



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 26 JANUARY 2017
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

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

Clerk of the Licensing Board:

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

Attending:

Mrs M Ferguson, Service Manager, Legal and Procurement
Ms G Herkes, Licensing Officer
Mrs L Shearer, Solicitor
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor S Akhtar
Councillor F McAllister

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 24 November 2016 were agreed to be a true record, subject to the correction of the date of the meeting.

2 STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

A report was submitted by the Clerk of the Board which reported on the results of the consultation exercise for the review of the Board's Statement of Licensing Principles and sought the Board's approval of the attached Statement of principles for 2016-2019.

There were no questions or comments from Board members or from Police Scotland.

Councillor Goodfellow, Convenor, thanked the Clerk for the comprehensive document. He commented that there are concerns that there is an overprovision of gambling premises in East Lothian but acknowledged that there are no criteria for refusal within the Act.

Decision

East Lothian Licensing Board agreed to note the terms of the report and approved the Statement of Principles 2016-2019, attached as appendix 1 to the report.

3 PROVISIONAL PREMISES LICENCE

163 High Street, Musselburgh (Auction Rooms)

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr A Martone, applicant, was also present.

The Clerk introduced the item and invited Mr Macdonald to speak on behalf of his client.

Mr Macdonald provided the Board with background information on the premises and application, acknowledged the representations from Police Scotland and the Licensing Standards Officer (LSO) and pointed out that the outside drinking area is being withdrawn. He drew members' attention to his supporting statement contained in the papers and acknowledged the presumption of overprovision. However he stressed that the premises are to be a family friendly cafe and not a public house and that he did not anticipate any problems from the premises in relation to the Board's licensing objectives.

Sederunt: *Insp Harborow joined the meeting.*

In response to questions from Councillors Currie and Grant, Mr Macdonald confirmed the entry and exit arrangements for the auction rooms and the adjoining cafe and outlined the times that these would be used for access. He stated that the main cafe entrance is to the rear of the premises.

Councillor Goodfellow raised the matter of the areas within the premises that are to be licensed. In particular, he expressed concern that the delineated area was extensive and included upstairs rooms, toilets and offices. Mr Macdonald advised that it had been agreed with East Lothian Council planning officers that the licence should cover the same areas that had been granted planning permission for change of use. He advised that the planning officers are of the view that the premises are one complete business and do not regard the cafe as a standalone unit. Councillor Goodfellow also asked a question in relation to the off sales of alcohol. Mr Macdonald explained that this would be a very small part of the business and would likely be ancillary to patrons buying carry out food.

Insp Harborow advised that there are no additional comments from Police Scotland.

Councillor Currie referred to the matter of overprovision which was highlighted in the report from Police Scotland and also to Mr Macdonald's written response in this regard. He stated that overprovision is always a concern for the Board and that, as a local member, he had particular concerns in this case, especially given the existing availability of alcohol in this area, outside smoking, and the rear access arrangements for the premises. He was therefore not comfortable in supporting the application.

Mr Macdonald stated that the alternative to providing a licence would be to operate a "bring your own bottle" policy which would not eliminate the smoking issues and would likely lead to greater alcohol consumption.

Councillor Innes advised that he would support the application, stating that the provision of food in similar premises is not unusual in East Lothian. He applauded the applicant's standing and reputation and noted that there are no objections from Police Scotland, the LSO, NHS Lothian or local residents.

Although comfortable with the applicant's credentials, Councillor Trotter expressed concern in relation to the overprovision policy and stated that he would not be supporting the application.

Councillor Grant remarked that the application was unusual and he understood the local member's concerns. Based on the information provided by Mr Macdonald in response to questions, he stated that on balance he would support the application. He stressed the fact that if the licence is granted, it is on the basis that the premises are correctly run by the applicant.

The Convenor summarised that there was a split decision on the application. He applauded the business model and gave his support to the cafe. However, he could not support the off sales of alcohol, the potential delivery of alcohol, or the extensive area that is to be licensed. He indicated that he might be minded to change his opinion if off sales are removed and the area that is to be licensed is amended.

Mr Macdonald stated that his client would withdraw the request to include off sales and stressed that the area to be licensed was instructed by the Council's planning officers.

The Clerk advised Mr Macdonald that it is open to him to restrict the licensed area when applying to the Licensing Board. As the application is for a provisional licence, she stated that the Board could consider an application to restrict the licence to the cafe area only. Mr Macdonald confirmed that his client would be agreeable to this but stated that planning officers had expressed concern that the cafe area could be sold as a separate business entity.

