

**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Extended Hours(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
5 NEW PHEASANT (FORMERLY JO'S KITCHEN) 73 MARKET STREET HADDINGTON EAST LOTHIAN EH41 3JJ	THE PARTNERSHIP OF MICHAEL & WENDY PETERS	24 October 2018	Requesting extension to 2am for the festive season from Friday 14th December to Thursday 3rd January 2019. Requesting 1.30 last orders and 45 minutes drinking up time.

OCC EXT 36/18  
PC, Rudi 24/10.

## EAST LoTHIAN LICENSING BOARD

### Licensing (Scotland) Act 2005


#### Application for Extension of Licensed Hours

Before completing this form please read the guidance notes at the end of the form.




If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. Application must be lodged 14 days prior to the event.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number	ELO332
Premises name and full postal address (including post code, which this application refers to)	THE NEW PHEASANT
	73 MARKET STREET
	HADDINGTON
	EH413JJ

2. APPLICANTS DETAILS	
Name of individual	
Company/Partnership	MICHAEL AND WENDY PETERS PARTNERSHIP

3. TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
FAX NUMBER	
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail)	

**4. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)**

Day	Commencement Time	Terminal Hour
Monday	11.00	02.00
Tuesday	11.00	02.00
Wednesday	11.00	02.00
Thursday	11.00	02.00
Friday	11.00	02.00
Saturday	11.00	02.00
Sunday	11.00	02.00

**5. DURATION OF LICENCE**

From: 14/12/2018  
 To: 03/01/19

**6. THE EVENT OR OCCASION**

Specify the type if event or occasion to be catered for on the premises and the organiser  
**FOR THE 2018/2019 FESTIVE PERIOD (XMAS AND NEW YEAR)**

WE WOULD LIKE TO BE ABLE TO CATER FOR XMAS PARTIES AND FESTIVE CELEBRATIONS. WE ARE APPLYING FOR THIS EXTENSION NOT BECAUSE WE WANT TO SERVE UNTIL 2 AM BUT BECAUSE WE HAVE A VERY BUSY GOOD RUNNING ESTABLISHMENT WITH THE VERY BEST OF CLIENTELE. WITH OUR ESTABLISHMENT BEING BUSY AND BY LAW ONLY HAVING 15 MINS DRINKING UP TIME WE CURRENTLY ANNOUNCE LAST ORDERS AT 12.30AM . THIS POLICY WORKS BRILLIANT AS AFTER 12.40AM NO ALCOHOL IS SOLD AND WE FIND THAT OUR CUSTOMERS LEAVE GRADUALLY RATHER THAN ALL LEAVING AT ONCE (CUSTOMERS ARE ALWAYS OUT BY 01.15). THIS HELPS TO KEEP NOISE DOWN TO A MINIMUM OUTSIDE AND DEFINETLY HELPS LOWER THE CHANCES OF ANY ANTI SOCIAL BEHAVIOUR OUTSIDE. WE HAVE POOL/ DARTS ETC COMPETITIONS ON RIGHT THROUGH THE FESTIVE PERIOD ALONG WITH THE XMAS/ NEW YEAR PARTIES ETC . HAVING THIS EXTENSION WOULD MEAN WE CAN CATER FOR ALL EVENTS. (AT OUR DISCRETION AND HAVING THE RIGHT CLIENTELE IN AT THE TIME ALONG WITH NO ENTRY AT A CERTAIN TIME . THIS STOPS CUSTOMERS FROM OTHER PREMISES TRYING TO ENTER AFTER THERE LOCAL HAS CLOSED) WE WONT BE SERVING UNTIL 2.AM BUT IT GIVES US THE CHANCE TO SERVE UNTIL 1.30AM AND HAVING 45 MINUTES DRINKING UP TIME . WE HAVE BEEN IN THE TRADE FOR 7 YEARS AT THE SAME LOCATION WITH THE SAME EXTENSION USED AT OUR DISCRETION WITH NO COMPLAINTS .

**7. CHECKLIST (Please tick yes/no)**

• I have Made or enclosed payment of the fee for the application	YES
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**8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)**

**DECLARATION**

*IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION*

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

<b>SIGNATURE</b> 	<b>DATE</b> 23/10/18
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**NOTES**

- Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
  - a special event or occasion to be catered for on the premises, or
  - a special event of local or national significance.
- This application must be lodged at least 14 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.

Date 25/10/2018

Your Ref: OCCEXT36.18

Our Ref: 366012



**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  
EXTENDED HOURS APPLICATION - OBJECTION  
LICENCE NO: EL0332  
PREMISES: NEW PHEASANT  
73, MARKET STREET, HADDINGTON, EAST LOTHIAN, EH413JJ.  
PREMISES LICENCE HOLDER: THE PARTNERSHIP OF MICHAEL & WENDY  
PETERS, 26 ABBOTS VIEW, HADDINGTON**

I refer to the above premises and an application for extended hours to be granted between Friday 14<sup>th</sup> December 2018 and Thursday 3<sup>rd</sup> January 2019, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I make the following objection.

