsumption, which could be a danger to their safety as well, is minimised.

Staff are trained as to the signs of people being drunk. It can sometimes be more difficult in a restaurant than in a bar because people are generally seated and it is perhaps only when they are leaving, or possibly visiting the toilet, that this is noticed. This has not been an issue since they opened.

Overconsumption of alcohol in Scotland is an issue and East Lothian Licensing Board have recognised this by their overprovision policy. Notwithstanding this, alcohol will be consumed in these premises whether a Licence is granted or not, and it is considered more appropriate for this to be regulated by a Licence, where the Board, the Licensing Standards Officers, and Licensing Police, are involved, rather than the unregulated BYOB. We would contend that granting the Licence will promote public health in this respect.

Our client's speciality is Italian wines, with some Italian beers as well. Liqueurs will be on offer.

5. Protecting Children from Harm

Our clients operate a very child friendly restaurant, where children and young persons can feel at home and parents enjoy bringing their families along.

Everything will be done to promote this.

With regard to underage drinking, this does happen in restaurants, perhaps parents attempting to provide their children with alcohol, when they are not of the appropriate age. This will be closely monitored and staff will be trained in this respect.

They do of course operate a Challenge 25 Policy, and indeed a Refusals/ Incidents Book.

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

| Variation (Major)(s) | Premises | Applicant | Date Received | Comments |
|----------------------|---|--|---------------|---|
| 2 | CARBERRY TOWER 1 CARBERRY TOWER WHITECRAIG MUSSELBURGH EAST LOTHIAN EH21 8PY | KINGSLAND ESTATES (CARBERRY TOWER) LIMITED C/O ANDERSON STRATHERN LLP 1 RUTLAND COURT EDINBURGH EH3 8EY | 20 June 2016 | Vary Operating plan to include bar meals, Vary Layout plan to change the names of various rooms. Vary the description to Carberry tower is a 15th Century Castle now used as a hotel with conference facilities, event, hospitality and training centre with a restaurant, bar, function rooms and a separate Ceilidh Hall. |

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

Description of the Premises

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0106

2(b) Name and Address of Premises

Carberry Tower
Whitecraig
Musselburgh
East Lothian

Post Code EH21 8PY

Phone No.

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

Kingsland Estates (Carberry Tower) Limited
1 Rutland Court
Edinburgh

Post Code EH3 8EY

Phone No. 0131 270 7700

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

N/A

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 include bar meals.

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.

Change of names of various rooms as follows:

- The Garden Hall (formerly the Boar Hall)
- The Tap Room (formerly the Boar Bar)
- The Keep (formerly the Boar Hall Lounge)
- The Strongroom (formerly the Beacon Room/Whisky Bar)
- The Rose Garden Rooms (formerly the Refectory/Servery/Rose Garden Restaurant)
- The Edwardia (formerly the Elphinstone Room)
- The Drawingroom (formerly the Princess Elizabeth Lounge)
- The Library Club Lounge (formerly the Library)
- The Banqueting Pavilion (formerly the Marquee)

The Chapel (formerly the Ceilidh Hall)
The Courtyard Bistro (formerly the Snooker Hall)
The Champagne Terrace (formerly the Rose Garden)

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*)

Variation to the Description of premises as follows:

Carberry Tower is a 15th Century Castle now used principally as a hotel with conference facilities, event, hospitality and training centre with a restaurant, bar, function rooms and a separate ceilidh hall.

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is **NO**, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ 150.00 is enclosed.

Signature

Jonathan Guy  Strathern LLP as Agent on behalf of Kingsland Estates (Carberry Tower) Limited
(see note 5 below)

Date 17.6.16

Capacity: AGENT (delete as appropriate)

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

Jonathan Guy
Anderson Strathern LLP
1 Rutland Court
Edinburgh, EH3 8EY
Tel: 0131 625 7292
Email: jonathan.guy@andersonstrathern.co.uk

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.

| |
|---|
| Carberry Tower Whitecraig Musselburgh East Lothian, EH21 8PY |
|---|

Question 1

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

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

Question 2

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

| <i>Day</i> | <i>ON Consumption</i> | |
|------------------|-----------------------|----------------------|
| | <i>Opening time</i> | <i>Terminal hour</i> |
| <i>Monday</i> | 11:00 | 23:00 |
| <i>Tuesday</i> | 11:00 | 23:00 |
| <i>Wednesday</i> | 11:00 | 23:00 |
| <i>Thursday</i> | 11:00 | 01:00 |
| <i>Friday</i> | 11:00 | 01:00 |
| <i>Saturday</i> | 11:00 | 01:00 |
| <i>Sunday</i> | 12:30 | Midnight |

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> | N/A | N/A |
| <i>Tuesday</i> | N/A | N/A |
| <i>Wednesday</i> | N/A | N/A |
| <i>Thursday</i> | N/A | N/A |
| <i>Friday</i> | N/A | N/A |
| <i>Saturday</i> | N/A | N/A |
| <i>Sunday</i> | N/A | N/A |

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Extra hours in line with East Lothian Licensing Board's Policy on additional hours over the Christmas and New Year period.

Question 5

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

| COL. 1 | COL. 2 | COL. 3 | COL. 4 |
|--------------------------|----------------------------------|---|--|
| <i>5(a) Activity</i> | <i>Please confirm YES/NO</i> | <i>To be provided during core licensed hours – please confirm</i> | <i>Where activities are also to be provided outwith core licensed hours please confirm</i> |

| | | YES/NO | YES/NO |
|---|--|---|--|
| <i>Accommodation</i> | YES | N/A | N/A |
| <i>Conference facilities</i> | YES | YES | YES |
| <i>Restaurant facilities</i> | YES | YES | YES |
| <i>Bar meals</i> | YES | YES | YES |
| | | | |
| 5(b) Activity <i>Social functions including:</i> | <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> | YES | YES | YES |
| <i>Club or other group meetings etc.</i> | YES | YES | YES |
| | | | |
| 5(c) Activity <i>Entertainment including:</i> | <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> | YES | YES | YES |
| <i>Live performances – see 5(g)</i> | YES | YES | YES |
| <i>Dance facilities</i> | YES | YES | YES |
| <i>Theatre</i> | YES | YES | YES |
| <i>Films</i> | YES | YES | YES |
| <i>Gaming</i> | YES | YES | YES |
| <i>Indoor/outdoor sports</i> | YES | YES | YES |
| <i>Televised sport</i> | YES | YES | YES |
| | | | |
| 5(d) Activity | <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>Outdoor drinking facilities</i> | YES | YES | YES |
| | | | |

| <i>5(e) Activity</i> | <i>Please confirm YES/NO</i> | <i>To be provided during core licensed hours – please confirm YES/NO</i> | <i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i> |
|----------------------------|----------------------------------|--|---|
| <i>Adult entertainment</i> | <i>NO</i> | <i>NO</i> | <i>NO</i> |

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

Accommodation is provided 24 hours a day, 7 days a week.

Conference, restaurant, bar meals, receptions, club or group meetings, are provided outwith core hours but no before 07:00 and not later than 01:00. Live performances, dance facilities, theatre are provided outwith core hours but will not commence before 10:00 and not later than 01:00.

Films are available for patrons to view in their bedrooms – 24 hours a day, 7 days a week, educational/commercial films are also shown within the premises but viewings will not commence before 07:00 and no later than 01:00.

Televised sport is available to view by patrons in the bedrooms and can be shown 24 hours a day, 7 days a week.

Recorded music – background music is played when the premises are open.

The external area may be used prior to the commencement of core hours for general recreation, viewing of grounds and related activities.

