

## 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
6 TIGER COAST 114 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HE	LOTHIAN PREMIER LTD C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	17 July 2017	Vary description to Wine bar and bistro restaurant in a mixed commercial and residential street. Allow on & off sales, Amend on sales to 11am daily, and Thurs to Saturday terminal hour 01.00 and Sunday 12 Midnight. delete any break in trading hours. Off sales 11am to 10pm daily. Yes to Seasonal hours. Allow conference, bar meals, receptions, club & group meetings, live performances, theatre, film, gaming, tv sport all within and outwith core hours. Permit restaurant and recorded music outwith core hours - premises may open before 8am but not outwith



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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**

EL0166

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

Tiger Coast  
 114 High Street  
 North Berwick

<b>Post Code</b>	EH39 4HE	<b>Phone No.</b>	NA
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**2(c) Full Name and Address of Current Licence Holder**

Lothian Premier Ltd  
 2 Lanark Road  
 Edinburgh

<b>Post Code</b>	EH14 1TQ	<b>Phone No.</b>	
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**SECTION 3: NATURE OF VARIATION**

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

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

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

**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)

Q1 – amend to allow on and off sales

Q2 – amend on-sales commencement hour to 11.00 daily; amend on-sales terminal hour Thursday – Saturday (inclusive) 01.00; amend on-sales terminal hour on Sunday to 00.00 and delete any break in trading

Q3 – show off-sale commencement hour as 11.00 daily; show off-sale terminal hour as 22.00 daily

Q4 – amend to YES and details to read – "The premises may take advantage of any general extension granted by the Board."

Q5 – amend to permit conference; bar meals; receptions; club or other group meetings; live performances; theatre; films; gaming; tv sport; both within and outwith core hours. Amend to permit restaurant; recorded music outwith core hours.

In further details insert – "The premises may open before core hours from 08.00 for breakfast, teas and coffees. All ancillary activities in column 4 may take place from 08.00. The premises will not operate beyond the terminal hour unless an extension has been granted by the Board."

Q5(f) – add "corporate, community, charity and private events may occur from time to time with activities such as – demonstrations; product launches; tastings; education; networking; training; fund raising and the like".

Q6 replace as follows

- (a) Accompanied by an adult for the purposes of a meal, snack or soft drink or attending a function.
- (b) 0-17
- (c) From opening until 11pm
- (d) All public parts

Q7 –amend capacity to read

"80 persons

0 m2 (there will be no dedicated off-sale display)"

### 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*)

Amend the description delete existing and replace with – "Wine bar and bistro restaurant in a mixed commercial and residential street."

### 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)                      The licence will follow under separate cover

### 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-

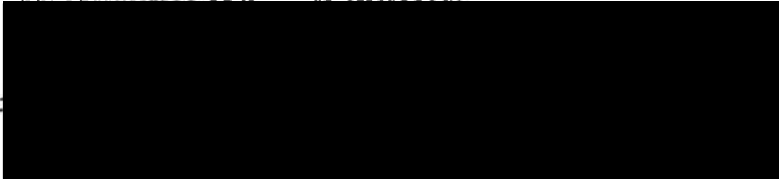
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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 14/07/2017

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

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

NIALL HASSARD

SOLICITOR

TLT LLP

**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

East Lothian Licensing Board  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

## OPERATING PLAN – Tiger Coast

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

### 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	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>	<b>YES</b>
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***\*If YES – provide details***

The premises may take advantage of any general extension granted by the Board.



Question 5

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

COL. 1	COL. 2	COL. 3	COL. 4
<i>5(a)</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>Accommodation</i>	NO	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</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>Social functions</i> <i>including:</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>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>Entertainment</i> <i>including:</i>			
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	YES	YES	YES

<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	YES	YES	YES
<b>5(d)</b> <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>	NO	NO	NO
<b>5(e)</b> <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.

The premises may open before core hours from 08.00 for breakfast, teas and coffees. All ancillary activities in column 4 may take place from 08.00. The premises will not operate beyond the terminal hour unless an extension has been granted by the Board.

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

0-17

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

FROM OPENING UNTIL 11PM.

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

ALL PUBLIC PARTS

### Question 7

#### *CAPACITY OF PREMISES*

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

80

0m2 (there will be no dedicated off-sales display)

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.