Mrs Ferguson, Service Manager – Legal and Procurement, and legal adviser to the Board, made it clear to Mr Macdonald that although planning officers have advised that the whole premises are suitable for licensing, there is no need for the entire premises to be licensed as one unit. Mr Macdonald agreed to restrict the licensed area to the cafe.

Councillor Goodfellow reflected that the application was now only for a licence in respect of the cafe area and that off sales would be removed from the application. Given these changes, he advised that he would support the application.

Decision

East Lothian Licensing Board agreed to grant the provisional licence subject to the licensed area being restricted to the cafe and the removal of alcohol off sales.

In closing the meeting, the Convenor offered his congratulations to Mrs Ferguson on her new post with Fife Council, wished her every success and expressed his thanks to her for the valued legal advice provided over the last five years.

The Convenor reminded members that the annual joint meeting of East Lothian Licensing Board and East Lothian Licensing Forum would follow on from the Board meeting.

DRAFT

EAST LOTHIAN

Meeting 23 February 2017 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
	1 CAFE/RESTAURANT 49A HIGH STREET MUSSELBURGH EH21 7AB	ANTONIO PARRAVANO C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	4 January 2017	

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE

Licensing (Scotland) Act 2005, section 20

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

Question 1

Name, address and postcode of premises to be licensed.


49a High Street
Musselburgh
EH21 7AB

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.*

Antonio Parravano



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.*

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

- 3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* *NO*

If YES – provide full details

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Question 4

Previous convictions

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<i>NO</i>
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**If YES – provide full details*

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

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

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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)*

Café/Restaurant premises located in ground floor of building on High Street, Musselburgh

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 23/10/16

Capacity APPLICANT/AGENT (delete as appropriate)

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

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

*** Data Protection Act 1998**

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

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

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

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

49a High Street Musselburgh EH21 7AB
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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	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>	11.00am	10.00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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**If YES – provide details*

Would like to take advantage of General Extensions granted by the Licensing Board and may apply for specific extensions when required.

Question 5

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

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

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

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

Activities answered Yes in Column 4 may take place during periods of Extended Hours, granted by the Licensing Board or prior to the commencement of licensed hours, as the premises may open for breakfasts, snacks etc, but not earlier than 9.00am.

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 (which might include alcohol)
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>	<i>YES/NO*</i>
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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 except Children over 11 (ie. secondary school) who do not require to be accompanied before 5.00pm.

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*

Children will require to vacate the premises by (10.00pm) subject to management discretion. There will be no restriction on Young Persons.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

35.

Question 8

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

Personal details

8(a) *Name*

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address and telephone number*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  (see note below)

Date 23/04/16

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.

Date 12th January 2017



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

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

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
DAL PATIÑO, 49A HIGH STREET, MUSSELBURGH, EAST LOTHIAN
ANTONIO PARRAVANO**

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

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

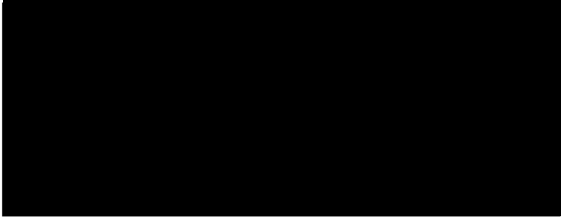
In terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005:

I would seek to clarify with the applicant/agent their request for 'outdoor drinking facilities' and deliveries (which might include alcohol). Having spoken to the applicant it would appear that outdoor drinking and alcohol deliveries is not part of his business plan and therefore would request that the application be amended to reflect this.

It is also pertinent to point out that this application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

Submitted for your consideration. There are no police objections.

Yours faithfully



Philip Gormley QPM
Chief Constable

For 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: 11 January 2017

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – JANUARY 2017

DAL PATINO, 49A High Street, Musselburgh, East Lothian EH21 7AB

I refer to the above subject and can confirm that the above premises, formerly known as Cafe Borsa, has been visited and the applicant interviewed concerning his provisional premises licence application. I am satisfied that the Operating and Layout Plans are in accordance with the Act.

The premises will operate as a small Italian restaurant with a capacity of 35 persons. It is also proposed to provide a takeaway food service. The applicant confirms that no alcohol will be served with takeaway orders and that deliveries of food and alcohol is not part of his business plan. However, the request for off-sales facility will allow diners to takeaway any partially consumed bottles of wine.

