



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

**THURSDAY 25 OCTOBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor J Henderson
Councillor J Goodfellow
Councillor J McMillan

Depute Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Legal and Procurement

Present:

Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager, Democratic and Licensing

Apologies:

Councillor L Bruce
Councillor C McGinn

Declarations of Interest:

See item 4b.

1 MINUTES FOR APPROVAL

**East Lothian Licensing Board, 27 September 2018
East Lothian Licensing Board and East Lothian Licensing Forum, joint
meeting, 27 September 2018**

Subject to amending a typographical error in the joint meeting minutes, both sets of minutes were approved as a true record.

2 STATEMENT ON OCCASIONAL EXTENDED HOURS OVER THE FESTIVE PERIOD

The Convener stated that, in terms of 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension will apply on Christmas Eve – Monday 24 December 2018, Christmas Day – Tuesday 25 December 2018, Boxing Day – Wednesday 26 December 2018, Hogmanay - Monday 31 December 2018; and New Year's Day – Tuesday 1 January 2019 and will allow an extension of the terminal hour for the sale of alcohol during that period until 2 am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions outwith these days although any applications for extended hours out with the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 1 December 2018. There is no need for licensees to apply for the general extension to 2 am. On-sales premises can utilise these hours to the extent they consider appropriate.

3 PROVISIONAL PREMISES LICENCE

The Works, Implement Road, West Barns

Niall Hassard, TLT Scotland, was present to represent the applicant. Peter Stuart, Cider Maker, Thistly Cross, was also present.

PC Bowsher referred to the letter dated 6 October 2018 from Police Scotland and advised that she supported the application.

Mr Hassard tabled visual images of the proposed premises, explaining that the premises are seeking a provisional license as a warehouse, storage and distribution centre for alcohol. His client is also seeking to be able to retail their products without relying on licensed third party providers. He provided background information on the success and growth of the business and advised that the business aspires to develop further in the future.

In response to a question from Councillor Henderson, Mr Hassard explained the layout of the two-storey building. Councillor Henderson wished the company continued success.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

4 PREMISES LICENCE – MAJOR VARIATION

4a Caprice Restaurant, 198 High Street, Musselburgh

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr A Alongi, business owner, was also in attendance.

PC Bowsher referred to the letter dated 17 September 2018 from Police Scotland and drew members' attention to the section regarding deliveries of alcohol. She advised that she supported the application.

The application seeks to commence Sunday hours at 12 noon; increase hours to 1am on Thursdays, Fridays and Saturdays; increase hours to midnight on Sundays; to add off-sales from 12 noon to 10pm every day; to provide for listed activities to take place during special or general extensions; and 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 121 pm. Children and young persons may remain on the premises to the end of a private pre-booked function.

Mr Macdonald provided background information about the family business; reported that the current generation of the family wished to update and expand the business; explained that the off-sales of alcohol will be ancillary to take-away food orders; and fully accepted the requirements in relation to the home-delivery of alcohol. He remarked that he had been surprised to learn of an objection to the application and that his client would happily communicate with neighbours to address any concerns.

In response to questions from the Convener and Councillor McMillan, Mr Macdonald stated that many 16 and 17 year olds wish to go to the restaurant for a pizza without their parents. He further advised that only trained staff members would be used for alcohol deliveries; there would be no third party delivery drivers involved. Answering a question from Councillor Goodfellow, Mr Macdonald advised that his client would be agreeable to a condition that there is no off-sales or deliveries of alcohol unless it is with a take-away meal. He clarified to the Convener that music would only be of a background nature and that there are to be no physical changes to the premises.

The Board adjourned in private to debate the matter.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variations to the premises licence, subject to the following conditions:

- i. 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)
- ii. Home delivery services provided that 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.
- iii. When making a delivery that includes alcohol, certain checks must 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.
- iv. A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

4b Day Today (Prestonpans Village Shop), 32 Redburn Road, Prestonpans

The applicant's son, Mr F Ashiq, was present to represent the applicant, Mr Mohammad Ashiq.

Councillor Goodfellow declared an interest as he knows Mr F Ashiq. After adjourning in private, Councillor Dugdale declared an interest when the Board reconvened as she also knows Mr F Ashiq.

The Depute Clerk advised that the Board was now inquorate and the business would be carried forward to the next meeting. Councillor McMillan stated that he did not feel conflicted as he did not know the applicant sufficiently well.

The Depute Clerk suggested that Mr Mohammad Ashiq or a licensing professional attend the next Board meeting to represent this application.

Decision

The Depute Clerk declared the meeting inquorate for this item and East Lothian Licensing Board unanimously agreed to carry forward the application to the November Board meeting.

Signed

.....

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

DRAFT

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 DAY-TODAY (FORMERLY NISA STORE) 32 REDBURN ROAD CUTHILL PRESTONPANS EAST LOTHIAN	MOHAMMAD ASHIQ	14 August 2018	Vary the Operating Plan to increase the alcohol display area from 4.415m sq to 9.765m sq. Change name of shop to Day Today (Prestonpans Village Store) formerly Day-Today. Vary the layout plan to move the licensed area to front end of shop to back end of shop.
2 KILSPINDIE GOLF CLUB KILSPINDIE GOLF CLUB A198 (23) FROM GREEN CRAIGS TO KIRK ROAD ABERLADY LONGNIDDRY	KILSPINDIE GOLF CLUB	19 October 2018	Vary licence from Club to Open status, Vary core hours Sun to Thurs 11pm to 12 Midnight and Friday, Saturday 12 Midnight to 1am. Adult entertainment (after dinner speakers), add conference facilities. Children require supervision and leave before 10pm unless a private function.

SENT IN 10/10/18

EAST LoTHIAN LICENSING BOARD

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

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

Day Today (Prestonpans Village Store), (formerly Day-Today)
32 Redburn Road,
Prestonpans,

E.L.C.
Customer Services
14 AUG 2018
RECEIVED

Post Code EH32 9NG

Phone No. [REDACTED]

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

Mohammad Ashiq

Post Code EH32 9NG

Phone No. [REDACTED]

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

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
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.

Day Today (Prestonpans Village Store), (formerly Day-Today)
32 Redburn Road,
Prestonpans,
EH32 9NG

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>
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**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 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
<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 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
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	No	No	No
<i>Club or other group</i> <i>meetings etc.</i>	No	No	No
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	No	No	No
<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)	Please confirm	To be provided during core licensed	Where activities are also to be provided

<i>Activity</i>	<i>YES/NO</i>	<i>hours – please confirm</i> <i>YES/NO</i>	<i>outwith core licensed hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking facilities</i>	No	No	No
5(e) Activity	<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.

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
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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 13/08/18

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:- 5.4m²

Total Display Area of Alcohol (Accessible)
Wall Shelving:- 1.0m(w) x 1.8m(h) = 1.8m²

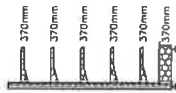
Gondola Shelving:- 2.0m(w) x 1.6m(h) = 3.2m²

Promo Ends:- 2.0m(w) x 1.6m(h) = 3.2m²

Chills:- 6.56m(w) x 1.8m(h) = 11.81m²

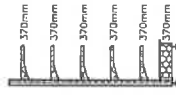
Total Display Area:- 25.41m²

Profile 1
Promo End



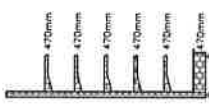
Height: 1.6m

Profile 2
Gondola



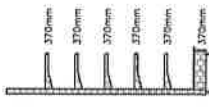
Height: 1.6m

Profile 3
Wall Shelving



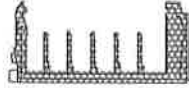
Height: 1.8m

Profile 4
Wall Shelving



Height: 1.8m

Profile 5
Chill



Height: 1.8m

Existing Ceiling:

Proposed Ceiling:

Depth of Frieze:

Wall Column Height:

Gondola Column Height:

Suspended Ceiling:

Floor Specification:

Lighting Specification:

Woodwork Finish:

Shelving Colour:

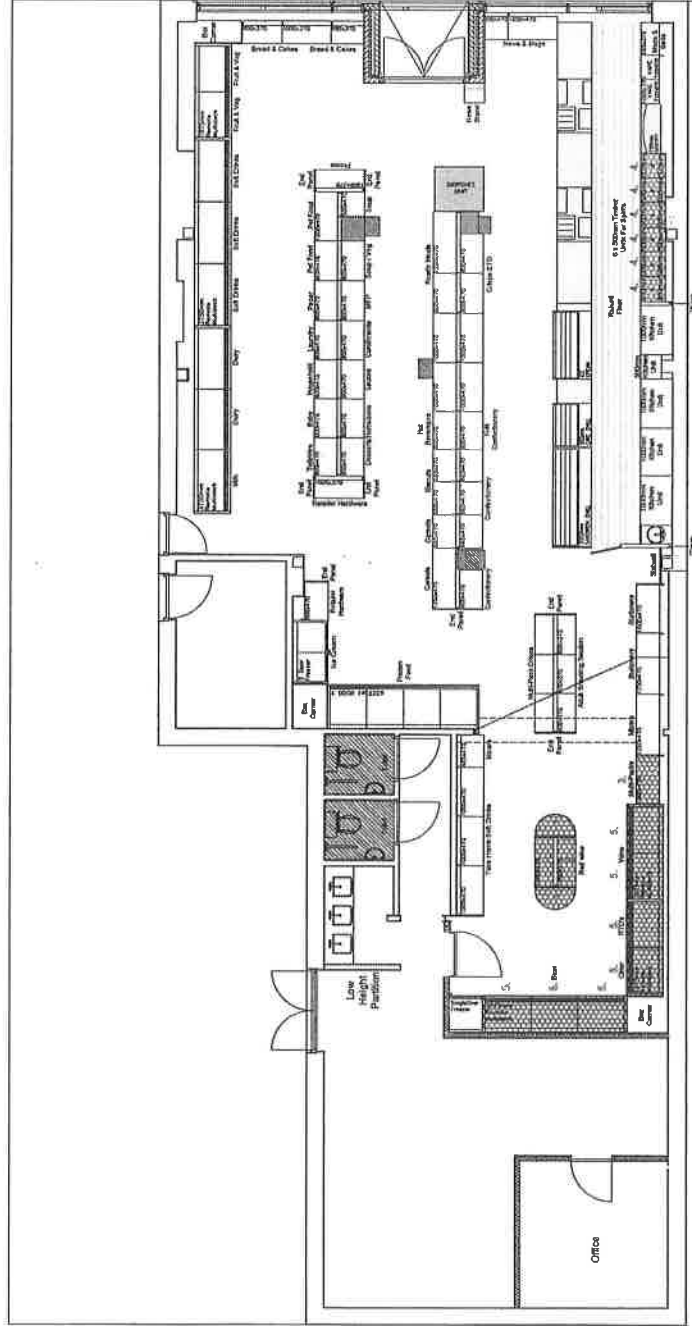
Kickplate Colour:

Ticket Rail Colour:

Dairy Trim Colour:

Slatwall 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.vertexscotland.com

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



Drawing Title:	License Plan
Drawing No.:	17-137
Scale:	1:100@A3
Date:	07-11-18
Drawn By:	JT
Revision:	R
Project Rep:	AD
Revision By:	-

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 or the company. DO NOT SCALE

Day Today – 32 Redburn Road, Prestonpans EH32 9NG
Applicant - Mohammad Ashiq
Supporting Statement

This Statement has been prepared on behalf of Mohammad Ashiq in consultation with Ferhan Ashiq, in respect of an Application for a Major Variation, which was continued by the Board at their October Hearing, to the next Board Meeting on 22nd November.

Of course since the first Hearing, the Board's new Statement of Licensing Policy has come into force, and the Board's position on Overprovision in terms of their Statement has changed. This area is no longer covered by the general Overprovision Policy, but each case is looked at on its own merits.

Our client accepts that Prestonpans, and the provision of off sales in that area, is one of the parts of East Lothian that the Board will carefully consider.

This of course is not a new Licence but a Variation but it does increase the alcohol capacity and therefore Overprovision can be taken into account.

Our client has owned this business for 31 years. They live in the area. Our clients son, Ferhan, has worked in the business since he was at school! Following absences, to attend University, and thereafter to work abroad for a while, Ferhan has returned to the family business and brings with him energy, initiative and enthusiasm which has resulted in their business receiving various awards. Indeed after the Board Meeting on the 22nd, he will be travelling to London for an awards ceremony. They are respected operators, both within the community, and cooperate with the Police and Licensing Officers. They have been complimented on their CCTV system for instance which now has 20 cameras. Three of these are outside, and our clients have been asked to provide footage on various occasions to assist the Police with enquiries, not relating to the shop. Our clients are always happy to cooperate.

Prestonpans is an area where there have, over the years, been regular test purchases for instance carried out by the Police and our client advises us that they have passed all these tests. There is a similar story with Trading Standards.

They are good operators, they are aware of their responsibilities and have stringent due diligence to ensure that the risk of any such issues is minimised.

The shop has been refurbished, and an area to the rear of the shop has been opened up. In general the Layout of the shop and the products on sale have been reviewed. The reorganisation will result in a larger display of fresh fruit and vegetables for instance for which there is an increased demand. Products which are regularly bulk bought at supermarkets for instance, are being reduced.

The increased alcohol space will be given over to the provision of a wider range of products, particularly wines, specialist beers, and gins where there is a far wider range of alternatives now, and the public are aware of this and demand choice. Some of these products will be locally sourced, not just alcohol but other products as well.

As mentioned above, our clients due diligence is robust. Staff Training Records are available and up to date and show that all current employees have had the mandatory training. In order to strengthen their regulatory duties further, they have partnered with GNE Consultancy to have each member of staff obtain a Personal Licence. This is being funded via the ITA Scheme.

A certified copy of the Licensing documentation is kept on the premises, and all necessary Notices are on display.

Our clients do of course operate Challenge 25 strictly.

They do deliveries, which may include alcohol. They are aware of the concerns, and indeed the legal requirements here for documentation. Mr Ashiq himself does the deliveries and he is aware of the fact that Challenge 25 applies in such situations and if appropriate ID cannot be provided, then alcohol cannot be handed over to that person. It does not matter who ordered the delivery – alcohol cannot be handed over to anyone under 18. He is also aware of the restriction on hours.

In view of the above, our client is of the opinion that the grant of this additional space would not be detrimental to the community, would provide the community with a wider range of products, and would not contribute to an infringement of the Licensing Objectives. Going through these briefly, we would comment as follows: -

Preventing Crime and Disorder

Our clients have no wish to contribute to any issues concerning crime and disorder in the neighbourhood. Quite the opposite.

As explained, they have lived and worked in this area for many years and are very much a part of the Local Community.

The Premises are a member of Shopwatch who meet every three weeks. By being involved, Ferhan and his father are made aware of any particular concerns that the Police have in the area. Examples of this are adults that the Police are aware of that might supply children and young persons with alcohol. Our clients will work closely with the Police to prevent theft and issues such as this. They would not hesitate to pass details to the Police if appropriate.

We have already referred to the CCTV system, to which four cameras were added as a result of the refurbishment. These cameras would cover the alcohol display area. Indeed all parts of the shop are covered, including the store room and the outside area.

At the moment the alcohol display area is at the front of the shop, close to the door. This variation would result in the display, in addition to the area behind the counter, being moved to the rear of the shop. In other words people would have to walk past the counter to get there or exit the shop after. It is considered that this will assist with any possible theft. A matter that our clients have discussed with the Police in the past.

Securing Public Safety

As explained above, there are improvements being carried out to the Layout of the shop and this should assist customers, particularly those who are elderly, in wheelchairs etc. Customer safety is paramount to our clients.

Preventing Public Nuisance

Again we would refer to the due diligence put in place by our clients. Customers know that they must behave. Underagers and people who have already consumed too much alcohol know that they will not be served. Our clients are very aware of people drinking too much and possibly causing problems so do limit the amount that people can buy, and will refuse them if they come back to the shop again on that day.

Protecting and Improving Public Health

Our clients have a strict policy on refusal of alcohol to those who they consider have had too much to drink already, or for whatever other reason should be refused. Staff are specifically trained in this area.

Protecting Children and Young Persons from Harm

As explained above, our clients have a robust system in place for checking ages, in terms of Challenge 25, the ID that they will accept, the till system which does prompt staff to request such items, and their ability to refuse when required. As explained above, they liaise with the Police with regard to possible agency sales, and general issues in the neighbourhood.

Proof of Age

Staff have been instructed to ask for proof of age if they suspect that a person under the age of 18 is attempting to purchase alcohol.

