



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

**THURSDAY 27 SEPTEMBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Henderson
Councillor J Goodfellow

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Attending:

Mr C Grilli, Service Manager, Legal and Procurement Services
Mr R Fruzynski, Licensing Standards Officer
Ms C Sheil, Licensing Officer
Ms M Winter, Licensing Officer
Insp A Harborow, Police Scotland
PC Heather Bowsher, Police Scotland
Mr G Hood, Convenor of East Lothian Licensing Forum

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Councillor C McGinn
Councillor J McMillan

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 23 August 2018

The minutes of the East Lothian Licensing Board meeting of 23 August were approved as a true record, subject to a typographical correction.

2. MAJOR VARIATION OF PREMISES LICENCE

Golf Inn and Restaurant (to be known as the Bonnie Badger), Main Street, Gullane

The Clerk advised that the application seeks to vary the premises name; add off-sales 10am – 10pm; amend seasonal variations; add conference facilities, theatre, films indoor/outdoor sports, private and fine dining experiences, tastings, educational tours and learning experiences, promotional and media activities, television and filming, corporate events, private hire, community events, charity events and auctions; change the terms for children and young people; and replace the capacity breakdown with a capacity figure. There were no public objections to the application.

Ms C Louden, TLT Solicitors, was present to represent the applicant. Mr R Kitchin and Mrs M Kitchin, the applicant's father and wife, were present.

Ms Louden provided an overview of the variations that are being sought and answered questions from Board members relating to off-sales hours, outdoor sports, the outdoor drinking area, standing up drinking, and the definitions of children and young people.

The Licensing Standards Officer (LSO) commented that the premises have been very well run over the years. He was pleased to see the premises re-opening and supported the application.

Insp Harborow referred to the letter from Police Scotland dated 8 August 2018 and advised that he had nothing further to add.

Councillor Henderson, Ward member, welcomed the development of the premises and fully supported the application. Her comments were echoed by fellow Ward member, Councillor Goodfellow. All Board members individually indicated their support for the application.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variations to the licence.

3 PERSONAL LICENCE – NOTIFICATION OF CONVICTION

Mr J Scott

The Clerk reminded Board members that this item had been continued from the previous meeting to enable Mr Scott to attend. She advised that Mr Scott had self-notified the Board about a drink driving conviction, and that in such circumstances, the law requires the licence holder to appear before the Board.

Mr Scott was present at the meeting. He provided brief information relating to the offence, along with details of personal health issues he was experiencing at the time. He explained that he had now taken employment away from the career he had built for himself.

Insp Harborow referred to the Police Scotland letters dated 12 July 2018 and confirmed the existence and disposal of the offences as listed. He had nothing further to add.

The Board adjourned in private to debate the matter. On reconvening, the Convener acknowledged that Mr Scott had taken the matter very seriously and had notified the Board about his conviction. She stressed the serious nature of the offences but advised that the Board would not be taking any further action.

Decision

East Lothian Licensing Board unanimously agreed to take no further action against Mr Scott.

4. PERSONAL LICENCE REVIEW Zohaib Z Malik

The Clerk advised that the licence is being reviewed by the Board at the request of Police Scotland.

Mr Malik was present and was accompanied by his wife. He confirmed that he had seen the letter from Police Scotland that had been issued to Board members. Mr Malik confirmed to the Clerk that he was happy to proceed with the review in the absence of his professional adviser.

Insp Harborow summarised the letter from Police Scotland, highlighting that Mr Malik's behaviours were inconsistent with the licensing objectives. He stated that Mr Malik has a personal licence from Edinburgh City Council; that his case is pending at court; and that Police Scotland recommend revocation of the personal licence.

The LSO had no comments to make.

Mr Malik explained that the incidents were due to mental health issues he had at the time, and stated that his behaviours had been out of character. He provided information about the treatment he has been receiving for his illness and acknowledged that Police Scotland had concerns.

The Convener thanked Mr Malik for his explanation.

Mrs Malik added that the shop owner and staff involved in the incidents had commented that Mr Malik's behaviour was out of character.

The Board adjourned in private to debate the matter.

***Sederunt:** Inspector Harborow left the meeting. Mr J Sherval (MELDAP), Mr D Dickson (ELLF) and Ms E Oldcorn (NHS) joined the meeting.*

On reconvening, the Convener advised that there had been a long and detailed discussion and that the Board had enormous sympathy for Mr Malik. However, the Board had a responsibility to uphold the licensing objectives. Board members had therefore unanimously agreed that it required to revoke Mr Malik's personal licence. She explained the implications in relation to continuing to sell alcohol and urged Mr Malik to speak to the LSO for further guidance and support.

Mrs Malik stated that this was not the outcome they had hoped for and that she felt that her husband had been discriminated against for having a mental health illness.

Decision

East Lothian Licensing Board unanimously agreed to revoke the personal licence.

5. STATEMENT OF LICENSING POLICY

The Clerk presented a report to determine the Statement of Policy for East Lothian Licensing Board from November 2018 to November 2023. She explained the statutory requirement to produce this policy and outlined the consultations that had taken place. She highlighted the fact that the Board is required to form an evidence-based view on overprovision and summarised the key changes to the new policy.

In response to the Clerk, members agreed that it be delegated to the Clerk to make any final formatting and proof reading changes that are required to the policy.

The Clerk extended her personal thanks to the LSO and to Ms M Winter, Licensing Officer, for their work in preparing the draft policy document.

The Convener echoed her thanks and commented positively that a supplementary application form will be introduced with the new policy.

The LSO suggested that when the Statement of Licensing Policy is next reviewed, consideration should be given to creating an alcohol profile for East Lothian.

Decision

East Lothian Licensing Board unanimously agreed to:

- i. adopt the Statement of Licensing Policy for the period November 2018 – November 2023.
- ii. delegate to the Clerk to make any final formatting, proof reading, and non-material changes that are required to the policy.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN LICENSING FORUM

**THURSDAY 27 SEPTEMBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Henderson

Clerk of the Licensing Board

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Forum Members Present:

Mr G Hood (Convener)
Mrs E Oldcorn, NHS Lothian
Mr D Dickson
Mr J Thayers, MELDAP
PC Bowsher, Police Scotland
Mr Rudi Fruzynski, LSO

Attending:

Mr C Grilli, Service Manager – Legal and Procurement
Ms G Herkes, Licensing Officer
Ms C Shiel, Licensing Officer

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Councillor J Goodfellow
Councillor C McGinn
Councillor J McMillan

Declarations of Interest:

None

Councillor Dugdale (Convener) welcomed everyone to the meeting.