The applicant currently holds a premises licence allowing the sale of alcohol between

1100 – 2300 (Monday – Wednesday)  
1100 – 0100 (Thursday – Saturday)  
1100 – midnight (Sunday)

The applicant has applied for a blanket extension every day until 0200 hours between 14<sup>th</sup> December 2018 and 3<sup>rd</sup> January 2019.

Section 68(1)(b) of the Licensing (Scotland) Act 2005 allows applications for extended hours to be granted if the Licensing Board consider it appropriate to do

so in connection with a **special event or occasion** to be catered for on the premises or a **special event of local or national significance**.

The applicant has indicated that the extended hours requested are required to facilitate Christmas Parties and Festive Celebrations.

0200 hours is out with Board Policy for a terminal hour. Board Policy also states in relation to extension of hours, that the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate to the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include:

- The hours sought.
- A description of the special event or occasion.
- The proposed activities to take place during these hours.
- When each activity will take place.
- Why the event or occasion is considered to be special.
- Why the event or occasion cannot take place within the on sale policy hours appropriate to the applicant premises.

This request is a 'blanket' request to cover Christmas Parties and Festive Celebrations, which in my view can be catered for within Board Policy hours and the hours already afforded to the premises.

There is nothing mentioned in the application form to suggest that the additional hours are required for any specific reason other than extra hours to consume more alcohol.

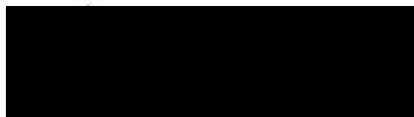
The new Board Policy on Festive Hours has just been announced at the October Board and to go against the current Board Policy would potentially set a precedent which other licensed premises in East Lothian would be likely to seek to replicate.

Alcohol fuelled violence and disorder continues to be a problem in Haddington, particularly in the late evening and the early hours. In almost every crime of assault or serious assault recorded by the Police, which has taken place within East Lothian, the perpetrator, victim, or both, have been under the influence of alcohol which was consumed within licensed premises. Recorded crime figures demonstrate that the longer and later licensed premises are open, the higher the likelihood of crimes of violence occurring.

Any extension to the operating hours for the applicant premises, or any other premises enjoying similar licensed hours, may exacerbate this and result in an increase in crime and disorder.

For these reasons, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I object to the application for the purposes of the preventing crime and disorder, securing public safety, preventing public nuisance and protecting and improving public health licensing objectives.

Yours faithfully



Iain Livingstone QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147.

**Herkes, Gillian**

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**From:** Fruzynski, Rudi  
**Sent:** 02 November 2018 15:36  
**To:** Herkes, Gillian  
**Subject:** FW: Emailing: The New Pheasant OCCEXT36.18 - Extension of licensed hours (Christmas & New Year).pdf

Please see below

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**From:** Fruzynski, Rudi  
**Sent:** 26 October 2018 12:19  
**To:** Shiel, Christine (Licensing) <cshiel1@eastlothian.gov.uk>

**Subject:** RE: Emailing: The New Pheasant OCCEXT36.18 - Extension of licensed hours (Christmas & New Year).pdf

I refer to the above application that is outwith the Board's new policy on festive hours, which has set a general extension to permit on consumption premises to sell and supply alcohol up to 02:00 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. The reason this decision was made followed representation from the Police, Licensing Forum, and NHS that the previous blanket extension of 3 weeks was not generally used and was unnecessary. The public consultation supported this view.

The policy does not preclude licensees from applying for extended hours outwith licensed hours policy or any general extension, but they must satisfy the Board that the extension(s) applied for meet the guidelines in Section 18 of the policy, as shown below.

## **18.0 Extended Hours Applications**

18.1 The Board may extend the licensed hours in respect of premises for a period not exceeding one month. The Board may do so in connection with; -

- a special event or occasion to be catered for on the premises; or
- a special event of local or national significance.

18.2 Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall outwith the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protecting and improving public health.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- the hours sought
- a description of the special event or occasion
- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.

This application is referred to the Board for a determination under the new statement of licensing policy, which promotes and supports the licensing objectives.

Licensing Standards confirms that the applicant has run his premises responsibly and without problem for the last 7 years. Since the recent opening of the New Pheasant, under Mr. Peters management there have been no complaints or incidents relating to the operation of the premises.

Rudi Fruzynski  
Licensing Standards Officer  
Accredited Paralegal  
East Lothian Council



-----Original Message-----

From: Shiel, Christine (Licensing)

Sent: 24 October 2018 14:55

To: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi  
<[rfruzynski@eastlothian.gov.uk](mailto:rfruzynski@eastlothian.gov.uk)>

Subject: Emailing: The New Pheasant OCCEXT36.18 - Extension of licensed hours (Christmas & New Year).pdf