No alcohol will be sold outwith core hours unless an extended hours licence is in place.

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.

Corporate events, team building events, conferences, community events and charity events.

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>N/A</i> |
|--|------------|

| | |
|---|------------|
| <i>When fully occupied, are there likely to be more customers standing than seated?</i> | <i>N/A</i> |
| <i>*Delete as appropriate</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*

Children and Young Persons will be allowed access to the premises at all times when accompanied by a responsible adult.

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

Children – Birth to 15
Young Persons – 16 & 17

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

Children and Young Persons will have access to the premises 24/7 when residing on the premises. Children and Young Persons can remain within the restaurant and lounge areas provided they are supervised by a parent or guardian. They may remain for the duration of any private function. Children and Young Persons must vacate bar area at 22:00

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

Children and Young Persons will have access to all public area of the premises.

Question 7

CAPACITY OF PREMISES

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

On Sales – 320

Capacity breakdown – main building, ceildh hall and outside drinking area – 320.

Question 8

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

Personal details

8(a) Name

Christopher Michael Campbell

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

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> |
|----------------------|--|--|
| 11 December 2014 | City of Edinburgh Council | 272705 |

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 

Jonathan Guy, Solicitor for and on behalf of Anderson Strathern LLP as Agent on behalf of Kingsland Estates (Carberry Tower) Limited

* (see note below)

Date17.6.16.....

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

Telephone number and email address of signatory

Jonathan Guy

Anderson Strathern LLP

1 Rutland Court

Edinburgh, EH3 8EY

Tel: 0131 625 7292

Email: jonathan.guy@andersonstrathern.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.

Date 28th June 2016

Your Ref: EL106

Our Ref: J/LIC/3705/HB

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



**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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CARBERRY TOWER, 1 CARBERRY TOWER, WHITECRAIG
KINGSLAND ESTATES (CARBERRY TOWER) LIMITED**

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

The variation requested consists of a request to offer bar meals and the change of names of various rooms within the building.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully,



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department 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: 29 June 16

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

Carberry Tower, Whitecraig, Musselburgh, EH21 8PY

I refer to the above subject and can confirm that the undernoted premises have been assessed in relation to application for a Premises Licence variation.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act.

I have no objections to the granting of this application.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

| Premises | Applicant | Date Received | Comments |
|--|---|---------------|---|
| 3 GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT | DIAGEO SCOTLAND LIMITED | 21 June 2016 | Variation to licence to add on-sales including whisky dinners and special functions, conference, restaurant, private functions, club meetings, Recorded and live music, theatrical performances, showing of films and Outdoor sports. Addition to the layout plan for visitor experience by the lagoons, addition of bowling green and pavilion and existing visitor centre for on-sales. |
| 4 HORSESHOE TAVERN 54 NEWBIGGING LEWISVALE MUSSELBURGH EAST LOTHIAN EH21 7AP | PUNCH PARTNERSHIP LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG | 2 June 2016 | allow on sales from 11am on Sunday allow off sales from 11am on Sunday allow children and young persons access from 11am on Sunday |


EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

Deletion of items in Description of Premises: Grandfather rights and Staff Sales
.....

SECTION 2: PREMISES LICENCE DETAILS

East Lothian Council
Licensing

2(a) Licence Number of Premises

EL0120

21 JUN 2016

Received

2(b) Name and Address of Premises

Glenkinchie Distillery
Glenkinchie
Pencaitland
East Lothian

Post Code **EH34 5ET**

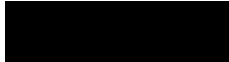
Phone No. 01875 342 004

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

Rhona Paisley


Post Code **EH29 9EU**

Phone No. 



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.

1. Addition to layout plan for visitor experience by the lagoons. Nothing purchased here however complementary drinks will be served as part of the experience.
2. Addition to layout plan for application on sales which will cover the Pavilion Building and adjacent bowling green
3. Existing visitor centre building which currently has only off sales licence – application for on sales licence

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)

Changes to description of premises:

Paragraph 5: the section about Grandfather rights can be removed – this once related to our Sunday opening hours however we have since changed to 10am opening. The rest of the information in this paragraph is unchanged.

Paragraph 6: Following a successful application for on licence this section should be changed to reflect the on/off sales licence. There reference at the end of the paragraph to Staff Sales can be removed as there are no longer staff sales on the premises.

A final paragraph will need to be added to reflect the on sales licence covering the bar and the pavilion building following a successful application.

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)





| | | |
|-----------------------------------|-----------------------|-----------------------|
| <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.

| |
|--|
| <p>Glenkinchie Distillery Glenkinchie Pencaitland East Lothian EH34 5ET</p> |
|--|

Question 1

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

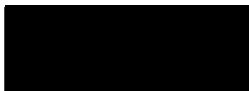
| | |
|--|------------|
| <i>1(a) Will alcohol be sold for consumption solely ON the premises?</i> | <i>NO*</i> |
| <i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i> | <i>NO*</i> |
| <i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i> | <i>YES</i> |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

Question 2

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

| <i>Day</i> | <i>ON Consumption</i> | |
|------------------|-----------------------|----------------------|
| | <i>Opening time</i> | <i>Terminal hour</i> |
| <i>Monday</i> | 10.00 | 22.00 |
| <i>Tuesday</i> | 10.00 | 22.00 |
| <i>Wednesday</i> | 10.00 | 22.00 |
| <i>Thursday</i> | 10.00 | 23.00 |
| <i>Friday</i> | 10.00 | 23.00 |
| <i>Saturday</i> | 10.00 | 23.00 |
| <i>Sunday</i> | 10.00 | 23.00 |





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</i> |
|--|------------|

**If YES – provide details*

Notwithstanding the above whilst taking into cognisance of the policy in this regard and not seeking to apply for a 'wish list' of hours, we would like to reserve the right to close earlier than the times stated depending on circumstances such as availability of customers or extreme weather conditions for example.





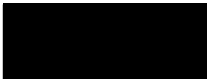
| | | | |
|------------------------------------|------------------------------|--|---|
| <i>Televised sport</i> | NO | NO | NO |
| <i>5(d) Activity</i> | <i>Please confirm YES/NO</i> | <i>To be provided during core licensed hours – please confirm YES/NO</i> | <i>Where activities are also to be provided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

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.





Children and Young Persons will be permitted entry in to the premises only when accompanied by a parent or guardian.

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

All Ages of Children and young persons will be permitted entry.
There are baby changing facilities available on the premises within the Visitor Centre Building.
Only over 18 year olds will be permitted to taste/purchase alcohol

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

Children and Young persons will be clear of the premises no later than 7pm.
The exception to this will be if they are accompanied by an adult attending a pre arranged private function within the proposed licence times.

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

All public areas and not within 1.5 meters of any bar area.



Question 7

CAPACITY OF PREMISES

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

On consumption: Bar in Visitor Centre – 80
Pavilion Building - 60

Off Sales: 102.3m2



Question 7

CAPACITY OF PREMISES

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

| |
|---|
| On consumption: <u>Bar in Visitor Centre</u> – 80 <u>Pavilion Building</u> - 60 |
| Off Sales: 102.3m2 |

Question 8

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

Personal details

8(a) *Name*

| |
|---------------|
| Rhona Paisley |
|---------------|

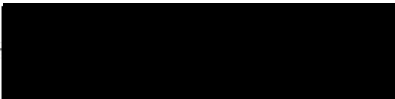
8(b) *Date of birth*

| |
|----------|
| 21.01.81 |
|----------|

8(c) *Contact address*

| |
|---|
|  |
|---|

8(d) *Email address and telephone number*

| |
|---|
|  |
|---|

8(e) Personal licence

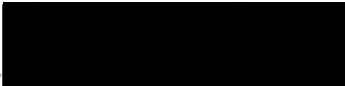


| <i>Date of issue</i> | <i>Name of Licensing Board issuing</i> | <i>Reference no. of personal licence</i> |
|----------------------|--|--|
| 29 September 2014 | Edinburgh Licencing Board | 09/07345 |

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)

Date17:06:16.....

