

EAST LOTHIAN

Meeting 22 March 2018 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)

Premises

Applicant

Date Received

Comments

1	171-173 NORTH HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 6AN	EAST COAST (MUSSELBURGH) LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	5 February 2018	Premises offering alcohol for consumption on and off the premises and offering, restaurant facilities, receptions such as weddings, funerals, birthdays, retirements etc, club meetings, recorded music, live performances and outdoor drinking facilities.
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ELO 354

EAST LoTHIAN LICENSING BOARD

**APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES
LICENCE***

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

171-173 North High Street

Musselburgh

EH21 6AN

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

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

2(c) Where applicant is a company, please provide name, registered office and company registration number.

East Coast (Musselburgh) Ltd
171-173 North High Street,
Musselburgh, EH21 6AN
SC586013

2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

[Empty box for club or other body details]

2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*

[Redacted area for connected persons details]

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? **NO**

If YES – provide full details

[Empty box for details of previous refusals]

Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	NO
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**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

Premises consisting of adjoining takeaway and restaurant premises, with outside area, located on North High Street, Musselburgh.

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.


Question 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents  and belief.

Signature ...

Date 2/2/18

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

.....

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input checked="" type="checkbox"/>
<i>Building standards certificate</i>	<input type="checkbox"/>
<i>Food hygiene certificate</i>	<input type="checkbox"/>

*** 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

171-173 North High Street
Musselburgh
EH21 6AN

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>NO</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>YES</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>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	Midnight
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	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>	11am	10pm
<i>Tuesday</i>	11am	10pm
<i>Wednesday</i>	11am	10pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	11am	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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****If YES – provide details***

Would like to take advantage of any General Extensions granted by the Licensing Board, and may apply for specific extensions for special events in terms of Board Policy.

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</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>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>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>	Yes	Yes	Yes
<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 periods when the premises are opened prior to licensed hours but not earlier than 9am, for breakfasts or snacks, or during periods of Extended Hours. The Outdoor Area may be used prior to the commencement of Licensed Hours, but will not be used after 10pm.

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.

Part of the Property is a Takeaway. It has a separate entrance and if remaining open after Licensed Hours terminate, will require to operate with the benefit of a Late Hours Catering Licence.

Deliveries (which will not include alcohol)

The Outdoor area to the front, which forms part of the Premises, will not be used for the consumption of food or drink after 10pm. The external area to the rear of the premises shall not be used as an external seating or standing area for customers

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>	<i>YES/NO*</i>

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/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 are welcomed on to the Premises.

In the restaurant part of the Premises, Children will require to be accompanied by an adult. Young Persons can be unaccompanied. In the takeaway area, Children and Young Persons will not require to be accompanied by an adult, subject to management discretion.

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

No restriction (0-17years)

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

Children will require to vacate the Premises by 10pm and Young Persons by midnight.

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?

2.6 m2

Question 8

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

Personal details

8(a) *Name*

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8(b) *Date of birth*

--

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>

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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 o  knowledge and belief.

Signature  (ow)

Date *2/2/18*

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: [REDACTED]
Sent: 16 February 2018 22:39
To: Licensing
Subject: 171-173 North High Street Musselburgh

Good Evening

Ref KMacN/mjwEN/L/L1V

I am writing to make an objection to this provisional premises licence

We have enough take-away shops / restaurants / premises selling alcohol in North High Street just now as it is and don't need any more. There's also no need for outside drinking facilities - we the residents certainly don't need any more arseholes drinking on the street - we have enough noise etc form the Anchor Pub along the road - we certainly don't need any more disturbances.

While I am objecting strongly to this I feel it is a waste of time as anything we've objected to in the past has already been passed before anyone has had the chance to object (and I have this information on good authority from someone within the council)

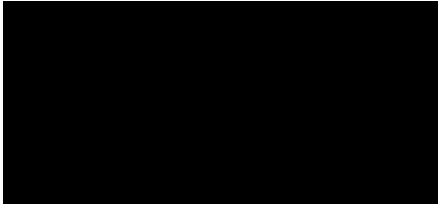
However having said that please consider this strong objection.

