

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

Date Received

Comments

Applicant

9 LIDL UK GMBH (STORE 1144)
 OLIVEBANK INDUSTRIAL ESTATE
 NEWHAILES ROAD
 NEWHAILES
 MUSSELBURGH
 EAST LOTHIAN
 ROYAL BRITISH LEGION,
 COCKENZIE
 ROYAL BRITISH LEGION CLUB
 WEST HARBOUR ROAD
 COCKENZIE
 PRESTONPANS
 SPORTSMAN'S BAR
 58 HIGH STREET
 MUSSELBURGH
 EAST LOTHIAN
 EH21 7BX

LIDL UK GMBH
 C/O LIDL UK GMBH
 LICENSING DEPARTMENT
 LOCKING CASTLE BUSINESS PARK
 WEST WICK
 WESTON-SUPER-MARE
 COCKENZIE & PORT SETON ROYAL
 BRITISH LEGION

28 April 2017

20 February 2017

HAWTHORN LEISURE SCOTCO
 LIMITED
 C/O TLT LLP
 140 WEST GEORGE STREET
 GLASGOW
 G2 2HG

10 May 2017

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

EL0154

2(b) Name and Address of Premises

Sportsman's Bar
28 High Street
Musselburgh
East Lothian

Post Code EH21 7BX

Phone No.

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

Hawthorn Leisure Limited
47 Park Lane
London

Post Code W1K 1PR

Phone No.

SECTION 3: NATURE OF VARIATION

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

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

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

n/a

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

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

Amendment to on sales opening hours to maximum allowed by board policy; inclusion of bar meals & outdoor drinking within activities matrix; increase in total capacity by 12 to allow for new outdoor area.

At Question 2, please amend operating hours to reflect the following;

11.00 am to 11.00 pm Monday to Wednesday (inclusive)
11.00 am to 1.00 am Thursday to Saturday (inclusive)
11.00 am to 12.00 midnight on Sunday

At Question 5(a), please amend *Bar meals* to read as 'Yes' in columns 2, 3 & 4.

At Question 5(d), please amend *Outdoor drinking facilities* to read as 'Yes' in columns 2, 3 & 4.

At Question 5, please amend the text to read as follows:

'Bar meals- the premises will open from 9am for the provision of teas, coffees, breakfasts etc.

Receptions- we have the facility to offer a range of receptions facilities. This may include funeral purveys that require alcohol on the premises from 9am subject to an expediently processed extended hours application being granted.

Club meetings- this may include events that require alcohol to be available on the premises from 9am e.g. golf day. This would be obtained through an extended hours application.

Recorded music- this may be played outwith core hours during receptions.

TV sport- we anticipate that certain major sporting events may be televised outwith core hours and we would wish to offer the sale of alcohol on the premises at these times. This would be obtained through an extended hours application.

Outdoor drinking- the outdoor drinking area may be used prior to core hours, but no earlier than 9am and no later than the terminal hour.'

At Question 7, please amend the text to read as follows:

'Capacity breakdown:

Indoor- 96

Outdoor drinking area – 12

Total on sales capacity- 108

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.

Addition of outdoor drinking area on pavement, please see attached plans [Ref: xxxxxx].

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

Provide details below of any other variation sought to the Premises Licence
(e.g. Alteration to the description of the premises contained within the Premises Licence)

n/a

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

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

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

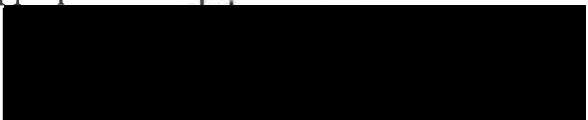
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



Date 9 May 2017

Capacity: AGENT

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

Stephen J. McGowan
Partner - Head of Licensing (Scotland)
TLT LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
Stephen.McGowan@TLTsolicitors.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>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>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	01.00
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	00.00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

We would seek to take advantage of any extended period of trading granted by the board for significant local/national events e.g. festive period and bank holidays etc.

Question 5

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

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

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

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

Bar meals- the premises will open from 9am for the provision of teas, coffees, breakfasts etc. No alcohol will be sold outwith core hours.

Receptions- we have the facility to offer a range of receptions facilities. This may include funeral purveys that require alcohol on the premises from 9am subject to an expediently processed extended hours application being granted.

Club meetings- this may include events that require alcohol to be available on the premises from 9am e.g. golf day. This would be obtained through an extended hours application.

Recorded music- this may be played outwith core hours during receptions.