Capacity ...Premises Licence Holder/Brand Home Manager APPLICANT (delete as appropriate).

Telephone number and email address of signatory 07807 646 096

Rhona.paisley@diageo.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 26th July 2016



**POLICE
SCOTLAND**

Keeping people safe

Your Ref: EL120

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 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland
Diageo Scotland Limited**

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 a variation to the operating plan, the addition of 'on sales' hours and changes to the layout plan to include another building within the grounds.

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.

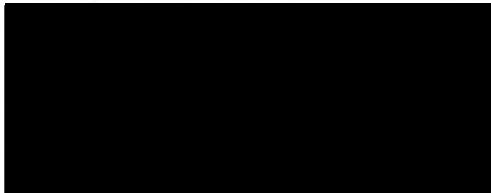
I note that the applicant is requesting to increase the licensed hours to include a 1000 hours opening time for 'on sales'. I also note that there is a request to increase the area (capacity) of the licensed premises to include the Bowling Green and Pavilion area.

The start time of 1000 hours is out with Board Policy. Any increase in licensed hours and capacity 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.

Outdoor drinking has also be requested and I would respectfully request that should the Board be minded to grant this that the terminal hour for outdoor drinking be 2200 hours, due to the close proximity of residential properties.

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

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department 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: 19 Jul. 16

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

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005 and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

**Glenkinchie Distillery Visitors Centre and Pavilion, Glenkinchie, Pencaitland, East Lothian EH34
5ET**

R. Fruzynski
Licensing Standards Officer

Over Provision Statement – Glenkinchie Licence Application

I believe this to be an exceptional case as this is an increase in facilities at Glenkinchie Distillery Visitor Centre. I do not believe the application to be an over provision of licenced premises in the area. The licence is to cover an increased offering to visitors who come to the distillery for a whisky Experience and do not believe it will undermine the licensing objectives in any way. Responsible Drinking is key for our business and we do not promote drinking alcohol in excessive amounts.

The statistics below show there is a very low percentage of alcohol related issues in the closest town to the distillery (Pencaitland).

1.0 Police Scotland Statistics

| Town | Area | Beat | Total Incidents | Total Alcohol Related Incidents | % of Incidents that are alcohol related |
|-------------------------------|------------------------|------|-----------------|---------------------------------|---|
| Haddington | Haddington | HD01 | 2421 | 142 | 5.87 |
| | Haddington Landward | HD02 | 619 | 8 | 1.29 |
| | Gifford | HD03 | 139 | 3 | 2.16 |
| Dunbar | Dunbar | DB01 | 1482 | 82 | 5.53 |
| | Dunbar Landward | DB02 | 423 | 7 | 1.65 |
| | East Linton | DB03 | 213 | 3 | 1.41 |
| North Berwick | North Berwick | NB01 | 1179 | 58 | 4.92 |
| | North Berwick Landward | NB02 | 338 | 3 | 0.89 |
| | Gullane | NB03 | 275 | 12 | 4.36 |
| | Direlton | NB04 | 45 | 1 | 2.22 |
| | Aberlady | NB05 | 98 | 2 | 2.04 |
| Musselburgh | Musselburgh | MU01 | 2360 | 110 | 4.66 |
| | Musselburgh Landward | MU02 | 1937 | 128 | 6.61 |
| | Musselburgh Pinkie | MU03 | 742 | 34 | 4.58 |
| | Whitecraig / Carberry | MU04 | 394 | 9 | 2.28 |
| | Wallyford | MU05 | 551 | 31 | 5.63 |
| Prestonpans | Prestonpans | PP01 | 2157 | 113 | 5.24 |
| | Cockenzie / Port Seton | PP02 | 811 | 26 | 3.21 |
| | Seton Sands | PP03 | 126 | 9 | 7.14 |
| | Longniddry | PP04 | 189 | 4 | 2.12 |
| Tranent | Tranent | TR01 | 2561 | 108 | 4.22 |
| | Elphinstone | TR02 | 594 | 14 | 2.36 |
| | Macmerry | TR03 | 206 | 9 | 4.37 |
| | Ormiston | TR04 | 252 | 12 | 4.76 |
| | Pencaitland | TR05 | 61 | 1 | 1.64 |
| TOTAL FOR EAST LOTHIAN | | | 20173 | 929 | 4.61 |

Lothian NHS Board

Public Health & Health Policy
Waverley Gate
2-4 Waterloo Place
Edinburgh
EH1 3EG
Telephone 0131 536 9000
Fax 0131 536 9088



www.nhslotland.scot.nhs.uk

Kirstie MacNeill
Clerk of the Licensing Board
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

Date 11th August 2016
Your Ref
Our Ref EO/JS/fb

Enquiries to Jim Sherval
Extension 35436
Direct Line 0131 465 5436
Email: jim.sherval@nhslotland.scot.nhs.uk

Dear Ms MacNeill

PROVISIONAL LICENCE, GLENKINCHIE DISTILLERY

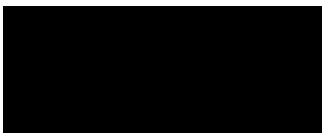
On behalf of Lothian Health Board, we would like to object to the part of this application for exemption from Board policy regarding the commencement of on sales from 11am to allow for a 10am start.

We are objecting on the grounds that this would directly contravene the hours licensed for the sale of alcohol on the premises as stated in the East Lothian Alcohol Licensing Policy, as well as the overprovision statement which covers the whole of East Lothian.

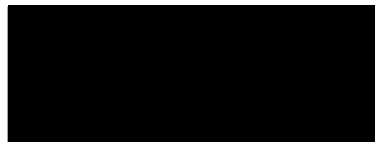
The given reason of tourism is no justification for an exemption and it is likely to be counter to the licensing objective of promoting and protecting public health. We are also concerned that granting this exemption would set a precedent for other tourist industry-related premises in East Lothian, and result in further alcohol related harm.

The Health Board therefore urges the Licensing Board to consider the impact of this part of the application on public health in East Lothian.

Yours sincerely



Jim Sherval FFPH
Deputy Director of Public Health



Elizabeth Oldcorn
Senior Specialist in Health Promotion



Headquarters
Waverley Gate, 2-4 Waterloo Place, Edinburgh EH1 3EG

Chair Brian Houston
Chief Executive Tim Davison
Lothian NHS Board is the common name of Lothian Health Board

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

| Premises | Applicant | Date Received | Comments |
|---|---|----------------------|---|
| 3 GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT | DIAGEO SCOTLAND LIMITED | 21 June 2016 | Variation to licence to add on-sales including whisky dinners and special functions, conference, restaurant, private functions, club meetings, Recorded and live music, theatrical performances, showing of films and Outdoor sports. Addition to the layout plan for visitor experience by the lagoons, addition of bowling green and pavilion and existing visitor centre for on-sales. |
| 4 HORSESHOE TAVERN 54 NEWBIGGING LEWISVALE MUSSELBURGH EAST LOTHIAN EH21 7AP | PUNCH PARTNERSHIP LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG | 2 June 2016 | allow on sales from 11am on Sunday allow off sales from 11am on Sunday allow children and young persons access from 11am on Sunday |

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0122

2(b) Name and Address of Premises

Horseshoe Tavern
54 Newbigging
Lewisvale
Musselburgh

Post Code EH21 7AP

Phone No. 0131 665 7320

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

Punch Partnership Limited
Jubilee House
Second Avenue
Burton on Trent

Post Code DE14 2WF

Phone No.

