

**EAST LOTHIAN**

**Meeting 24 August 2017 at 10:00am in , Council Chambers, Town House, 56 High Street, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

<b>Provisional(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	NB DISTILLERY LIMITED HALFLAND BARN NORTH BERWICK EH39 5PW	NB DISTILLERY LIMITED	1 June 2017	
2	STATION YARD MICROPUB STATION ROAD DUNBAR EH42 1JX	GERARD ANTHONY MCPHILLIPS	7 July 2017	



ELO 348

**EAST LOTHIAN LICENSING BOARD**

**APPLICATION FOR 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.*

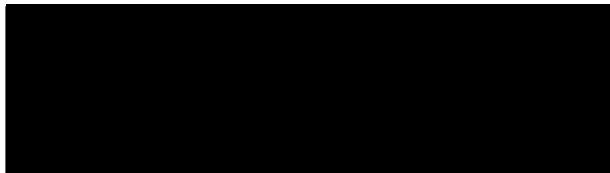
**Station Yard Micropub  
Station Road  
Dunbar, EH42 1JX**

**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.*

**Gerard Anthony McPhillips**



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

**N/A**

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.\**

**N/A**

**\* 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*

<b>N/A</b>
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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>	<b>NO</b>
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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 &amp; position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>
<b>N/A</b>				

(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)

Station Yard is a small Class B Listed building located next to Dunbar Railway Station which forms part of Network Rail's estate. It was originally the Station Lodge and dates back to circa 1845. From 1962 until around 2004/05 the building was used as the offices of T. Foggo & Sons Coal Merchants. In more recent years the building has been used as a café and as offices for an architects' practice and then Sustaining Dunbar. The building is currently unoccupied.

We propose to convert the building to form a 'micropub' to be known as Station Yard. Planning permission and Listed Building Consent have been granted by East Lothian Council for the conversion.

Our proposal to convert the building into a micropub has been welcomed by Network Rail and they have provided us with their written support.

Our proposed premises comprise approximately 35m<sup>2</sup> internally plus around 40m<sup>2</sup> of useable external private space.

**Question 6**

6 To be completed by members' clubs only

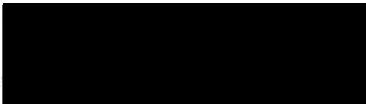
<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	N/A
<i>* Delete as appropriate</i>	

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

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

Not applicable.

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

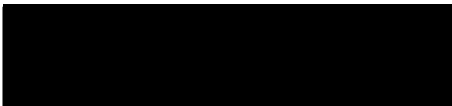
Signature ..  \* (see note below)

Date ..... 1-5-17 .....

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

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

Tel. 01368 830279



# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

<b>Station Yard Micropub</b> <b>Station Road</b> <b>Dunbar, EH42 1JX</b>
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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>	<b>NO</b>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<b>NO</b>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<b>YES</b>
<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	23:00
<i>Friday</i>	11:00	23:00
<i>Saturday</i>	11:00	23:00
<i>Sunday</i>	11:00	23:00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	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
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*\*If YES – provide details*

We would wish to take advantage of any general extensions to the hours afforded by the Licensing Board in relation to local or national events of significance 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 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	NO	NO	NO
Bar meals	YES	YES	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	NO
Club or other group meetings etc.	YES	YES	NO
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	NO
Live performances – see 5(g)	YES	YES	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	YES	YES	NO
Televised sport	NO	NO	NO

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

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

N/A

For the avoidance of doubt our proposed Bar Meals are light, pre-packaged snacks (e.g. pork pies, cheese, olives, sandwiches, etc.) No food preparation will take place on site.

We would also wish to provide a service of teas & coffees plus non-alcoholic drinks and snacks from 08:00, depending on customer demand. To be clear no alcohol will be sold prior to commenced core hours i.e. 11:00.

*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, from time to time and weather permitting, consider having a barbeque / picnic set up in our external area. Again, for the avoidance of doubt, all food would be pre-packaged.

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

Question 6 (On-sales only)

*CHILDREN AND YOUNG PERSONS*

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

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

Children and Young Persons accompanied by an appropriate adult when there for the purpose of partaking in a light lunch / snack / refreshment.

