

EAST LOTHIAN

Meeting 23 August 2018 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)

Premises

Applicant

Date Received

Comments

1 THE BOTHY
4 SOUTH CRESCENT
EAST SALTOUN
EAST LOTHIAN
EH34 5EA

PAULINE NOBLE-FORD

19 June 2018

Village shop/Cafe - On Sales -
11am to 9pm & Off Sales 10am
to 9pm. Outside Drinking area
- no later than 8pm.-
Restaurant facilities, group
meetings. No other activities.
Access to children/young
persons - all ages, when
premises is open. Capacity of
approx 20 people

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

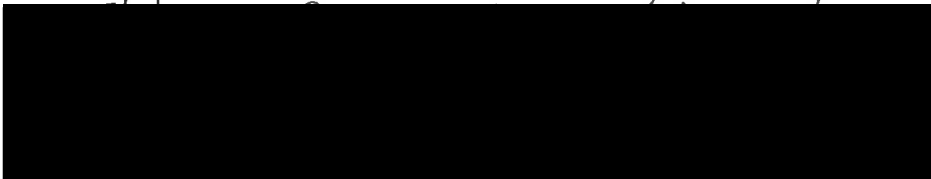
Name, address and postcode of premises to be licensed.

The Borchy
4 South Crescent
East Saltoun.
East Lothian EH34 5EA.

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.

Mrs Pauline Noble Ford


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.*

N/A

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

N/A

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.**

N/A

*** 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?* ~~YES/NO*~~

If YES – provide full details

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Question 4

Previous convictions

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	YES/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

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(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.

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)

The Bothy is a small village shop/cafe with 8 seats inside the shop and 12 seats outside. We supply everyday essentials for the village with a variety of local produce. We also serve homemade soups/morning rolls/pannini etc.

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

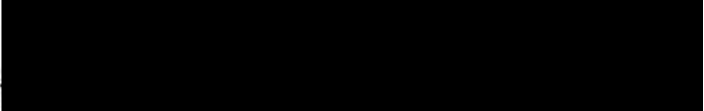
If signing on behalf of the applicant please state in what capacity.

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

Signature  * (see note below)

Date 7/10/18

Capacity Sole Trader 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>	
<i>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** 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.

<p>The Bothy 4 South Crescent East Saltoun. East Lothian EH34 5EA</p>

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>	YES/ NO *
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES /NO*
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES/ NO *
<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	9pm
<i>Tuesday</i>	11am	9pm
<i>Wednesday</i>	11am	9pm
<i>Thursday</i>	11am	9pm
<i>Friday</i>	11am	9pm
<i>Saturday</i>	11am	9pm
<i>Sunday</i>	11am	9pm

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	9pm
Tuesday	10am	9pm
Wednesday	10am	9pm
Thursday	10am	9pm
Friday	10am	9pm
Saturday	10am	9pm
Sunday	10am.	9pm.

Question 4

SEASONAL VARIATIONS

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

My opening hours are 7am to 6pm.
On occasion on a nice summer evening I would like to open until 9pm if there is a requirement for this, eg christmas shopping night but only on occasion.

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	N/A	N/A	N/A
Conference facilities	N/A	N/A	N/A
Restaurant facilities	yes	yes	yes
Bar meals	N/A		
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.	N/A		
Club or other group meetings etc.	yes	yes	yes
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)	NO	NO	NO
Live performances - see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	NO	NO	NO
	NO	NO	NO

5(d) Activity	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
Outdoor drinking facilities	yes	yes	NO
5(e) Activity	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
Adult entertainment			

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

We are open from 7am for the sole use of selling papers/morning rolls/shop essentials including breakfast. Customers on a nice day may wish to sit outside. To be clear no alcohol will be sold before 11am and there will be no use of the outside area before 8am.

There will be no recycling early morning/late evening, this will be done around lunch time daily to be courteous to neighbours.

If toddler groups etc wish to hold a meeting here that will be acceptable.

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.

<p>There will be no other activities, there will be no byob etc.</p>
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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?	YES/NO*
When fully occupied, are there likely to be more customers standing than seated?	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>	<i>YES/NO*</i>
	<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*

The Botny is a shop providing essentials and sweets etc. children are usually accompanied by an adult but are allowed entry to buy sweets etc.

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

All ages of children and young persons

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

All times when the premises are open

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?

20

Question 8

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

Personal details

8(a) Name

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>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

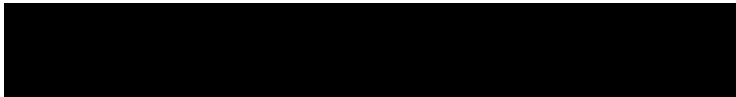
The contents of this operating plan are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 17/6/2018 17/6/2018 pa

Capacity Sole Trader 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.

Overprovision statement

The Bothy, East Saltoun is a village store that provides every day essentials such as newspapers/bread etc. It is also a small café with 8 seats inside and 12 seats in the garden area open from 7am to 6pm servicing homemade soups/ morning rolls paninis etc. We are stocking more and more local produce as there is a clear want for this in the village.