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

N/A

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)

Question 2 – allow on sales from 11am on Sunday
Question 3 – allow off sales from 11am on Sunday
Question 6d) – allow children and young persons access from 11am on Sunday

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.

N/A

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)

N/A

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES **NO**

If the answer is **NO**, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

Date 01.06.16

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

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

Stephen J. McGowan
Partner - Head of Licensing (Scotland).....
TLT LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
stephen.mcgowan@ttsolicitors.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> |
|-----------------------------------|-----------------------|-----------------------|
| | | |

OPERATING PLAN

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

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> | 11AM | 11PM |
| <i>Tuesday</i> | 11AM | 11PM |
| <i>Wednesday</i> | 11AM | 11PM |
| <i>Thursday</i> | 11AM | 12MN |
| <i>Friday</i> | 11AM | 1AM |
| <i>Saturday</i> | 11AM | 1AM |
| <i>Sunday</i> | 11AM | 12MN |

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> | 11AM | 10PM |
| <i>Tuesday</i> | 11AM | 10PM |
| <i>Wednesday</i> | 11AM | 10PM |
| <i>Thursday</i> | 11AM | 10PM |
| <i>Friday</i> | 11AM | 10PM |
| <i>Saturday</i> | 11AM | 10PM |
| <i>Sunday</i> | 11AM | 10PM |

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

| |
|--|
| ANY OCCASIONAL EXTENSIONS OFFERED BY LICENSING BOARD |
|--|

Question 5

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

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

| | | | |
|--|----------------------------------|--|---|
| <i>Films</i> | NO | NO | NO |
| <i>Gaming</i> | YES | YES | NO |
| <i>Indoor/outdoor sports</i> | YES | YES | YES |
| <i>Televised sport</i> | YES | YES | YES |
| | | | |
| 5(d) Activity | Please confirm YES/NO | To be provided during core licensed hours – please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| <i>Outdoor drinking facilities</i> | NO | NO | NO |
| | | | |
| 5(e) Activity | Please confirm YES/NO | To be provided during core licensed hours – please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| <i>Adult entertainment</i> | NO | NO | NO |

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

ACTIVITIES/SERVICES WILL CONTINUE DURING THE EXTENSIONS SOUGHT IN QUESTION 4 ABOVE IF OFFERED BY LICENSING BOARD.

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.

KARAOKE, PUB QUIZ, DISCOS, BINGO AND A JUKE BOX – TO BE PROVIDED DURING CORE HOURS ONLY AND THE HOURS REQUESTED IN QUESTION 4 ONLY.

5(g) Late night premises opening after 1.00am

| | |
|---|-----|
| Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? | N/A |
| When fully occupied, are there likely to be more customers standing than seated? | N/A |
| *Delete as appropriate | |

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

ACCOMPANIED CHILDREN AND YOUNG PERSONS ARE ALLOWED ENTRY THROUGHOUT THE AREAS OF THE PREMISES HIGHLIGHTED ON THE AMENDED LICENSING PLAN, SAVE FOR ANY AREAS WITHIN 1.5M OF THE BAR SERVERY UNTIL 21:00 EACH DAY.

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

0-17 YEARS.

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

MONDAY TO SUNDAY 11AM TO 9PM.

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

AS REFLECTED ON THE AMENDED LICENSING PLAN, CHILDREN WILL BE ALLOWED ENTRY INTO ALL PUBLIC AREAS WITHIN 1.5M OF THE BAR SERVERY.

Question 7

CAPACITY OF PREMISES

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

ON SALES – 170

Question 8

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

Personal details

8(a) Name

LORRAINE WILMA ANN LYNCH

8(b) Date of birth

██████████

8(c) Contact address

████████████████████
████████████████████
████████████████████

8(d) Email address

[Empty rectangular box for email address]

8(e) Personal licence

| <i>Date of issue</i> | <i>Name of Licensing Board issuing</i> | <i>Reference no. of personal licence</i> |
|----------------------|--|--|
| 04.11.10 | EAST LOTHIAN LICENSING BOARD | EL699 |

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)

Date01.06.16.....

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

Telephone number and email address of signatory

*** Data Protection Act 1998**

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

Stephen McGowan
Partner - Head of Licensing (Scotland)
TLT LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
stephen.mcgowan@tltsolicitors.com

Date 15th June 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 VARIATION OF A PREMISES LICENCE
HORSESHOE TAVERN, 54 NEWBIGGING, MUSSELBURGH
PUNCH PARTNERSHIP LIMITED**

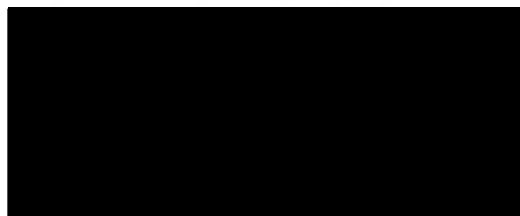
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a variation to the 'on' and 'off' sales on a Sunday from 11am and to allow children and young persons access from 11am on a Sunday.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Philip Gormley QPM

EAST LOTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 15 June 2016

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

Horseshoe Tavern, 54 Newbigging, Musselburgh, East Lothian EH21 7AP

I refer to the above subject and can confirm that the above premises have been visited and inspected in relation to the application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act.

I have no objection to the grant of this variation of licence.

Rudi Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

Date Received

Comments

5 THE CO-OPERATIVE FOOD
NORTHFIELDS
MID ROAD
PRESTONPANS
EH32 9ER

THE CO-OPERATIVE GROUP FOOD
LTD
C/O HILL BROWN LICENSING
HILL BROWN LICENSING
RWF HOUSE,
5 RENFIELD STREET

Increase the occupant capacity
from 26.8m2 to 30.59375m2

10 June 2016

6 THE SHIP INN
184 NORTH HIGH STREET
FISHERROW
MUSSELBURGH
EAST LOTHIAN
EH21 6BH

CALEDONIAN HERITABLE LIMITED
C/O CALEDONIAN HERITABLE LTD.
4 HOPE STREET
EDINBURGH
EH2 4DB

Vary Bar Meals, music to yes
outside core hours.
Breakfast/Teas/Coffees will be
served from 10am. No alcohol
will be sold outside core
hours. Amend children/young
persons to be allowed entry at
all times during a function
and when having a meal - 10am
to 8pm

25 May 2016

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL330

2(b) Name and Address of Premises

The Co-operative Food
Northfields
Mid Road
Prestonpans

| | | | |
|-----------|----------|-----------|-----------------------|
| Post Code | EH32 9ER | Phone No. | 0141 333 0636 (Agent) |
|-----------|----------|-----------|-----------------------|

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

Co-operative Group Food Ltd.
1 Angel Square
Manchester

| | | | |
|-----------|---------|-----------|-----------------------|
| Post Code | M60 0AG | Phone No. | 0141 333 0636 (Agent) |
|-----------|---------|-----------|-----------------------|

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)

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)

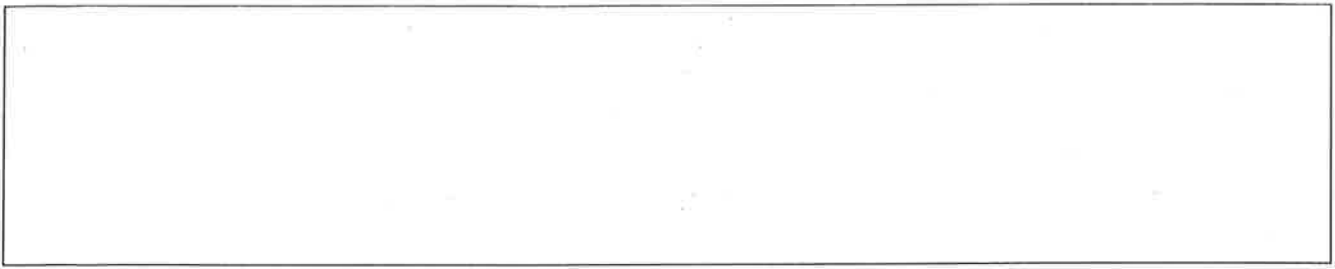
In addition please provide details below of the proposed change to the layout of the Premises.