The applicant proposes to locate 2 - 4 tables on the public foot path area outside the premises in the summertime. The area is quite suitable for this purpose, but use will be subject to gaining the necessary Tables and Chairs Permit from East Lothian Council, Transportation Division.

I can confirm that the mandatory site notice in respect of this application was correctly displayed at the time of my visit to the premises.

The application is subject to Part 4 of the Licensing Board's 'Statement of Licensing Policy 2013 – 2016' in respect of overprovision. I have however, no objections to the grant of this application.

For the information of the Licensing Board the following is a list of existing licensed premises in the locality of High Street Musselburgh:

Fine Wine Company Ltd, 25 High Street – Off-sales
Musselburgh News, 53 High Street – Off-sales
Sportsmans Bar, 58 High Street – On consumption & Off-sales
Shish Mahal Restaurant, 63A High Street – On Consumption

The Tollbooth Cafe Restaurant, 63D High Street – On consumption & Off-sales
The Stand, 72-74 High Street – On consumption (currently closed for conversion to a restaurant)
The Dragon Way, 81 High Street - On consumption
Habaneros, 83 High Street – On consumption & Off-sales
Coach and Horses, 110 High Street – On consumption & Off-sales
Day Today, 121 High Street – Off-sales
R.S. McColl, 160 High Street – Off-sales
Caprice Restaurant, 198 High Street – On consumption
Musselburgh Auction Rooms, 163 High Street - subject of a current Provisional Premises Licence application for on and off consumption

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 23 February 2017 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	BREWED AND BAKED 83 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7DA	PUNCH PARTNERSHIP LIMITED	15 November 2016	Variation for alcohol for on and off sales, Offsales from 11am to 10pm - Monday to Sunday. Add Takeaways as activity, Children and Young Persons will be permitted access. Change wording: The premises may be used for various activities of refreshment meals and takeaways outwith core hours. No alcohol will be sold outwith core hours. Change premises name to Habaneros and description to Mexican Cantina & Takeaway
3	MUSSELBURGH MINERS CHARITABLE SOCIETY (INCORPORATING ROYAL MUSSELBURGH PRESTONGRANGE HOUSE PRESTONGRANGE ROAD CUTHILL	MUSSELBURGH MINERS' (INCORPORATING ROYAL MUSSELBURGH GOLF CLUB	5 January 2017	Increase core hours on Friday and Saturday nights from Midnight to 1am. Variation to funerals to commence at no earlier than 10am. Variation to use of commencement and televised sport outwith core hours. This will not commence prior to 6am.

SW. Ref. 25/11

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

EL0105

2(b) Name and Address of Premises

Brewed and Baked
83 High Street
Musselburgh

Post Code	EH21 7DA	Phone No.	
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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.	
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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)

Q1 – Alcohol will be sold on and off the premises.

Q3 – Allow off sales from 11am to 10pm Monday to Sunday.

Q5 (further details) – change wording to: *The premises may open outwith core licensed hours for the provision of teas, coffees, breakfast, meals and takeaway. The premises may be used for various activities as noted above prior to the commencement of core licensed hours. During this time the activities above may be provided but no alcohol would be sold outwith the core licensed hours.*

Q5f) – Add takeaways as an activity.

6b) Children and young persons will be permitted access.

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)

Change premises name to: **Habaneros**

Change description of premises to: **Mexican Cantina & Takeaway**

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 14.11.16

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)
T.L.J. LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
stephen.mcgowan@tjlsolicitors.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	12MN
<i>Saturday</i>	11AM	12MN
<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*

We would seek to take advantage of any general extensions allowed by the 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 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
<i>5(b) Activity</i> <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	NO
<i>Club or other group meetings etc.</i>	YES	YES	NO
<i>5(c)</i> 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>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO

<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<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>	YES	YES	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.

The premises may open outwith core licensed hours for the provision of teas, coffees, breakfast, meals and takeaway.

The premises may be used for various activities as noted above prior to the commencement of core licensed hours.

During this time the activities above may be provided but no alcohol would be sold outwith the core licensed 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.

Charity events, business networking and meeting facilities, community events and meetings, tastings and food and drink events, cultural and artistic displays ore performances, supper club and takeaway.

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
<i>*Delete as appropriate</i>	

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
<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 permitted access.

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

8am to 8pm.

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

All parts of the premises to which the public have access.

Question 7

CAPACITY OF PREMISES

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

On sales – 178

Question 8

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

Personal details

8(a) Name

Andrew James Lund

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

--

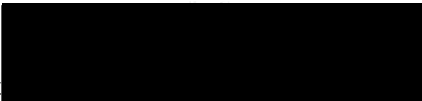
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
15.01.11	Dumfries & Galloway Licensing Board	DG/A/0316

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)

Date14.11.16.....