Corporate, community, charity and private events may occur from time to time with activities such as – demonstrations; product launches; tastings; education; networking; training; fund raising and the like.

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 ACCOMPANIED BY AN ADULT FOR THE PURPOSE OF HAVING A MEAL OR SNACK OR SOFT DRINK OR ATTENDING A FUNCTION.

Question 8

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

*Personal details*

8(a) *Name*

MOHAMMAD ZAMAL
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8(b) *Date of birth*


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8(c) *Contact address*


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8(d) *Email address*

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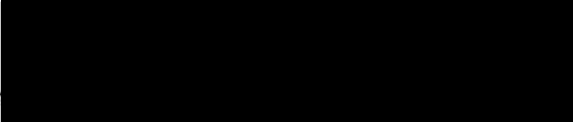
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01.09.09	EAST LOTHIAN LICENSING BOARD	EL163

**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  (below)

Date 14/07/17

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

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**From:** [REDACTED]  
**Sent:** 12 August 2017 12:17  
**To:** Licensing  
**Subject:** KMacN/mjw/EN/L/L1 - URGENT

To: Kirstie MacNeill  
Clerk of the Licensing Board  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Dear Ms MacNeill

Regarding the Application for Variation for the premises on 114 High Street, North Berwick, I am contacting you to object to the hours of opening and off-sales.

It is unfortunate that we have been away on an extended trip and only returned today to find your letter which was dated 17th July. Three weeks notice to make the objection is not enough, especially as our neighbours [REDACTED] [REDACTED]. The two residential properties that will be most affected by the variation in license were not able to make and objection to the application.

My grounds for objecting to the late (1am) opening hours are that this is inconsistent with the licensing objective of 1) preventing crime and disorder and 2) preventing a public nuisance. There are already a number of premises with late opening hours in the area and extending the hours and ability to play recorded music will encourage individuals to congregate in the area, which has a high proportion of residential properties. Similarly, extending off-sales will attract more traffic and disruption in an area where parking is a major problem and residents frequently cannot park near their own homes.

In terms of preventing a public nuisance, I am most concerned about the noise. The current restaurant uses the passageway, which is next to our house, to take out their rubbish and the noise is amplified into our bedroom and kitchen. As this usually takes place during the day, it has been a minor issue, but I am most concerned about the 1am finishing and how the noise will be conducted into our bedroom. If the staff of the Tiger Coast have a conversation outside the back of the restaurant, we can hear every word. While the current restaurant owners are quite considerate, we cannot guarantee that the new owners will have the same attitude, especially if they are open until 1am.

I would argue to achieve the objectives of the license, the current restrictions are perfectly adequate to operate a successful premises.

Your sincerely

[REDACTED]

Winter, Maree

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From: [REDACTED]  
Sent: 14 August 2017 11:01  
To: Licensing  
Subject: KMacN/mjw/EN/L/L1 Late objection

To: Kirstie MacNeill  
Clerk to the Licensing Board  
John Muir House  
Haddington

Dear Ms MacNeill

We arrived home yesterday, 13th August, from a 7 week work trip to Sydney to find the application for variation to the premises licence for Tiger Coast dated 17th July. Due to our absence we have missed the deadline for objections. 3 weeks is not a long enough window to raise objections and as the property, along with [REDACTED] most likely to be affected by the change to licensing, we would be grateful if you would still consider our objections.

We believe that any extension to licensing hours will fail to meet the licensing objectives of:

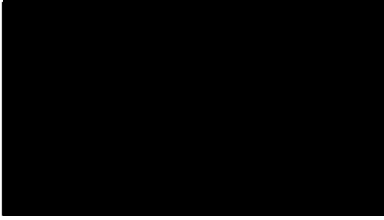
- 1) **Preventing crime & disorder: There are already a number of premises with late opening hours in the area and extending the hours of trade and ability to play loud music will further encourage people to linger in the area and behave in a drunk and disorderly manner.** Our experience of this type of behaviour is the following: a. On our first evening in the property nearly 10 years ago we were woken by a brawl on the corner of Forth and Church street, this has been a regular weekend occurrence since. b. We have had 2 bicycles and 2 scooters stolen from the front of our property, we have recovered bicycles on the putting green but they have since been stolen outright. c. We have had a pizza thrown at our window and our front garden trampled on by those under the influence walking on our front wall. d. I frequently have to pick out glasses, beer and spirit bottles from our front garden, as those under the influence find it difficult to locate a bin and use our garden instead.
- 2) **Preventing a public nuisance: noise both from the restaurant employees and people frequenting the restaurant.** I have outlined some of the issues with the latter group above but worse and more consistent noise pollution comes from the restaurant itself. We have tried over the years to form a good relationship with the management of the Tiger Coast. This has been possible for 8.5 of the past 10 years and Mustafa has always been very respectful of our need for peace and quiet beyond a certain hour. The last 18 months have been very difficult especially during the summer months. Our bedroom window and the back of the house are 6 metres from the kitchen back door. This is left open all evening as the temperature inside the kitchen is high, this means that we hear every noise in the kitchen: all conversations, all orders being placed, and every pot and pan being washed up. This is terrible for my daughter who is trying to sleep at around 8pm and terrible for us when we are trying to sleep at 10.30/11. Any extension to opening hours would mean further disturbance into the night, which would be intolerable. We have discussed regularly with Mizan, the new manager, but without success. We were on the point of contacting the council, which I think the previous owners did, but this was a last resort as we always preferred to speak directly with the restaurant.
- 3) **Protecting and improving public health: noise and cigarette smoke from restaurant employees.** The noise issue I have addressed already. Employees smoking outside is a problem. The smoke floats into our garden and kitchen everyday and occasionally into our bedrooms. Again we have addressed this with the management, it improves for a while and then again reverts to the same problem. Our children playing in the garden or even just being in the kitchen should not be forced to inhale cigarette smoke from the neighbouring property. Furthering trading hours is only going to be make this worse.

As you can see there are already existing problems in achieving licensing objectives, changing the status of this will only worsen the situation.



I look forward to your response.

Yours sincerely



Lothian NHS Board

Public Health & Health Policy  
Waverley Gate  
2-4 Waterloo Place  
Edinburgh  
EH1 3EG  
Telephone 0131 536 5460  
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 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 MAJOR VARIATION APPLICATION – TIGER COAST, NORTH BERWICK**

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

We found this application less easy to consider as it assumes that you have a copy of the previous operating plan to hand with the changes. It would have been helpful to have had a copy of the previous plan to refer to.

We note that the application does not address the licensing objectives very explicitly. Given the level of variations requested this might have been an opportunity for the applicant to revise or improve their plan in terms of addressing the licensing objectives. The Board may wish to hear what activities the applicant is undertaking in this regard.

We note that there is no argument given as to the requirement for off sales. While on sales for a restaurant/bistro seems reasonable as it is ancillary to food, there is no justification in the application as to why off sales is required. The current statement of licensing policy in East Lothian draws attention to the overconsumption of alcohol across the County. The best way to fulfil the Licensing Objective of “protect and improve public health” is to lower the consumption of alcohol within the population. Given that 70% of alcohol is sold via off sales we would ask the Board to consider not granting the element that relates to off sales.

We note the request to extend access for children and young people from ages 0-17 until 11pm. Although food is a clear focus for the premises it also describes itself as a Wine Bar so we suggest that the Board might like to reassure itself that the access requested is appropriate to the offer under consideration.



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

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From: [REDACTED]  
Sent: 04 August 2017 11:39  
To: Winter, Maree  
Subject: NBCC - Major variation - Tiger Coast, 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 **Tiger Coast, 114 High Street, North Berwick** at its meeting this week.

The Community Council is concerned about the proposed **extension of the terminal hour to 01.00 am from Thursday to Saturday and midnight on Sunday.**

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. 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*

Date 20<sup>th</sup> July 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: EL0166

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  
TIGER COAST INDIAN RESTAURANT  
114 HIGH STREET, NORTH BERWICK, EAST LoTHIAN, EH39 4HE.  
LoTHIAN PREMIER LTD**

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 several changes within the Operating Plan as well as an increase in licensed hours, the addition of 'off sales' and increase in capacity from 70 persons to 80.

