

EAST LOTHIAN

Meeting 26 April 2018 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises Applicant

Date Received

Comments

2 LOCKETT BROS
133 HIGH STREET
NORTH BERWICK
EAST LOTHIAN
EH39 4HB

CHRISTOPHER WILLIAM LOCKETT

16 February 2018

Change from offsales to on & off Sales. On-consumption to 20 persons, add children & young persons, include facility of clubs, group meetings, talks, formation & tastings of specialist gin/whisky & wine societies. Include live entertainment to allow for a solo music artist or duet at small local events i.e. Fringe by the Sea and the like.

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

R
CW
RF
File
CC
CW R.
AMS

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)

- X Any of the Conditions to which the Premises Licence is subject
- X Any of the information contained within the Operating Plan
- X The Layout Plan
- X Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

Change from off-sales only to include on-consumption facilities with amendment to layout plan

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL062

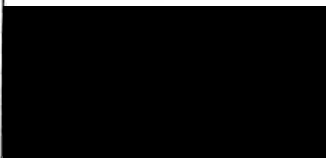
2(b) Name and Address of Premises

Lockett Bros
133 High Street
North Berwick
East Lothian

Post Code	EH39 4HB	Phone No.	01620890799
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2(c) Full Name and Address of Current Licence Holder

Christopher William Lockett



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

Change from off-sales only to both on consumption and off-sales. Facilities.

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)

We would wish to change the licence from off-sales only to both on and off-sales.
We would wish to show the capacity of persons occupying the on-consumption area as 20 persons.
We would wish to now add in details of children and young persons access as highlighted in the operating plan.
We would wish to include the facility of clubs, group meetings etc to facilitate talks, formation and tastings of specialist gin/whisky wine societies.
We would wish to include live entertainment to allow for a solo music artist or duet at small local events such as Fringe by the Sea and the like.

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.

Our intention is to keep the layout the same but to provide some additional seating for customers to enjoy their experience of sampling and tasting.

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*)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

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)

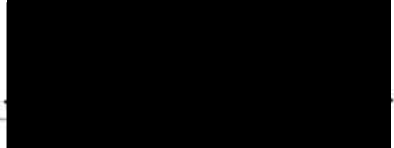
If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- 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 £50 is enclosed.

Signature 

..... (See note 5 below)

Date 31/1/18

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

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

.....

.....

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.

Lockett Bros 133 High Street North Berwick East Lothian
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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>	11.00	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 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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	NO
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****If YES – provide details***