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 J. 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 12th December 2016



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander

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

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
BREWED & BAKED, 83 HIGH STREET, MUSSELBURGH, EAST LOTHIAN
PUNCH PARTNERSHIP LIMITED, JUBILEE HOUSE, SECOND AVENUE,
BURTON ON TRENT**

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 change of premises name to Habaneros, change of description of premises to Mexican Cantina & Takeaway, increase of 'on sales' hours on a Friday and Saturday night to 1am, to add 'off sales', change of wording to the operating plan in relation to teas and coffees etc being provided out with core hours and to add takeaways as an activity.

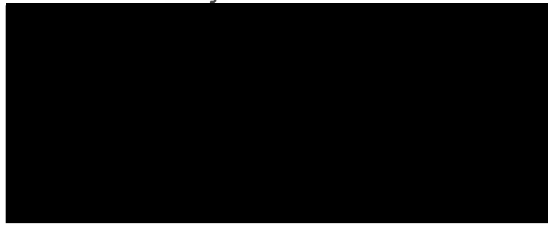
In terms of Section 29(5) of the Act this request can be considered a variation.

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.

Whilst the police have no objection to the grant of this variation, it is pertinent to point out that any increase in licensed hours 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.

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 23 December 2016

As amended on 10 January 2017

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

Habaneros, 83 High Street, Musselburgh, East Lothian EH21 7DA

I refer to the above subject and can confirm that the premises have been visited and the proposed changes discussed with Malcolm Binnie, the new leaseholder, and his son Adam, who will become the Designated Premises Manager in due course.

The Brewed and Baked cafe restaurant setup, as approved by the Board in October 2015, is set to remain, but the focus of the new business will predominantly be on the provision of Mexican food for take away. The restaurant sit in option will continue should customers want to partake of a table meal.

The variations applied for relates to the following:

- Change of the premises name to Habaneros.
- Change the description of the premises to reflect that Habaneros is a Mexican Cantina and Takeaway.
- Increase in the terminal hour on Friday and Saturday evenings to 01:00. However, Mr Binnie states that Habaneros will be closed every night by 22:00 and only remain open until 23:00 on the very odd occasion. It appears therefore that the increase in hours applied for is a facility desired by Punch Taverns as a feature that would be available if required in the future, in respect of a new lease.
- As stated, Habaneros will predominantly operate as a food takeaway on the approximate ratio of 60% takeaway and 40% sit in. In this respect, the new leaseholder

indicated that he would like to be able to include alcoholic drinks as part of the takeaway offering and therefore seeks to add off-sales to the Operating Plan. He also proposed that the business would use a courier delivery service, such as Deliveroo, to make food and alcohol deliveries to customers. However, since the premises re-opened in December, after refurbishment, the applicant has taken an operational policy decision not to pursue deliveries in order to preserve the quality of food offering and that the customer takeaway collection situation is the only off-sale option that will be used.

Based on the positive contact made with the applicant and his son and their proposed business model, I am happy to support this application.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 23 February 2017 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 BREWED AND BAKED 83 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7DA	PUNCH PARTNERSHIP LIMITED	15 November 2016	Variation for alcohol for on and off sales, Offsales from 11am to 10pm - Monday to Sunday. Add Takeaways as activity, Children and Young Persons will be permitted access. Change wording: The premises may be used for various activities of refreshment meals and takeaways outwith core hours. No alcohol will be sold outwith core hours. Change premises name to Habaneros and description to Mexican Cantina & Takeaway
3 MUSSELBURGH MINERS CHARITABLE SOCIETY (INCORPORATING ROYAL MUSSELBURGH PRESTONGRANGE HOUSE PRESTONGRANGE ROAD CUTHILL	MUSSELBURGH MINERS' (INCORPORATING ROYAL MUSSELBURGH GOLF CLUB	5 January 2017	Increase core hours on Friday and Saturday nights from Midnight to 1am. Variation to funerals to commence at no earlier than 10am. Variation to use of commencement and televised sport outwith core hours. This will not commence prior to 6am.