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

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: R. Fruzynski  
Licensing Standards Officer

To: K. MacNeill  
Clerk to the Licensing Board

Date: 02 Aug. 2017

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

**Tiger Coast, 114 High Street, North Berwick, East Lothian EH39 4HE**

I refer to the above subject and can confirm that I have consulted with one of the prospective new business partners who seek to take over the Tiger Coast Indian restaurant. I have also spoken with Mr Niall Hassard, Licensing Director, TLT Solicitors.

The variation applied for seeks to add off-sales hours to the current licensing footprint, commencing 11:00 and terminating 22:00 each day. This will facilitate the taking away of any unfinished bottle of wine served with a meal or permit customers to purchase and take away brewer's products.

Core licensed hours applied for in respect of on consumption facilities are shown in the table below:

Day	Current Core Hours	Proposed Core Hours
Monday	12:00 to 14:00 & 17.30 to 23:00	11:00 to 23:00
Tuesday	12:00 to 14:00 & 17.30 to 23:00	11:00 to 23:00
Wednesday	12:00 to 14:00 & 17.30 to 23:00	11:00 to 23:00
Thursday	12:00 to 14:00 & 17.30 to 23:00	11:00 to 01:00
Friday	12:00 to 14:00 & 17.30 to 23:00	11:00 to 01:00
Saturday	12:00 to 14:00 & 17.30 to 23:00	11:00 to 01:00
Sunday	12:30 to 14:30	11:00 to 24:00

	18:30 to 23:00	
Daily – Noncore hours activity.	None	May open from 08:00 for teas, coffees and breakfasts and ancillary activities
Capacity	70	80

These hours are within policy and as such I have no objection to the proposed changes.

The applicants, Elizabeth Norbury and Graham Langley, indicate previous experience in the licensed trade. They seek to change the existing restaurant into a wine and bistro bar, offering burgers and light bites.

The proposed business plan is stated not to attract rowdy hardened drinkers, but to offer a more discerning experience for the 30+ age group, in particular to offer a service to the large volume of tourists who visit the area each year. The applicants state they will be creating an improved amenity for the area.

Elizabeth Norbury states she will have a hands on approach and run the premises along with members of staff trained in her business partner's existing licensed premises in Edinburgh.

In respect of the application for enhanced facilities, including live performances, the applicant indicates that this will comprise of no more than one man on an acoustic guitar playing music on an occasional basis, such as during acclaimed local events like Fringe by the Sea. There will be no duke box or gaming machines and ambient background music will be provided for customers' enjoyment and general entertainment.

In assessing this application, I have been re-assured, through discussions with the applicants and Mr Hassard, that this will be a beneficial addition to the array of business attractions and offerings in North Berwick High Street.

In relation to smokers, I would like to see provision made to preserve residents' peace and quiet in the late evening by means of regular staff checks made of the external entrance area to discourage anti-social behaviour and noise nuisance. Such checks will go a long way to preventing complaints of anti-social behaviour, noise, and blocking of the narrow footway at that part.

In the interests of promoting the 'prevention of public nuisance' objective, doors should not be left open during the hours of darkness or when there is any form of entertainment in progress on the premises. This will prevent noise breakout, disturbance of residents and general nuisance.

In conclusion, I am happy to support the grant of this application.

R. Fruzynski  
Licensing Standards Officer

Winter, Maree

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**From:** Grant, Shona  
**Sent:** 17 July 2017 11:07  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards  
**Subject:** FW: Major Variation - Tiger Coast - 114 High Street, North Berwick  
**Attachments:** Major Variation Application - Tiger Coast, North Berwick.pdf

I have no objections to this application however I would recommend that the standard noise condition be attached to any approval given.

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](mailto:sgrant@eastlothian.gov.uk) | Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

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**From:** Winter, Maree  
**Sent:** 17 July 2017 09:27  
**To:** [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona; Sherval, Jim; Oldcorn, Elizabeth; [REDACTED]  
**Subject:** Major Variation - Tiger Coast - 114 High Street, North Berwick

Dear all,

Please find attached major variation application from the above. Could I please have any representations/objections you may care to make by Wednesday 9<sup>th</sup> August 2017.

Regards

Maree

Maree Winter  
Licensing Officer  
Democratic & Licensing Services  
East Lothian Council  
01620 827867