Thank you

[REDACTED]

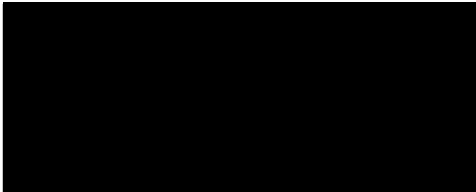
Objection KMacN/mjwEN/L/L1V

171-173 North High Street Musselburgh EH21GAN



As a house 4ft from this fish and chip restaurant garden I object to alcohol licence as this area is residential with elderly housing very close. My house will be affected by drunken noise. we already have disturbance by pub. This fish and chip restaurant wants live music outdoor drinking, weddings, Party stag and hen selling cocktails this would be a club not a restaurant. I find the thought of two alcohol venues so close to residents is unacceptable as the intension is for selling alcohol, the fish and chips ^{shop} can function with no alcohol just as well. no to any beer garden ideas he has. he wants open doors and windows

your sincerely



EAST LoTHIAN COUNCIL
LICENSING

05 MAR 2018

RECEIVED

Winter, Maree

From: [REDACTED]
Sent: 04 March 2016 15:14
To: Licensing
Subject: licensing objection 171 - 173 North High Street, Muselburgh, EH21 6AN
Attachments: license.docx

Dear Maree Winter

Please find my attached objection application for premises licence, 171 - 173 North High Street, Musselburgh, EH21 6AN.

Kind regards

[REDACTED]

OBJECTION TO LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PROVISIONAL PREMISES LICENCE 171 – 173 NORTH HIGH STREET, MUSSELBURGH, EH21 6AN

We wish to make an objection to 171 – 173 High Street, Musselburgh EH21 6AN being given a alcohol license and live music license.

The restaurant is advertising that it will be **offering parties** (including wedding, birthdays) recorded music, live performances, **outdoor drinking facilities** etc. This even before it is open as just a restaurant!

Wedding etc parties will almost certainly make excessive noise.

We are concerned that they will extend their drinking into the yard at the back of the restaurant when their customer wants to smoke. This is the backyard [REDACTED]

[REDACTED] (and older peoples flat) This would mean that we would have a pub on one side and a restaurant bar on the other side. We have disruption from the pub every night when smokers and drunken people who use the side alley. If the restaurant is allowed to use the yard for their customers to smoke. We would have disturbance on both sides. This will further intruder into our privacy.

The excessive smell of burnt fat was the not an usual smell we have to suffer nightly. Since its closure we have not had to experience is unpleasant smell. We are concerned that once the restaurant re-opens this smell will reoccur.

The number restaurants and takeaway in the small high street is disproportionate.

If, we need to move and sell up because of the smell and excessive noise we are concerned we will not be able to because the of devaluing our of property and surrounding concerns.

This are the reasons why we are objecting to licencing of this old fish takeaway in restaurant with a licence to sell alcohol.

07 MAR 2018

RECEIVED

Ref: KMacN/mjWEN/L/L1V

Dear Sir/Madam

With reference to the above please be informed we do not want a licence to be issued.

We are talking about a chipshop selling chipshop food, pizza and pasta it will not be a unique dining experience that will require alcohol to be consumed. Soft drinks, tea and coffee will suffice.

The details of application are ludicrous 'outdoor drinking facilities where do you think ~~you are~~ the we are.

Cote de Azur? We are talking about
North High St Musselburgh
which thanks to decisions made
by the council in Haddington is
now decaying and dying.

yours faithfully

Article ref: 

P.S East Lothian Courier 1/3/18

Musselburgh's The Quay turning into
a care home.

Owner Mr Gill says "Our research
has shown that there is an over-supply
of restaurants and bars in the area"

Mr Gill has said ^{this} ~~the~~ before the new
chip-shop/restaurant has opened.

The council/planning dept is so far
removed from what North High St residents

and visitor's require as a good
shopping experience.

Date 21st February 2018

Your Ref: EL354

Our Ref: J/LIC/3705/HB

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



**POLICE
SCOTLAND**

Keeping people safe

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 GRANT OF A
PROVISIONAL PREMISES LICENCE
171-173 NORTH HIGH STREET, FISHERROW, MUSSELBURGH, EAST
LOTHIAN, EH21 6AN.
EAST COAST (MUSSELBURGH) LTD**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

I also give you notice in terms of Section 22(1)(b)(ii) of the 2005 Act that the Chief Constable wishes to make the following representations to the Licensing Board concerning the application:-

I note that the outside area to the front of the building is to be licensed. I would request that the use of this area ceases at 2000 hours due to the very close proximity of residential properties/flats etc in the street. I would also seek to clarify why the rear outside area is delineated as licensed in the layout plan, if this area is not being used by customers.

This representation is submitted for your consideration.

