

**EAST LOTHIAN**

**Meeting 22 June 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
5	COCKENZIE & PORT SETON BOWLING & RECREATION CLUB KING GEORGE V PARK NORTH SETON PARK PORT SETON PRESTONPANS	COCKENZIE & PORT SETON BOWLING & RECREATION CLUB	9 May 2017	
6	CO-OPERATIVE GROUP FOOD LTD. 118-120 HIGH STREET DUNBAR EAST LOTHIAN EH42 1JJ	THE CO-OPERATIVE GROUP FOOD LTD	17 March 2017	
7	COUNTY HOTEL 15-17 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HH	C/O HILL BROWN LICENSING HILL BROWN LICENSING RWF HOUSE, 5 RENFIELD STREET KILLERNAN INNS LIMITED C/O FLINT BISHOP SOLICITORS ST MICHAELS COURT ST MICHAELS LANE DERBY DE1 3HQ	3 May 2017	
8	JO'S KITCHEN 73 MARKET STREET HADDINGTON EAST LOTHIAN EH41 3JJ	JOANNA MARGO LAWRENCE	11 April 2017	

LICENSING (SCOTLAND) ACT 2005, SECTION 29 11 APR 2017  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION Received

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

**SECTION 1: TYPE OF VARIATION**

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

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

(Provide Details)

.....

**SECTION 2: PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises**

ELO 332

**2(b) Name and Address of Premises**

JO'S KITCHEN  
73 MARKET ST  
HADDINGTON

<b>Post Code</b>	EH41 3JJ	<b>Phone No.</b>	01620 824280
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**2(c) Full Name and Address of Current Licence Holder**

<b>Post Code</b>		<b>Phone No.</b>	
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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

I would like to put 2-3 tables outside during the warmer months on our own private land. We would not seek to use the public footpath. Tables to be brought inside at 21.00.

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

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

we would like to include in the operating plan outdoor drinking & dining area.

#### 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.

see electronic copy of layout plan.

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

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

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

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

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

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

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £156 is enclosed.

Signature



..... (See note 5 below)

Date

7/4/17

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  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114  
**Fax:** 01620 827253  
**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; 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

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

**Question 2**

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11am	11pm
Tuesday	11am	11pm
Wednesday	11am	11pm
Thursday	11am	1am
Friday	11am	1am
Saturday	11am	1am
Sunday	11am	Midnight

**Question 3**

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11am	10pm
Tuesday	11am	10pm
Wednesday	11am	10pm
Thursday	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	10pm

NOTES:

KM

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
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\*If YES – provide details

WE WILL APPLY FOR EXTENDED HOURS OPENING AT CHRISTMAS AND NEW YEAR AS WELL AS OCCASIONAL PRIVATE FUNCTIONS. WE WOULD WISH TO TAKE ADVANTAGE OF ANY EXTENSIONS GRANTED 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

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

Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	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
Outdoor facilities drinking	<del>NO</del> YES	<del>NO</del> 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
Adult entertainment – see 5(g)	NO	NO	NO

