

**EAST LOTHIAN**

**Meeting 24 August 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
3	POONTHAI'S 7 WESTGATE NORTH BERWICK EAST LOTHIAN EH39 4AE	POONSAP CUMPSTIE C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	11 July 2017	Increase on sale hours to 11.30am to 12 Midnight each day. Add Off-Sales. Children/Young Persons will have access if accompanied by an adult, during operating hours, to provide activities will take place outwith core hours, during periods of extended hours. Add Deliveries and Takeaways as Activities.
4	PRESTON LODGE RFC CLUBROOMS BANKFOOT HOUSE B1348 (02) FROM WESTPANS TO PRESTONGRANGE ROAD (C74) DRUMMOHR PRESTONPANS	PRESTON LODGE RFC	13 June 2017	Change of name, change to terminal hour on Saturday from midnight to 1am, allow tv sport to be televised from 8am (previously 9am), change to open club, to include outdoor drinking area to include bowling green in the licensed area and premises description amended.



# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

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

Poonthal's  
7 Westgate  
North Berwick  
East Lothian  
EH39 4AE

### 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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<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>	11.30am	11.00pm
<i>Tuesday</i>	11.30am	11.00pm
<i>Wednesday</i>	11.30am	11.00pm
<i>Thursday</i>	11.30am	Midnight
<i>Friday</i>	11.30am	Midnight
<i>Saturday</i>	11.30am	Midnight
<i>Sunday</i>	11.30am	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>	11.30am	10.00pm
<i>Tuesday</i>	11.30am	10.00pm
<i>Wednesday</i>	11.30am	10.00pm
<i>Thursday</i>	11.30am	10.00pm
<i>Friday</i>	11.30am	10.00pm
<i>Saturday</i>	11.30am	10.00pm
<i>Sunday</i>	11.30am	10.00pm

**Question 4**

*SEASONAL VARIATIONS*

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

*\*If YES – provide details*

The premises would operate Extended Hours as per Board Policy for Festive Extensions and any other occasions as set 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

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>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided during</i> <i>core licensed hours -</i> <i>please 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>	NO	NO	NO
<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>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO

<i>5(d)</i> <i>Activity</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>Outdoor drinking</i> <i>facilities</i>	YES	YES	YES
<i>5(e)</i> <i>Activity</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>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.*

Activities answered 'YES' in Column 4 may take place during Extended Hours granted by the Board, other than outside drinking which is restricted by a Condition in the Licence to 10.30pm.

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.

Deliveries Takeaways (Alcohol will only be sold for Off Sale purposes when accompanying an order for food).
--

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)	<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 will be allowed access to the premises when accompanied by an Adult over 18.

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

No restriction (0-17 years).

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

No restriction

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 be allowed access to all parts of the premises.

**Question 7**

**CAPACITY OF PREMISES**

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

On Sales - 56

**Question 8**

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

*Personal details*

8(a) *Name*

Poonsap Cumpstie

8(b) *Date of birth*

8(c) *Contact address*

[Redacted]

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>
1 September 2009	East Lothian Licensing Board	EL182

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

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

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

Signature ..... \* (see note below)

Date .....

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

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

**\* Data Protection Act 1998**

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

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

EL0194

2(b) Name and Address of Premises

Poonthai's  
7 Westgate  
North Berwick

Post Code EH39 4AE

Phone No. 01620 894303

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

Poonsap Cumpstie

Post Code

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

Not Applicable

#### **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 increase on sale hours to 11.30am to midnight each day

To add Off Sales.

To provide that Children/Young Persons will have access if accompanied by an adult, during operating hours

To provide that certain Activities will take place outwith core hours, during periods of extended hours

To add Deliveries and Takeaways as Activities

#### **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.

Not Applicable.

#### **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)*

Not Applicable.

**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 **£150** (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



..... (See note 5 below)

Date

10/1/17

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

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

.....  
Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, 

**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>

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

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

Poonthal's 7 Westgate North Berwick East Lothian EH39 4AE
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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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<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>	11.30am	Midnight
<i>Tuesday</i>	11.30am	Midnight
<i>Wednesday</i>	11.30am	Midnight
<i>Thursday</i>	11.30am	Midnight
<i>Friday</i>	11.30am	Midnight
<i>Saturday</i>	11.30am	Midnight
<i>Sunday</i>	11.30am	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>	11.30am	10.00pm
<i>Tuesday</i>	11.30am	10.00pm
<i>Wednesday</i>	11.30am	10.00pm
<i>Thursday</i>	11.30am	10.00pm
<i>Friday</i>	11.30am	10.00pm
<i>Saturday</i>	11.30am	10.00pm
<i>Sunday</i>	11.30am	10.00pm

**Question 4**

*SEASONAL VARIATIONS*

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

*\*If YES – provide details*

The premises would operate Extended Hours as per Board Policy for Festive Extensions and any other occasions as set 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

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

<i>5(d)</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	YES
<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.*

Activities answered 'YES' in Column 4 may take place during Extended Hours granted by the Board.