TV sport- we anticipate that certain major sporting events may be televised outwith core hours and we would wish to offer the sale of alcohol on the premises at these times. This would be obtained through an extended hours application.

Outdoor drinking- the outdoor drinking area may be used prior to core hours, but no earlier than 9am and no later than the terminal hour.

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.

We may provide a range of activities during core hours such as quiz nights, dominos, charity nights or similar social activities appropriate to the target market.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and young persons will be admitted only when accompanied by an adult

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

5-17 years

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

Children and young persons will be permitted until 8pm

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

Children and young persons will be admitted to all public areas

Question 7

CAPACITY OF PREMISES

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

Capacity breakdown:

Indoor 96

Outdoor area – 12

Total on sales capacity- 108

Question 8

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

Personal details

8(a) Name

Neil Young

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

[REDACTED]

8(e) Personal licence

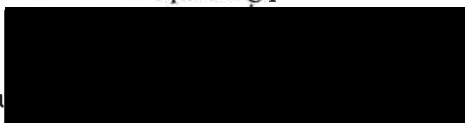
<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
29 October 2013	City of Edinburgh Council	13/02548

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



Date 9 May 2017

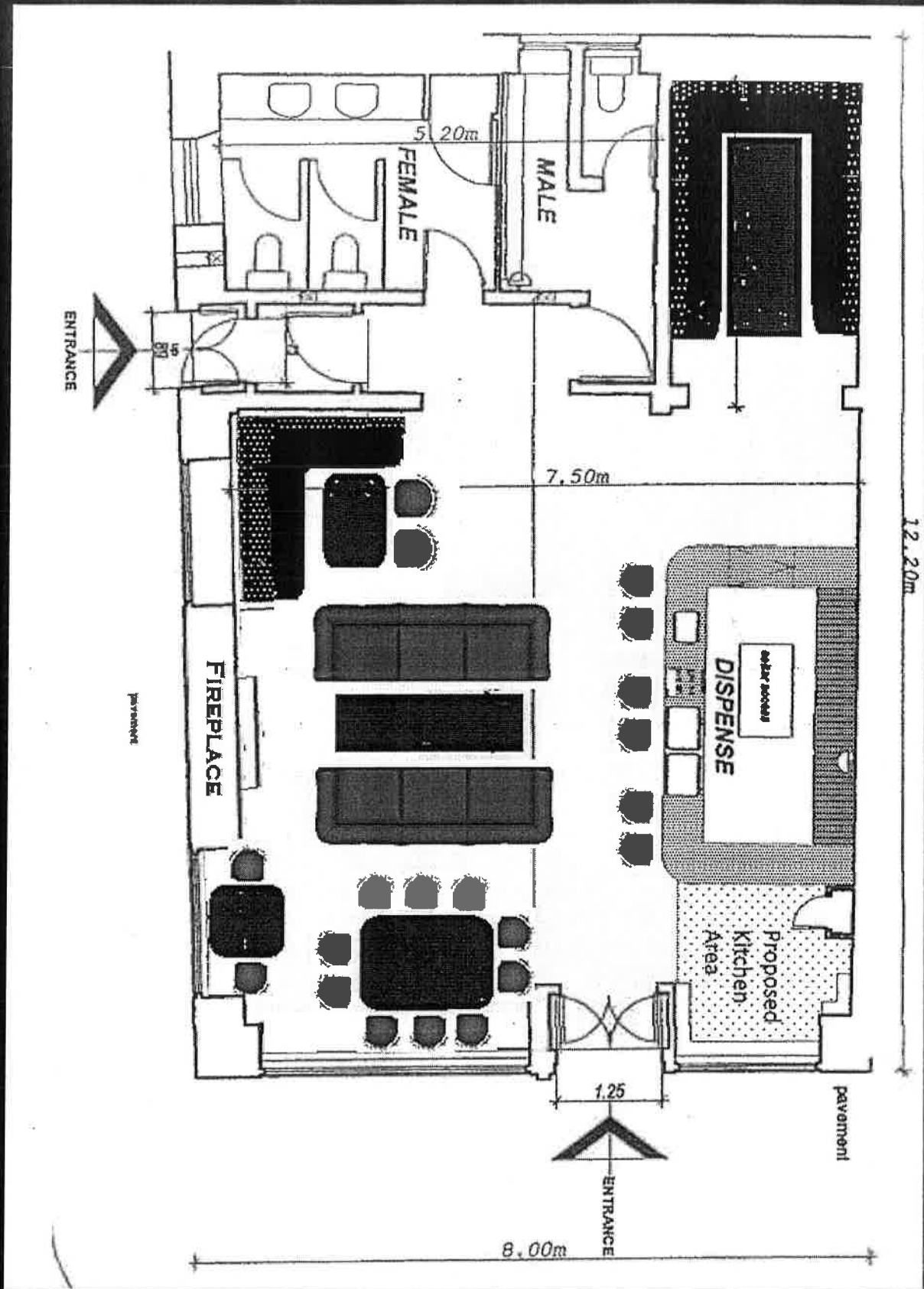
Capacity AGENT

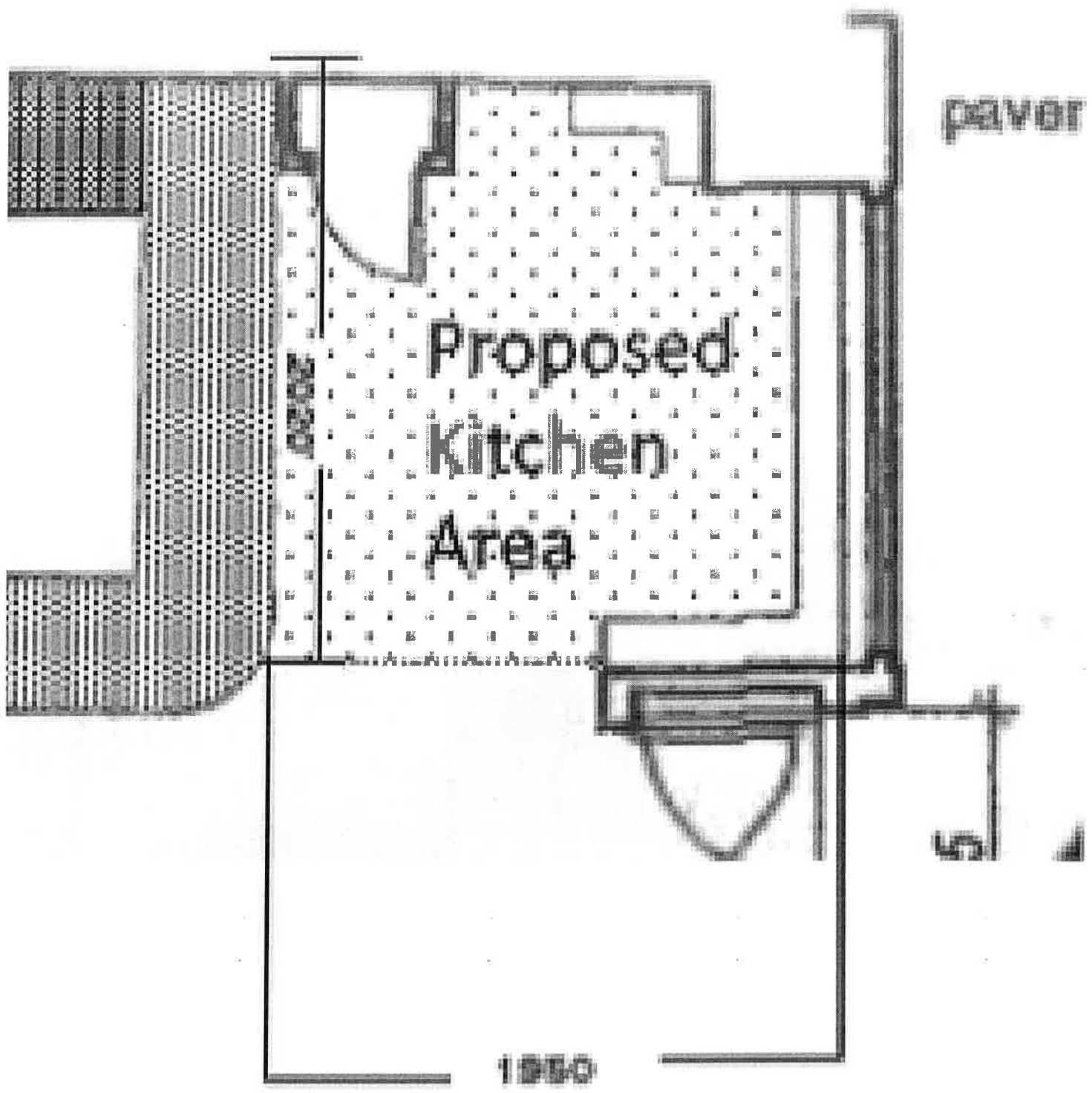
Telephone number and email address of signatory