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

Children: 0-15 years  
Young Persons: 16 and 17 years

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

At all times up to 22:00 or until closure when attending an organised event.

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

All areas (with the exception of the 1.5m exclusion zone around bar). They will also be allowed in the external private yard area.

Question 7

*CAPACITY OF PREMISES*

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

~ 40 internally  
~ 40 externally in fenced outdoor private yard space

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*

N/A

8(c) *Contact address*

N/A

8(d) *Email address and telephone number*

N/A

8(e) *Personal licence*

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

Not applicable.

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

Signature



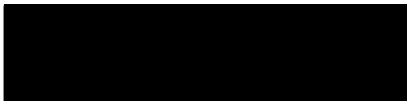
\* see note below)

Date ..... 7 July 2017 .....

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

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

Tel. 01368 830279



**\* 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.

## Introduction

This Overprovision Statement has been prepared by Gerard McPhillips (the applicant) on behalf of myself and my business partner David McGee to support our application for a Provisional Premises Licence for the premises called Station Yard, located on Station Road in Dunbar. Both David and I are Personal Licence holders.

Station Yard is a small Class B Listed building located next to Dunbar Railway Station which forms part of Network Rail's estate. It was originally the Station Lodge and dates back to circa 1845. From 1962 until around 2004/05 the building was used as the offices of T. Foggo & Sons Coal Merchants. In more recent years the building has been used as a café and as offices for an architects' practice and then Sustaining Dunbar. The building is currently unoccupied.

We propose to convert the building to form a 'micropub' to be known as Station Yard. Planning permission and Listed Building Consent have been granted by East Lothian Council for the conversion.

Our proposal to convert the building into a micropub has been welcomed by Network Rail and they have provided us with their written support.

At the time of preparing this submission - May 2017, we are in the process of applying for the necessary Building Control Warrants and Certificates. We hope to have these in place in time for the Licencing Board's meeting on the 22<sup>nd</sup> June, or immediately thereafter. However, they are not available to meet the deadline for submission of papers for the 22<sup>nd</sup> June meeting, hence our application for a Provisional Premises Licence.

## Micropub

A 'Micropub' as per the Micropub Association (see [micropubassociation.co.uk](http://micropubassociation.co.uk)) is defined as follows:

*"A Micropub is a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks."*

Micropubs are the brainchild of Martyn Hillier who, in 2005, converted a disused butcher's shop in the village of Herne, Kent into 'The Butchers Arms', a tiny 'pub' specialising in well-kept craft ales.

The following are considered to be the *General Guidelines* of Micropubs:

- Conversion of a closed shop/difficult building to help bring it back to life.
- Small in size to encourage a convivial, friendly atmosphere - more akin to a 'gathering' than a pub.
- Limited service that focuses on a smaller range of craft ales & craft spirits.
- Micropubs focus on the 'lost art' of conversation and lively banter. The layout of micropubs encourages conversation - even between strangers.
- No Television. TV is a distraction from the atmosphere.
- Trading hours are built around the customers, who are not the usual pub clientele.

- Reasonable prices - with lower overheads, and using local suppliers, the cost savings are passed directly to the customers.
- No fizzy mass produced lager or alcopops. Craft lager is considered an exception. Micropubs specialise in craft ales in interesting choices which cannot usually be matched by public houses or supermarkets. The ales are regularly changed, keeping the choice fresh & interesting.
- No electronic machines / devices. Some micropubs ban mobile phones whilst others operate a 'silent only' policy.
- Micropubs often sell locally produced cold snacks, as the lure of a hand raised pork pie with a rich malty beer and a nice sharp cheese with cider or a hoppy light ale is hard to resist!

