

EAST LOTHIAN

Meeting 22 June 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
2	91 HIGH STREET HADDINGTON EAST LOTHIAN EH41 3ET	ZEST CAPITAL MANAGEMENT	28 April 2017	
3	MRH DALRYMPLE FILLING STATION DIRLETON ROAD NORTH BERWICK EH39 5DF	MALTHURST PETROLEUM LIMITED C/O HARPER MACLEOD, LLP THE CA'D'ORO 45 GORDON STREET GLASGOW	28 April 2017	
4	NORTH BERWICK BOWLING CLUB 17 CLIFFORD ROAD NORTH BERWICK EH39 4PW	NORTH BERWICK BOWLING CLUB C/O MESSRS. J. PARIS STEELE & CO W.S. SOLICITORS CLYDESDALE BANK CHAMBERS 35 WESTGATE NORTH BERWICK, EAST LOTHIAN	31 March 2017	

ELO 346

EAST LoTHIAN LICENSING BOARD

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

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

Question 1

Name, address and postcode of premises to be licensed.

**91 High Street
Haddington
East Lothian
EH41 3ET**

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.*

N/A

East Lothian Council
Licensing

28 APR 2017

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

Received

**Zest Capital Management
3 Forth Street Lane
North Berwick
EH39 4JB**

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

N/A

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

N/A

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.**

James Wilkie

[REDACTED]

Catriona Wilkie

[REDACTED]

Keith Murdoch

[REDACTED]

Jane Murdoch

[REDACTED]

*** 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

N/A

Question 4

Previous convictions

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

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

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

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

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)*

Newly formed bakery and bistro on ground floor of former George Hotel. The premises will provide high quality restaurant facilities to locals and visitors and will be a valuable addition to the current offering in Haddington and we would therefore ask that this application is considered an exception to the general assumption that there is an existing overprovision of licences.

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>N/A</i>
<i>* Delete as appropriate</i>	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

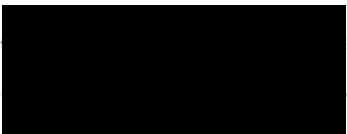
If signing on behalf of the applicant please state in what capacity.

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

Signature ...  * (see note below)

Date 27/04/11

Capacity Partner 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>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** Data Protection Act 1998**

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

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

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

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

91 High Street, Haddington, East Lothian EH41 3ET

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00 am	11.00 pm
<i>Tuesday</i>	11.00 am	11.00 pm
<i>Wednesday</i>	11.00 am	11.00 pm
<i>Thursday</i>	11.00 am	1.00 am
<i>Friday</i>	11.00 am	1.00 am
<i>Saturday</i>	11.00 am	1.00 am
<i>Sunday</i>	11.00 am	12.00 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>	10.00 am	10.00 pm
<i>Tuesday</i>	10.00 am	10.00 pm
<i>Wednesday</i>	10.00 am	10.00 pm
<i>Thursday</i>	10.00 am	10.00 pm
<i>Friday</i>	10.00 am	10.00 pm
<i>Saturday</i>	10.00 am	10.00 pm
<i>Sunday</i>	12.00 noon	10.00 pm

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

DURING THE FESTIVE PERIOD, AS DEFINED BY THE BOARD, THE ON-SALES HOURSE WILL BE EXTENDED TO MIDNIGHT TO EACH DAY TO COVER CHRISTMAS MEALS ETC.

THE LICENCE HOLDER MAY ALSO APPLY FOR EXTENDED HOURS DURING SPECIAL EVENTS AND OCCASIONS, PARTICULARLY THOSE RELATING TO THE SPORTS EVENTS FOR INSTANCE.

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
5(a) <i>Activity</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>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>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	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>	NO	NO	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 MAY OPEN FROM 7.30 AM TO PROVIDE TEAS, COFFEES, HOT SOUP, HOT ROLLS, ICE-CREAM, BREAKFASTS AND SNACKS INCLUDING BAKERY PRODUCE.

ALL ACTIVITIES ANSWERED YES IN COLUMN 4 MAY TAKE PLACE DURING SUCH PERIOD.