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.

Deliveries Takeaways
-------------------------

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)	<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 will be allowed access to the premises when accompanied by an Adult over 18.

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

No restriction (0-17 years).

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

No restriction

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 be allowed access to all parts of the premises.

**Question 7**

***CAPACITY OF PREMISES***

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

On Sales - 56

**Question 8**

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

*Personal details*

8(a) *Name*

Poonsap Cumpstie

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

8(d) *Email address and telephone number*


8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2009	East Lothian Licensing Board	EL182

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

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

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

Signature  ... \* (see note below)

Date ..... 10/7/09 .....

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

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

**\* Data Protection Act 1998**

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

## Winter, Maree

---

**From:** Herkes, Gillian on behalf of Licensing  
**Sent:** 11 August 2017 12:56  
**To:** Winter, Maree  
**Subject:** FW: 7 Westgate, North Berwick  
**Attachments:** Operating Plan.pdf

**From:** [REDACTED]  
**Sent:** 11 August 2017 12:49  
**To:** Licensing  
**Subject:** 7 Westgate, North Berwick

Dear Debbie and Maree

I refer to my letter that I sent yesterday with a Confirmation of Site Notice.

As explained, no issue in amending the Application to comply with your Policy Hours on Monday, Tuesday, Wednesday.

I also take on board the suggestion by the NHS regarding the restriction on the use of Off Sales, to those ordering with food. I've made these changes to the Operating Plan and attach it.

Is the Agenda ready yet?

Kind regards

Yours sincerely

[REDACTED]  
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)  
21a Rutland Square  
Edinburgh  
EH1 2BB

DX Edinburgh 561

Tel: 0131 229 6181  
Fax: 0131 221 1282  
[www.macdonaldlicensing.com](http://www.macdonaldlicensing.com)

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Winter, Maree

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From: [REDACTED]  
Sent: 04 August 2017 11:26  
To: Winter, Maree  
Subject: NBCC - Major variation - Poonthai's, North Berwick

Importance: High

The Licensing Board  
East Lothian Council  
John Muir House  
HADDINGTON  
EH41 3HA

Sirs

North Berwick Community Council considered the application for a major variation of the licence for **Poonthai's, 7 Westgate North Berwick** at its meeting this week.

The Community Council is concerned about the proposed **extension of the terminal hour each day to midnight**.

There are a number of residential properties above and in close proximity to the premises which would be affected by the noise and possible anti social behaviour resulting from the extended hours, particularly as there is also outdoor seating to the rear. We understand that the terminal hour for similar properties in the High Street is 11.00 pm which we consider to be late enough, given the situation of the premises. We would, however, be agreeable to the terminal hour on Friday and Saturday being extended to midnight.

We trust you will take into account the Community Council's concern when considering this application for a major variation of the licence.

Yours faithfully

[REDACTED]  
*Secretary, NBCC*



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.nhslothian.scot.nhs.uk](http://www.nhslothian.scot.nhs.uk)

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

Date 17<sup>th</sup> July 2017  
Your Ref  
Our Ref EO/JS/fb

Enquiries to Jim Sherval  
Extension 35436  
Direct Line 0131 465 5436  
Email: [jim.sherval@nhslothian.scot.nhs.uk](mailto:jim.sherval@nhslothian.scot.nhs.uk)

Dear Ms Winter

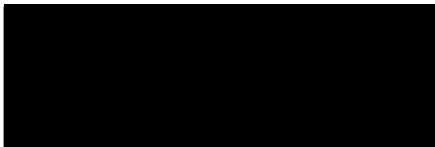
**APPLICATION FOR MAJOR VARIATION – Poonthai's, 7 Westgate, North Berwick**

On behalf of Lothian Health Board, we would like to make a representation concerning two aspects of the proposed operating plan for this premises that we consider to be inconsistent with the licensing objectives.

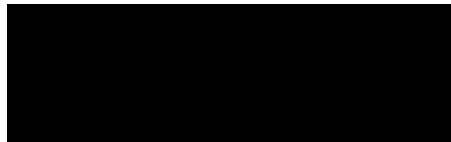
First, the application for increasing the provision of on sales until midnight every evening is against the terminal hours permitted for on sales on Monday – Wednesday as specified in the East Lothian Statement of Licensing Policy of 11pm for these days.

Secondly, regarding the extending of the business to include off-sales, deliveries and take-aways, NHS Lothian would like to request that it is made a condition of the license that alcohol is sold for consumption off the premises only when accompanying an order for food. NHS Lothian is concerned about the rise in alcohol consumption from off-sales and East Lothian has already declared the whole of the area as overprovided.