### **Station Yard**

For the Station Yard micropub, we propose to follow the general micropub guidelines, namely:

- We propose to convert a beautiful but underappreciated B-Class listed building and bring it back to life to create a pleasant and convivial atmosphere for discerning customers.
- We propose to serve a limited range of craft ales and ciders plus craft spirits, wherever possible locally sourced, e.g. Knops Ales from Archerfield, Thistly Cross cider from Dunbar and North Berwick Gin. We propose to sell a limited selection of wines as well as a range of non-alcoholic soft drinks.
- We also propose to sell coffee to ensure that we attract a more family orientated clientele and will ensure our premises are child friendly and offer a safe environment.
- We propose to serve cold bar snacks including cheese, artisan breads, olives and pork / game pies, again locally sourced wherever possible.
- Being so close to Dunbar station we intend to allow 'silent only' mobile phones to allow our customers to keep an eye on their train times etc.
- We will have no TV, gaming machine or jukebox although we will have background music as well as real music from local musicians on occasions.
- We propose to sell our craft ales both on-site and as off-sales in bottles and two pint hoppers, thus allowing our customers the opportunity to take home and enjoy some fantastic craft ales.

### **Our Vision for Station Yard**

The moment you step inside our small establishment you will know that you're somewhere very unique. The range of fresh, perfectly kept craft ales and spirits, tempting locally produced snacks, and welcoming décor will transport you back in time to the days when good old-fashioned service mattered.

Our suppliers will be hand-picked and be very special. Everyone we partner with will have a strong passion for what they do, and they will do it very, very well. The craft ale will be made in small batches and constantly changed to keep it fresh and interesting. We will also feature a fabulous range of guest drinks (that you generally will not find in any supermarket) as well as 'rotating rarities' e.g. this month's speciality.

In many ways, the micropub is the 'perfect antidote for modern life' and this is how we will promote Station Yard.

It's the small things in life that matter.

Since The Butcher's Arms (about 16m<sup>2</sup>) opened there are now almost 300 micropubs established in the UK with new ones opening every week. Our proposed premises are approximately 35m<sup>2</sup>, plus around 40m<sup>2</sup> of useable private external space, and will provide a unique and welcoming atmosphere where our customers can enjoy a quite drink and the opportunity for a chat, or just to sit and read the paper.

This is an exciting time for Scotland, with many great things on the up. As local entrepreneurs with a passion for Dunbar, we are keen to continue to elevate the status of the town. Station Yard will be the most northerly micropub in the UK, and only the second in Scotland after Rutherford's in Kelso. We will look to take advantage of this relatively new idea to help bring more advertising and visitors to the area benefitting all businesses. We believe that this is a novel concept which complements the surrounding area and is fully compatible with the local amenity and believe that this concept will continue to grow.

We see Station Yard as being a community 'hub' rather than a local pub, bringing people together, and bringing back the art of conversation.

### **Overprovision**

We note the Licencing Board's concerns *regarding the Overprovision of licensed premises or licensed premises of a particular description in any locality within the Board's area* - refer to Part 4 of East Lothian Licencing Board Statement of Licencing Policy, 1 November 2013 – 31 October 2016 (this being the latest policy document publicly available).

To support our application for a Provisional Premises License in view of this policy, we would wish to provide the following details of how we propose to address the five licencing objectives.

#### **1. Preventing Crime and Disorder**

We have obtained Planning Permission and Listed Building Consent for the premises along with a Change of Use to Sui Generis (Public House).

Being small in size (around 35m<sup>2</sup> internally and 40m<sup>2</sup> externally) we do not expect to attract a large number of patrons at any one time. Additionally, we expect our clientele to be more mature and discerning customers with a target market segment in the age range of 30 to 90 years old, a demographic not normally associated with disorder.

Our aim is for Station Yard to be a family friendly establishment, particularly during the day. The atmosphere and environment we hope to create within Station Yard will therefore be one which encourages people to behave in an orderly and civilised manner. It is not in anyone's interests to encourage or allow any inappropriate behaviour or activity.

We have deliberately restricted our opening hours within our Operating Plan with a closing time of 11pm (23:00) on any day of the week. The actual closing times will be determined by our customers and may be earlier on some week days but will be no later than 11pm (23:00) on any day, including Fridays and Saturdays.

We do of course recognise that wherever there is alcohol there is the possibility of disorderly behaviour. We will seek to minimise any such behaviour on our premises by ensuring that we do not serve anyone considered to be drunk or allow anyone considered to be drunk to enter our premises. Standards of behaviour will be expected and anyone not considered to be adhering to these will be asked to leave.