The variation is to accommodate a change to the layout prior to launch of the store. The change results in an increase in the occupant capacity from 26.8 m² to 30.59375 m²

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 **£170** (see note 4 below)

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150.00 is enclosed

Signature



..... (See note 5 below)

Date 9 June 2016

Capacity: AGENT

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

Audrey A Junner, Hill Brown
Licensing, RWF House, 5 Renfield Street, Glasgow G2 5EZ info@mshblicensing.com 0141 333
0636

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> |
|-----------------------------------|-----------------------|-----------------------|
| | | |

Lothian NHS Board

Public Health & Health Policy
Waverley Gate
2-4 Waterloo Place
Edinburgh
EH1 3EG
Telephone 0131 536 9000
Fax 0131-536 9088



www.nhslothian.scot.nhs.uk

Kirstie MacNeill
Clerk of the Licensing Board
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

Date 30th June 2016
Your Ref
Our Ref EO/JS/fb

Enquiries to Jim Sherval
Extension 35436
Direct Line 0131 465 5436
Email: jim.sherval@nhslothian.scot.nhs.uk

Dear Ms MacNeill :

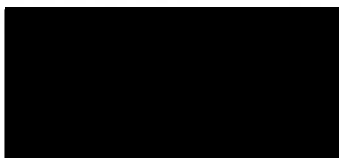
PROVISIONAL LICENCE, CO-OP, MID ROAD, PRESTONPANS

On behalf of Lothian Health Board, we would like to object to this application to increase the occupant capacity in this store, as it would involve an increase in off-sales in an area which is already deemed in the East Lothian Alcohol Licensing Policy as overprovided.

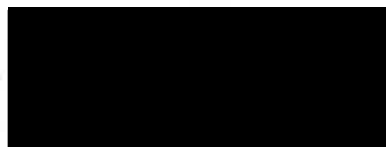
There is no justification to increase capacity in this area and it is likely to be counter to all the Licensing objectives, but particularly that of promoting and protecting public health. NHS Lothian is particularly concerned about the increases in alcohol being purchased from off-sales outlets due to the association with alcohol attributable illness and death (CRESH 2014). 74% of alcohol bought in Scotland is now purchased from off-sales outlets and this figure has risen in recent years (NHS Health Scotland 2015). In addition, the location of this application is in an area of deprivation. There is evidence that people in the most disadvantaged communities are disproportionately affected by the health and social issues linked to alcohol.

The Licensing Board has provided clear leadership on the licensing principles by declaring all of East Lothian as overprovided in recognition of the links between alcohol availability and harm. The Health Board urges the Licensing Board to consider the public health implications of this application.

Yours sincerely



Jim Sherval FPH
Deputy Director of Public Health



Elizabeth Oldcorn
Senior Specialist in Health Promotion

cc: Philip Conaglen, David Small



Headquarters
Waverley Gate, 2-4 Waterloo Place, Edinburgh EH1 3EG

Chair Brian Houston
Chief Executive Tim Davison
Lothian NHS Board is the common name of Lothian Health Board

Date 18th June 2016



**POLICE
SCOTLAND**

Keeping people safe

Your Ref: EL330

Our Ref: J/LIC/3705/HB

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

Philip Gormley QPM
Chief Constable

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 VARIATION OF A PREMISES LICENCE
CO-OPERATIVE GROUP FOOD LTD, NORTHFIELDS, PRESTONPANS
CO-OPERATIVE GROUP FOOD LTD**

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.

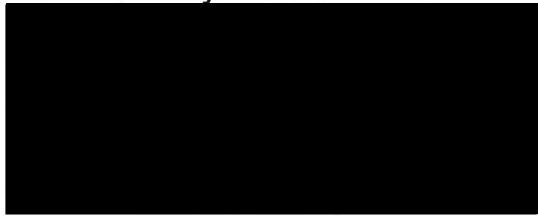
The variation requested consists of a request to increase the 'off sale' capacity from 26.8m square to 30.59375m square.

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.

Any increase in capacity 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 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 enquiries please contact the Licensing Department on 01620 826 147 or
Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Winter, Maree

From: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Sent: 08 August 2016 14:31
To: Winter, Maree
Subject: RE: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan

Maree

No further comments from me

Kind regards
Heather

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

From: Winter, Maree [<mailto:mwinter@eastlothian.gcsx.gov.uk>]
Sent: 05 August 2016 10:28
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona
Subject: FW: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan
Importance: High

[Routed via PSN Network]

Hi,

Please find attached, could I please have any comments you may care to make asap.

Regards
Maree

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mwinter@eastlothian.gov.uk

From: Audrey Junner [<mailto:AJ@mshblicensing.com>]
Sent: 05 August 2016 10:20
To: Winter, Maree
Cc: Isabel Gallagher
Subject: RE: co-op - NorthField, Prestonpans

Hi Maree,

I have attached the new plan which is numbered P1 F7 M0. If you need any paper copies I can send them today. I have also attached a pdf of the original major variation plan with the changes circled so that they are easy to identify. They are all mainly measurement changes but there is one fixture moving position (but not size) in the licensed area.

Many thanks for your help.

Kind regards

Winter, Maree

From: Fruzynski, Rudi
Sent: 11 August 2016 11:12
To: Winter, Maree
Subject: FW: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan

From: Fruzynski, Rudi
Sent: 10 August 2016 10:21
To: Winter, Maree
Subject: RE: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan

Good morning Maree

The indicated changes do not appear to impact on the licensed area, therefore, I have no objection to the content of the amended layout plan.

Rudi Fruzynski
Licensing Standards Officer
East Lothian Council



From: Winter, Maree
Sent: 05 August 2016 10:28
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona
Subject: FW: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan
Importance: High

Hi,

Please find attached, could I please have any comments you may care to make asap.

Regards
Maree

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mwinter@eastlothian.gov.uk

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 20 June 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

The Co-operative Food, Northfields, Mid Road, Prestonpans, East Lothian EH23 9ER

I refer to the above subject and can confirm that this application has been assessed in relation to a Premises Licence variation.

The variation applied for is out with the Licensing Board's policy on overprovision in relation to the increase of the current display capacity of 26.8m² to 30.6m², an increase of 3.8m².