Stephen J. McGowan
Partner - Head of Licensing (Scotland)
TLT LLP
140 West George Street, Glasgow, G2
+44 (0)333 006 1203
Stephen.McGowan@TLTsolicitors.co.uk

*** Data Protection Act 1998**

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





2020MM X 1950MM

Winter, Maree

From: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Sent: 17 May 2017 13:45
To: Winter, Maree
Subject: RE: Urgent - Sportsman's Bar- Musselburgh

Hi Maree

I have no issues with the name change or the addition of the food prep area. I would still like 8pm for outside though...

cheers

PC 3705J Heather Bowsher
Divisional Licensing Officer
Haddington Police Station
01620 826147
LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

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

From: Winter, Maree [mailto:mwinter@eastlothian.gcsx.gov.uk]
Sent: 15 May 2017 16:59
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona; jim.sherval@nhslothian.scot.nhs.uk; Oldcorn, Elizabeth; [REDACTED]
Subject: FW: Urgent - Sportsman's Bar- Musselburgh

[Routed via PSN Network]

Hi,

I refer to the major variation for the above, please find changes to the application.

Regards
Maree.

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

mwinter@eastlothian.gov.uk

From: Cameron Shaw [mailto:Cameron.Shaw@TLTsolicitors.com]
Sent: 15 May 2017 16:54
To: Winter, Maree
Cc: Alison Smith
Subject: RE: Urgent - Sportsman's Bar- Musselburgh

Hi Maree

Alison has asked me to pick this up in her absence. We have now had a response from our client:

- Could we request a terminal hour of 9pm for the outdoor area?

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

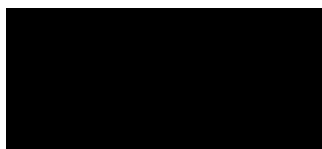
APPLICATION FOR VARIATION, SPORTMAN'S BAR, MUSSELBURGH

On behalf of Lothian Health Board, we would like to object to the part of this application to extend opening hours.

This area of Musselburgh already has higher than the average national rate of on-sales outlets and the highest rate of on-sales outlets compared to the East Lothian average (CReSH). There is therefore no justification to increase the opening times of this premises, and doing so would be likely to be counter to the licensing objectives, as well as contravening the East Lothian overprovision statement. East Lothian Licensing Board has already recognised the links between alcohol availability and alcohol-related harm by declaring the whole of the area as overprovided.

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

Yours sincerely



Jim Sherval FFPH
Consultant in Public Health



Elizabeth Oldcorn
Senior Specialist in Health Promotion



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

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

Winter, Maree

From: Alison Smith [Alison.Smith@TLTsolicitors.com]
Sent: 24 May 2017 15:13
To: Licensing
Subject: RE: Urgent - Sportsman's Bar- Musselburgh

Hi Maree

Many thanks for your recent emails.

After discussions with our client, they are keen to make the case for a 9pm terminal hour for the outdoor area. One of our solicitors will be appearing at the licensing board hearing to put our case forward for this.

Please don't hesitate to contact me if you require any further information.

Kind regards
Alison

Alison Smith
Paralegal - Licensing
for TLT LLP
D: +44 (0)333 006 1297
F: +44 (0)333 006 0451
www.TLTsolicitors.com

What is the business view on devolution?

[Read the Centre for Cities report in association with TLT](#)

FT Innovative Lawyers Awards 2015 - 'Standout' for strategic resourcing

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk] **On Behalf Of** Licensing
Sent: 24 May 2017 07:58
To: Alison Smith
Subject: FW: Urgent - Sportsman's Bar- Musselburgh

Hi,

Please see below from the Council's Noise Protection manager.

Regards
Maree.

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

mwinter@eastlothian.gov.uk

From: Grant, Shona
Sent: 23 May 2017 16:36

To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Urgent - Sportsman's Bar- Musselburgh

I have no objections to this application, however due to the location of the proposed external drinking area and its close proximity to residential properties. I would recommend that a terminal hour of 2000 hours for the external area be imposed instead of 2100 hours.

Regards

Shona

Shona Grant | Team Manager - Public Health and Environmental Protection | Environmental Health Service | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827336 | Email. sgrant@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

From: Winter, Maree
Sent: 15 May 2017 16:59
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona; jim.sherval@nhslothian.scot.nhs.uk; Oldcorn, Elizabeth; [REDACTED]
Subject: FW: Urgent - Sportsman's Bar- Musselburgh

Hi,

I refer to the major variation for the above, please find changes to the application.

Regards
Maree.