As per the Licencing (Scotland) Act 2005, all of our staff will receive training based on the 16-point syllabus set by the Scottish Government to ensure that they are fully aware of the requirements of the Act and their responsibilities when serving alcohol. Records of the training will be kept.



Details of local taxi firms will be displayed to facilitate safe journeys home for our customers and access to a free phone will be provided to arrange a taxi if required.

We will become members of the local Pubwatch scheme operating in Dunbar and we will aim to enter the Best Bar None award scheme in 2018, or as soon as we are eligible to do so.

## **2. Securing Public Safety**

The building works proposed to convert Station Yard into a micropub are based on the current regulations and will be agreed and signed off by ELC Building Control. We have also followed the advice received from the Scottish Fire & Rescue Service and will put in place any additional smoke detectors, etc., as well as agree an emergency evacuation plan as required.

We have deliberately sought to make Station Yard a Fully Accessible Facility with the provision of an accessible toilet and a suitable portable ramp to enter / exit the premises. Our seating arrangements include mostly fixed seating around the walls of the interior spaces with only a limited number of moveable tables and chairs to minimise inconvenience to customers with mobility issues, as well as to the elderly and young.

The fireplaces within Station Yard will have wood burning stoves in them as opposed to open fires. We propose to commission and install guards around both fireplaces to prevent people coming into contact with the stoves or accidentally touching them.

Our external drinking area will be suitably lit and monitored by our staff.

Posters in relation to underage drinking as well as smoking and drink driving will be displayed within the premises.

We will put in place a policy, backed up by our staff training, on the approach to be taken to deal with anyone on the premises considered to be incapacitated or potentially vulnerable through the use of alcohol.

We consider the safety of the public and our staff to be paramount to the success of Station Yard.

## **3. Preventing Public Nuisance**

The location of Station Yard is such that there are no residential properties immediately adjacent to the building and our nearest neighbour is the Dunbar Bowling Club – the clubhouse is located a distance of around 10m away. Upon leaving Station Yard customers will however still be expected to behave in a socially acceptable manner.

As outlined, we expect to attract a more mature clientele and would not expect any public nuisance. We will however encourage any of our customers leaving our premises to consider the interests of any properties as they make their way towards the end of Station Road and beyond.

We will provide smokers with a designated smoking area within our external area accessed from the footway in front of Station Yard. This area backs onto an open area owned by National Rail, and the Dunbar Bowling Club. Smokers, and anyone else using the external area, will be encouraged to keep any noise to a minimum.

We propose to allow background music within Station Yard, and on occasion have live music performed. Given the general lack of immediate neighbours we do not consider this will cause any inconvenience or public nuisance.

The small size of Station Yard means that staff will be able to monitor all parts of the internal building. Additionally, the proposed location of the bar is such that it backs onto the windows overlooking the external area, so staff will also be able to monitor this area too.

There will be a CCTV system installed.

#### **4. Protecting and Improving Public Health**

Being a micropub we propose to offer a relatively limited range of alcoholic drinks. These will be largely small batch craft ales and spirits along with a small range of wines. Non-alcoholic drinks will also be provided including coffee and of course water will be provided free of charge.

We propose to offer our craft ales and ciders in a range of glass sizes. As well as the traditional half pint and pint glasses, we also propose to offer one third and two thirds of a pint glasses. This will allow our customers to try a selection of our ales and ciders without having to order a full pint every time. Our pricing structure will be such that there will be no penalty or advantage in ordering different sizes of glasses.

For our spirits, we intend to serve a measure of 25ml as opposed to the larger 35ml.

For our wines, we intend to offer both 125ml and 175ml glass sizes as well as carafes in sizes of 250ml, 500ml and 750ml. Again, our pricing structure for wine will be such that there will be no penalty or advantage in ordering different sizes of glasses or carafes.

As part of their 16-point training, our staff will be trained to recognise and identify the signs of people being drunk or becoming drunk. Our staff will monitor the behaviour of customers to ensure that overconsumption, which could be a danger to their safety, is minimised.