3b

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

EL0247

2(b) Name and Address of Premises

Musselburgh Miners (incorporating Royal Musselburgh Golf Club)
Prestongrange House
Prestongrange Road
Cuthill
Prestonpans
East Lothian

East Lothian Council
Licensing
5 - JAN 2017
Received

Post Code	EH32 9RP	Phone No.	01875819000
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2(c) Full Name and Address of Current Licence Holder

Miners Social Welfare Club Musselburgh
Musselburgh Miners (incorporating Royal Musselburgh Golf Club)
Prestongrange House
Prestongrange Road
Cuthill
Prestonpans
East Lothian

Post Code	EH32 9RP	Phone No.	01875819000
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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)

The Club seeks increase core hours on Friday and Saturday nights from midnight to 1am. The reason for this change is that staff find it difficult to safely manage dispersal of customers attending parties, weddings etc by 12.15am and feel it would be more manageable to maintain our stance on no sale of alcohol after midnight, and extend the drinking up time to 1am. We will self-impose the restriction on the sale of alcohol during this period.

Q5(b) To vary the position in relation to funerals to permit commencement prior to core hours, but no earlier than 10am. For the avoidance of doubt no alcohol will be sold out with core hours. (I added at time in here since the

Q5(e) To vary the position in relation to the use of recorded music and televised sport outwith core hours. This will not commence prior to 6am.

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-

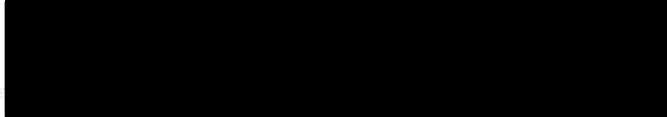
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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 £ is enclosed.

Signature



..... (See note 5 below)

Date 19th December 2016

Capacity: APPLICANT / AGENT (delete as appropriate)

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

.....
.....
.....

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
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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.

Musselburgh Miners (incorporating Royal Musselburgh Golf Club)
Prestongrange House
Prestonpans
East Lothian
EH32 9RP

Question 1

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

<i>I(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>I(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>I(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>	10am	11pm
<i>Tuesday</i>	10am	11pm
<i>Wednesday</i>	10am	11pm
<i>Thursday</i>	10am	11pm
<i>Friday</i>	10am	1am
<i>Saturday</i>	10am	1am
<i>Sunday</i>	10am	11pm

Question 3

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

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

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

The club seeks to take advantage of the extensions to core hours as granted from time to time by the Licensing Board in relation to local or national events of importance i.e. the festive period 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> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
<i>5(b) Activity</i> <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
<i>5(c) Activity</i> <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	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO

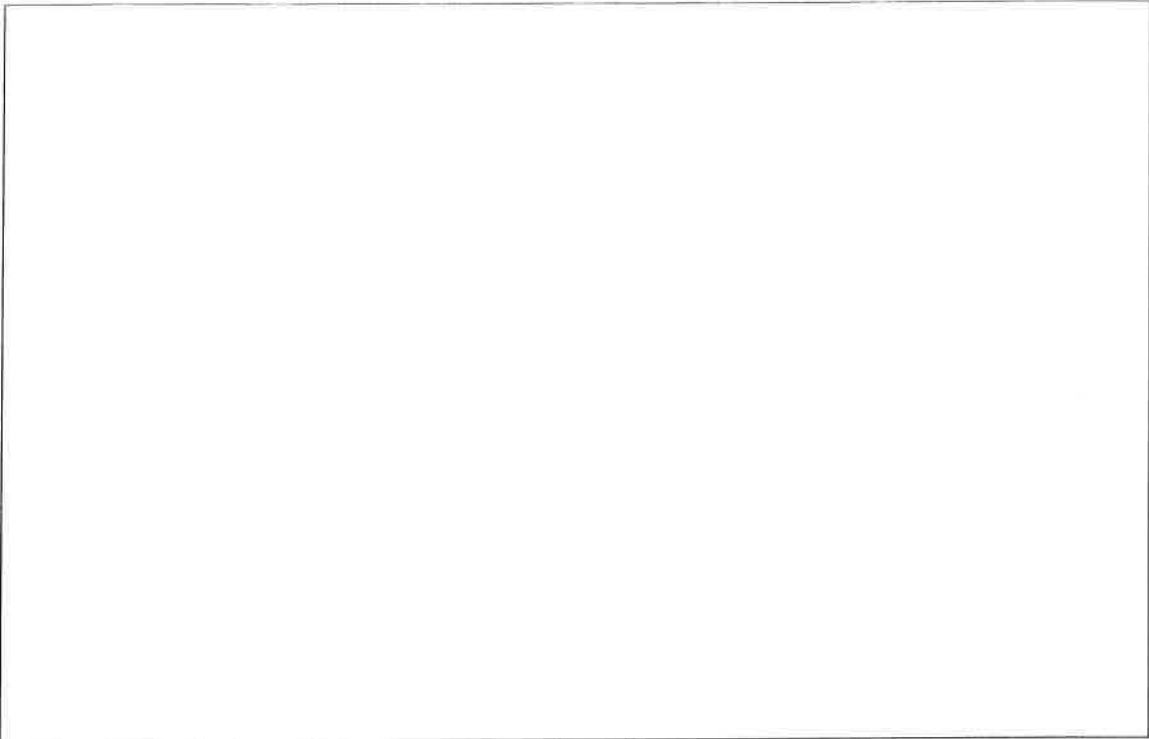
<i>Televised sport</i>	YES	YES	NO
<i>5(d) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Outdoor drinking facilities</i>	YES	YES	NO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