Since the store in question is only at the construction stage and not traded under the original display size, I have no objection to the proposed increase in alcohol display area.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

| Premises | Applicant | Date Received | Comments |
|---|---|---------------|---|
| 5 THE CO-OPERATIVE FOOD NORTHFIELDS MID ROAD PRESTONPANS EH32 9ER | THE CO-OPERATIVE GROUP FOOD LTD C/O HILL BROWN LICENSING HILL BROWN LICENSING RWF HOUSE, 5 RENFIELD STREET | 10 June 2016 | Increase the occupant capacity from 26.8m2 to 30.59375m2 |
| 6 THE SHIP INN 184 NORTH HIGH STREET FISHERROW MUSSELBURGH EAST LOTHIAN EH21 6BH | CALEDONIAN HERITABLE LIMITED C/O CALEDONIAN HERITABLE LTD. 4 HOPE STREET EDINBURGH EH2 4DB | 25 May 2016 | Vary Bar Meals, music to yes outside core hours. Breakfast/Teas/Coffees will be served from 10am. No alcohol will be sold outside core hours. Amend children/young persons to be allowed entry at all times during a function and when having a meal - 10am to 8pm |

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0211

East Lothian Council
Licensing
25 MAY 2016

2(b) Name and Address of Premises

The Ship Inn
184 North High Street
Musselburgh
East Lothian

Received

| | | | |
|-----------|----------|-----------|---------------|
| Post Code | EH39 5HU | Phone No. | 0131 665 2642 |
|-----------|----------|-----------|---------------|

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

CALEDONIAN HERITABLE LTD
4 HOPE STREET
EDINBURGH

| | | | |
|-----------|---------|-----------|---------------|
| Post Code | EH2 4DB | Phone No. | 0131 220 5511 |
|-----------|---------|-----------|---------------|

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)

-We propose to amend Question 5a of the operating plan for Bar meals to Yes outwith core hours.

-We propose to amend Question 5c of the operating plan for Music to Yes outwith core hours.

Breakfasts/Teas and Coffees will be served from 10.00am, outside core licensed hours no alcohol will be served.
Music is played at all times whilst premises is open.

-We propose to amend Question 6d of the operating plan to 'Children and Young Persons will be allowed entry all times during a function.
When having a meal – 10am – 8pm daily'

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.

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 **£170** (see note 4 below)

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

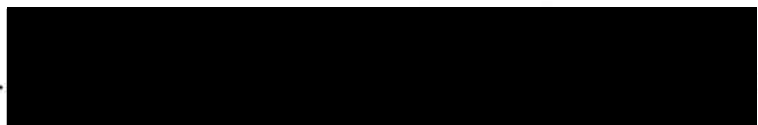
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

Date

23.05.16

Capacity: APPLICANT ~~AGENT~~

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

Nyssa@caleyheritable.co.uk
0131 226 5511

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)

Question 1

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

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

Question 2

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

| <i>Day</i> | <i>ON Consumption</i> | |
|------------------|-----------------------|----------------------|
| | <i>Opening time</i> | <i>Terminal hour</i> |
| <i>Monday</i> | 11.00am | 11.00pm |
| <i>Tuesday</i> | 11.00am | 11.00pm |
| <i>Wednesday</i> | 11.00am | 11.00pm |
| <i>Thursday</i> | 11.00am | 1.00am |
| <i>Friday</i> | 11.00am | 1.00am |
| <i>Saturday</i> | 11.00am | 1.00am |
| <i>Sunday</i> | 11.00am | 12 midnight |

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 | 10.00pm |
| <i>Tuesday</i> | 11.00am | 10.00pm |
| <i>Wednesday</i> | 11.00am | 10.00pm |
| <i>Thursday</i> | 11.00am | 10.00pm |
| <i>Friday</i> | 11.00am | 10.00pm |
| <i>Saturday</i> | 11.00am | 10.00pm |
| <i>Sunday</i> | 11.00pm | 10.00pm |

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

We shall apply for, or take grant of extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with the East Lothian Licensing Board's policies/guidelines.

We may also apply for extensions for special events i.e. sporting events, functions, charity evenings etc.

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

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

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

Breakfasts/Teas and Coffees will be served from 10.00am, outside core licensed hours no alcohol will be served.

Music is played at all times whilst premises is open

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

| |
|--|
| |
|--|

5(g) Late night premises opening after 1.00am

| | |
|---|----|
| Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? | NO |
|---|----|

| | |
|--|-----|
| When fully occupied, are there likely to be more customers standing than seated? | N/A |
|--|-----|

| | |
|------------------------|--|
| *Delete as appropriate | |
|------------------------|--|

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*

Children and young persons will be allowed into the lounge bar area only when accompanied by a responsible adult and having a meal.

Children and young persons will also be allowed to attend private functions in the function hall when accompanied by a responsible adult.

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

Children Aged 5 to 15 years old
Young Persons aged 16 to 17 years old

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

Children and Young Persons will be allowed entry all times during a function.

When having a meal – 10am – 8pm daily'

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

Children and young persons have access to the lounge bar area, function hall, and male & female toilets.

Question 7

CAPACITY OF PREMISES

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

280 Persons

Question 8

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

Personal details

8(a) Name

Stewart Logan

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

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> |
|----------------------|--|--|
| 17 November 2010 | East Lothian | EL715 |

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

CapacityAPPLICANT

Telephone number and email address of signatory 0131 220 5511

nyssa@caleyheritable.co.uk ga@caleyheritable.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.

Date 15th June 2016



**POLICE
SCOTLAND**

Keeping people safe

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

Philip Gormley QPM
Chief Constable

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 VARIATION OF A PREMISES LICENCE
SHIP INN, 184 NORTH HIGH STREET, MUSSELBURGH
CALEDONIAN HERITABLE LTD**

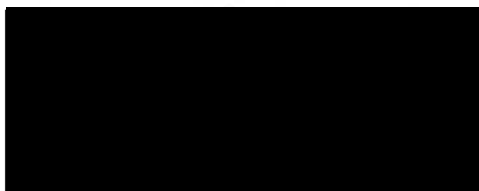
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an amendment to the operating plan in relation to offering bar meals out with core hours, music out with core hours, breakfasts/teas/coffees to be served from 10am and children and young persons access whilst having a meal between 10am – 8pm daily.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147 – email
LothianScotBordersLicensingEastMid@scotland.pnn.police.uk

EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 17 June 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION

The Ship Inn, 184 North High Street, Musselburgh, East Lothian, EH21 4DB

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence variation.

I have no objection to the facilities applied for.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

| Occasional(s) | Premises | Applicant | Date Received | Comments |
|---------------|---|------------------|---------------|--|
| 7 | BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW | SIMON PAUL FLAME | 5 July 2016 | Start date of event: 16/09/2016 End Date of Event: 17/09/2016 Wedding Michelle:kieran Children and young persons are permitted during the following times: 3pm to 1am on 16th September 2016 11am to 1am on 17th September 2016. |

16^m - 17^m September.

Occ322/16

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) | |
| Personal licence number (if applicable) EL878 | |
| Name of voluntary organisation (if applicable) | |

| 2. PERSONAL DETAILS | | | |
|--|------------|--------------------|-------|
| TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state) | | | |
| Surname | FLAME | | |
| Forenames | SIMON PAUL | | |
| DATE OF BIRTH | | Day | Month |
| | | Year | |
| ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES | | | |
| BROXMOUTH HOUSE BROXMOUTH PARK | | | |
| Post town DUNBAR | | Post code EH42 1QW | |
| TELEPHONE NUMBERS | | | |
| Daytime | | | |
| Evening | | | |
| Mobile | | | |
| FAX NUMBER | | | |
| E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail) | | | |
| | | | |

ELC
 CUSTOMER SERVICES
 05 JUL 2016
 RECEIVED

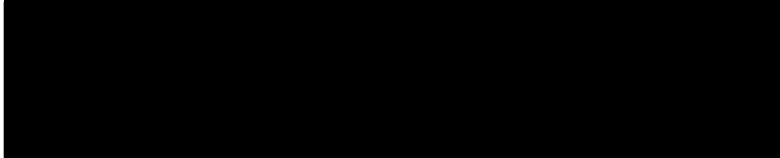
3. THE PREMISES

Description of premises

STATELY HOME WITH MARQUEE IN EXTENSIVE GROUNDS

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

WEDDING CELEBRATIONS OF;