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.

BAKERY AND RELATED RETAIL OPERATION
OUTSIDE CATERING
DELIVERIES
TAKEAWAYS
DESPATCH OF INTERNET SALE ORDERS

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>	N/A
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	N/A
<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/ NO *
	<i>*Delete as appropriate</i>	

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

CHILDREN AND YOUNG PERSONS WILL BE WELCOMED INTO THE PREMISES.
NO RESTRICTION IN THE PUBLIC AREAS

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

NO RESTRICTION 0 – 17 YEARS

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

NO RESTRICTION SUBJECT TO MANAGEMENT DISCRETION

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

ALL PUBLIC AREAS – NOT WITHIN 1.5 METERS OF ANY BAR.

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*

N/A

8(b) *Date of birth*

8(c) Contact address

8(d) Email address and telephone number

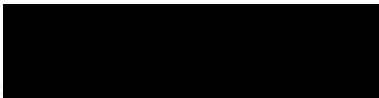
8(e) Personal licence

<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 27/4/17

Capacity PARTNER 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.

Supporting Statement

91 High Street
Haddington

MNH (Haddington) Ltd
3 Forth Street Lane
North Berwick
EH39 4JB

Dear

I am writing further to our application for a provisional premises license for 91 High Street, Haddington.

This is part of a larger project to redevelop the previously derelict George Hotel, a listed building, some of which dates back to the 17th Century.

We took control in December 2014 and have subsequently received planning permission and listed building consent to convert the ground floor into a Class 3 Cafe/Restaurant unit and a retail unit with flats above.

This licence application refers to the Class 3 restaurant unit.

The unit is primarily formed from the previous public bar of the old hotel but has been expanded taking in peripheral areas and now comprises a purpose designed 60 cover restaurant with appropriate kitchen and bathroom facilities. Our intention is to secure a high quality restaurant operator which we believe will 'lift' the slightly drab nature of the area.

Having the right restaurant operator in place will assist with the letting of our other commercial unit which is the converted ballroom and is targeted at an upmarket retailer or gallery.

Full and part time jobs will be created which will benefit the local economy.

The position under the Statement of Licensing Policy with regard to overprovision in East Lothian had been explained to us and we require 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 have obtained Planning Permission to include a restaurant, and will operate as such. We would like the opportunity of providing alcohol refreshments in conjunction with the food and snacks that they will serve. The off sales permission is to facilitate patrons being able to take any unfinished bottles of wine home.

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

It would also be contrary to our interests for the premises to encourage any inappropriate behaviour or activity. This will be a family friendly facility, for use during the day and the earlier part of the evening in particular. We would suggest that the chances of unruly behaviour would be relatively slim.

Notwithstanding this, we accept the fact that we 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 will be newly fitted premises and therefore there should be no possibility of danger or inconvenience to the public.

We would also wish the staff to work in a pleasant and safe environment.

3. Preventing Public Nuisance

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

Music will be played, but it is not envisaged that there should be any noise escape that would cause inconvenience.

4. Protecting and Improving Public Health

These will be 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 will be 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.

Overconsumption of alcohol in Scotland is an issue and East Lothian Licensing Board have recognised this by their overprovision policy.

Our potential tenants are experienced operators and in all their existing operations, drink is ancillary, but is seen as a pleasant addition to their operation. This would be no different. As you can imagine, the last thing they want are any drunks or people behaving inappropriately. Nor do they want customers who would upset other customers, including families. The place would be operated with this in mind.

5. Protecting Children from Harm

It is hoped that families, including families with young children, will use these premises. The premises will be operated accordingly.

It is not envisaged as the type of place that children or young persons would attempt to purchase alcohol, but staff will be trained in this respect and be vigilant.

We and our potential clients will of course operate a Challenge 25 Policy, and indeed a Refusals/ Incidents Book.