Our staff will also be trained to recognise the signs of potential drug use and to take the appropriate action if required. Anyone considered to be under the influence of drugs will not be allowed onto the premises or served and, if necessary, the police will be called to deal with them. However, given the expected age range of our clientele, as well as the type of clientele we are aiming to encourage i.e. people who appreciate craft ale and spirits, we do not expect that drug use will be a serious issue.

#### **5. Protecting Children from Harm**

We hope that families, including families with young children, will use Station Yard and see it as a safe and friendly place to visit. Our Operating Plan and Layout Plan have been drawn up with this in mind.

We propose to allow children and young persons accompanied by an adult into the premises for the purpose of enjoying a light lunch / snack / refreshment. They will be allowed in at all times up to 10pm (22:00), or until closure when attending an organised event. They will be allowed into the room / area away from the bar (well outside the 1.5m exclusion zone) and will also be allowed in the external area.

The design and layout of Station Yard will fully comply with the current Building regulations and every effort will be made to ensure that the layout and furnishings are designed and constructed to make the premises as child friendly as possible. Our toilet facility has been designed with children in mind and includes a baby changing area. Additionally, our external area will provide parents with a suitable 'parking' area for prams to avoid these having to be brought into the premises.

We will of course adhere to the Challenge 25 programme and our staff will be trained to challenge any young persons and request suitable / acceptable forms of ID as outlined in the Licencing (Scotland) Act 2005. A Refusals Incidents Book will be kept.

### **Additional / Supporting Information**

Since the early 1970s, there have been wholesale changes within Dunbar in terms of the number of licenced premises as well as the population. During this time several licenced premises have closed, including:

1. Foresters Arms
2. Jersey Arms
3. Dolphin Inn
4. Lothian Hotel
5. Bellevue Hotel
6. Roxburgh Hotel
7. George Hotel
8. Golf Hotel
9. Battleblent Hotel
10. Dunbar Rugby Club (Winterfield)

In addition, a number of off-licences / off-sales have also closed, including:

1. Somerfield
2. Spar
3. Victoria Wine
4. Lipton
5. Purves

During the same time a small number of new licensed premises plus off-sales have opened, including:

1. Hallhill Healthy Living Centre
2. Asda
3. The Pine Marten

Since the early 1970s we have also seen a very large increase in the population of Dunbar, following significant expansion and development within the town:

- In 1971 the population of the town was approximately 5,700 (ref. General Registrar's Office).
- By 2001 this had risen to approximately 6,440 and by 2011 it had risen to almost 8,500 (ref. 2001 & 2011 Census figures).
- By 2015 it was estimated that the population had risen again to almost 8,800.

It can therefore be seen that since the early 1970s the population of Dunbar has grown by over 50% whilst the number of licenced premises (including off-sales) has reduced significantly.

We believe that the addition of a small micropub with restricted hours, selling a limited range of craft alcohol products and directed toward the more mature and more discerning drinker, would be welcomed by the residents of Dunbar and that it is unlikely to result in an overprovision of licensed premises within the town.

We sincerely hope that the Licensing Board agrees and are minded to support our application.

---

Gerard McPhillips

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

Date 3<sup>rd</sup> August 2017  
Your Ref  
Our Ref EO/JS/fb

Enquiries to Jim Sherval  
Extension 35436  
Direct Line 0131 465 5460  
Email: [jim.sherval@nhslothian.scot.nhs.uk](mailto:jim.sherval@nhslothian.scot.nhs.uk)

Dear Ms Winter

## APPLICATION FOR PROVISIONAL PREMISE LICENCE APPLICATION – STATION YEARD MICROPUB, DUNBAR

On behalf of NHS Lothian we would like to make a representation concerning this application to the Licensing Board.

Before making our representation we would like to recognise the quality of this application. It is a full one and engages directly with the licensing objectives and related matters in a way that we would like to see other applicants doing. It is very helpful to get a good sense of the nature of the “offer” before the application is heard at the Board and it means we can take that into our considerations around the impact on public health. For instance we welcome the variation in glass size for ales, the nature of the pricing of the various sizes (ie no detriment to smaller sizes), the use of the smaller spirit measure and the use of 125ml wine glasses.