610
TOBACCO
HITS
TOBACCO

Independent
Convenience Store

Day-Today

Dry Cleaning

Deli

Fresh Coffee

Smoothies

Ice-Cream

Food to Go



Services

Day-Today

Open **7 Days**

6 am - 10 pm



Services

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.

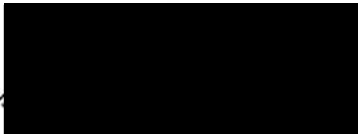
I also note that the applicant currently has 'home deliveries' from the shop and would take this opportunity to remind the applicant of his obligations under Section 119 of the Act in relation to keeping records of these deliveries.

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

A black rectangular redaction box covering the signature of the Chief Constable.

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

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
1	DAY-TODAY (FORMERLY NISA STORE) 32 REDBURN ROAD CUTHILL PRESTONPANS EAST LOTHIAN	MOHAMMAD ASHIQ	14 August 2018	Vary the Operating Plan to increase the alcohol display area from 4.415m sq to 9.765m sq. Change name of shop to Day Today (Prestonpans Village Store) formerly Day-Today. Vary the layout plan to move the licensed area to front end of shop to back end of shop. Vary licence from Club to Open status, Vary core hours Sun to Thurs 11pm to 12 Midnight and Friday, Saturday 12 Midnight to 1am. Adult entertainment (after dinner speakers), add conference facilities. Children require supervision and leave before 10pm unless a private function.
2	KILSPINDIE GOLF CLUB KILSPINDIE GOLF CLUB A198 (23) FROM GREEN CRAIGS TO KIRK ROAD ABERLADY LONGNIDDRY	KILSPINDIE GOLF CLUB	19 October 2018	

EAST LoTHIAN LICENSING BOARD

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

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

Kilspindie Golf Club

East Lothian Council
Licensing

17 OCT 2018

2(b) Name and Address of Premises

Kilspindie Golf Club, The Clubhouse, Aberlady, East Lothian

Received

Post Code	EH32 0QD	Phone No.	[REDACTED]
-----------	----------	-----------	------------

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

[REDACTED]

Post Code	[REDACTED]	Phone No.	[REDACTED]
-----------	------------	-----------	------------

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

Apply to change from member's license to an open license.

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)

Change to Open license

Alter on sales times Sunday to Thursday increase by an hour to 12pm.

Friday and Saturday increase by an hour to 1am (to allow for functions/members events)

Adult entertainment – after dinner speakers only (possible adult humour)

Conference facilities for small groups will be available.

Adding a Premises Manager

Children that are non members will be allowed to be permitted into the club (0-15 supervised) 16&17 do not need to be.

Children are normally asked to leave the premises before 10pm but if there is an organised function they would be allowed to stay until the end of this event.

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.

n/a

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*)

n/a

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 **£200**

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 £700 is enclosed.

Signature



..... (See note 5 below)

Date

16 / 10 / 18

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

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

.....
.....
.....

Note 1:

Please note that the proposed Operating Plan **must** contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Kilspindie Golf Club, The Clubhouse, Aberlady, East Lothian, EH32 0QD

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>	10am	11pm
<i>Tuesday</i>	10am	11pm
<i>Wednesday</i>	10am	11pm
<i>Thursday</i>	10am	midnight
<i>Friday</i>	10am	1am
<i>Saturday</i>	10am	1am
<i>Sunday</i>	10am	11pm

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>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	no	N/A	N/A
<i>Conference facilities</i>	yes	yes	no
<i>Restaurant facilities</i>	yes	yes	yes
<i>Bar meals</i>	yes	yes	yes
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
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	yes	yes	no
<i>Club or other group</i> <i>meetings etc.</i>	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
<i>Recorded music – see</i> <i>5(g)</i>	yes	yes	no
<i>Live performances –</i> <i>see 5(g)</i>	yes	yes	no
<i>Dance facilities</i>	yes	yes	no
<i>Theatre</i>	no	no	no
<i>Films</i>	yes	yes	no
<i>Gaming</i>	yes	yes	no
<i>Indoor/outdoor sports</i>	yes	yes	yes
<i>Televised sport</i>	yes	yes	yes

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>	yes	yes	yes
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>	yes	yes	yes

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

Restaurant facilities and bar meals – may start out with core hours but not before 730am

Golf may start out with core hours but not before 715am

Conference facility for small groups may start out with core hours but not before 8am

Club and group meetings – may start out with core ours but not before 8am

Televised sports may start out with core hours but not before 8am

Outdoor drinking in seated area provided will be permitted up till closing time

No additional activities shall finish out with the core hours unless under the authority of an extended hours application

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.

Burns / St Andrews nights and other significant celebratory events, Annual Club Dinners, Prize giving, Supplier promotions, whisky & wine tasting evenings and festive celebrations

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>	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 are permitted access to the public areas of the premises while they are open
Children will normally be Junior members or have some bona fide connection with golf or who's relatives are members or the club
Children who are non-members should be accompanied by an adult
Young persons who are non-members will be permitted into the Club

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

0 – 15 children
16&17 young persons

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

Children and young persons will be permitted access to the premises while they are open normally
Children will be allowed into the club accompanied by an adult to 10pm or until the conclusion of a pre-planned event.

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

Children and young persons will be permitted access to all public areas of the premises

Question 7

CAPACITY OF PREMISES

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

On sales - 125

Question 8

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

Personal details

8(a) *Name*

[REDACTED]

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>
13/02/18	East Lothian Licensing Board	EL14161

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]

Date16/10/18.....

CapacityGeneral Manager..... APPLICANT

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.

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

<p>Business Profile Kilspindie Golf Club is a 18 Hole Links Golf Course with a bar area and Lounge. Open all year round we offer a range or alcohol and soft drinks. Catering is also provided for bar meals and lounge meals. The facilities are available to use for small functions.</p>	
<p>On/Off Consumption</p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>a) <u>Provide a catering service to both members and visitors all year round.</u></p> <p>b) <u>Allow members and visitors to purchase alcohol for off site consumption</u></p>

Clarification is required in relation to the content of your proposed Operating Plan
 (extend the boxes below if you require additional space)

<p>To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p>No Accommodation available</p> <p>Allow meeting space for small parties</p> <p>Conference facility for small meetings (10-12) during operational hours</p> <p>Restaurant can serve food from 730am and tends to close for food at 4pm in the winter and</p>
--

7/8pm in the summer unless functions or events are on.

Bar tends only to stay open late for functions – opens daily at 10am

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

Weddings / birthdays / retirements / funerals / prize giving's etc. will only be available to be booked if the person is a Member of the Golf club and we have availability – 6-12 a year anticipated – with new license we would not need an occasional license.

Larger functions tend only to be booked in the winter months due to summer golf

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

Golf Club with course that opens each day at 715am for play – membership and visitors allowed to play

No TV in clubhouse but this may change – looking to show live sport (golf events on TV like the Open)

Have speakers at the Club Dinners

Prize giving's sometimes require music – but not applied for this in last few years but maybe an option

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

Summer outside seating is provided around the Clubhouse patio areas – food and drink maybe consumed in these areas

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Speakers at club dinners with the possibility of adult humour – no under 18's will be allowed to be admitted

Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

Nothing in the calendar that normally that would work outside the core hours most functions

finish at between 12-1pm. If any functions would run beyond the core hours an occasional license would be applied for well before the event.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Festive parties / Burns Suppers / Members evenings /Sponsors events or Golf events

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

Baby changing facilities available close to main lounge.