Elworthy, Debbie

From: [REDACTED]
Sent: 30 May 2017 10:56
To: Licensing
Subject: Licensing Application for 91 High Street, Haddington

Dear Ms MacNeill,

I called in to John Muir House to find out a bit more about this application recently, and have been given some more information. My family and I live at [REDACTED]

I understand that the application is a usual step in the development process, and that we don't actually know yet what businesses will be operating from The George. I welcome the idea that The George will soon be in use and bringing benefit to the community, both economic and social. I think that the 'Hardgate end' of the town is a bit down-trodden, and that the commercial enterprises at the George have great potential to bring a bit more quality to this rather shabby area. I imagine The George facilities when complete, to be a cross between our lovely Loft Cafe and Jo's Kitchen, both of which are succeeding in raising Haddington up a bit!

What I would not want, is:

1 A type of pub scenario, with a lot of noise after the usual shops close at 5.00, late into the evening. ([REDACTED] the hairdresser below us does not close at 5.00pm, but he is very quiet!) The terminal hours for consumption ON the premises in the application, are **not** acceptable. I am afraid. I have lived opposite a pub before, and people gather outside, some time after closing time which is typically 11.00pm, waiting for taxis, dropping litter, smoking cigarettes, continuing their drunken conversations and generally continuing the party for a good 30 minutes or more.

Along Hardgate, where the noise would clearly be audible as people spill onto the streets, we have school children and working people living and sleeping, rising early in the morning for work. Being kept awake until 1.30am potentially, on some evenings, is not going to be fun at all. Also, in old properties such as ours which is 18th Century, the windows are original (Georgian) and there is no sound insulation. Even if there were, on a warm evening the windows may be open. So I object to the hours, most strongly. Even 11.00pm won't actually BE 11.00pm.

2 Noise from music, live or recorded. Amplification can be very loud, indeed we can hear the music from the Corn Exchange at our end of the street quite late after we have retired to bed. Not very often, but I am making the point that sound carries. It is the base volume particularly which vibrates through the air for a long distance. I don't understand the part of the application about decibels, because I don't know how loud '85DB' is, and I am not clear why the applicant has put N/A. It looks too vague and needs to be clarified, please. On the other hand, I do love the idea of live music, it's just the amplification and time restrictions that are needed to be clarified.

3. Additionally, I see no reason to extend the hours as at Q4, during periods of seasonal demand. Christmas parties and celebrations following sports events are NOT quiet, by definition, either during or after. People come outside to smoke, and carry on conversations which are more audible than they think, as again, sound carries and is amplified by surrounding buildings..

(4. I am not sure what is proposed for the 1st floor, as it isn't included in the plans that I have.)

The **licensing** of this premises holds the key to whether the George is a quality venture that brings the area **UP**, or a just a seedy venue that lowers the tone of this part of town further and seriously annoys residents at night!

I would ask that the Licensing Board are conservative in their assessment of the application. There should be no doubt to the developer what he can do. However, I welcome a revival of quality businesses and music within the building.

Thank you for your consideration of these comments.

Yours sincerely,
[REDACTED]

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.nhsllothian.scot.nhs.uk

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

Date 2nd June 2017
Your Ref
Our Ref EO/JS/fb

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

Dear Ms Winter

APPLICATION FOR PROVISIONAL PREMISES – 91 HIGH STREET, HADDINGTON

On behalf of Lothian Health Board, we would like to make a representation concerning the despatch of internet sales orders aspect of this application.

NHS Lothian is increasingly concerned about the availability of alcohol via on-line sales. In particular, there are concerns nationally about the impact of on-line sales to children and young people, due to effective implementation of age verification and the appropriate training of delivery staff. In addition on-line sales increase the ease and hours when it is possible to purchase alcohol.

Although this application would increase availability in an area that has already been declared overprovided, and therefore is likely to have a detrimental effect on the population of East Lothian, on this occasion the Health Board would like to request that a condition is placed on this license that internet sales for alcohol can only accompany orders for food, in order to uphold the licensing principles of protecting children from harm and protecting and improving public health.

Yours sincerely

A black rectangular redaction box covering the signature of Jim Sherval.