1. MINUTE OF THE MEETING OF THE JOINT ELLB AND ELLF 28 SEPTEMBER 2017, FOR INFORMATION

Members noted the minute.

2. MATTERS ARISING

The Clerk advised that any appropriate training or briefing sessions would continue to be extended to Members of the Forum.

3. DRAFT LICENSING BOARD STATEMENT OF POLICY

The Clerk stated that this agenda item had been requested by the Licensing Forum who were seeking reasons why all their recommendations had not been included in the draft policy. The Clerk pointed out that the Forum's full statement is included in the policy as an appendix.

The Convener invited Forum members to open the discussion.

Ms Oldcorn advised that it was her understanding that the Licensing Board is obliged to respond to all recommendations put forward by the Forum within 21 days. She asked when full explanations would be available on the 16 recommendations submitted by the Board. The Clerk undertook to provide the Forum with the reasons. Ms Oldcorn added that the Forum is very disappointed in the decision on overprovision, and given the consistent evidence submitted by consultees, the Forum feel the policy should include overprovision for off-sales of alcohol. She asked for details of the evidence on which the overprovision decision was made.

Councillor Bruce advised that there is no evidence that off-sales are overprovided for; made comparisons with the rest of Scotland; stated that people would travel to purchase alcohol; and made reference to the need to support East Lothian as a growing county. He acknowledged Mr Hood's remark that the policy contains a caveat about growth and development in East Lothian. Ms Oldcorn commented that most people buy alcohol close to home.

Mr Thayers stated that it is difficult to prove a direct causal link between harm and off-sales, and that the good health statistics for East Lothian are being undermined by the absence of an overprovision policy, which will result in easier access to alcohol. The Clerk advised that no evidence was presented to the Board which linked the sale of alcohol in a particular locality to causing harm; Councillor Henderson supported this view. Ms Oldcorn contested that there was evidence in the Alcohol Focus Scotland (AFS) CRESH report.

Board and Forum members debated the lack of off-sales statistics from supermarkets; display capacity and whether capacity needs to be restricted; and the Board's ability to consider local knowledge when making decisions about overprovision. Ms Oldcorn and Mr Hood stressed that the Board will find it very difficult from a legal perspective to refuse to grant a licence in the absence of an overprovision statement.

The Clerk indicated that the policy is a living document and that given the amount of change anticipated in the county in the coming years, the Forum could come back with

more comments in future. She added that there could be changes to the policy in future, although these would likely be subject to further public consultation.

In response to questions from Ms Oldcorn, the Clerk confirmed that occasional licences would not be granted for events that are predominantly for children and young people and that there was no statutory obligation for the Board to respond to NHS Scotland.

Mr Hood asked that any reference to domestic abuse in the policy document, is not gender specific. The Clerk confirmed that the wording would be amended.

The LSO remarked that overprovision has been a challenge since 2007 and reminded the meeting that the Board will consider each application on its own merits. He stressed that factual local knowledge is critical to decision making, especially relating to matters such as antisocial behaviour and the theft of alcohol. He indicated that reporting of these matters needs to be more accurate and suggested that an alcohol profile of East Lothian be produced. Ms Oldcorn repeated that the absence of an overprovision statement means that the Board has nothing on which to defend a legal challenge for refusing to grant a licence. The LSO stressed the importance of considering local knowledge when the Board is making a decision.

Ms Oldcorn commented on the number of licence variations that are granted and their contribution to the availability and ease of access to alcohol; stated that evidence shows that there is more harm in areas where alcohol is more readily available; expressed the desire to avoid stigmatisation of certain areas and possible lack of development; claimed that the Forum has observed, on an ongoing basis, that the Board do not adhere to policy; and asked if the Board plan to carry out any evaluation of the new policy. The Clerk acknowledged that evaluation would be good practice.

Decision

Members noted that the Clerk would respond to the Forum in relation to the recommendations they had submitted.

4. DEVELOPMENT AND MAREKETING OF THE LOCAL LICENSING FORUM

Ms Oldcorn advised that the Forum wants to look at increasing its membership and was seeking guidance from the Clerk. She indicated that the Forum were considering approaching community councils, Pubwatch, and hoped to make contact with staff in the Council's social work and education departments.

In relation to children and young people, Ms Oldcorn reported that there would be an annual Forum event in December, in conjunction with Police Scotland, where children and young people would attend and contribute. The Clerk mentioned that there is a Head Teachers' conference twice a year and this might be a route for promoting the Forum to young people. Mr Thayers referred to biennial reporting on the S2-S4 cohort in relation to smoking, drugs and alcohol. He advised that these statistics will inform the December session with the young people.

The Clerk advised that work is to be done to create a structured recruitment process for Forum members.

Councillor Henderson suggested that it would be beneficial for the Forum to link in with the area partnerships especially as they have a health and wellbeing sub-group. The Clerk advised that her team could provide contact details.

LOS

In response to a question from Councillor Henderson, the LSO advised that he regularly promotes the Forum to licence holders and to those applying for a licence.

PC Bowsher reported that attendance at Forum meetings is poor and that two meetings have been cancelled recently due to the lack of a quorum. Mr Dickson commented that the current membership is not fully representative of all stakeholders. Mr Hood acknowledged that the work of the forum is a big commitment on a volunteer basis.

The Clerk commented that the Forum is important and active in East Lothian and is independent from the Licensing Board.

Ms Oldcorn advised that plans for a national forum were not being progressed.

Mr Hood stated that there should be a training programme for people who become Forum members. Ms Oldcorn added that AFS had been working on a training package, but it had not progressed beyond the draft stage; she would ask if AFS have plans to develop this. The LSO advised that AFS provide training materials online, although Ms Oldcorn did not recall seeing anything on their website.

Decision

Members agreed to note the discussion.