Children only given to public access areas only

Licensing Objectives - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Age proof policy – ask the question / underage drinking signage visible /staff training programmes and induction /CCTV in place / drugs policy in place / stick to club rules / Pub watch schemes if available / Club surrounds / entrance and car park well-lit /report anti-social behavior / members visitors aware of drink driving laws

Securing Public Safety:

CCTV in place and also about to be upgraded
New Proshop being built – looking at improved lighting around the clubhouse
Staff training / H&S handbooks and staff handbooks now in place to improve service quality and safety
H&S audit takes place along with fire audit each year
First aiders trained and on site along with a Defibulator apparatus
Pub watch is not really available with location but happy to investigate further
Risk assessments in place and updated

Preventing Public Nuisance:

Rural Golf Club one road in and out – CCTV in place
Appropriate opening hours along with staff training in place
Local transport timetable available
Club is a family orientated club with not a huge drinking culture and events do not promote and drink deals
Occupancy restricted to 125 so no over crowding

Protecting and Improving Public Health:

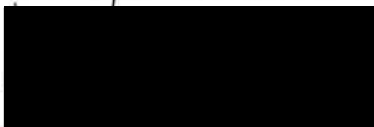
Drink aware signage / nonalcoholic drinks available
Appropriate price in place

Small measures available Drink policy regarding over drinking / staff drug aware
Protecting Children and Young Persons From Harm: Staff training Junior Section has a child protection officer in place No bad language rule promoted in clubhouse (charity fines in place) Proof of age required Appropriate new staff checks and references required Staff induction course in place

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information: Golf Club applying for an open license to gain flexibility for member's functions and dinners. Apply for up to 12 occasional license per year currently. Currently nonmembers who do not play the golf course are not allowed in clubhouse – lots of visiting golfers turn up to have a look at the course and facility's – currently we have to turn these away losing business
Supporting Comments: i.e. reasons why the Board should support your application. Well managed traditional Golf Club with no past history of any licensing issues - with an increasing number of members asking for lunches/dinners for numbers that would normally require an occasional license. Golf Club is now ran by a General Manager that has had past experience of managing a large golf resort with 4 restaurants and 2 popular bars with a good track record.

SIGNATURE AND DECLARATION BY APPLICANT			
IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION			
(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))			
The contents of this Application are true to the best of my knowledge and belief.			
Signature		Date	16/10/18.

Date 24/10/2018

Your Ref: EL

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 VARIATION OF A PREMISES LICENCE
KILSPINDIE GOLF CLUB
KILSPINDIE GOLF CLUB, A198 (23) FROM GREEN CRAIGS TO, ABERLADY,
EAST LOTHIAN, EH32 0QD.
COMMITTEE**

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 request to change from a club licence to an 'open licence', increase in licenced hours and a change in the operating plan, activities.

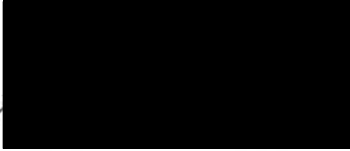
In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

Should the Board be minded to grant this variation, I would request that they consider the following as a condition of the licence:

- CCTV to be installed to the satisfaction of the police and to be maintained in working order.
- Police and LSO to be informed with 14 days notice of any 18th or 21st Birthday Parties to be held on the premises.

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: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 05 Nov. 18

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

Kilspindie Golf Club, The Clubhouse, Aberlady, East Lothian EH32 0QD

I refer to the above subject and can confirm that the applicant has fully liaised with the LSO in relation to this application.

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

I can confirm that the premises are very well run and that the management has had regular contact with the LSO over the years to ensure the club maintained high standards of compliance with the Licensing (Scotland) Act and conditions of their licence.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
3 NORTH BERWICK MASONIC SOCIAL CLUB 8 FORTH STREET NORTH BERWICK EAST LOTHIAN EH39 4HY	ST. BALDRES LODGE OF FREEMASONS NO 313	19 October 2018	Change status to from a Club licence to an Open Licence, change the name of the premises to St. Baldred Lodge of Freemasons. Vary core hours to 7pm to 12 Midnight - Monday to Friday, 12 Noon to Midnight Saturday and Closed on a Sunday. Children and young persons permitted 12 noon to 10pm or until conclusion of any pre-arranged event.

EAST LoTHIAN LICENSING BOARD

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

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

ELO 254

2(b) Name and Address of Premises

St. BALDRED LODGE OF FREEMASONS No.313
8/10 FORTH STREET
NORTH BERWICK
EAST LoTHIAN

Post Code EH39 4HY

Phone No. [REDACTED]

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

St. BALDRED LODGE OF FREEMASONS No.313
(FORMALLY NORTH BERWICK MASONIC SOCIAL CLUB)
8/10 FORTH STREET
NORTH BERWICK
EAST LoTHIAN

Post Code EH39 4HY

Phone No. [REDACTED]

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

TO CHANGE FROM A CLUB LICENCE TO AN OPEN LICENCE

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 CHANGE NAME OF THE PREMISES FROM NORTH BERWICK MASONIC CLUB TO ST.BALDRED LODGE OF FREEMASONS

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.

N/A

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*)

N/A

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)

14/5/2018

Date

Capacity: APPLICANT / AGENT (delete as appropriate)

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

.....
.....
.....

Note 1:

Please note that the proposed Operating Plan **must** contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

St. BALDRED LODGE OF FREEMASONS No.313
 (FORMALLY NORTH BERWICK MASONIC SOCIAL CLUB)
 8/10 FORTH STREET
 NORTH BERWICK
 EAST LoTHIAN
 EH39 4HY

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>YES</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>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>	19.00hrs	MIDNIGHT
<i>Tuesday</i>	19.00hrs	MIDNIGHT
<i>Wednesday</i>	19.00hrs	MIDNIGHT
<i>Thursday</i>	19.00hrs	MIDNIGHT
<i>Friday</i>	19.00hrs	MIDNIGHT
<i>Saturday</i>	12 NOON	MIDNIGHT
<i>Sunday</i>	CLOSED	CLOSED

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>	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 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--	------------

**If YES – provide details*

We would wish to take advantage of any extended hours granted in relation to events of local or national importance including additional in respect of the festive period.

Although the Lodge closes for part of the year we would like to be able to take bookings for hall lets throughout the year.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<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	NO
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	NO
<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	NO
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	YES	YES	NO
<i>Films</i>	YES	YES	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.

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.

Although the Lodge closes for part of the year we would like to be able to take bookings for hall lets throughout the year for;

Charity / fundraising activities and events; Christmas Parties; North Berwick Cinema Club; Children's parties; Fringe by the Sea Festival; Special Birthday and Anniversary parties. The Merchant Seamen Association.

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
	*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

CHILDREN ACCOMPANIED WITH PARENTS OR GUARDIANS TO ATTEND FAMILY PARTIES OR FUNCTIONS

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

Children 0-15 years, and Young Persons 16 & 17 years.

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

MIDDAY TO 10PM or until the conclusion of any pre-arranged event/function.

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

MAIN HALL AND SMALL LOUNGE

Question 7

CAPACITY OF PREMISES

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

60 in main hall and 20 in downstairs lounge total 80 persons

Question 8

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

Personal details

8(a) *Name*

e 

8(b) *Date of birth*



8(c) *Contact address*

St. BALDRED LODGE OF FREEMASONS No.313
8/10 FORTH STREET
NORTH BERWICK
EAST LoTHIAN EH39 4HY

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>
To follow 5/9/2012 21/06/2012	12/2/11/12 LICENSING BOARD EAST LOTHIAN	12/2/11/12 EL860

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)
 Date14/5/2018.....
 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 23/10/2018

Your Ref: EL0254

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
ST BALDRED LODGE OF FREEMASONS No 313
8 FORTH STREET, NORTH BERWICK, EAST LOTHIAN, EH39 4HY.
COMMITTEE**

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 request to change from a club licence to an 'open licence', to change the name from North Berwick Masonic Club to St Baldred Lodge of Freemasons.

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

Should the Board be minded to grant this variation, I would request that they consider the following as a condition of the licence:

- CCTV to be installed to the satisfaction of the police and to be maintained in working order.
- Police and LSO to be informed with 14 days notice of any 18th or 21st Birthday Parties to be held on the premises.
- Premises to be an active member of the local Pub Watch (as and when there is one operating in the area)

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: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 05 Nov. 18

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE – MAJOR VARIATION APPLICATION

St Baldred Lodge of Freemasons No 313, 8/10 Forth Street, North Berwick, East Lothian EH39 4HY

I refer to the above subject and can confirm that the applicant has fully liaised with the LSO in relation to this application.

I make the following observations in relation to this application:

I support the change of status of these premises from a club to an open licence.

The current licensed hours for these premises are as follows:

ON SALES

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday	19.00	12 Midnight
Wednesday		
Thursday		
Friday	19.00	12 Midnight
Saturday	19.00	12 Midnight
Sunday	17.00	23:00

OFF SALES – None

The applicant seeks to add additional hours to the licence on a Monday, Wednesday and Thursday evening to 24:00 hours, which is currently outwith policy for a weekday evening, normally restricted to 23:00. However, these are the same hours as currently granted to the premises in respect of a Tuesday evening. I can confirm that there have been no complaints over the years concerning the operation of premises on Tuesday evenings.

The proposal to open earlier on a Saturday and close all day on a Sunday is within policy.