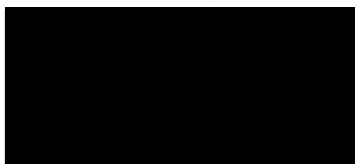
We also note that the applicant has looked at the issue of overprovision in the area in which the premises are located and made a case as to why this is not a consideration. The applicant has clearly read the East Lothian Statement of Licensing Policy as it states that “the Board considers that there 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.”

Unfortunately, as a health board are unable to make comparisons of numbers of outlets back to the 1970s but it may be that the Licensing section can supply information about the change in licensed premises over a more recent time period which the Board may wish to consider. We note that in general alcohol consumption has increased since the 1970s markedly and that there has been significant change in people’s purchasing behaviour toward alcohol being bought from off sales, particularly supermarkets.

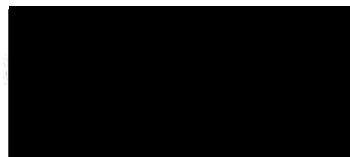
The first part of our representation concerns off-sales. We are unclear as to why off sales are needed up to 10pm at night. Also, the application states that off sales are intended for the sale of craft ale only and we suggest that the Licensing Board make this explicit in the conditions of the license. Approximately 70% of alcohol is sold via off sales so this is a key area of concern in terms of public health.

Secondly, we note that access for children is requested to 2200 or until closure when an organised event. While there is food included as part of the offer this is somewhat limited and the focus of the "offer" is on the consumption of alcohol. We assume that the balance of sales for the premises will be heavily weighted toward alcohol rather than food (perhaps in the order of 90% alcohol versus 10% food) and the Licensing board might wish to consider whether the access requested, which might be appropriate for a restaurant where food is the main focus of the offer, is appropriate in this instance. The need to be accompanied could also be helpfully clarified.

Yours sincerely



**Jim Sherval FFPH**  
Consultant in Public Health



**Elizabeth Oldcorn**  
Senior Specialist in Health Promotion

Date 19<sup>th</sup> July 2017



Licensing  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

**POLICE**  
**SCOTLAND**

Keeping people safe  
Tel 01620 827257  
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Philip Gormley OPM  
Chief Constable  
eastlothian.gov.uk

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  
PROVISIONAL PREMISES LICENCE  
STATION YARD MICROPUB  
STATION YARD, STATION ROAD, DUNBAR, EAST LoTHIAN, EH42 1JX.  
GERARD ANTHONY MCPHILLIPS**

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.

Whilst the police have no objection to the grant of this licence, it is pertinent to point out that it 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.

Yours faithfully



Philip Gormley QPM  
Chief Constable



**East Lothian**  
Council

Licensing  
John Muir House  
Haddington  
East Lothian  
EH41 3HA  
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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:** 19 July 2017

**Subject:** LICENSING SCOTLAND ACT 2005  
PROVISIONAL PREMISES LICENCE APPLICATION

**Station Yard Micropub, Station Road, Dunbar, East Lothian EH42 1JX**

I refer to the above subject and can confirm that the premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the terms of the Licensing (Scotland) Act 2005.

Although this application is the subject of overprovision it is an exciting new enterprise in an area which would benefit from a new and unique café bar facility and an injection of life. I compliment the applicant on the content of his overprovision statement which is a comprehensive description of what his business venture is about, how it will comply with the licensing objectives and why it should be considered an exceptional case to be granted a Premises Licence. As such, I have no hesitation in supporting the grant of this licence.

R. Fruzynski  
Licensing Standards Officer



Winter, Maree

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From: [REDACTED]  
Sent: 09 July 2017 17:51  
To: Winter, Maree  
Subject: Re: ELO348 - provisional premise licence application

Thanks Maree

Dunbar Community Council met with the people behind the Micropub in May 2017. They gave us full information about their ideas. We are happy to support the application for a provisional premises licence.

[REDACTED]  
Secretary  
Dunbar Community Council

On 7 July 2017 at 14:29, Winter, Maree <[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)> wrote:

Hi,

Please find attached an application for a provisional licence for Station Yard Micro pub, Station Road, Dunbar. Could I please have any representations/objections no later than by Friday 4<sup>th</sup> July 2017.

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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