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*

Date 20<sup>th</sup> July 2017



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

Your Ref: EL0194

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 - OBJECTION  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
POONTHAI'S  
7 WESTGATE, NORTH BERWICK, EAST LOTHIAN, EH39 4AE.  
POONSAP CUMPSTIE**

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 a request to increase on sales hours, add off sales, to change the terms under which children and young persons will be allowed entry, to allow certain activities to take place out with core hours, during periods of extended hours and to add deliveries and takeaways as activities.

In terms of Section 22(1)(a) of the same Act, I make the following objection.

- Question 2 - The request to increase the 'on sales' hours to include a terminal hour of midnight Monday to Wednesday is out with Board Policy and the police will not support this request.
- Question 3 - In relation to the general increase in licensed hours and the request for 'off sales', is also out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of these additional hours would outweigh the presumption against grant in terms of the overprovision statement.

- Question 6(b) - Children and Young Persons will be allowed access to the premises when accompanied by an Adult over 18.

Question 6(d) - No restriction on times.

The premises currently have the following wording: '*Children and Young Persons will be allowed access to the premises for the purposes of having a meal when accompanied by an Adult over 18.*'

*Until 8pm*

I would request that the original wording "for the purposes of having a meal" is maintained, otherwise you are leaving the children and young person access open until the terminal hour (potentially midnight) whether the adult is having a meal or not.

- Question 5 - Certain Activities will take place out with core hours, during periods of extended hours.

The applicant has ticked 'yes' to this for 'outdoor drinking facilities'. The licence currently has a local condition for the outside area not to be used after 2230 hours. In the interest of the local residents, the police cannot support this request. 2230 hours is a generous time in comparison to other premises, any use of the outside area after that time has the potential to cause 'public nuisance'.

- Question 5(f) - To add Deliveries and Takeaways as Activities

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

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

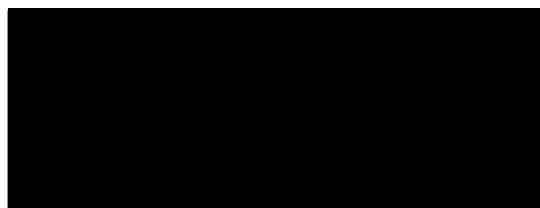
In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing public nuisance
- protecting and improving public health
- Protecting children and young persons from harm

Any increase of hours and further access to alcohol via 'off sales' and 'deliveries' has an effect on public health. Increasing the duration that children and young persons are on licensed premises and potential access to alcohol through deliveries to private houses, increases the 'risk' to children and young persons. The use of the outside area after 2230 hours has in the past caused 'public nuisance' with local residents and has the potential to cause problems again, if allowed.

This objection 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: 17 July 2017**

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

**Poonthai's, 7 Westgate, North Berwick, East Lothian EH39 4DG**

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:

<i>Day</i>	<i>ON Consumption</i>					
	<i>Opening Time</i>	<i>Current hour</i>	<i>Terminal</i>	<i>Proposed Opening Time</i>	<i>Proposed hour</i>	<i>Terminal</i>
<i>Monday</i>	12.00	23.00		11.30	24.00	
<i>Tuesday</i>	12.00	23.00		11.30	23.00	
<i>Wednesday</i>	12.00	23.00		11.30	24.00	
<i>Thursday</i>	12.00	23.00		11.30	24.00	
<i>Friday</i>	12.00	23.00		11.30	24.00	
<i>Saturday</i>	12.00	23.00		11.30	24.00	
<i>Sunday</i>	12.00 - 14.30	23.00		11.30	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 proposed opening times each day to 11.30 hours, which is within Board Policy.
- There is no objection to the proposed change to the terminal hour on Thursdays to Sundays, to 24:00, which is in line with Board policy.
- The proposed increase in the terminal hour on Monday to Wednesday to 24:00 is outwith Board Policy. To protect nearby residents from noise nuisance during the working week it is recommended that the current closing time of 23:00 be

continued.

- The addition of 'off-sales' facilities is supported for the purposes of persons, having partaken of a meal, being able to take away any unfinished bottle of wine or if alcohol is supplied along with a carryout order of a meal prior to 22.15.
- Access for children and young persons to the premises during operating hours is supported. To be consistent with other Board decisions, children should leave the premises prior to 22.00 unless attending a pre-arranged event when they may remain until the conclusion of that event.
- The proposed addition of deliveries and takeaways is supported provided that the delivery or takeaway comprises of alcohol included as ancillary to a meal and that delivery drivers comply with Challenge 25 procedures and the rules contained in Section 119 of the Licensing (Scotland) Act 2005.

For the information of the Board, Poonthai's is a very well-run popular restaurant premises. There have been no complaints regarding the operation of the Premises Licence since the review of the licence on 20/11/2009, which related to complaints of regular disturbance from the outside dining and drinking area to the rear of the premises.

R. Fruzynski  
Licensing Standards Officer