PLEASE NOTE THAT THE VENUE INTENDS TO APPLY FULL A FULL ALCOHOL LICENSE ONCE THE PENDING PLANNING APPLICATION HAS BEEN APPROVED

Full postal address of premises which this application refers to

BROXMOUTH PARK
DUNBAR
EH42 1QW

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

From: FRIDAY 16TH SEPTEMBER, 3PM TO 1AM
To: SATURDAY 17TH SEPTEMBER 11AM TO 1AM

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

11AM TO 1AM

Times for sale of alcohol for consumption off premises

NOT APPLICABLE

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

NOT APPLICABLE

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** (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 AT ALL TIMES |
|--|---|

Parts of premises to which children or young persons permitted entry
NO CHILD WILL BE PERMITTED WITHIN 1.5 METERS OF THE BAR AT ANY TIME

7. CHECKLIST

I have - Please tick for yes

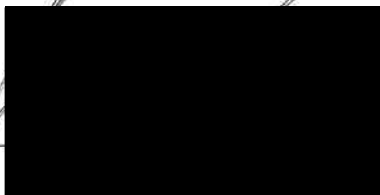
- **Made or enclosed payment of the fee for the application**

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

24.6.16

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

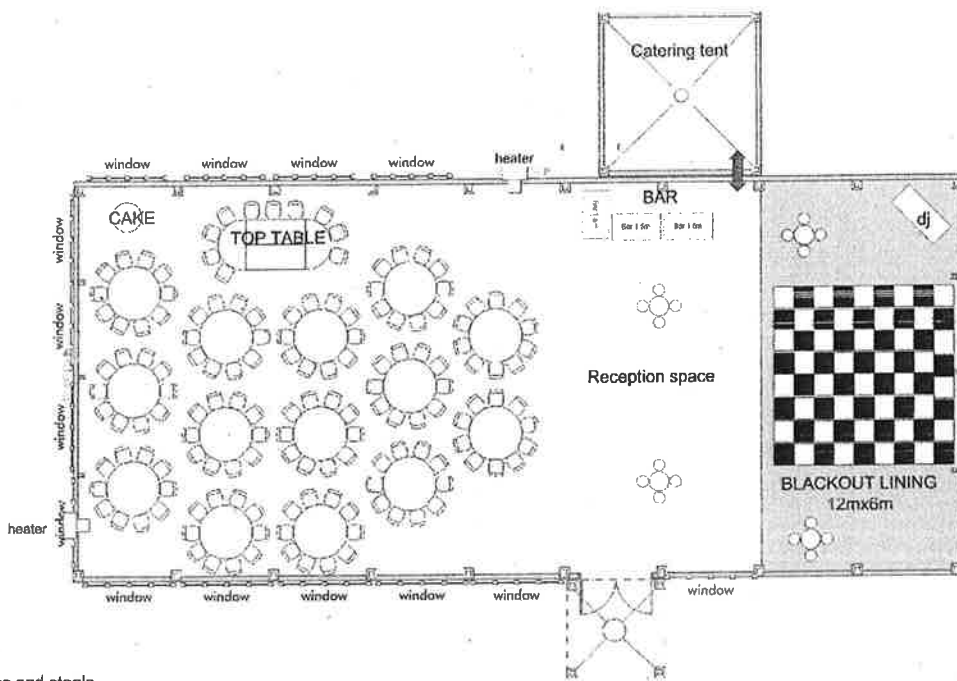
The information on this form may be held on an electronic register which may be available to members of the public on request.

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>)

Broxmouth Park
May 2012

12m x 27m

150 guests



Bar tables and stools

Our Ref: KMacN/mjw/EN/L/L1/OCC

Your Ref:

Date: 10th August 2016

Mr Simon P Flame
Broxmouth House
Broxmouth Park
Dunbar
EH42 1QW

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
REPEATED OCCASIONAL LICENCES - OCC322/16
SIMON FLAME: BROXMOOUTH HOUSE, BROXMOOUTH PARK, DUNBAR
PREMISES: STATELY HOME & MARQUEE, GROUNDS OF BROXMOOUTH PARK**

I refer to the abovementioned application, which will be required to be considered by East Lothian Licensing Board on Thursday 25th August 2016 at 10.00 a.m. in The Council Chambers, Town House, Haddington, East Lothian.

Please find enclosed copy of representation received in this office from the Licensing Standard Officer.

In the circumstances, I hereby formally cite you to be in attendance, at the meeting in order to address the Board on the terms of the application. If you are unable to attend in person you may appoint another person to speak on your behalf, you must however provide this person with written authorisation which sanctions them to do so and this must be produced at the meeting.

An agenda for the meeting of 25th August 2016, will follow in due course.

Yours faithfully

Kirstie MacNeill
Clerk to the Licensing Board

Enc.

Direct Line: 01620 827867 (Maree Winter)
Direct Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

05 Aug. 16

Subject: LICENSING BOARD – STATEMENT OF LICENSING POLICY 2013-2016
REPEAT OCCASIONAL LICENCE APPLICATIONS – OCC322/16
BROXMOUTH PARK, DUNBAR, EAST LoTHIAN EH42 1QW

I refer to the above application for occasional licence hours between 1500 hours on 16th and 0100 on 17th September 2016. I have no objection to the grant of this licence. However, it is only right that this and further such applications be determined by the Board, as it is the case that Mr Flame has applied for numerous similar applications, as detailed below, which are now outwith Board policy on repeated applications.

BroxmouTh House and Park:

- 14 applications 2012
- 21 applications 2013
- 15 applications 2014
- 21 applications 2015
- 13 applications , to date for 2016
- All applications are in relation weddings.
- Mr Simon Flame, personal licence holder, applies for these licences on behalf of his company.

In August 2014 Mr Flame applied for planning permission in respect of the permanent use of his events marquee. Since April 2015 Mr Flame has included in his Occasional Licence applications that 'It is our intention to apply for a full licence once planning permission for the marquee has been granted'. On the basis of this statement it was agreed to approve applications pending receipt of the indicated premises licence application, which has not been forthcoming. It would appear that Mr Flame's 2014 and subsequent new planning application of May 2015 has not yet been determined.

Extract from Statement of Licensing Policy 2013-2016:

8.2 Repeated Occasional Licence applications

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 an 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

An application for a Premises Licence, in terms of Section 21(1) of the Act, requires to be notified by the Board to, inter alia, the Council for the area. This, along with the financial provisions of the Act and relative regulations which set application fees for Premises Licences at a level to cover costs of processing, allows relevant Council services whose remit includes safety of the public and protecting and improving public health, to properly and thoroughly scrutinise the application for a Premises Licence, including the operating plan and layout plan. This ensures that the public are protected in relation to the Licensing Objectives referred to above. The same protection of public health and public safety cannot be provided where premises operate under a series of consecutive Occasional Licences where the scrutiny process by those Council services does not take place. 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 will require an applicant to explain why an application for a Premises Licence is not being made.

As previously stated, I have no objection to the grant of Mr Flame's application, but it is time that the determination of future applications be decided by the Board, and not by the police or LSO alone, since it is the case in recent times that other businesses/premises have been called to the Board for this same reason.

I submit this report for the information of Licensing Board members.