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

**WE INTEND TO OFFER COFFEE, CAKE AND BREAKFASTS FROM 9AM. WE MAY OFFER COOKED FOOD EARLIER THAN 11AM.**

**EARLY MORNING FUNERALS AND OTHER PRIVATE FUNCTIONS WILL BE CATERED FOR ON OCCASIONS.**

**CLUBS AND GROUPS WILL BE ABLE TO HOLD MEETINGS IN OUR PREMISES FROM 9AM**

**RECORDED MUSIC WILL BE PLAYED FROM 9AM.**

**TELEVISED SPORT WILL SOMETIMES BE SHOWN FROM 9AM (LOCAL EVENTS I.E. GOLF OPEN)**

5(f) any other activities

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

**I WILL RUN TRAINING COURSES ON OCCASION FROM 9AM**

KM



5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details

Will the music 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

**CHILDREN WILL BE WELCOME ON THE PREMISES WITH ACCOMPANYING ADULTS UNTIL 10PM OR UNTIL THE END OF A PRIVATE FUNCTION.**

**YOUNG PERSONS WILL BE ALLOWED ENTRY TILL 10PM BUT WILL NOT BE SERVED ALCOHOL AT ANY TIME.**

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

**CHILDREN 0-15 - WILL BE ALLOWED WITH ADULTS UNTIL 10PM - IT IS A FAMILY BISTRO**

**YOUNG PERSONS 16-17 WILL BE ALLOWED IN FOR COFFEE, SOFT DRINKS & MEALS BUT NO ALCOHOL**

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

**UNTIL 10PM OR THE END OF A PRIVATE FUNCTION**

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

**CHILDREN AND YOUNG PEOPLE WILL HAVE ACCESS TO ALL PUBLIC AREAS APART FROM BAR SERVERY OR WITHIN 1.5M OF BAR SERVERY**

**Question 7**

**CAPACITY OF PREMISES**

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

**ON SALES - 50**

Date 3<sup>rd</sup> 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: EL332

Our Ref: J/LIC.3705/HB

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

Dear Madam,

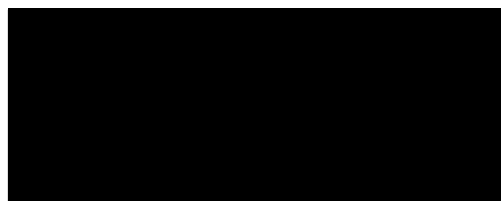
**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
JO'S KITCHEN, 73 MARKET STREET, HADDINGTON, EAST LOTHIAN  
JOANNA LAWRENCE**

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

The variation requested consists of a request to have a licensed, outside seating area, to the front of the building.

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

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

# EAST LoTHIAN COUNCIL

## LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

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Date: 11 May 2017

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

**Jo's Kitchen, 73 Market Street, Haddington, East Lothian EH41 3JJ**

I can confirm that the premises have been visited in relation to this application, which is to add an outdoor drinking and dining area, comprising two tables and chairs, within the curtilage of the fenced off area at the front of the restaurant.

Photographs of the outdoor area are attached to this report for the information of the Licensing Board members.

The outdoor area referred to area has been operated under Occasional Licences since 1<sup>st</sup> May 2017, with a terminal hour of 21:00. Licensing Standards has not received any complaints concerning the operation of the premises as a whole at the time of reporting.

Should the Board be minded to grant this application, I recommend that that a condition be placed on the licence that the outside drinking area not be used after 21:00 hours. This is in line with the condition of the licence of the nearby pub.

R. Fruzynski  
Licensing Standards Officer



*Jo's*  
**Kitchen**  
BISTRO & BAR



Winter, Maree

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From: info@jos-kitchen.co.uk  
Sent: 15 May 2017 15:24  
To: Winter, Maree  
Subject: RE: Major Variation - Jo's Kitchen

Importance: High

No problem at all

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

Subject: Major Variation - Jo's Kitchen  
From: "Winter, Maree" <mwinter@eastlothian.gov.uk>  
Date: Mon, May 15, 2017 2:59 pm  
To: "info@jos-kitchen.co.uk" <info@jos-kitchen.co.uk>

Dear Madam,

I write in relation to the major variation for the outside drinking area for two tables and chairs outside the above premise. The L.S.O. has recommended that the terminal hour for having tables and chairs outside is 9pm. Are you agreeable to this.

Regards  
Maree.

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

[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)

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Winter, Maree

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From: info@jos-kitchen.co.uk  
Sent: 05 May 2017 15:14  
To: Winter, Maree  
Subject: RE: Major Variation - JO's Kitchen

Importance: High

2

Many thanks

Jo

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

Subject: Major Variation - JO's Kitchen  
From: "Winter, Maree" <mwinter@eastlothian.gov.uk>  
Date: Fri, May 05, 2017 2:37 pm  
To: "info@jos-kitchen.co.uk" <info@jos-kitchen.co.uk>

HI,

I refer to your major variation application, I note that you have two or three tables for the external area, can you please clarify if it is two or three.

Regards  
Maree.

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

[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)

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