Winter, Maree

From: [REDACTED]
Sent: 02 November 2018 10:06
To: Licensing
Cc: [REDACTED]
Subject: North Berwick Masonic Social Club

FAO: Kirsty MacNeill

Dear Kirsty

Many thanks for your email of 19th October 2018 regarding:

LICENSING (SCOTLAND)ACT 2005 APPLICATION FOR VARIATION (MAJOR) PREMISES - NORTH BERWICK MASONIC SOCIAL CLUB, 8 FORTH STREET, NORTH BERWICK, EAST LoTHIAN, EH39 4HY TYPE - ON SALES.

As an immediate neighbour, [REDACTED] wish to object to the above for the following reasons:

The change of status from a Club License to an Open License with long opening hours will mean a vastly increased usage of the Club which will bring increased noise to the vicinity with people entering and exiting the club on a regular basis, more worryingly late at night.

It will also increase traffic in the area, whether that is more people parking and/or people being dropped off/picked up outside the club and all the noise that that incurs. On many occasions already our private parking has been used by people and we have often been blocked access or egress to our private parking spaces as someone has parked on the road straight across our entrance.

As smoking is not allowed inside the premises any smokers will stand outside which means more noise together with the mess of discarded cigarette stubs and matches. People standing outside the club will also mean more noise and obstruction of the pavement.

For all these reasons I strongly object to the above proposal.

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 03 November 2018 17:27
To: Licensing
Subject: Fwd: Re. Change of licence application , Freemasons Hall, NB to open licence, north berwick

Subject: Re. Change of licence application , Freemasons Hall, NB to open licence

Note of objection [REDACTED]

[REDACTED]

Dear Licensing Panel,

The Freemasons Hall , Forth Street, North Berwick has made application for a change to an Open Licence granting six days a week until midnight alcohol sales and request to change to a Club.

I [REDACTED] do not support this application for several reasons which follow.

At present when there are limited parties in the Hall residents have to tolerate noise from within the hall as doors are open for part-goers, from outside smokers, drivers stop-start/ dropping off and picking people up as well as blocked pavements outside our properties.

If residents open their windows the smoke enters as does the noise.

All the properties directly affected are permanent residential homes i.e. adjacent and opposite.

Some down Lorne are holiday lets but they neither overlook the Hall doorway nor have the vehicles and accompanying footfall/ disturbances outside their doors and windows.

The Auld Hoose already provides alcohol sales and there have been issues with noise, customer noise, smoke, cars, pavement blocking which the landlords and staff do address as best they can.

We have to accept that the pub existed but to turn the Hall into a club with six day drinking until midnight will mean that residents are sandwiched between two places without private outside space for customers to smoke, talk, meet and greet .

Both pavements are blocked to pedestrians when the Hall has events at present.

Apart from the health concerns of passive smoking, disturbed sleep and lack of relaxation within homes,
parking complications for at least four properties whose access is off the road and between the pub and the Hall will be further complicated by the increased presence of people

TO; Clerk to the Licensing Board Subject: Letter of Objections and Representations
Re Freemasons Hall, (Masonic Lodge) 8 Forth Street, North Berwick EH39 4 HY
Major Change - licence application , from Club Licence to Open Licence
Letter by email [REDACTED]

Dear Licensing Panel,

The Freemasons Hall , 8 Forth Street, North Berwick has made application for a change to an Open Licence granting six days a week until midnight alcohol sales and request to change to a Club.

I [REDACTED] do not support this application for several reasons which follow.

Fundamental background information: My situation-historic - I bought my home in [REDACTED] At that time:-

- Public House Closing time was 10.00pm. except for special occasions requiring a specific license .
- Police were based at North Berwick and Police presence was conspicuous with fast local response.
- Smoking was allowed within the premises.

Fundamental background information: My situation -current re the Auld Hoose pub:

- Nowadays, smokers spill out of licensed premises onto the street and often have loud conversations causing noise pollution to nearby homes.
- My home is [REDACTED] frequently suffers unacceptable noise pollution.
On Sunday to Wednesday noise pollution can occur up to midnight.
On Thursday, Friday and Saturdays noise pollution can and does occur up to 1.30 am.
- The noise pollution includes vehicles stop/starting as they collect pub customers.
- About once a month, I have to phone, after 11.00pm, either the Auld Hoose or Police or both regarding unacceptable noise from outside the premises but linked to pub customers.
- Neighbours have to contend with pub related litter, vomit and male urination.
- Especially in summer months, with open windows of licensed premises and residential premises, and summer holiday makers, the noise pollution is more frequent, louder and more disturbing.

Fundamental background information: Situation re the Masonic Lodge:

- [REDACTED]
- Currently noise pollution affecting me is very rare from the Masonic Lodge. The first and last written complaint from me was over 15 years ago and was regarding private party that went on to about 01.00 am
- The Masonic Lodge shares a party wall with residential premises in Lorne Lane , Lorne Square and part of the ground floor of the Masonic Lodge premises.
- I have had occasions to witness the Masonic Lodge low level of sound and vibration insulation from within the adjacent residential premises and from other contiguous residential premises in Lorne Lane and Lorne Square.

Buildings in the Auld Hoose and Masonic Lodge area:

- There are only two businesses operating nearby and none after early evening.
- There are many residential properties (probably 40) within a 50 metre radius of the Auld Hoose pub and the Masonic Lodge

My objections to change of use and potential requests:

- In my opinion, the Licensing Dept. had a moral obligation to advise all residential properties within a 30 metre radius of the premises and including the nearby church.
- **The premises are not of a construction fit for late evening use due to lack of sound and vibration insulation.** (*Vibration caused by electric base note instruments.*)
- **The premises would undoubtedly generate the same six problems detailed re the Auld Hoose.**
- **Parking availability is minimal.**
- I would take strong objection to the premises having a licence after 11.00 pm on Sundays to Thursdays.
- If now or later date a licence for closing time after 11.00 pm was being considered for any night \\\9but especially Thursday, Friday, Saturday or Sunday then I would strongly wish that it is **mandatory that a door keeper be employed** (I also wish this for The Auld Hoose at next Licensing Review)

I object strongly to the proposed major change to the licence and of licensing hours, but not to the current use of the Masonic Lodge premises.

Winter, Maree

From: [REDACTED]
Sent: 07 November 2018 14:48
To: Licensing
Cc: Winter, Maree
Subject: Re: FW: MASONIC LODGE FORTH STREET NORTH BERWICK

To: Clerk to the East Lothian Licensing Board

Dear Ms MacNeil

Notice of Objection

Application for Variation (Major)

Premises North Berwick Masonic Social Club, 8 Forth Street, North Berwick, EH39 4HY

Applicant

St. Baldred's Lodge of Freemasons No 313

Objectors

Objective: Preventing public nuisance

[REDACTED]

Should the application be approved, we can therefore expect to be disturbed up to and after midnight by people leaving the Club (some of whom will have have been drinking), by car doors being shut and by cars driving away.

We can also anticipate being disturbed by loud music being played, again at any time up to midnight.

Other residents live in very close proximity to the Club, and they can also expect to disturbed by loud music and by people turning out around midnight.

There are already licensed premises in the immediate vicinity, namely the Auld Hoose pub. This a similar very short distance away but on the opposite side of the street. It is the cause of public nuisance now. Drinkers regularly spill over into the street in the evening, and there is often noisy behaviour until late. Occasionally there has been extremely loud music played after midnight. With no police stationed in North Berwick, there is little chance of these type of nuisance problems being dealt with.

We have no objection in principle to alcohol being available in the club, but we object strongly to any license being granted for later than 11.00pm for the reasons above. We therefore ask the Licensing Panel to limit any license granted to this time.

Best Regards

[REDACTED]

1/

Kirstie MacNeill,
Clerk to the Licensing Board,
John Muir House,
Haddington.

[REDACTED]

East Lothian Council
Licensing

7 6 NOV 2018

Dear Madam,

[REDACTED]

Application for change of licence
North Berwick Masonic Lodge.

I object to the proposed change of status to the licence at North Berwick Social Club for the following reasons.

[REDACTED] the soundproofing is negligible. The present situation is only just tolerable. An extension of hours would lead to more distress.

3) Parking is difficult enough for residents as it is. Any increase in functions or daily use of the bar would exacerbate the situation.

The outside smokers, litter and anti-social behaviour of people who may have consumed too much alcohol - see the present situation outside the Auld Hoose on a regular basis - would be unacceptable in a residential area.