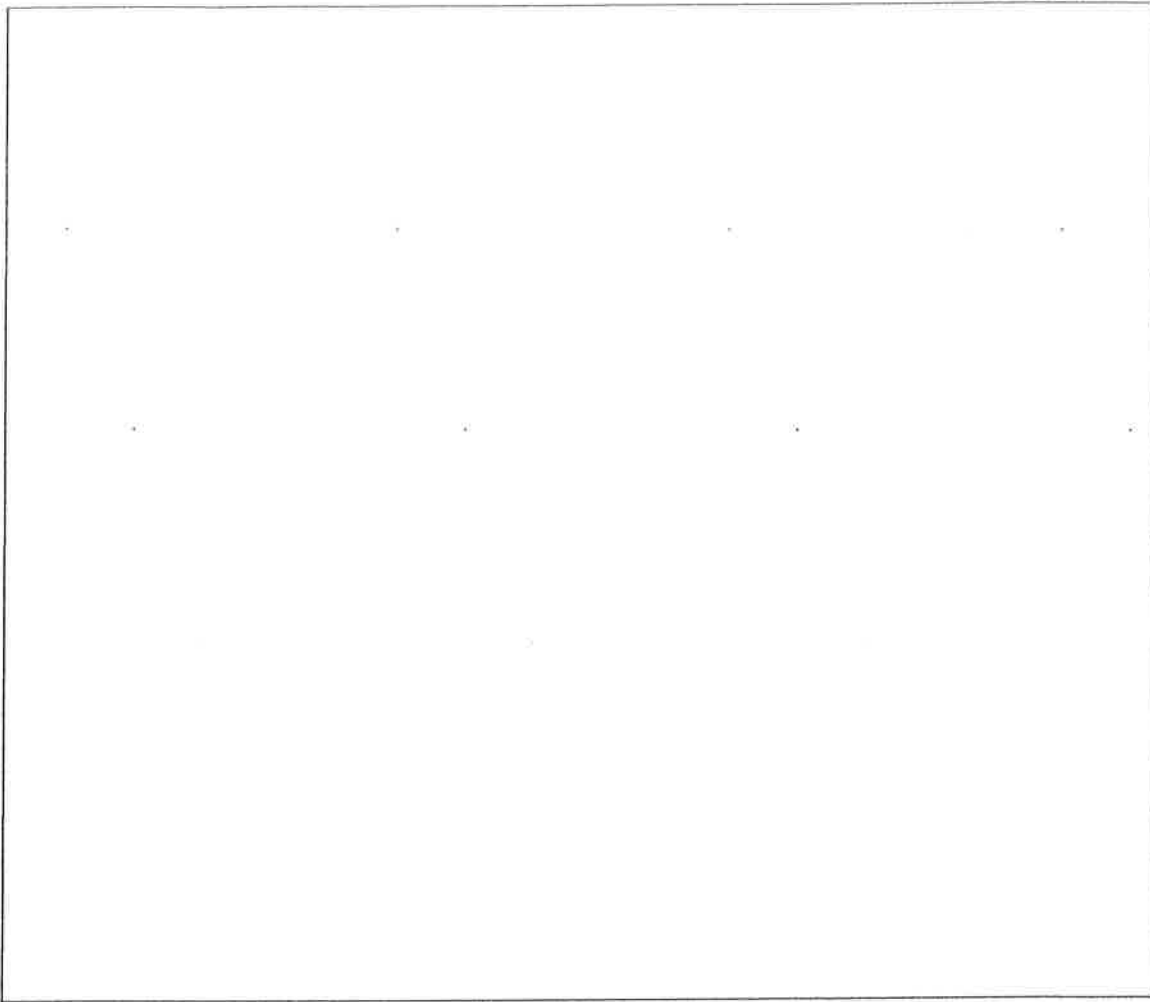
Question 5

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		
Restaurant facilities	NO		
Bar meals	NO		
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.	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		
Theatre	NO		
Films	NO		

<i>Gaming</i>	NO		
<i>Indoor/outdoor sports</i>	NO		
<i>Televised sport</i>	NO		
5(d) <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</i> <i>facilities</i>	NO		
5(e) <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		

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



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.

The shop is predominantly an off-sales, but we would like to offer our customers tastings of our produce on payment.

We would also wish to sell tickets for talks on a variety of alcohol products.

It is likely that we will move towards and facilitate the formation of a local whisky society, wine club and the like.

On occasion we would wish to participate in local events, such as Fringe by the Sea, and host a solo music artist or duet to accompany our tasting events and group events.

Charity nights and promotional events.

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>	NO
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	NO
<i>*Delete as appropriate</i>	

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 permitted on the premises in the company of an adult.

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

Children age 5 – 15 years, and young persons will be permitted on the premises in the company of an adult.

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

Children will be allowed entry during normal off-trade hours in the company of an adult.