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

mwinter@eastlothian.gov.uk

From: Cameron Shaw [<mailto:Cameron.Shaw@TLTsolicitors.com>]
Sent: 15 May 2017 16:54
To: Winter, Maree
Cc: Alison Smith
Subject: RE: Urgent - Sportsman's Bar- Musselburgh

Hi Maree

Alison has asked me to pick this up in her absence. We have now had a response from our client:

- Could we request a terminal hour of 9pm for the outdoor area?
- Could we include a name change to No 58?
- Please see attached plans, which make reference to the food prep area.

I hope that this is of some assistance. Should you need anything further please do not hesitate to contact us.

Winter, Maree

From: irenetait [REDACTED]
Sent: 22 May 2017 13:59
To: Winter, Maree
Cc: Margaret Stewart
Subject: Sportsman bar

We welcome the new owners trying to change this bar into a more community premise . However,.any hostelry that encourages alcohol onto the pavements should be well monitored for the first few months at least.

Musselburgh and Inveresk
Commumity Council

Sent from Samsung Mobile

Date 15th May 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 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
SPORTSMAN'S BAR, 58 HIGH STREET, MUSSELBURGH, EAST LoTHIAN,
EH21 7BX.
HAWTHORN LEISURE SCOTCO LIMITED**

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

The variation requested consists of an increase in licensed hours, to change the terminal hours on a Thursday, Friday, Saturday and Sunday. The premises currently operate until 11pm on a Thursday and Sunday, midnight on a Friday and Saturday. They are seeking to change this to 1am Thursday – Saturday and midnight on a Sunday.

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

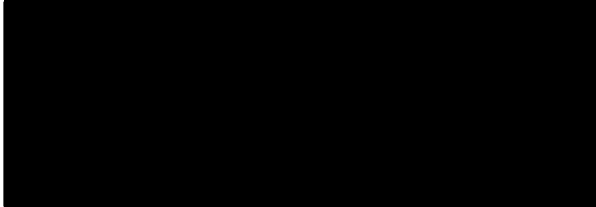
In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

The applicant is also seeking to change the activities carried out within the premises to include an outside drinking area to the front of the building. I note that they are requesting that this area be used 'no earlier than 9am and no later than the terminal hour.' Due to the very close proximity of residential properties and the historical issues with noise, I would respectfully request that the outside area be used no later than 8pm.

Whilst the police have no objection to the grant of this variation, it is pertinent to point out that any increase in hours as well as capacity is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

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

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION and DEMOCRATIC SERVICES

From: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 16 May 2017

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

Sportsman's Bar, 58 High Street, Musselburgh, East Lothian EH21 7BX

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

Current and Proposed Core Hours for On Consumption:

Day	ON Consumption		
	Opening time	Current Terminal hour	Proposed Terminal hour
Monday	11.00	23.00	23:00
Tuesday	11.00	23.00	23.00
Wednesday	11.00	23.00	23.00
Thursday	11.00	23.00	01.00
Friday	11.00	Midnight	01:00
Saturday	11.00	Midnight	01:00
Sunday	11.00	23.00	24.00

I make the following observations in relation to the changes applied for in this application:

- There is no objection to the change of the name of the premises to No 58.
- There is no objection to the proposed change of core hours, which is in line with Board policy.
- The addition of 'bar meals' and change to the interior layout to incorporate a small kitchen area is simply for the provision of microwaved snack type meals. As such, there is no objection to the addition of this facility.
- The proposed addition of outside drinking facilities is supported, however, it is recommended that the following conditions be added:

- i. To protect nearby residents from disturbance and securing public safety the outside drinking area must not be used after 8pm each day.
- ii. Tables and Chairs must be removed from the external area no later than 8pm each day.
- iii. No amplified music or speech is to be played or audible in the outside drinking area.

A photograph of the front of the premises has been attached to show Board members the wide pavement area where the proposed outdoor drinking area will be located.

For the information of the Board, in determining the grant of the extended core hours applied for and the inclusion of an outdoor drinking area, since the new landlord of these premises took over in December 2015, there have been 3 noise complaints relating to loud music. The Night Time Noise Team attended two of these calls and determined that the main problem was noise breakout caused by the front door being left open by patrons going out for a smoke or for ventilation because it was hot inside. When the door was kept shut the noise was considered by officers to be low level near the complainer's house. On one of these occasions some of the noise was caused by a large group outside on the footpath. In general the complainer acknowledges that the conduct of the premises has been a lot better since the new landlord took over and he is described as being 'seen to try'.

R. Fruzynski
Licensing Standards Officer



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BAR

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