R. Fruzynski
Licensing Standards Officer.

Herkes, Gillian

From: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Sent: 16 July 2016 20:14
To: Licensing
Subject: FW: OCC322/16 - Broxmouth - 16th to 17th Sept. 2016
Attachments: LILAC_QXM04806_1711_001.pdf

No objections

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

From: Elworthy, Debbie [mailto:delworthy@eastlothian.gcsx.gov.uk]
Sent: 12 July 2016 15:44
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Grant, Shona;
Environmental Health/Trading Standards
Subject: OCC322/16 - Broxmouth - 16th to 17th Sept. 2016

[Routed via PSN Network]

Hello

Please see attached application.

Ta

Debs

Debbie Elworthy
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
T. 01620 827217
E. delworthy@eastlothian.gov.uk or licensing@eastlothian.gov.uk

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

From: "Elworthy, Debbie" [mailto:delworthy@eastlothian.gov.uk]
Sent: 12 July 2016 15:43
To: Elworthy, Debbie
Subject: Attached Image

East Lothian

A great place to live, learn, work and play A fantastic place to foster

<http://www.eastlothian.gov.uk/fostering>

fostering@eastlothian.gov.uk

Phone 01620 827643 to find out more about fostering

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EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Personal Licence Review(s)

| Licence Holder | Applicant | Date Received | Comments |
|-----------------------|------------------|----------------------|-----------------|
| 8 RYAN BAYNHAM | POLICE SCOTLAND | 13 April 2016 | |
| 9 MARTIN GACH | POLICE SCOTLAND | 9 August 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, [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.

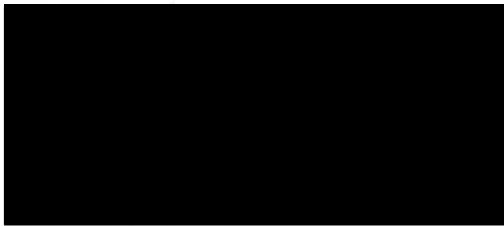
Mr Baynham is currently the designated premises manager of the Mercat Hotel, 73-74 Market Street, Haddington. This is a family run business and has been for several years.

As the Board will appreciate being a designated premises manger, 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 Constables 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

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

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Personal Licence Review(s)

| Licence Holder | Applicant | Date Received | Comments |
|-----------------------|------------------|----------------------|-----------------|
| 8 RYAN BAYNHAM | POLICE SCOTLAND | 13 April 2016 | |
| 9 MARTIN GACH | POLICE SCOTLAND | 9 August 2016 | |

Date 9th August 2016

Your Ref: EL747

Our Ref: J/LIC/3705/HB

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



**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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A & 82(2)
PERSONAL LICENCE REVIEW APPLICATION
PERSONAL LICENCE HOLDER: MARTIN GACH**

[REDACTED]
LICENCE NO: EL747

The Chief Constable hereby makes application to the Licensing Board in terms of Section 84A and 82(2) of the Licensing (Scotland) Act 2005, for a review of the Personal Licence in respect of Martin Gach, on the grounds that Martin Gach has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder

Martin Gach was granted a personal licence by East Lothian Licensing Board on the 17th June 2011. He is currently employed as a part time bar man at the County Hotel, 15-17 High Street, North Berwick.

In support of this application, the following information is provided for your consideration.

Around 2330 hours on Sunday 24th July 2016 the police were on routine patrol in the High Street, North Berwick when they noticed that although the front doors to the County Hotel were closed, there appeared to be a number of patrons still within. On closer inspection, police could see through the window that there were 6 patrons still consuming alcohol from glasses and bottles. This was 15 minutes after the agreed 15 minute 'drinking up' period.

It was confirmed on police systems that the County Hotel had a 2300 hours terminal hour for a Sunday night.

After banging on the front door, entry was allowed by the bar man, now known to be Martin Gach, who seemed shocked to see the officers. He was asked why people were still consuming alcohol and said he hadn't realised the time. He knew that the licensed hours ended at 2300 hours. Mr Gach thereafter asked all patrons to leave and removed all their drinks.

Mr Gach was later cautioned and charged after consultation with the Police Licensing Officer with a contravention of Section 63 of the Licensing (Scotland) Act 2005 and a report has been submitted to the Procurator Fiscal. This remains a pending case.

Following this, the Police Licensing Officer carried out checks on the police criminal history system and discovered that Martin Gach had also been convicted on the 17th February 2016, of a contravention of Section 5 of the Road Traffic Act 1988 (Drink Driving). The details of which are as follows:

About 0640 hours on Monday the 14th December 2015, on the B6363 near Gladsmuir, East Lothian, a member of the public was driving to work when he noticed a vehicle parked on the verge with its headlights on and a male slumped and asleep in the drivers seat. The member of the public stopped his car and knocked on the drivers window to check on the welfare of the occupant. There was no response from the male and so the member of the public phoned 999. A short time later the driver, now know to be Martin Gach, woke up. The male opened the door of the vehicle and spoke with Mr Gach immediately detecting the smell of alcohol from his breath. Mr Gach attempted to drive away but the male member of the public took the keys out of the ignition and told Mr Gach to wait for the emergency services.

A short time later, police were contacted and attended. They were appraised of the circumstances by the member of the public. Mr Gach admitted to being the driver of the motor car and was required to provide a specimen of breath for a breath test, which he did. The test proved positive and Mr Gach was conveyed to Haddington Police Station.

Mr Gach then provided two further breath samples the lower of which was recorded as 73 microgrammes of alcohol in 100 millilitres of breath, exceeding the prescribed limit of 22 microgrammes in 100 millilitres of breath.

Mr Gach was then cautioned and charged with a contravention of Section 5 of the Road Traffic Act 1988 and liberated on bail undertaking from Police custody to

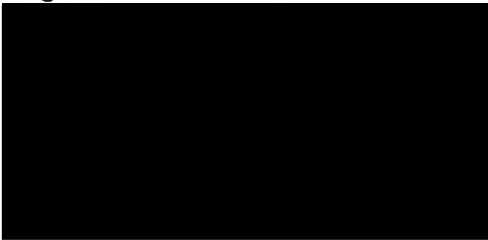
appear at Edinburgh Sheriff Court on the 17th February 2016. He was convicted on that date and Fined £350 and Disqualified from driving for 27 months.

To date, Mr Gach has failed to notify East Lothian Licensing Board of this conviction of a relevant offence.

The Chief Constables view is that a revocation of Martin Gach's Personal Licence is appropriate in these circumstances.

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:



Philip Gormley QPM
Chief Constable

Date: 09/08/2016

For enquiries please contact the Licensing Department on 01620 826 147.

Winter, Maree

From: Fruzynski, Rudi
Sent: 11 August 2016 12:05
To: Winter, Maree
Subject: RE: Personal Licence Review- Martin Gach

I have no comment to make on this review. Martin Gach is known to me, but I have no relevant information that would assist the Licensing Board in making a determination in this case.

Rudi Fruzynski
Licensing Standards Officer - Registered Paralegal Licensing, Administration and Democratic Services John Muir House, Haddington, East Lothian, EH41 3HA Tel No. 01620827363

Keep up to date with local and national licensing information at www.eastlothianlicensingforum.co.uk

"Although basic guidance may be sought from the Clerk to the Licensing Board and Licensing Standards Officer, it is for the applicant to make sure that the Application/Operating/Layout Plan is in the correct form and covers all aspects of the operation of the premises. Applicants should, consider seeking independent legal advice." (ref Statement of Licensing Policy 2013- 2016)

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

From: Winter, Maree
Sent: 10 August 2016 15:58
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi
Subject: Personal Licence Review- Martin Gach
Importance: High

HI,

Please find attached. Please find this is official notice of the review.

Rudi,

Kirstie says you can submit a report if you so wish.

Regards
Maree.

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mwinter@eastlothian.gov.uk

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