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

All public areas

Question 7

CAPACITY OF PREMISES

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

On Consumption area – 20 persons

Off-sales display - 17.5m²

Question 8

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

Personal details

8(a) Name

Christopher William Lockett

8(b) Date of birth

8(c) *Contact address*

133 High Street
North Berwick
EH39 4HB

8(d) *Email address and telephone number*

info@lockettbros.co.uk
01620 890799

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	EL213

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)

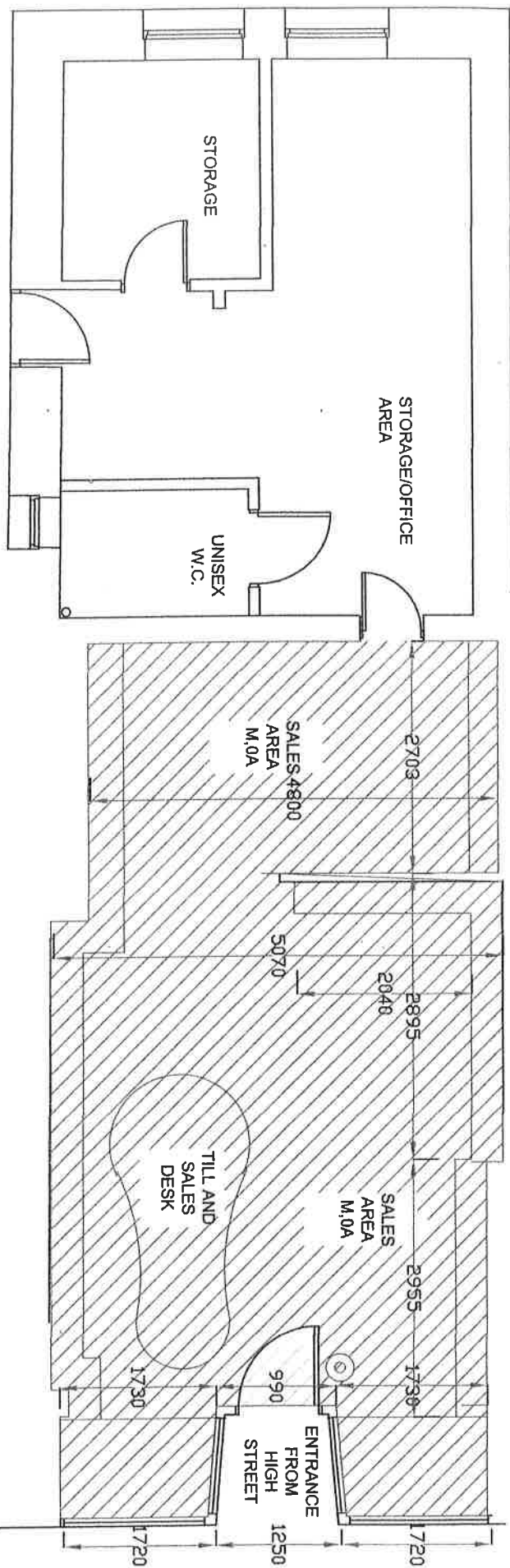
Date



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.



xx	Alcohol display dimensions. Max display height 2.42m. Maximum display widths as marked on plans
M	Recorded music
OA	Wine tasting, charity nights and promotional events
	Fire extinguisher
	Alcohol display area

NB: Children and young people
have access to all public areas.

PROJECT
LOCKETT BROTHERS
WINE AND WHISKEY SPECIALIST,
 133 HIGH STREET
 NORTH BERWICK
 EH39 4HB

DRAWING TITLE
GROUND FLOOR LAYOUT

DATE	SCALE	DRAWN BY
19/001	1:500@A3	KT
19/001	001	B

Overprovision Statement from Lockett Bros

Lockett Bros have had a presence on North Berwick High Street since 2004 and are well established as one of East Lothian's and Scotland's top wine and whisky specialists. We've seen growth year on year as peoples interests in quality Wine/Whisky/Gin etc continues to see a rapid increase. We've always offered tastings as part of the service to allow customers the opportunity to try before they buy but recently we've been thinking about how we could utilise the shop (which we use for this purpose) more effectively and provide another valuable service which many of our customers will undoubtedly appreciate and enjoy.