Jim Sherval FFPH
Consultant in Public Health

A black rectangular redaction box covering the signature of Elizabeth Oldcorn.

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

Date 22nd May 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 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE - REPRESENTATION
91 HIGH STREET, HADDINGTON, EAST LOTHIAN, EH41 3ET.
ZEST CAPITAL MANAGEMENT**

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

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

In terms of Section 22(1)(b)(i) and (ii) of the same Act, I make the following representation.

Question 4 - Seasonal Variations

Consideration should be given in altering the wording here to:

"The premises would like to be able take advantage of any extended hours offered by the Board."

As opposed to limiting themselves to festive hours only.

Question 5(f) – Any Other Activities

Could the applicant please clarify what they mean by "Deliveries"?
Is this deliveries of food or alcohol or both?

If it is deliveries of alcohol, the applicant should be fully aware of the requirements under Section 119 of the Act.

Question 6 – Children and Young Persons

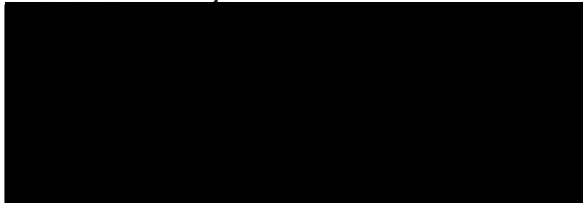
I would request that the wording in this section be changed to reflect that:

"Children and Young Persons can remain for the duration but only if accompanied by a responsible parent or guardian and having a meal or attending a private function. Otherwise they should vacate the premises before 2200 hours."

"All subject to management discretion."

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: 17 May 2017

Subject: LICENSING (SCOTLAND) ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

91 High Street, Haddington, East Lothian EH41 3ET

I can confirm that the premises have been visited in relation to this application and that the mandatory site notice was displayed in a prominent place visible to the public.

These premises formerly held a hotel licence, which was converted over to a Premises Licence on 01/09/2009 under the new licensing regime. However, the premises, which were under conversion and renovation at the time never actually re-opened and the licence was only maintained on payment of the annual fee year on year until 16/11/2015 when it was formally surrendered.

It is pertinent to point out that this application now comes into the category of being 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.

An extract from Part 4 of the Board's Policy is as follows:

19.2 *The Board, having considered data regarding rates of alcohol related police incidents, alcohol related hospital admissions and information regarding the number, type and capacity of licensed premises in all areas of East Lothian, and having regard to the evidence of a correlation between the density of outlets and alcohol related problems, has concerns about the level of provision across East Lothian as a whole.*

19.3 *Whilst particular localities have particularly high rates of alcohol related hospital admissions per 10,000 population and of alcohol related police incidents when compared to other areas within East Lothian and Scotland*

as a whole, the Board considers that people living throughout East Lothian have sufficient access to licensed premises (a combination of on sales and off sales premises) in the Board's area. The Board considers that it is not reasonable to assume that residents of particular localities are purchasing alcohol only in that locality or that alcohol related incidents recorded by the Police in one area are solely as a result of alcohol purchased or consumed in that locality. Taking these factors into account, the Board considers that there should be a rebuttable presumption against the grant of an application for a new premises licence or the increase in capacity of an existing premises licence within the Board's area as a whole.

19.4 Each application still requires to be determined on its own merits and there may be exceptional cases where an applicant can demonstrate that the grant of an application or the variation of an existing licence to increase capacity within one of these localities would not undermine the licensing objectives. The Board will expect applicants to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of this Overprovision Statement. The Board would expect to be addressed on each of the Licensing Objectives.

19.5 If an existing licence in any of the relevant localities ceases to be in force, this will not necessarily mean that there is capacity for a new licence in that locality. The localities identified are currently subject to overprovision and this may continue to be the case should a number of existing licences cease to be in force. Each application will be considered in the context of the statistics available to the Board at the time of the application.

Haddington currently has 25 licensed premises of which 8 are predominantly off-sales.

This report is submitted for the information and consideration of Board members.

R. Fruzynski
Licensing Standards Officer