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board/Convener of the joint
meeting with East Lothian Licensing Forum

ELO 357

SENT REPORT
20/1/18

EAST LoTHIAN LICENSING BOARD

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

*Delete as appropriate

3

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 Works Implement Road West Barns Dunbar East Lothian EH42 1UN

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.*

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

[Empty box for partnership details]

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

Thistly Cross Cider Company Limited
South Belton Farmhouse
Dunbar
EH42 1RG
SC390811

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.**

Director: Ian G Rennie, [Redacted]
Home Address: [Redacted]
Director: Julie K Rennie, [Redacted]
Home Address: [Redacted]
Director: Peter N Stuart, [Redacted]
Home Address: [Redacted]
Secretary: Ian G Rennie, [Redacted]
Home Address: [Redacted]

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

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	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>
NONE				

(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)

CHECK
ONE
STOREY

The premises are a two storey building of which the ground floor is to be licensed as a warehouse which is used as a storage and distribution centre for alcohol.

Question 6

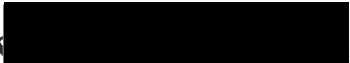
6 To be completed by members' clubs only

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.

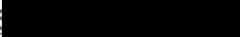
The contents of this Application are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 18.09.2018

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

Telephone number and email address of signatory Tel: 0333 006 1203

Email: @TLTsolicitors.com

<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	

ADDITIONAL MATERIAL – PREMISES LICENCE APPLICATION
LODGED NO LATER THAN 16TH JANUARY 2009

Is there a licence under the Licensing (Scotland) Act 1976 held in respect of the premises?

~~YES~~/NO* (*Delete as appropriate)

If so, do you consider the application to be a “Grandfather Rights” application (i.e. one falling within article 18 or 19 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007)?

~~YES~~/NO* (*Delete as appropriate)

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

The Works 1 Implement Road West Barns Dunbar East Lothian EH42 1UN

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>YES</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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

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>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	10.00am	10.00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
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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 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 <i>To be provided during core licensed hours – please confirm</i> YES/NO	COL. 4 <i>Where activities are also to be provided outwith core licensed hours please confirm</i> YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</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>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</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>Recorded music – see 5(g)</i>	NO	NO	NO
<i>Live performances – see 5(g)</i>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO

<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Adult entertainment</i>	NO	NO	NO

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

N/A

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.

N/A

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

N/A

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

N/A

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

N/A

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

N/A

Question 7

CAPACITY OF PREMISES

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

0 m2 – There is no public access to these premises and therefore there is no alcohol on display.

Question 8

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

Personal details

8(a) Name

To be confirmed at confirmation

8(b) Date of birth

8(c) Contact address

8(d) *Email address and telephone number*

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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>

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.

Signat [REDACTED] * (see note below)

Date: 18/09/2018

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory Tel: 0333 006 1203

Email: [REDACTED]@TLTsolicitors.com

*** 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 (SCOTLAND) ACT 2005
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

SECTION 50 PLANNING CERTIFICATE

APPLICANT:	Thistly Cross Cider Company LTD
NAME AND ADDRESS OF PREMISES:	The Works, 1 Implement Road, West Barns, Dunbar, EH42 1UN

SECTION 50 PLANNING CERTIFICATE

I confirm that planning permission (ref: 14/00974/P) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.

I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License/Confirmation of Provisional License to cover the above proposals.

Signed:		Date:	18th September 2018
Neil Millar Planning Officer			

Date 06/10/2018

Your Ref: EL0357

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

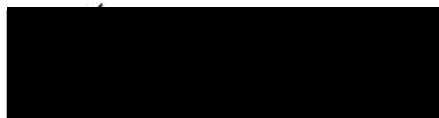
Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
THE WORKS, IMPLEMENT ROAD, WEST BARNES, EAST LOTHIAN, EH42
1WN.
THISTLY CROSS CIDER COMPANY LIMITED**

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.

Yours faithfully



Iain Livingstone 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: 09.10.2018

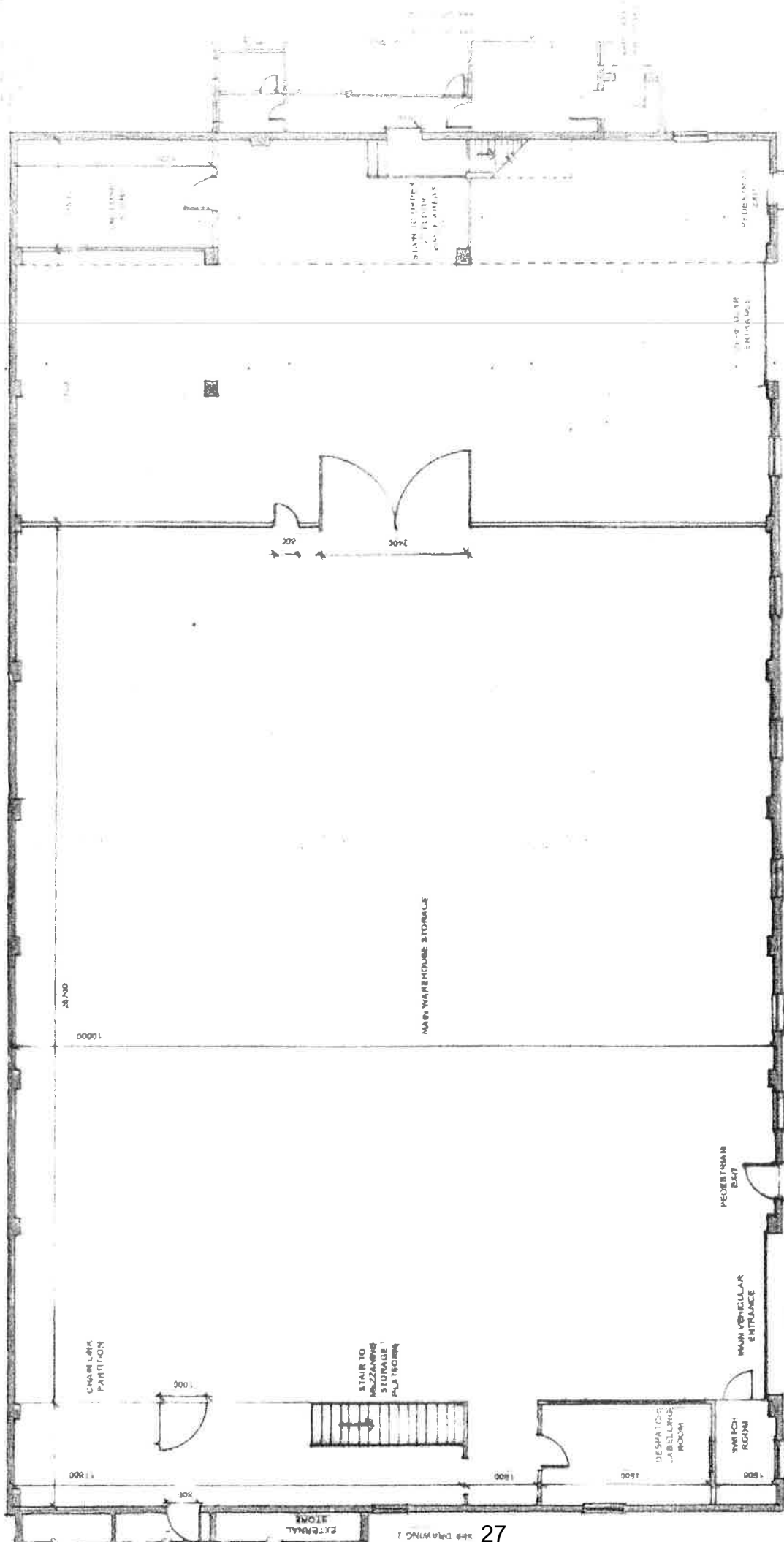
Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