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: 28 Feb. 18

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

171-173 North High Street, Musselburgh, East Lothian EH21 6AN

I refer to the above subject and can confirm that the premises have been visited in relation to application for a Premises Licence. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the licence.

R. Fruzynski
Licensing Standards Officer

Licensing Objectives Statement – March 2018 Board

Premises: 171-173 North High Street, Musselburgh EH21 6AN

Introduction

The Applicants are a Company, East Coast (Musselburgh) Limited. The directors of the Company are Carlo and Katia Crolla, who are well known in the catering trade in East Lothian.

They were operating the Chip Shop known as the Coral Reef until August 2017. It is number 173 North High Street. It belonged to Carlo's family and has operated as a chip shop since 1974. Carlo took over the business from his father in 2002. They used to actually live above the Premises and Carlo and his siblings worked in the chip shop as teenagers. He is therefore familiar with the area, well known in the area, and wants to bring something back to the place that was his childhood home.

They have now acquired the Premises next door and this will undergo a major refurbishment, having received Planning Permission earlier this year.

The Provisional Premises Licence reflects the terms of the Planning Permission.

Carlo, as we have mentioned, has been involved in the catering business in East Lothian for over 40 years. His wife, Katia, is from a family who had a fish and chip shop in Glasgow, where she also worked.

Mr and Mrs Crolla have both obtained Personal Licences and will be heavily involved in the day to day operation of the Business.

Permission has been granted for the use of the Premises. Our clients would like to be able to serve alcohol as ancillary to meals in what they hope will be another attractive addition to the dining and catering scene in East Lothian, and Musselburgh in particular.

The hours requested are in line with Board's Policy.

An off sale facility has been requested as there may be takeaways provided or outside catering. Alcohol would only sold with food. They have no wish to sell it separately. They do not intend to do deliveries. They are not an off sale shop and of course in terms of costs their prices would be considerably more than their local supermarket.

Description

The premises consist of 173 North High Street, which as we have said previously operated as a hot food takeaway (the Coral Reef). It is a traditional stone and slate roofed building. The property has a single storey extension at the rear which accommodates a store room.

The property at 171 North High Street was closed from 2015. It had previously been a hairdresser. Attempts had been made to market it under Class 1, for over 2 years, but with no success. This was taken into account by the Planners when they considered the Application.

It has a two storey flat roofed extension to the rear with a gravelled yard. The frontage of the unit is set back from the footway by approximately 2.75m. This paved area is separated from the public footway by a low stone wall and iron railings.

The existing hot food takeaway would be retained. Internal openings would be formed between the existing hot food takeaway and the proposed restaurant at 171. Toilet facilities would be on the first floor, other than the disabled toilet. They are keen to make themselves user friendly for everybody.

The two properties would be linked and the existing kitchen will be used for both Premises. The layout plan also shows a number of other proposed internal alterations to the Premises.

There are various Conditions in the Planning Application which our clients will require to comply with.

For instance, the external area to the rear of 171 is not to be used as external seating or standing for customers. That is accepted. It would only be the front area.

The other Conditions are largely to do with noise and the prevention of disturbance to neighbours. Our clients will comply with these of course.

Operation

Part of the Premises will continue to operate as a takeaway and the rest would operate hopefully as a Licensed Restaurant.

The Applicants will use local suppliers wherever they can, which will principally be seafood orientated. It will be a seafood restaurant. The only thing that will be on offer from the chip shop menu are fish and chips! Otherwise there will be seafood platters consisting of lobster, langoustines etc, oysters and a variety of catch of the day, and other special fish dishes.

Plans

Layout plans are included with this application and have been prepared by a professional person, in conjunction with ourselves. It is believed that they comply with the requirements of the legislation, but we would be happy to discuss any amendments with the Board.

Hours

The hours requested are in terms of the Board's Statement of Licensing Policy.

Activities

Details of activities are provided for in the Application Form, and these have been taken into account for when considering the provisions of our responses to the five Licensing Objectives.

Food

Food will be provided in the premises in terms of the Operating Plan. This has been clarified within the Application Form.

Training

As explained both Mr and Mrs Crolla have Personal Licences and they will ensure that all staff involved in the sale or service of alcohol have suitable training and that the training records are in place for exhibiting to the Police or the LSO, on demand.

Children and Young Persons

Our Application Form provides details of the suggested arrangements with regards to access by children and young persons. It is accepted that once the licence came into

force, the terms of the grant by the Licensing Board would be the deciding arrangement and the Premises will be bound by this. Staff would be advised and trained accordingly.

