

EAST LOTHIAN LICENSING BOARD

LIST OF APPLICATIONS

LICENSING (SCOTLAND) ACT 2005

Variation (Major)(s)	Premises	Applicant	Sale of Alcohol	Date Published	Objection Date
3	COUNTY HOTEL 15-17 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HH	KILLERNAN INNS LIMITED C/O FLINT BISHOP SOLICITORS ST MICHAELS COURT ST MICHAELS LANE DERBY DE1 3HQ	ON SALES	12/05/2017	02/06/2017
4	POONTHAI'S 7 WESTGATE NORTH BERWICK EAST LOTHIAN EH39 4AE	POONSAP CUMPSITE C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	ON AND OFF SALES	14/07/2017	04/08/2017
5	PRESTON LODGE RFC CLUBROOMS BANKFOOT HOUSE B1348 (02) FROM WESTPANS TO PRESTONGRANGE ROAD (C74) DRUMMOHR PRESTONPANS EAST LOTHIAN	PRESTON LODGE RFC	ON AND OFF SALES	03/07/2017	24/07/2017

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

EL036

2(b) Name and Address of Premises

County Hotel
15 – 17 High Street
North Berwick
East Lothian

Post Code EH39 4HH

Phone No.

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

Killernan Inns Limited
County Hotel
15-17 High Street
North Berwick
East Lothian

Post Code EH39 4HH

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

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)

To change at Question 2 the Core Times when alcohol will be sold for consumption on the premises so that on a Thursday and a Sunday the terminal hour will be until Midnight on each of those days.

To change the wording at 6(e) to include the restaurant areas but remove the mention of the games room which is no longer used as such and in line with the description shown at 3d below.

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.

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)

The description of the Premises on the premises licence requires amending as follows:

1. At Paragraph 2 it should be amended to read: The ground floor comprises Public Bar with servery and Lounge /Dining room off to rear, Reception/Café area, Gents Toilets, Disabled Toilets, Laundry Room, Cleaners closet, Beer storage area and Soft drinks storage area.
2. At Paragraph 3 it should be amended to take into account that the operators' accommodation on Floor 1 has been changed to letting bedrooms and approved by the Board on 6th April 2010. It should now read: On the first floor, there is a function room, with a fire exit. This is served by a ladies toilet. Further there is a kitchen which has a door to fire exit and small balcony area. There are three bedrooms all ensuite.

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature

.....  (See note 5 below)

Date

..... 2-5-2017

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

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

Tony Bateman Flint Bishop LLP St Michaels Lane Derby DE1 3HQ

Tel: 01332 226463 E Mail: 

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>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

County Hotel
15 – 17 High Street
North Berwick
East Lothian EH39 4HH

Question 1

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

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>YES</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</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 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	12:00 Midnight
<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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

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 intend to operate any additional core hours granted by the board under their authority contained in Section 67 of the Licensing (Scotland) Act 2005.

Any additional hours sought outwith such grants shall be applied for by way of separate application for Occasional Licence under Section 56 or for extended hours under Section 68 of the Licensing (Scotland) Act 2005.

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
<i>5(a) 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>Accommodation</i>	Yes	N/A	N/A
<i>Conference facilities</i>	Yes	Yes	Yes
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	Yes	Yes	Yes
<i>5(b) Activity</i>	<i>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>Social functions including:</i>			
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	Yes	Yes	Yes
<i>Club or other group meetings etc.</i>	Yes	Yes	Yes
<i>5(c) Activity</i>	<i>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>Entertainment including:</i>			
<i>Recorded music – see 5(g)</i>	Yes	Yes	Yes
<i>Live performances – see 5(g)</i>	Yes	Yes	No
<i>Dance facilities</i>	Yes	Yes	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	Yes	Yes	No
<i>Indoor/outdoor sports</i>	Yes	Yes	No

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

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

For the provision of non-alcoholic drinks, breakfast service, morning tea and coffee to conferences, group meetings to residents daily and as required and from time to time to the general public on any day prior to the commencement of core Licensing hours. Background music may be played during this time.

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.

None

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	NO
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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)	<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 shall be entitled to access the premises when accompanied by an adult for the consumption of a meal, where resident in the hotel or when attending a pre-booked function.

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

0 – 17 years

Baby changing facilities for under 5 year old are provided in the ground floor male and first floor female toilets.

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

Children and young persons who are not residents of the premises shall be entitled to access the premises for the purposes of consumption of a meal during the hours of: Monday to Saturday 11:00am to 8:00pm, Sunday 12:30pm to 8:00pm.

Children and young persons who are not residents of the premises but attending a pre-booked function at the premises shall be entitled to access the premises during all the hours which that function is taking place, subject to a terminal hour of 10:00pm.

Children and young persons who are resident at the premise shall be entitled to access the premises at all times.

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

Children and young persons who are not residents of the hotel shall be entitled to access the restaurant areas including lounge/dining room, Reception/café areas, public bar, function room, beer gardens and the male and female toilets. Access to the public bar is restricted to children and young persons remaining within the carpeted lounge area to the rear of the public bar.

Children and young persons who are resident at the hotel shall be entitled to access the foregoing and the letted areas of the premises.

Question 7

CAPACITY OF PREMISES

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

On sales - 200

Question 8

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

Personal details

8(a) *Name*

Antoine Breathnach

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

County Hotel
15-17 High Street
North Berwick
East Lothian

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
14/12/2016	East Lothian Licensing Board	EL1349

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 [REDACTED] * (see note below)

Date 2-5-2017

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

Telephone number and email address of signatory ...

Tony Bateman Flint Bishop LLP St Michaels Lane Derby DE1 3HQ

Tel:01332 226463 [REDACTED]

*** 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.

KNACN/MJN/EN/LLI

East Lothian Council
Licensing

- 1 JUN 2017

Dear Kuste MacNeill

Thank you for your letter referring
to Application for extended licensing
hours at the County Hotel in
W.B.

I am writing to object as I have
a flat immediately adjacent to the
back of the County Hotel with a
bedroom window facing it. The noise
would be absolutely awful, indeed
it is bad enough having the late
license on Friday/Saturday night
without extending to ~~Sunday~~
of the week. Your sincerely

[Redacted signature]

Date 15th 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 VARIATION OF A PREMISES LICENCE
COUNTY HOTEL, 15-17 HIGH STREET, NORTH BERWICK, EAST LoTHIAN,
EH39 4HH.
KILLERNAN INNS LIMITED**

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 an increase in licensed hours, to change the terminal hour on a Thursday and Sunday night from 11pm to midnight. It also requests a change of wording in relation to the description of the premises with regards to the restaurant areas and accommodation.

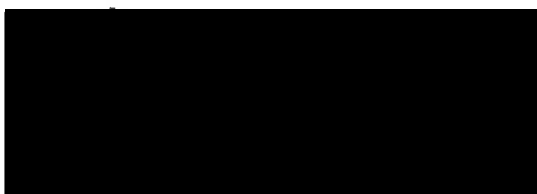
In terms of Section 29(5) this request can be considered a variation.

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

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

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

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 11 May 2017

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

County Hotel, 15-17 High Street, North Berwick, East Lothian EH39 4HH

I can confirm that the premises have been visited in relation to this application, which is to extended core hours on Thursday and Sunday evening from 23:00 to 24:00 hours. In addition, the layout of the premises has seen the removal of the ground games room, which has been converted into a dining area, and minor alterations have been made to the accommodation provision on the first floor.

There have been no complaints concerning the operation of the premises since they were taken over by Killerman Inns Limited at the end of March 2017.

R. Fruzynski
Licensing Standards Officer