The Works, Implement Road, West Barns, Dunbar, East Lothian EH42 1UN

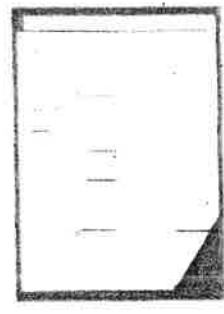
I refer to the above subject and can confirm that the LSO and Police Licensing Officer have visited the above premises and met with the general manager in relation to this application.

I can also confirm that Licensing Standards has no concerns regarding this application to licence the storage and distribution of Thistly Cross Cider products from these premises.

R. Fruzynski
Licensing Standards Officer



FGH ARCHITECTURAL & BUILDING DESIGN



Client: Baby Cross (see report)
 Property Address:
 The Shaws, Improvement Road
 Newburgh, Fife
 KY8 1JZ

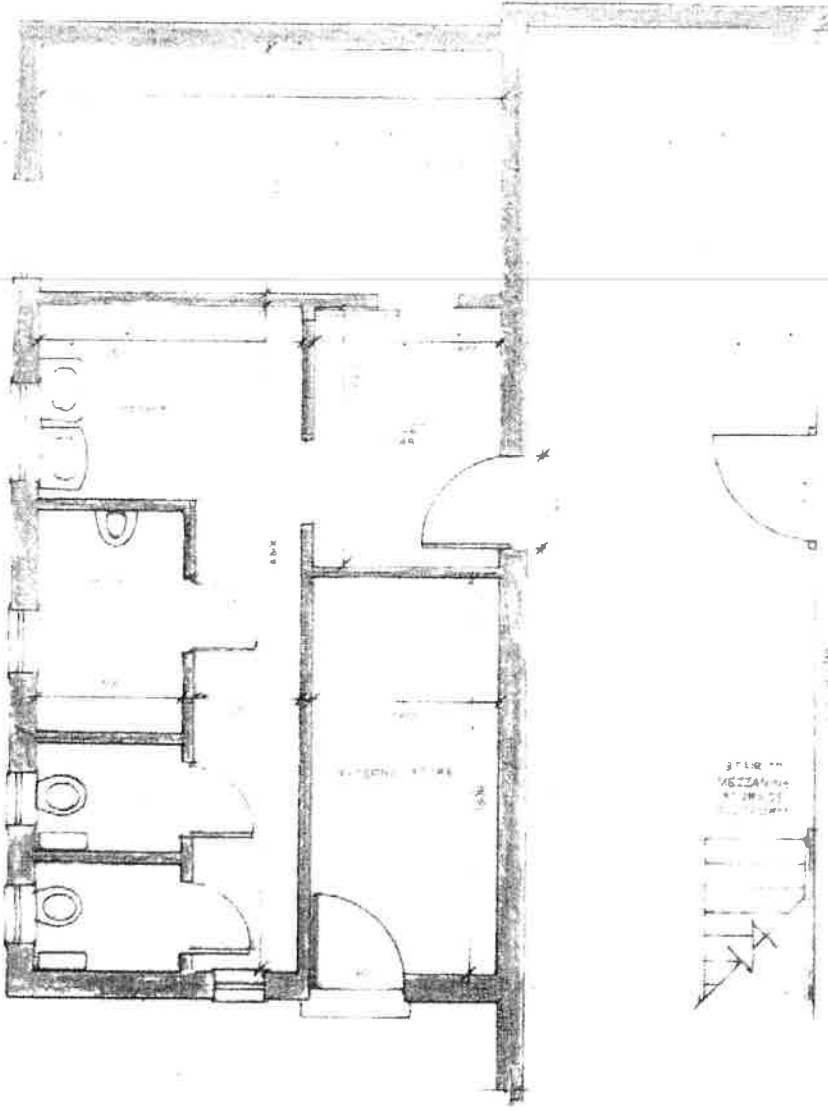
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15 OCT 2018

EAST LoTHIAN COUNCIL
 LICENSING

Drawing No. 1

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FGH Architects & Building Design

SEATING AND STORAGE - Warehouse Floor
 at 1st Floor - 1st Floor - 1st Floor - 1st Floor
 1st Floor - 1st Floor - 1st Floor - 1st Floor