Licensing Objectives

In line with the requirement of the East Lothian Board's Statement of Licensing Policy, the operation of the business has been viewed in terms of the five Licensing Objectives and cognisance has been taken of the comments contained in said Policy, in respect of each objective. Notwithstanding this, the applicant has considered the operation of this business with a view to identifying further issues and providing suggested solutions.

It is accepted by the applicant that this an ongoing process, and that the terms of this application, and the licence to be issued, do not constitute a full and exhaustive list of obligations, and that there may be further issues identified as time goes on. These may require a variation of the Licence, and an appropriate Variation Application would be submitted in such a case.

In general, our clients wish to operate a business which provides a safe and welcoming environment for customers, a pleasant working environment for staff, a profitable business for themselves, and an ability to react to circumstances as and when required.

Our client's responses to the various requirements for each licensing objective are as follows:-

A. Preventing Crime and Disorder

In terms of the Operating Plan, children and young persons will be permitted access onto the premises, but only in terms of the conditions specified therein. It is accepted that by allowing access to such persons there is an additional obligation to comply with all legal obligations, including the relevant Licensing Objective. Our clients operate a "No Proof No Sale" policy and staff will be trained in and instructed in this respect, as well as the Challenge 25 Policy. This will be formalised in terms of the Staff Training requirements.

Our clients will maintain a Refusal / Incident book.

Our clients wish to operate a family friendly business with a convivial atmosphere where people can enjoy themselves, without causing disturbance or inconvenience to other customers or neighbours. They will be a specialist seafood restaurant, and they would like to attract people from further afield as well, plus customers who have visited the Brunton Theatre for instance. They will happily work alongside the Police and your LSO and take on board advice or suggestions provided by them.

The applicants anticipate operating a well managed premise and that the environment will be conducive to customers behaving in a proper and responsible manner.

Our clients wish to have a good relationship with their neighbours, some of whom they know. There have been some objections, but it seems to be more about the concern of a new restaurant and what it might be, rather than the Licence itself. They wish an open line of communication. They wish an open line of communication with the neighbours and to build up a relationship with them so that if they have any possible grievance that they feel they can contact our clients and have confidence in them resolving the issue.

It is accepted that customers may smoke outside. However, as will be seen from the Plan, there is an outside area and it is envisaged that smokers would keep within that area, rather than having to go out onto the pavement. An appropriate receptacle will be provided. However our clients will make sure that they clean the pavement area in front

of both properties on a regular basis. An appropriate receptacle will be provided but even then it is acknowledged that customers do not always use them.

The applicants are not aware of any particular anti social behaviour relating to this property but are always vigilant.

The applicants are not aware of any particular issues that might cause concern to neighbouring properties, but will be receptive to notification of any such problems from adjoining proprietors. They appreciate that it is likely to be added to their Licence the amplified music condition, and appreciate the ramifications of this.

Staff will be interviewed and hired by the Applicants. They will gauge their experience and provides suitable training and advice. Staff are monitored in the early stages.

As well as the Personal Licence Holders who work in the premises, all of the staff will also obtain training, which will be recorded as required and will be available for inspection by the Police and/or the Licensing Standard Officers, when required.

The applicants are aware that they will require to display the "no proof sale"/ Section 110 Notice, and it is also good practice to display a Challenge 25 poster. They will in any case require to have an Age Verification Policy Statement.

The policy of the premises will be to accept only Driving Licence and Passport and they will operate a "no proof, no sale" policy. It is acknowledged that the 2005 Act also provides for the acceptance of "pass" cards, and the applicant will accept guidance from the Police and other bodies as to the acceptability of these.

As intimated, the applicant will exercise a policy which should not allow people to become drunk on their premises, but they accept that some people may try to enter in such a state although hopefully not taking into account the type of operation that this will be. Staff will be trained to be vigilant in this respect, and if possible, to approach the individuals as soon as possible after they take entry and to ask them to leave. Only in circumstances where it is thought that the person required attention would they be allowed to stay.

With regard to potential incidents within the premises, staff will be trained to be vigilant and to endeavour to step in and prevent problems from happening: if it is considered that these could be reasonably serious, more junior staff should draw it to the attention of senior staff in terms of an escalation policy.

It is envisaged that there will be a new sophisticated CCTV system, with probably nine or ten cameras, including cameras covering the front of the property and the rear.