The intention is to allow around 20 people the opportunity to enjoy and experience the consumption of wine and whisky in an area that we feel is a unique atmospheric part of the shop. The main thing that would differentiate us from all of the other on premise establishments would be that it will be a strictly limited space and allow people to taste a number of products that they would never have the opportunity to do. Due to the limited availability of space, our intention is to provide a facility for customers to book hour long slots in order to allow greater control and a more manageable level. We will always remain first and foremost a specialist retailer but we feel the time is right to take the business to a slightly different level with allowing customers to relax somewhere really bespoke, enjoy some high-end and specialist products and give the customer a great experience and an education that they wouldn't ordinarily get.

With keeping it to a controlled level, this will allow little impact on our priority which is as a retailer. As we are hoping to allow for on premise consumption it is important to highlight that the emphasis is about a tasting experience and would not see the premises transform into a pub style scenario which would attract disturbance and disorder and there would definitely be no drunkenness. Similarly with public nuisance and noise, we simply don't see this as an issue with what we're offering. Rubbish will be put out as usual during daytime hours and bottles will be boxed and recycled at the local depot.

It is also worth pointing out that the current nature of our business is about quality produce and advising people who are eager to learn and consume wine/whisky etc in a way that it is meant to be consumed, to a controlled level and perhaps even contribute to a reduction in the problem our country has with overconsumption. This could knock on to educating children and the younger generation (who will be allowed on the premises) to the values of seeing parents and adults consuming alcohol respectfully and responsibly.

Kind regards

Chris Lockett

Lothian NHS Board

Public Health and Health Policy

Telephone: 0131 465 5460

www.nhslothian.scot.nhs.uk



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

Date 16 March 2018

Your Ref

Our Ref JS/fb

Enquiries to Jim Sherval

Extension 35436

Direct Line 0131 465 5436

Email jim.sherval@nhslothian.scot.nhs.uk

Dear Ms Winter

MAJOR VARIATION APPLICATION: LOCKETT BROS

On behalf of NHS Lothian we would like to make a representation regarding this application.

We note this is an off licence that now wishes to enable people to purchase and consume alcohol on the premises in certain limited circumstances. We are unclear exactly how that might work with events and how the hour long booking system would work with taking part in such things as Fringe by the Sea.

Since the intention is not to create a pub style environment we respectfully suggest that the license specifically mentions the parameters for on-sales including the facility for club and group meetings, talks, charity, promotional and live entertainment events, and the booking system for time-limited slots with a maximum capacity for tasting experiences.

We are also interested in the arguments about children's access. Currently as an off license customers will no doubt come in with children to purchase products. However, we are not convinced of the educational value of witnessing adults consuming high strength alcohol, even in moderation at a tasting event. This is different to the consumption say in a restaurant, where it is ancillary to eating a meal.

While it is a reasonable hypothesis that "seeing parents and adults consuming alcohol respectfully and responsibly" could have some kind of educational effect on children, it is not the only possible one and it is difficult to predict how, for example, a five year old will interpret this behaviour. We do not feel that it is appropriate for children to accompany adults to an event that is specifically focused on the consumption of alcohol. Another way of casting this is whether it is right to introduce children to recreational substance use? We would urge the Board to consider a more restricted children's access policy to the on-sales aspect of this license.



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

Chair Brian G. Houston
Chief Executive Tim Davison

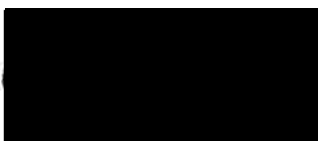
Lothian NHS Board is the common
name of Lothian Health Board

The Health Board is therefore making these representations on the grounds of upholding the licensing principles of protecting and improving public health and protecting children and young persons from harm.