The premises can cater for conferences and club meetings that can begin as early as 6am. Breakfast facilities are also available to club members and visiting parties from 9am. In addition, members and visiting parties can be on the golf course when it opens at first light or 7am, however, for the avoidance of doubt, no alcohol will be sold out with core licenced 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.



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?	NO
*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

The Club encourages children and young persons to become more active and allows them to be unaccompanied by an adult on the premises until 8pm provided they are a junior member of the Golf Club (including temporary members). This is subject to the Managements discretion.

Children and young persons are permitted on the premises until 10pm if they are accompanied by an adult (ie a person over the age of 18 years of age).

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

Subject to the aforementioned conditions, there are no age restrictions on children or young persons.

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

Reference is made to 6(b). The only exception to this rule is when children and young persons are attending a private pre-booked function, or are consuming a meal, in which case they will be permitted to remain on the premises for the duration of the function or meal.

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

Subject to the aforementioned conditions, children and young persons are permitted in all public areas except in front or adjacent to any bar on the premises.

Question 7

CAPACITY OF PREMISES

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

On Sales - 1063

Off Sales – 19.53 M2

Question 8

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

Personal details

8(a) *Name*

Steven Cross

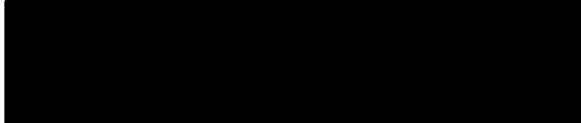
8(b) *Date of birth*

[REDACTED]

8(c) Contact address

	
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8(d) Email address and telephone number

	
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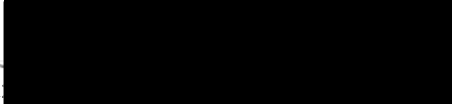
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 st September 2009`	East Lothian Licencing Board	EL411

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 19/12/10

Capacity Managerial Secretary 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.

Date 12th January 2017



**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

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
Musselburgh Miners' (Incorporating Royal Musselburgh Golf Club)
ROYAL MUSSELBURGH GOLF CLUB, PRESTONGRANGE ROAD,
PRESTONPANS, EAST LOTHIAN**

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

The variation requested consists of an increase in licensed hours on Friday and Saturday from midnight to 1am. For funerals to take place prior to core hours and to allow for recorded music and televised sport out with core hours.

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

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.

Whilst the police have no objection to the grant of this variation, it is pertinent to point out that any increase in licensed hours 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 826147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 12 January 2017

**Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JANUARY 2017**

**Musselburgh Miners Welfare Social and Welfare Club incorporating Royal
Musselburgh Golf Club, Prestonpans, East Lothian, EH32 9RP**

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.

The current core hours authorised in the Premises Licence are as follows:

On Consumption

Monday to Thursday 10.00 to 23.00
Friday & Saturday 10.00 to midnight
Sunday 10.00 to 23.00

Off-sales

10.00 to 22.00 each day

This application came about following consultation with the Club Secretary and Steward that identified problems had occurred in meeting the dispersal time of 00.15 in respect of patrons attending functions in the events hall at weekends. The sort of situation occasioned was that persons attending a wedding felt closing time to be too early and lingered on the premises causing staff problems in getting them to drink up and leave. With this in mind the Club does not feel it desirable that the bar should remain open after midnight, but patrons could be allowed to drink up to 01.00 thereby managing the orderly and safe dispersal of persons who have had a good night out. It is for this reason that the Club is asking the Licensing Board for approval to increase licensed hours on Friday and Saturday evenings, by one hour, purely to be used for drinking up purposes.

In relation to all the increases in facilities requested, I am satisfied that the amended Operating Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

R. Fruzynski
Licensing Standards Officer