Waiting staff will be encouraged to monitor customers and their behaviour at all times. That will also include the outside area. Otherwise, the premises are of a shape and size where that should be straight forward to do. Staff will require to report any suspicious behaviour, to the management.

Toilets will be checked on a regular basis by staff.

B. Preventing Public Nuisance

It is accepted that the premises are close to residential properties, and that firstly there should be no amplified music that would cause an audible nuisance in neighbouring premises. However music will be played as background only, at an appropriate level.

We have also asked for Live Performances. Our clients intention might be to have an acoustic guitarist or piano player for special events, which may also involve music being provided at Burns Night etc. It would not be on a regular basis. It would not be live bands etc.!

As explained above, the applications intend to have a CCTV system, which will also have an external facility.

The proposed capacity is 90.

Management and staff will encourage customers to leave quietly and orderly and have consideration for the local residents, particularly those immediately above. Rather than congregating outside, our clients will be happy to assist with regard to customers who wish to book taxis, for example, and they can remain in the premises until they arrive.

The applicant may allow people in until last orders but towards the end of the evening they will closely monitor those coming in to make sure they are not already under the influence of alcohol.

The staff will be trained to make them aware of the fact that there should be no undue disturbance to residents.

The times for trade deliveries, and for carrying out tasks such as putting used bottles in the glass bin, will be carried out within normal hours.

C. Protecting and Improving Public Health

Our clients did previously have a Licence at the chip shop but they gave it up. Alcohol is very much ancillary to the provision of a culinary experience. They would like a Licence, because otherwise they would have to offer BYOB and will have less control over the type and quantity of alcohol being consumed.

Our clients wish their customers to have an enjoyable time but will not condone behaviour that could be considered contrary to their health, or anyone else's'.

Our client of course supports the concept of responsible drinking. Certainly since they have opened there has been nothing to indicate that these premises will be considered appropriate for anything but that. This is a fairly small restaurant. The tables are fairly close together, and customers misbehaving would affect other customers, and therefore business.

Our clients may find on some occasions that they have to advise customers they will not be served anymore alcohol, and perhaps offering an alternative soft drink, or coffee. There is a range of these available, as will be seen from the menu.

Our client appreciates from press reports and trade papers that the matter of under age drinking in Scotland is a serious issue, and they fully support the Governments efforts to do something about this.

Staff are made aware of the general concerns in Scotland as to the fact many people drink too much, and that there are recommended levels of intake in terms of units.

The intention will be to prevent people from becoming drunk, but it is accepted that people arrive from other premises, or after "front loading" and that they require to be vigilant in this respect.

D. Protecting Children and Young Persons from Harm

The applicants appreciate that by allowing children and young persons onto the premises, there will be an additional responsibility upon them.

There will be no activities taking place, during hours in which children and young persons are allowed entry, which would be considered inappropriate.

There will be a separate children's menu.

It is not envisaged that these premises will have a problem with under age drinking, but of course that is a common philosophy. Staff will be vigilant. Again it is not envisaged that there will be a drug problem, although again staff will be trained to monitor the situation.

If children are misbehaving parents will be asked to control them. It will be explained that children running around could be dangerous to other customers and staff, particularly if drinks or hot dishes are being carried about. It will be explained that if that cannot be done, there will be no alternative but to ask them to leave.

Staff will be specifically trained to deal with such situations, plus other particular needs of children of the ages permitted entry.

The times and arrangements are similar to that granted previously by this Licensing Board.

As will be seen from the proposed Operating Plan, children and young persons will require to be accompanied by an adult.

The applicant and his staff will be aware of the Challenge 25 requirement and will adhere to this.

E. Securing Public Safety

As explained previously the property is located in the ground floor of two adjacent units. The family own the building. It is envisaged that work will be carried out to a very high standard. They have employed top Interior Designers. It is therefore very much in their interest to make sure that there is an ongoing repairing and monitoring obligation. Internally the premises will be monitored and staff are encouraged to bring to the management's attention any deficiencies, which the management would then rectify either immediately, in the case of minor repairs, or as soon as tradesman are readily available in the case of more major repairs. Obviously if anything presents a risk to staff or customers it would be dealt with immediately.

The applicant will have his fire equipment serviced on a regular basis. They will also have the necessary notices etc in place. There would be no difficulty in the Fire Brigade or other emergency rescue services gaining access.

Gas and other electrical installations are serviced on a regular basis.

Obviously if such outstanding issues were considered to be any kind of risk to customers or staff, then the applicant would take action immediately to have these rectified.