Drawing No. 2

EAST LoTHIAN COUNCIL
 LICENSING
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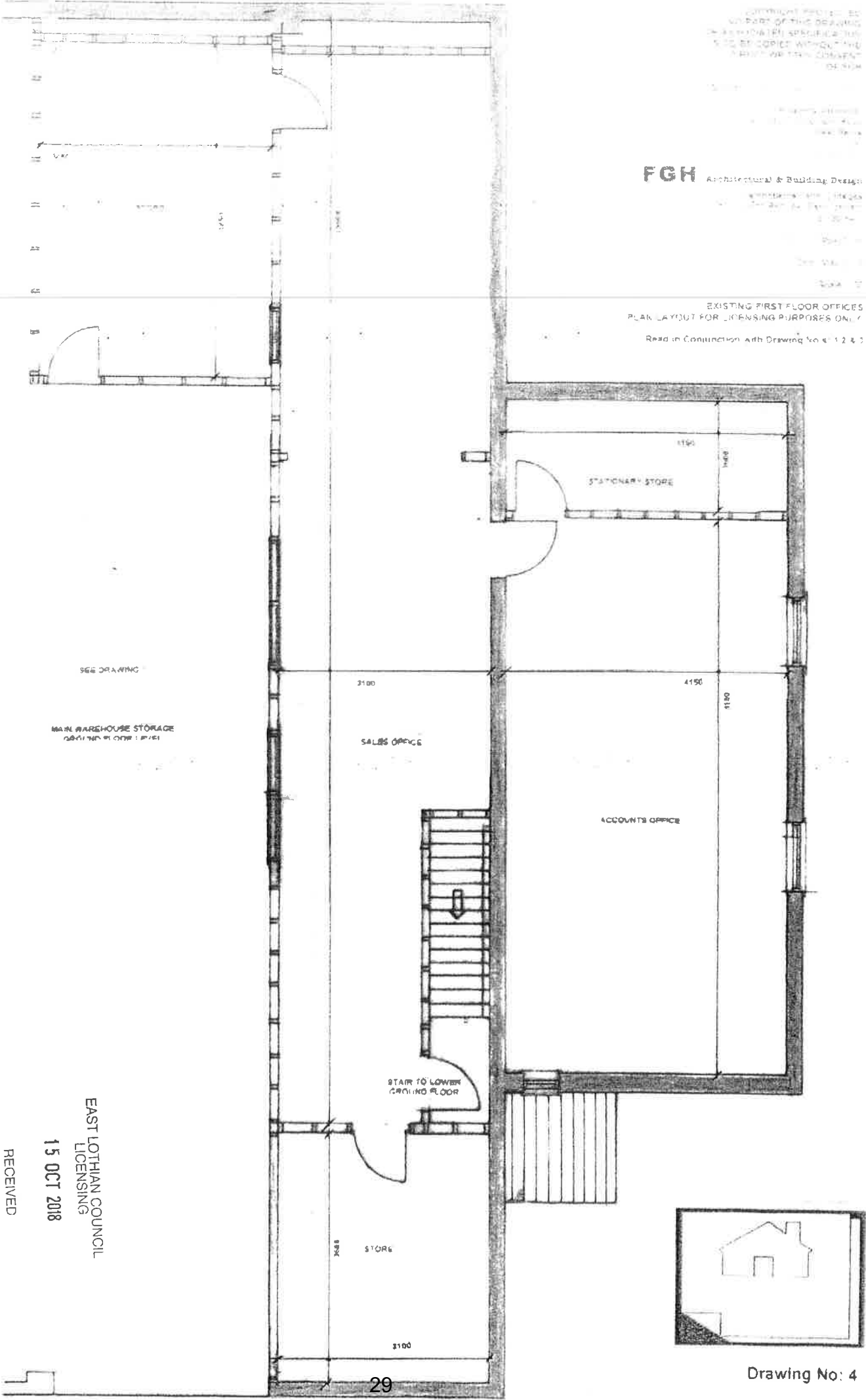
Project: [unclear]
[unclear]
[unclear]

FGH Architectural & Building Design

Units: [unclear]
[unclear]

Date: [unclear]
[unclear]

EXISTING FIRST FLOOR OFFICES
PLAN LAYOUT FOR LICENSING PURPOSES ONLY
Read in conjunction with Drawing No's 1, 2 & 3



EAST LOTHIAN COUNCIL
LICENSING
15 OCT 2018
RECEIVED

EAST LoTHIAN LICENSING BOARD

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

4a

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

EL019

2(b) Name and Address of Premises

Caprice Restaurant
 198 High Street
 Musselburgh

Post Code	EH21 7DX	Phone No.	0131 665 2991
------------------	----------	------------------	---------------

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

Caprice Restaurant Musselburgh Ltd
 198 High Street
 Musselburgh

SC590627

Post Code	EH21 7DX	Phone No.	0131 665 2991
------------------	----------	------------------	---------------

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)

To commence Sunday Hours at 12 Noon.

To increase the hours to 1am Thursday, Friday and Saturday and to Midnight on Sunday.

To add Off Sales from 12 Noon to 10pm every day.

To add as extra Activities – Deliveries (which may include alcohol) and Takeaways.

To provide that certain Activities answered Yes in column 4 may take place during special or general extensions.

To amend the Rules on Children and Young Persons so that Young Persons do not require to be accompanied by an adult. Young Persons will be entitled to remain on the premises until Midnight and Children until 11pm. Children and Young Persons may remain on the premises to the end of a private pre booked function.

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)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)
-

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is

Signature

..... (See note 5 below)

Date

..... 3/7/18

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

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

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

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.

<p>Caprice Restaurant 198 High Street Musselburgh EH21 7DX</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>	<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>	12 Noon	11pm
<i>Tuesday</i>	12 Noon	11pm
<i>Wednesday</i>	12 Noon	11pm
<i>Thursday</i>	12 Noon	1am
<i>Friday</i>	12 Noon	1am
<i>Saturday</i>	12 Noon	1am
<i>Sunday</i>	12 Noon	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>	12 Noon	10pm
<i>Tuesday</i>	12 Noon	10pm
<i>Wednesday</i>	12 Noon	10pm
<i>Thursday</i>	12 Noon	10pm
<i>Friday</i>	12 Noon	10pm
<i>Saturday</i>	12 Noon	10pm
<i>Sunday</i>	12 Noon	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

**If YES – provide details*

N/A

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>	YES	YES	YES
<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>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO

5(d) <i>Activity</i>	<i>Please confirm</i> 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
<i>Outdoor drinking facilities</i>	NO	NO	NO
5(e) <i>Activity</i>	<i>Please confirm</i> 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
<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 special or general extensions.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Deliveries (may include alcohol)

Takeaways

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? NO

When fully occupied, are there likely to be more customers standing than seated? NO

*Delete as appropriate

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children will be allowed entry only with a responsible adult.