Yours sincerely



JIM SHERVAL FFPH
Consultant in Public Health



ELIZABETH OLDCORN
Senior Specialist in Health Promotion

Date 26th February 2018

Your Ref: EL062

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Iain Livingstone QPM
Deputy Chief Constable Designate

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Madam,

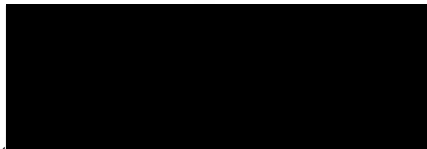
**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
LOCKETT BROS, 133 HIGH STREET, NORTH BERWICK, EAST LOTHIAN,
EH39 4HB.
CHRISTOPHER LOCKETT**

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 a change to the operating plan to facilitate 'on sales' and the terms at which children and young persons will have access.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

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: 01 Mar. 18

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

Lockett Bros, 133 High Street, North Berwick, East Lothian EH39 4HB

I am satisfied that the revised Layout and Operating Plans are in accordance with the Licensing Board's policy, and the Act, and, therefore, have no objections to the granting of this application.

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: Kathryn Smith [REDACTED]
Sent: 07 March 2018 12:08
To: Winter, Maree
Subject: RE: Lockett Bros - Major variation application

Maree

This major variation application was discussed at last night's community council meeting.

We are happy to support the application.

Kathryn

Kathryn E Smith
Secretary, NBCC

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 19 February 2018 14:07
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Grant, Shona; Sherval, Jim; Oldcorn, Elizabeth; Kathryn Smith; Devine, Brian
Subject: Lockett Bros - Major variation application

Dear all,

Please find attached major variation application from Lockett Bros to make changes to their operating plan and layout plan.

Could you please make any objections/representations by Friday 16th March 2018.

Kind regards
Maree.

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

01620 827867
mwinter@eastlothian.gov.uk

Herkes, Gillian

From: Gunning, Laura
Sent: 08 March 2018 09:15
To: Winter, Maree; Licensing
Cc: Environmental Health/Trading Standards
Subject: RE: Lockett Bros - Major variation application

Good morning,

I have no adverse comments to make on behalf of Environmental Health.

Kind regards,

Laura Gunning
Senior Environmental Health Officer

From: Winter, Maree
Sent: 19 February 2018 14:07
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; [Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>](mailto:Fruzynski,Rudi@eastlothian.gov.uk); Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Sherval, Jim <Jim.Sherval@nhslothian.scot.nhs.uk>; Oldcorn, Elizabeth <Elizabeth.Oldcorn@nhslothian.scot.nhs.uk>; Kathryn Smith [REDACTED]; Devine, Brian <Brian.Devine@firescotland.gov.uk>
Subject: Lockett Bros - Major variation application

Dear all,

Please find attached major variation application from Lockett Bros to make changes to their operating plan and layout plan.

Could you please make any objections/representations by Friday 16th March 2018.

Kind regards
Maree.

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

01620 827867
mwinter@eastlothian.gov.uk

Herkes, Gillian

From: Grant, Shona
Sent: 26 February 2018 15:14
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Lockett Bros - Major variation application
Attachments: Lockett Bros - Major Variation application and layout plan.pdf

I have no objections or comments to make in relation to this application.

Regards

Shona

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

From: Winter, Maree
Sent: 19 February 2018 14:07
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfuzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Sherval, Jim <Jim.Sherval@nhslothian.scot.nhs.uk>; Oldcorn, Elizabeth <Elizabeth.Oldcorn@nhslothian.scot.nhs.uk>; Kathryn Smith <[REDACTED]>; Devine, Brian <Brian.Devine@firescotland.gov.uk>
Subject: Lockett Bros - Major variation application

Dear all,

Please find attached major variation application from Lockett Bros to make changes to their operating plan and layout plan.

Could you please make any objections/representations by Friday 16th March 2018.

Kind regards
Maree.

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

01620 827867
mwinter@eastlothian.gov.uk

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 21st February 2018

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Lockett Bros, 133 High Street, North Berwick

Application type: Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.