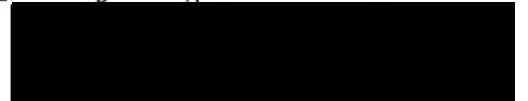
I have experienced the unpleasant manner in which some people exiting functions at the club behave e.g. urinating on the bins in home lane, trespassing in the lane, dropping litter or filling our private bins. On 12th? August 2018, after a Masonic function, our four green bins, communal to the lane, were filled to capacity with black bags from the function.

The residents of the area have enough to tolerate with the ongoing situation outside the Auld Hoose.

3;

In my case the added pressure of the noise through the shared wall of both rooms in my flat with the Masonic kitchen and downstairs bar and music from the function room above gives me no choice but to object to any increase in core hours.

Yours faithfully,

A solid black rectangular box redacting the signature of the sender.

Winter, Maree

From: [REDACTED]
Sent: 12 November 2018 16:18
To: Winter, Maree
Subject: RE: Application for Variation to Premise Licence - North Berwick Masonic Social Club

Dear Maree

This application for a major variation of the club licence for 8/10 Forth Street, North Berwick to an open licence and a name change of the premises to St Baldred Lodge of Freemasons No 313 was discussed at last week's Community Council meeting.

We have received notice of a number of complaints/objections from neighbours regarding the proposed extension of the terminal hour to midnight on six nights of the week.

After discussion and consideration of the letters of objection we have received, we wish to object to the proposed change for the following reasons –

- The premises are in a predominately residential area.
- There was concern expressed about the layout of the premises and whether they comply with current regulations.
- The neighbours would be subjected to unacceptable levels of noise pollution from within the premises and also outside from increased traffic and lack of parking.
- It is understood that due to lack of proper sound insulation near neighbours properties are also subjected to vibration when electronic music is played.
- Anti social behaviour would be created by smokers outside the premises and people leaving the premises in an intoxicated state.

The residents have had on-going problems over a number of years with noise and anti social behaviour from the Auld Hoose across the road from the premises and feel that approval of this major variation would be a step too far.

We trust that these points will be taken into account when considering this application.

Yours sincerely

[REDACTED]
Secretary, NBCC

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Provisional(s)	Applicant	Date Received	Comments
Premises 4 BEST ONE 121 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7DA	AYESHA BIBI	15 October 2018	Premises for sale of alcohol off-sales and offering recorded background music.

ELO 358

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

Question 1

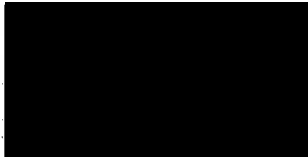
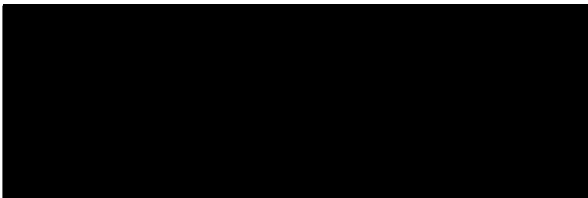
Name, address and postcode of premises to be licensed.

<p>BEST ONE 121 HIGH STREET MUSSELBURGH EH21 7DA</p>

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.*

<p>AYESHA BIBI</p> 	
---	--

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.*

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

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.**

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

Question 3

Previous applications

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

If YES – provide full details

<i>No</i>

Question 4

Previous convictions

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	/NO*
---	-------------

**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.

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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)*

GROUND FLOOR SHOP PREMISES IN THREE STOREY BUILDING AT THE CORNER OF HIGH STREET/SHORTHOPE STREET ,MUSSELBURGH.

Question 6

6 *To be completed by members' clubs only*

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	<i>/NO*</i>
<i>* Delete as appropriate</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 Application are true to the best of my knowledge and belief.

Signature ... [REDACTED] * (see note below)

Date 12/10/2018.....

Capacity APPLICANT/ (delete as appropriate)

Telephone number and email address of signatory [REDACTED]

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

*** Data Protection Act 1998**

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

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

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

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

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

BEST ONE
121 HIGH STREET
MUSSELBURGH; EH21 7DA

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>	10.00	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*

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>	N	N/A	N/A
<i>Conference facilities</i>	N	N	N
<i>Restaurant facilities</i>	N	N	N
<i>Bar meals</i>	N	N	N
<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>	N	N	N
<i>Club or other group</i> <i>meetings etc.</i>	N	N	N
<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>	Y	Y	Y
<i>Live performances –</i> <i>see 5(g)</i>	N	N	N
<i>Dance facilities</i>	N	N	N
<i>Theatre</i>	N	N	N
<i>Films</i>	N	N	N
<i>Gaming</i>	N	N	N
<i>Indoor/outdoor sports</i>	N	N	N
<i>Televised sport</i>	N	N	N

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

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

THE PREMISES MAY OPEN FROM 6am FOR THE SALE OF GROCERIES/NEWSPAPERS,AND OTHER PRODUCTS,ALCOHOL WILL NOT BE SOLD OR SUPPLIED UNTILL THE COMMENCEMENT OF CORE HOURS, RECORDED MUSIC MAY BE PLAYED DURING THIS TIME.

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 , NATIONAL LOTTERY, PAYPOINT

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>	<i>/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*

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?

OFF SALES- 12.20 x 2.2m= 28.84m2

Question 8

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

Personal details

8(a) Name

N/A

8(b) Date of birth

8(c) Contact address

[Empty rectangular box for contact address]

8(d) Email address and telephone number

[Empty rectangular box for 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 ...12/10/2018.....

Capacity APPLICANT/ (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.

SCHEDULE

“SCHEDULE 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.

My Shop is in High Street and I have
A ramp Leads to Shop and have a
access for the Particular wheel chairs.

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 .. [REDACTED] * (see note below)

Date ... 12-10-2018

Capacity APPLICANT/~~AGENT~~

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."

Date 23/10/2018

Your Ref: EL0358

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
BEST ONE
121 HIGH STREET, MUSSELBURGH, EAST LOTHIAN, EH21 7DA.
AYESHA BIBI**

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.

Should the Board be minded to grant this application I would request that they consider the following as a condition of the licence:

- 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.

I also note that the applicant has requested 'deliveries' within the application. If this is deliveries of alcohol I would request that the applicant make themselves fully aware of the requirements under terms Section 119 of the Act in relation to keeping records of these deliveries.

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: 05 Nov. 18

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

Best One, 121 High Street, Musselburgh, East Lothian EH21 7DA

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

It should be noted that the original Premises Licence issued in respect of these premises was lost due to an administrative error when the holding company dissolved and the licence was not transferred as required under the Licensing (Scotland) Act. As such, the premises have been permitted to trade from 28th September 2018 to the current date using Occasional Licences. During this period the premises have been well run and there have been no complaints received concerning the operation of the off-sales licence.

As a measure of overprovision, there are 3 other off-sales only premises in the vicinity of the applicants grocers store.

Should the Board be minded to grant this application I would request that they consider attaching the following condition to the licence:

- 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.