We are stocking local produce from:

Belhave Smokehouse/Yester Cheese/James Dickson/Dunbar Butchers/The Spice Witch/Nan's Jams/East Lothian Honey/Mongoswells Flour/Chocolate Tree to name but a few.

We would like to stock for sale and consumption on the premises and garden some local Cider/Beer/Wine and gin, from eg, Thistly Cross/Musselburgh Beer/NB Gin supporting the local craftors and providing the

village with these items without the need to commute too far.

The nearest place for alcohol to be purchased would be The Co-op in Gifford and Humbie Hub in Humbie, but not necessarily the items I would like to stock. I have been approached by many people in the village asking for me to provide this service.

I am open from 7am to 6pm, no alcohol would be sold before 11am and in winter months non sold or consumed after 6pm. I would like to extend the sale to 9pm on nice summer evenings, offering the village a nice place to enjoy a cold beer on an early summer evening.

Protecting and Improving Health - We do not intend to operate as a pub. We mainly sell teas and coffees, but would like to sell a glass of wine or a cold beer if asked for it.

The shop is only open until 6pm each day, but would remain open on the odd occasion in nice weather until 9pm at the latest to allow customers to enjoy light refreshments or some wine or beer in the garden.

The limited hours and stock of alcohol held will not see the premises operate as a pub.

The off-sales facility requested is because the East Saltoun is a small village with no other shop for miles and customers have requested to buy some wine or beer to take home for a drink with dinner.

We would not hold enough stock to cater for the quantities required to supply parties.

Preventing Crime and Disorder – As stated, the shop/café will not act as a pub and will not attract unruly behaviour.

A strict policy of Challenge 25 will be operated and any persons who appear to be under 25 will be asked to produce photographic age verification identification.

Drunk people will not be served any facilities offered on our premises.

Preventing Nuisance – We do not propose to operate as an entertainment venue with no music, performances or television. We are not looking to attract large loud groups of people.

We will ensure that persons enjoying the use of the outdoor area do not cause any disturbance to our neighbours, whom we respect and have a good relationship with and are supportive of our proposed new venture.

We will ensure that rubbish, bottles etc is not put out any earlier than 9am or later than 9pm each day so as to be considerate of our neighbours and not cause nuisance.

Securing Public Safety

We do not intend to open a pub and will mainly sell teas coffees etc but will serve alcoholic beverage if requested to do so. We will only hold a small quantity to supply the village, not parties etc and will close at our normal 6pm. This will protect the buyer from binge drinking and alcohol abuse.

Protecting Children and Young Persons From Harm

There will be a strict policy of challenge 25 and any persons who appear to be under the age of 25 will be asked to produce photographic age identification.

SCHEDULE

iSCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES NO*
1(b)	Do you have facilities for those with a disability	YES NO*
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES / NO *
*Delete as appropriate		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

There is a large entry gate with a ramp area up to the shop door. A large (wide) shop door for wheelchair access. The shop is very small so there are no other facilities.

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

There is a ramp from the shop gate leading to the shop door. Easy access through a wide shop door and one accessible table for disabled people. There are no lifts and only one very small toilet which isn't accessible for wheelchairs as the shop is so small.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Assistance dogs are very welcome and our menu is in large print on the blackboard.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

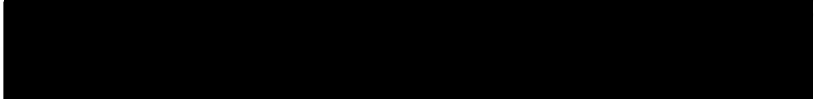
If signing on behalf of the applicant please state in what capacity.

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 18/6/2018

Capacity Applicant APPLICANT/AGENT

Telephone number and email address of signatory. 

*** Data Protection Act 1998**

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

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 23 July 2018

Subject: LICENSING (SCOTLAND) ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

The Bothy, 4 South Crescent, East Saltoun, East Lothian EH34 5EA

I can confirm that the premises have been visited in relation to this application and there are no concerns that this small business would not comply with the licensing objectives or that it would have any form of adverse impact on the quality of life of residents in the village should a licence be granted to sell alcohol.

I would complement the applicant on the content of her overprovision statement in which she addresses each of the licensing objectives in an informative, positive and responsible manner. Her Layout Plan is also clear, precise and of good quality, which is very helpful in understanding the layout of her café and garden.

The applicant liaised fully with the LSO in planning and progressing this application. She willingly accepted the guidance and recommendations offered to her.

I support the grant of this licence, should the Board be minded to do so.

R. Fruzynski
Licensing Standards Officer

Date 27th June 2018

Your Ref: EL356

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 GRANT OF A
PROVISIONAL PREMISES LICENCE
THE BOTHY, 4 SOUTH CRESCENT, EAST SALTOUN, EAST LOTHIAN, EH34
5EA.
PAULINE NOBLE FORD, [REDACTED]**

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.

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