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

All ages allowed with responsible adult.

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

Children will be entitled to remain on the premises until 11pm.
Young Persons will be entitled to remain on the premise until midnight, but, Children and Young Persons may remain on the premises until the end of a pre booked function.

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

All public parts of the premises.

Question 7

CAPACITY OF PREMISES

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

On Sales - 90

Question 8

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

Personal details

8(a) Name

Anthony Alfredo Alongi

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number


[REDACTED]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
9 April 2018	City of Edinburgh Council	377168

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of  the best of my knowledge and belief.

Signature  * (see note below)

Date 23/5/18

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.

Date 17/09/2018

Your Ref: EL019

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Chief Constable

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

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**

Caprice Restaurant

198, High Street, Musselburgh, East Lothian, EH21 7DX.

Caprice Restaurant Musselburgh Ltd, 198 High Street, Musselburgh

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 an increase in licensed hours for 'on sales' as well as an addition of 'off sales' between 12 noon and 10pm every day. To add deliveries (which may include alcohol) and takeaways. To amend children and young persons access.

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

Any increase in licensed hours is out with the current Board Policy, Overprovision Statement, which is a rebuttable presumption against the grant of any increase in licensed hours of an existing premises licence within the Boards area. The Board expects the applicant to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of the Board's Overprovision Statement.

The applicant is also looking to add 'deliveries' (which may include alcohol) and 'takeaways'.

The applicant should be made aware of their obligations under Section 119 of the Licensing (Scotland) Act 2005 in relation to deliveries of alcohol.

This representation is submitted for your attention in considering this application.

Yours faithfully



Iain Livingstone 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: 09 Oct. 18

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

Caprice Restaurant, 198 High Street, Musselburgh, East Lothian EH21 7DX

I refer to the above subject and can confirm that the LSO has visited the premises and met with the manager in relation to this application.

No complaints or issues have arisen in relation to the operation of this restaurant since it was granted a Premises Licence in 2009.

Licensing Standards has no objection to any of the variations proposed in this application.

Should the Board be minded to grant this application, the applicant is advised of the need to comply with the Board's new policy on deliveries, which takes effect as of 1st November 2018. An extract from this policy is shown below:

Deliveries

- 32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records. (ref. Section 119 L(S)A 2005)
- 32.2 Applications for deliveries from cafes, restaurants and other food businesses, not considered to be predominantly grocers/supermarkets outlets, may be granted home delivery services, provided the order is ancillary to a meal and, any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.
- 32.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use

couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.

- 32.4 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

R. Fruzynski
Licensing Standards Officer

Tuesday, 9th October 20

Your ref. K Maen/mjw/EN/L/L1

Dear Sir,

Licensing Application by the Caprice Restaurant

I would ask that your Board turns the Caprice down in its application for variations to licensing hours.

I live

During the day we have to put up with the traffic on busy A1. Nighttime is peace! Unless the Caprice gets Tam on Thurs, Fri, Sat & R on Sunday. The present times are fine.

Also what is the predilection for young children all about? "Young person - 12 midnight"

That that in with "recorded music may take place"

- what is it? @ disco? Recorded music at that late hour will also upset. Too vague

"Off - Sales 12 noon to 10pm each day"

Why would you warrant that with Tesco
& R.S. McCall so nearby?

I feel the centre of the town should not
be plagued with upset which may involve
the police - but we don't know. The request
is suitably vague.

Would such a request in the main ~~street~~
street of Cullene or Longniddry etc be
given the go-ahead?

Please keep the ordinary people of Musselburgh
in mind.

Yours sincerely,

EAST LoTHIAN COUNCIL
LICENSING

10 OCT 2018

RECEIVED

sent for report - 2018

EAST LoTHIAN LICENSING BOARD

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

4b

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

EL0191

2(b) Name and Address of Premises

<p>Day Today (Prestonpans Village Store), (formerly Day-Today) 32 Redburn Road, Prestonpans,</p>	<p>E.L.C. Customer Services 14 AUG 2018 RECEIVED</p>		
Post Code	EH32 9NG	Phone No.	018758 810760

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

<p>Mohammad Ashiq [Redacted Address]</p>			
Post Code	EH32 9NG	Phone No.	01875 810760

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

None

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)

Increase the size of the alcohol display area from 4.415m² to 9.765m² (length x breadth/depth) (which equates to a change from 17.3m² to 28.29m² when calculated as width x height of frontage of display areas)

Change Name of shop to **Day Today (Prestonpans Village Store)**, (formerly Day-Today)

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.

Move the licenced area from the front end off the shop to the back end of the shop
Increase the size off the alcohol area.

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)

None

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
 - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
 - Other (provide details)
-

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£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 £15⁰ is enclosed.

Signature



..... (See note 5 below)

Date

13/08/18

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
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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.

<p>Day Today (Prestonpans Village Store), (formerly Day-Today) 32 Redburn Road, Prestonpans, EH32 9NG</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>	<i>No</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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>	<i>No</i>
--	-----------

**If YES – provide details*

N/A

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
5(a) <i>Activity</i>	<i>Please confirm</i> 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
<i>Accommodation</i>	No	No	No
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> 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
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	No	No	No
<i>Club or other group meetings etc.</i>	No	No	No
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> 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
<i>Recorded music – see 5(g)</i>	No	No	No
<i>Live performances – see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No
5(d)	<i>Please confirm</i>	To be provided during core licensed	Where activities are also to be provided

<i>Activity</i>	<i>YES/NO</i>	<i>hours – please confirm YES/NO</i>	<i>outwith core licensed hours please confirm YES/NO</i>
<i>Outdoor drinking facilities</i>	No	No	No
<i>5(e) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>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.

N/A

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.