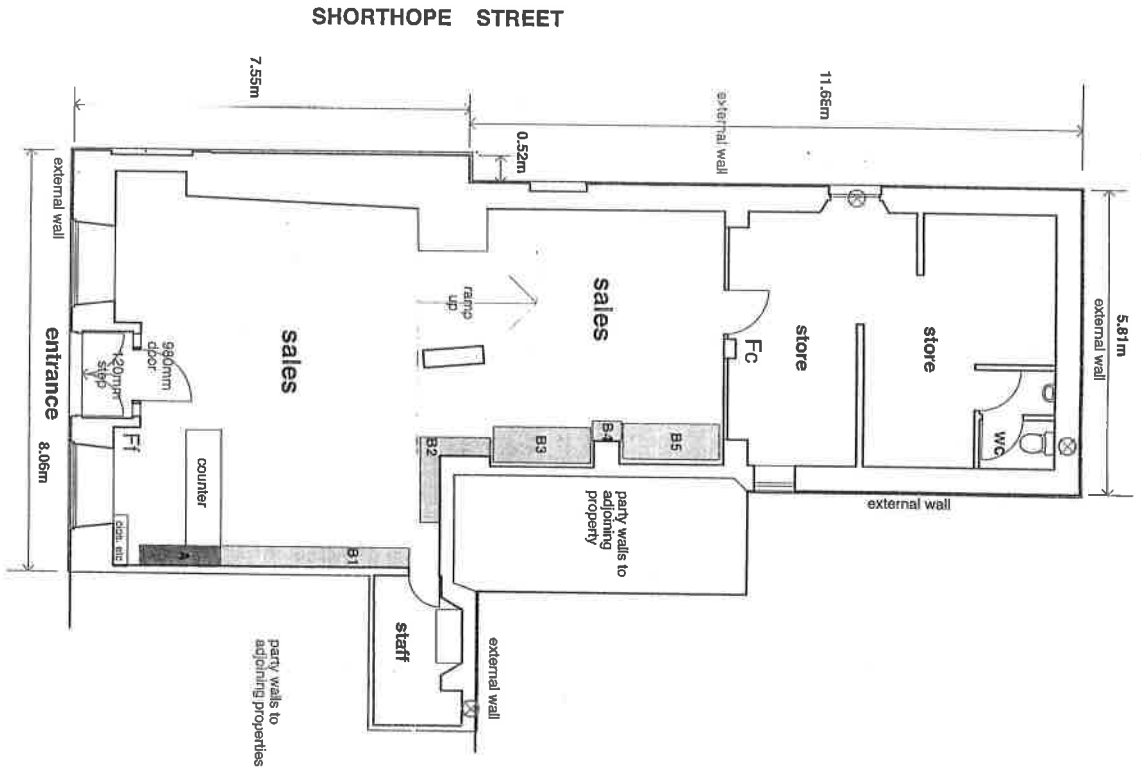
It is also noted that the applicant has requested 'deliveries' within 5(f) of the Operating Plan. Should this relate to deliveries of alcohol it is requested that the applicant make themselves fully aware of the requirements under terms Section 119 of the Act in relation to keeping records of these deliveries and Section 32 of the Board's new statement of licensing policy, namely:

32.0 Deliveries

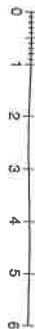
- 32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery 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.

In relation to the alcohol display capacity requested, the figure stated appears to be incorrect in that 12.20 x 2.2m is in fact 26.84 sq.m and not 28.84 as shown.

R. Fruzynski
Licensing Standards Officer



Note: any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence



— solid red line shown around entire licensed premises

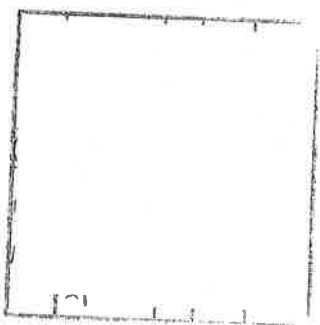
F1 Fc fire extinguisher : foam / Co2

⊗ extract fan

ALCOHOL DISPLAY

- A behind counter shelves 6 no @ 1500mm
- B customer access shelves 6 no @ 3600mm
- C shelves 6 no @ 2800mm
- D taller shelves 6 @ 1650mm
- E shelves 6 @ 800mm
- F chiller 1650mm

overall total 12.20 linear metres
x 2.2m high = 26.84 square metres



**121 HIGH STREET
MUSSELBURGH, EH21 7DA**

scale 1:100

September 2011

WHITELAW ASSOCIATES
WHITFIELD, WEST LINTON, EH46 7AX
telephone 01968 660452

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Extended Hours(s)

Premises	Applicant	Date Received	Comments
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	[REDACTED]
Company/Partnership	MICHAEL AND WENDY PETERS PARTNERSHIP

3. TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
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
--	------------

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.

SIGNATURE 	DATE 23/10/18
---	-------------------------

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 14th December 2018 and Thursday 3rd 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 14th December 2018 and 3rd 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

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

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; Fruzynski, Rudi
<rfruzynski@eastlothian.gov.uk>

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

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant

Date Received

Comments

6 MEI MEI NI

31 January 2018

EL1455
PC 112/18

SCHEDULE 2

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

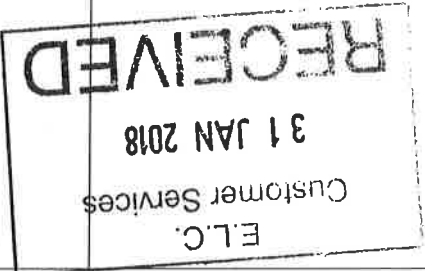
Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Mrs Miss <u>Ms</u> Other (please state)	
Surname	NI
Forenames	Mei Mei
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
FAX NUMBER	
E-mail address (if you would prefer us to correspond with you by e-mail)	
[REDACTED]	
Address for correspondence associated with this application (if different to the address above)	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]

RECEIVED
31 JAN 2018
Customer Services
E.L.C.

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If you have ticked yes please provide a copy of your qualification with your application.		

3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
Note: You may only hold one personal licence at a time		Please tick
Do you currently hold a personal licence?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Has any personal licence held by you been forfeited in the last 5 years?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Licensing Board	REVOKED BY EDINBURGH CITY COUNCIL	
Licence number		
Date of issue		
Date of expiry		
Any further details		

4. RENEWAL ONLY	
This section should be completed only if you are applying for a renewal of your existing licence	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
Details of current personal licence	
Licensing Board	
Licence number	
Date of issue	
Date of expiry	
Any further details	
If you cannot provide your personal licence, provide a statement explaining why	

Other personal licence		
Note: You may only hold one personal licence at a time		Please tick
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes	No

5. CHECKLIST	
I have	Please tick yes
<ul style="list-style-type: none"> Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3. 	✓
<ul style="list-style-type: none"> Enclosed a copy of any licensing qualification I hold 	✓
<ul style="list-style-type: none"> Enclosed my current personal licence (renewal only) 	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	✓

PAID

6. Previous Convictions
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty



7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE – read note 5 Applicant/Agent* (*Delete as appropriate)		DATE	3/01/2018

I understand that East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. East Lothian Council may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

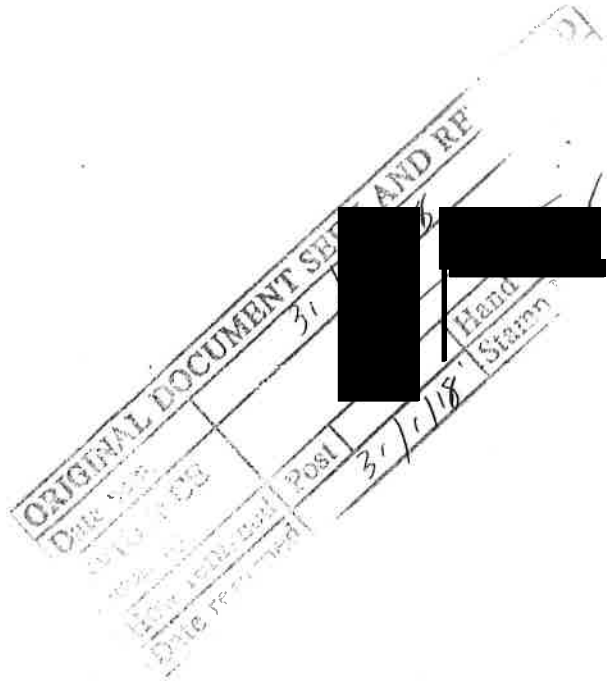
NOTES

Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)



BIIAB

S C O T L A N D



This is to certify that

MEI MEI NI

has been awarded the

Scottish Certificate for Personal Licence Holders (Refresher) at SCQF Level 6

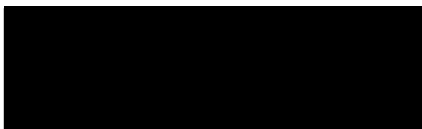
This qualification was credit rated by SQA accreditation

Qualification Accreditation Number: R351 04

Certificate Number: 181222

Date Achieved: 17/01/2018

Learner Number: 184819



Denise Thomson
Responsible Officer



S C O T L A N D



Accreditation

This is to certify that

MEI MEI NI

has been awarded the

**Scottish Certificate for
 Personal Licence Holders**

Qualification Accreditation Number:
 RO20 04

Date achieved: 07 September 2010
 Number: 1003086321

ORIGINAL DOCUMENT SEEN AND RETURNED

Date Recd	20/1/18
By	[Redacted]
Address	[Redacted]
Post	31/1/18

[Redacted Signature]
 Neil Robertson,
 Chief Executive



SQA Approved
 Awarding Body

Date 20th February 2018

Your Ref: EL1455

Our Ref: J/LIC/3705/HB

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



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Deputy Chief Constable Designate

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE - OBJECTION**


MEI MEI NI, [REDACTED]

I refer to the above application and in terms of Section 73(3)(a) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has not been convicted of any relevant offence.

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

In terms of Section 73(5) of the 2005 Act the Chief Constable provides the following information in relation to the applicant which is relevant to the Board's consideration of the application:-

The applicant does however have the following pending case:

Date	Court	Offence	Disposal
21 (0			Pending case

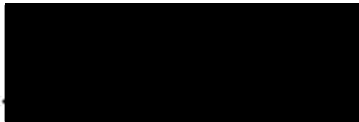


The case has been reported to the Procurator Fiscal and is subject to ongoing criminal proceedings.

In light of the above, the Chief Constable considers that it is necessary for the purposes of the preventing crime and disorder licensing objective, that the application be refused. The Chief Constable accordingly makes a recommendation to that effect in terms of Section 73(4) of the 2005 Act.

It is respectfully requested that the Board consider, that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence and should be refused under terms Section 74(6A)(a).

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
7 GIANCARLO'S 119 HIGH STREET TRANENT EH33 1LW	EAST LOTHIAN LICENSING BOARD	9 November 2018	non-payment of annual fee
8 GOLDEN CHOPSTICKS 102 NEW STREET FISHERROW MUSSELBURGH EAST LOTHIAN EH21 6JQ	EAST LOTHIAN LICENSING BOARD	9 November 2018	non-payment of annual fee

EAST LoTHIAN COUNCIL

Licensing, Administration and Democratic Services

From: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 12th November 2018

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – NON PAYMENT OF ANNUAL FEES
GIANCARLO'S , 119 HIGH STREET, TRANENT, EAST LoTHIAN EH33 1LW**

On Thursday 8th November 2018, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Premises Licence Review

Giancarlo's
119 High Street, Tranent, East Lothian Eh33 1LW

Licensing Board November 2018

Licensing Standards Officer's Report

In 2015 [REDACTED] was granted a Premises Licence in respect of the above restaurant.

On 6th August 2018 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2018. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 21st September and 9th October 2018, the Clerk to the Board sent additional letters of reminder to the premises address and licensing agent. No response was received.

On 23rd October 2018 the Licensing Standards Officer emailed the restaurant [REDACTED] and asked that contact be made with the Licensing Office concerning payment of the annual fee.

By the time of the Licensing Board meeting, on 25th October, 2018, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 25th October 2018, the Depute Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 22nd November 2018 to explain the reason for the stated breach of licence.

On 6th November 2018 the Licensing Standards called at the premises during the day. A copy of the letters dated 21st September and 25th October 2018 were left with [REDACTED] who stated that he had asked his [REDACTED] to send a cheque to their licensing agent to make the necessary payment. He stated that he would check with his [REDACTED] and arrange for payment to be made that day.

By 12th November 2018, no payment had been received from the licensee.

Since 2015 the premises licence annual fee has been paid on the following dates:

31/10/2015

27/10/2016

17/11/2017

Licensing Board's Powers On Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Our Reference: CG/mjw/EN/L/P

Date: 25th October 2018

Giancarlo's
119 High Street
Tranent
EH33 1LW



Kirstie MacNeill
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir/Madam

FINAL REMINDER

LICENSING (SCOTLAND) ACT 2005 – ANNUAL FEE NOW OVERDUE

I refer to your Premises Licence for the above premises and letters/emails sent 6th August and 9th October advising that the Annual Fee in respect of this licence was due on 1st October 2018.

As you do not appear to have made payment of the Annual Fee you are now in breach of one of the Mandatory Conditions attached to your Premises Licence.

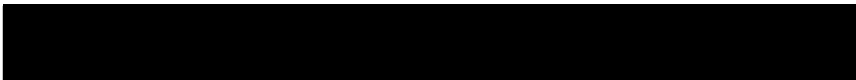
The Licensing Board has resolved to hold a review hearing in respect of this matter, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, namely that one of the conditions to which the premises licence is subject has been breached. You should attend at the Review Hearing which will be held at the next meeting of the Licensing Board in the Council Chambers, Town House, 56 High Street, Haddington at 10.00am on **Thursday 22nd November 2018**. An agenda will be sent to you in due course.

Please note that the Licensing Board has the power to suspend or permanently revoke your licence if it finds that there are grounds to do so.

Should you pay the outstanding sum in advance of the Review Hearing, it will not be necessary to attend the Board meeting. Such payment must be received in cleared funds no later than **5th November 2018**. For your convenience, I would remind you that your Annual Fee for 2018 is **£280.00**

Yours sincerely

Carlo Grilli
Depute Clerk to the Licensing Board



Direct Dial : 01620 827867 (Maree Winter)
E-mail : licensing@eastlothian.gov.uk

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
7 GIANCARLO'S 119 HIGH STREET TRANENT EH33 1LW	EAST LOTHIAN LICENSING BOARD	9 November 2018	non-payment of annual fee
8 GOLDEN CHOPSTICKS 102 NEW STREET FISHERROW MUSSELBURGH EAST LOTHIAN EH21 6JQ	EAST LOTHIAN LICENSING BOARD	9 November 2018	non-payment of annual fee

EAST LoTHIAN COUNCIL

Licensing, Administration and Democratic Services

From: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 12th November 2018

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – NON PAYMENT OF ANNUAL FEES
GOLDEN CHOPSTICKS, 102 NEW STREET, MUSSELBURGH, EAST LoTHIAN
EH21 6JQ**

On Thursday 8th November 2018, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Premises Licence Review

Golden Chopsticks

102 New Street, Musselburgh, East Lothian EH21 6JQ

Licensing Board November 2018

Licensing Standards Officer's Report

In 2013 the premises known as Fisherrow Bar and Bistro closed due to financial problems. Thereafter, on 22nd July 2014 the Premises Licence was transferred to the partnership of [REDACTED]

On 6th August 2018 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2018. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 21st September and 9th October 2018, the Clerk to the Board sent additional letters of reminder to the premises address. No response was received.

On 18th October 2018 the Licensing Standards Officer called at the restaurant and spoke with the manager. The position of the annual fee was given to him and a copy of the reminder letter sent to him by email. He said that the owner was away on holiday and he would make arrangements for the annual fee to be paid.

By the time of the Licensing Board meeting, on 25th October, 2018, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 25th October 2018, the Depute Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 22nd November 2018 to explain the reason for the stated breach of licence.

On 6th November 2018 the Licensing Standards Officer called at the premises during the day. At the time of visit, the premises were not open for business. A copy of the letters dated 21st September and 25th October 2018 were put in an envelope marked URGENT and posted through the premises letterbox.

By 12th November 2018, no payment or contact had been received from the licensee.

Since 2014 the premises licence annual fee has been paid on the following dates:

31/10/2014

14/08/2015

07/10/2016

11/09/2017

Licensing Board's Powers On Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Our Reference: CG/mjw/EN/L/P

Date: 25th October 2018

[REDACTED]
Golden Chopsticks
102 New Street
Fisherrow
Musselburgh
East Lothian



Kirstie MacNeill
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir/Madam

FINAL REMINDER

LICENSING (SCOTLAND) ACT 2005 – ANNUAL FEE NOW OVERDUE

I refer to your Premises Licence for the above premises and letters/emails sent 6th August and 9th October advising that the Annual Fee in respect of this licence was due on 1st October 2018.

As you do not appear to have made payment of the Annual Fee you are now in breach of one of the Mandatory Conditions attached to your Premises Licence.

The Licensing Board has resolved to hold a review hearing in respect of this matter, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, namely that one of the conditions to which the premises licence is subject has been breached. You should attend at the Review Hearing which will be held at the next meeting of the Licensing Board in the Council Chambers, Town House, 56 High Street, Haddington at 10.00am on **Thursday 22nd November 2018**. An agenda will be sent to you in due course.

Please note that the Licensing Board has the power to suspend or permanently revoke your licence if it finds that there are grounds to do so.

Should you pay the outstanding sum in advance of the Review Hearing, it will not be necessary to attend the Board meeting. Such payment must be received in cleared funds no later than **5th November 2018**. For your convenience, I would remind you that your Annual Fee for 2018 is **£280.00**

Yours sincerely

Carlo Grilli
Depute Clerk to the Licensing Board

Direct Dial : 01620 827867 (Maree Winter)
E-mail : licensing@eastlothian.gov.uk