Convenience Store
Opening Times 6am – 10pm – Monday – Sunday
Home Deliveries

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?	No
When fully occupied, are there likely to be more customers standing than seated?	No
*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/NO*
	*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

N/A

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

N/A

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

N/A

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

N/A

Question 7

CAPACITY OF PREMISES

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

The total area of the alcohol shelving and fridges is 9.765m². (length x breadth) using existing methodology.

or

The total area of the alcohol shelving and fridges is 28.29m². (length x height)

Question 8

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

Personal details

8(a) Name

Mohammad Ashiq

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01/09/09	East Lothian Licensing Board	EL0191

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 [Redacted] (see note below)






Date 13/05/18

Capacity PARTNER APPLICANT/AGENT (delete as appropriate).

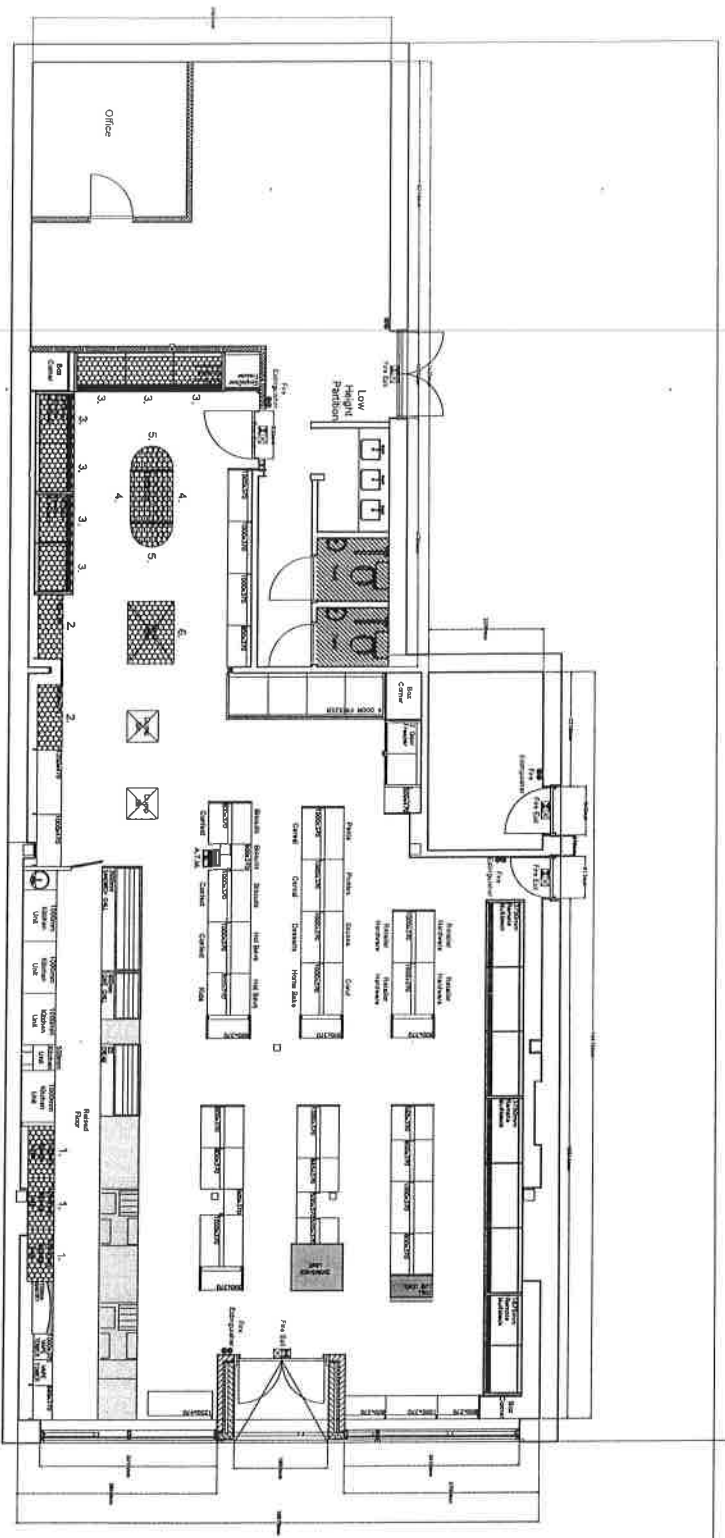
Telephone number and email address of signatory [Redacted]

*** 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.

-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

- Total Display Area of Alcohol (Inaccessible)
Wall Shelving- 3.0m(w) x 1.8m(h) = 5.4m²
 - Total Display Area of Alcohol (Accessible)
Wall Shelving- 2.5m(w) x 1.8m(h) = 4.5m²
 - Gondola Shelving- 2.0m(w) x 1.6m(h) = 3.2m²
 - Promo Ends- 2.0m(w) x 1.6m(h) = 3.2m²
 - Chills- 6.5m(w) x 1.8m(h) = 11.8m²
 - Beer Plinth- 1.2m(w) x 0.15m(h) = 0.18m²
 - Total Display Area- 28.09m²
- Profile 1
Wall Shelving
370mm
370mm
370mm
370mm
370mm
370mm
Height : 1.8mm
 - Profile 2
Wall Shelving
470mm
470mm
470mm
470mm
470mm
470mm
Height : 1.8m
 - Profile 3
Chill
Height : 1.8m
 - Profile 4
Gondola
370mm
370mm
370mm
370mm
370mm
370mm
Height : 1.6m
 - Profile 5
Promo End
370mm
370mm
370mm
370mm
370mm
370mm
Height : 1.6m
 - Profile 6
Beer Plinth
1.2m (w) x 0.15m(h)



All Plans and quotations remain the property of the designer, who retain the copyright.
 Drawings are based upon site information supplied by third parties and as such their accuracy cannot be guaranteed.
 All features are approximate and subject to clarification.
 Therefore, no shop plan or shelving elevation example, may be copied or used as a basis for quotation by other persons or companies, without written permission from the proprietor of the company
DO NOT SCALE

- Existing Ceiling: -
- Proposed Ceiling: -
- Depth of Frieze: -
- Wall Column Height: -
- Gondola Column Height: -
- Suspended Ceiling: -
- Floor Specification: -
- Lighting Specification: -
- Woodwork Finish: -
- Shelving Colour: -
- Kiddplate Colour: -
- Trailer Rail Colour: -
- Dairy Trim Colour: -
- Sixwall Finish: -
- Frieze Finish: -



Vertex RAD Ltd
 Sir William Smith Road
 Kirkton Industrial Estate
 Arbroath
 Angus
 DD11 3RD
 Tel: 01241 876796
 F.A.X.: 01241 878010
 www.vertescotland.com

Project Details:
 Day Today
 Mr. Fernan
 32 Red Burn Road
 Prestonians
 East Lothian
 EH32 9NG

Drawing Title: License Plan	
Drawing No: 17-137	Revision: F
Scale: 1:100@A3	Project Rep: AD
Date: 13-06-18	Revision By: -
Drawn By: JT	

Display area behind till

L = 2.4m
D = 0.45m

Squared Display Area
= 1.08m²

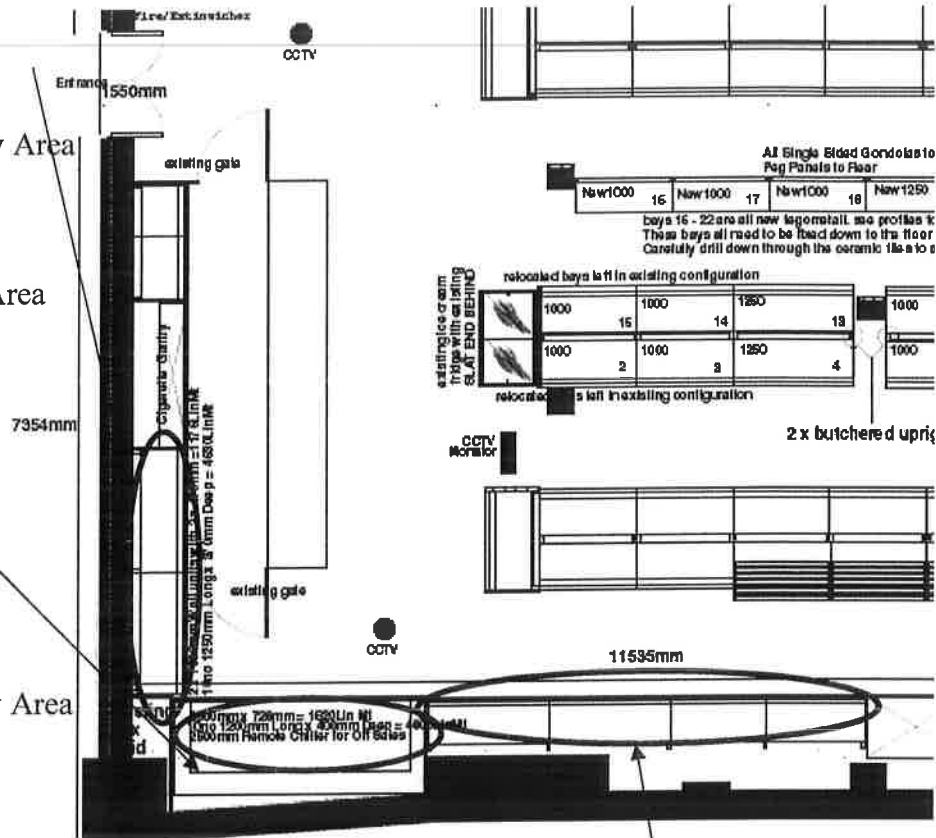
H = 2.0m
Cubic Display Area
= 2.16m³

Chiller area

L = 2.5m
D = 0.45m

Squared Display Area
= 1.125m²

H = 1.64 m
Cubic Display Area
= 1.845m³



Display Area Next to Chiller

L = 4.5m
D = 0.45m

Squared Display Area
= 2.025m²

H = 2.0m
Cubic Display Area
= 4.05m³

Date 28/08/2018

Your Ref: EL0191

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
Chief Constable

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 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE**

Day Today

32, Redburn Road, Prestonpans, East Lothian, EH32 9NG.

Mohammad Ashiq

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a change of name for the premises from Day Today to Day Today (Prestonpans Village Store) and an increase in the display area for alcohol from 17.3m² to 28.29m².

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

An increase in capacity is out with the current Board Policy, Overprovision Statement, which is a rebuttable presumption against the grant of any increase in capacity of an existing premises licence within the Boards area. The Board expects the applicant to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of the Board's Overprovision Statement.

The applicant is looking to increase the alcohol display area from 17.3m² to 28.29m², this is a sizable increase. The application, as it stands, does not provide any information which would outweigh the presumption against grant.

I also note that the applicant currently has 'home deliveries' from the shop and would take this opportunity to remind the applicant of his obligations under Section 119 of the Act in relation to keeping records of these deliveries.

If the variation, or an amended version is approved, I request that the Licensing Board considers that conditions be imposed in respect of:

- CCTV to be installed to the satisfaction of the police and to cover the entire alcohol display area
and
- that the CCTV installed is to be maintained in working order.

This representation is submitted for your attention in considering this application.

Yours faithfully



Iain Livingstone 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: 06 September 2018

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

Day Today, 32 Redburn Road, Prestonpans, East Lothian EH32 9NG

I can confirm that I have liaised with Mr Ferhan Ashiq, the son of the licensee, regarding this application.

As per the amended layout plan submitted with this application, the applicant seeks approval to move and increase the alcohol display area from 17.3 m² to 28.29 m² during renovations to the shop, which are currently taking place.

In terms of overprovision, within a radius of 800 metres of the applicant's premises, there is another licensed grocer at No 40 Redburn Road, which has a display area of 39.6 m². A further off-sales premises is located at the foot of Redburn at 225 High Street, which has a display area of 11.19 m².

Mr Ashiq frequently liaises with the LSO and readily accepts guidance to resolve any licensing issues.

If the Board is minded to grant this application, it is requested that the following conditions be placed on the licence:

1. All thefts of alcohol are reported to the police.
2. The CCTV system installed must be maintained in proper working order at all times and be of a standard that is to the satisfaction of the police. The system should also cover the entire alcohol display area.

R. Fruzynski
Licensing Standards Officer