

EAST LOTHIAN

Meeting 28 March 2019 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Occasional(s)

Premises

Applicant

Date Received

Comments

2

POLDRATE BISTRO
13 POLDRATE
HADDINGTON
EAST LOTHIAN
EH41 4DA

MARTIN DAVID SMITH BLACKBURN

22 February 2019

Alcohol On-Sale For Patrons
Visiting The
Restaurant/Bar/bistro. These
Premises held a Licence
before.The Applicant Is A
Director Of The Company,
Another Director D Bonar, Is A
Well Known Chef. We are
applying For A New Premises
Licence. The Premises Will
Operate In A Similar Way To as
before. Restaurant/Bar
Meals, & Background Music will
be available. Children will
require to vacate the premises
by 10pm unless attending a
function. No restriction on
Young Persons. Children will
require to be accompanied by
an adult..

OCC 092/19
PC, RUCI, ENV, S
Act 1/3. 26

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

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. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable)	268176
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	BLACKBURN		
Forenames	MARTIN DAVID SMITH		
DATE OF BIRTH	Day	Month	Year
	04	12	1985
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	EDINBURGH	Post code	[REDACTED]
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile	[REDACTED]		
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			

3. THE PREMISES

Description of premises

Bistro / Restaurant with outside dining area, located at Poldrate, Haddington. Plan attached.

Description of activities to be carried on in the premises – (including number of persons expected to attend)

To cater for the provision of alcohol on an On Licence basis for patrons visiting the restaurant or bar/bistro. These premises did have a Premises Licence until they closed down several years ago. The Applicant is a Director of the Company operating these premises, Blackburn & Bonar Ltd. Another Director, Dougie Bonar, is a well known chef and was previously involved with these premises. Steps are being taken to prepare the Application for a new Premises Licence. The premises will operate in a similar way to what they did before. Restaurant meals and bar meals will be available. There will be background music.

Full postal address of premises which this application refers to

13 Poldrate
Haddington
EH41 4DA

4. DURATION OF LICENCE - (include dates and times required for event)

From: 25 March 2019

To: 07 April 2019

5. Is alcohol to be sold on & off the premises NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

11am – 11pm Monday to Wednesday

11am – 1am Thursday to Saturday

11am – Midnight Sunday

Times for sale of alcohol for consumption off premises

N/A

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

It is possible that the premises may open prior to licensed hours for the provision of breakfasts, snacks, coffees etc., but no alcohol will be sold or supplied until the commencement of licensed hours.

6. CHILDREN (see note 2)	
This section must be completed where alcohol is for sale for consumption on the premises	
Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)	
Ages of children or young persons permitted entry No restrictions (0-17)	Times at which children or young persons permitted entry Children will require to vacate the premises by 10pm unless they are attending a pre arranged function in which case they can remain until the end of the function. No restriction on Young Persons. Children will require to be accompanied by an adult.
Parts of premises to which children or young persons permitted entry All public areas	

7. CHECKLIST	
I have - Please tick for yes	
• Made or enclosed payment of the fee for the application	✓

8. Signature and declaration by applicant (see note 3)	
DECLARATION	
The contents of this Application are true to the best of my knowledge and belief.	

SIGNATURE		DATE	20/11/16
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Macdonald Licensing
21a Rutland Square
Edinburgh
EH1 2BB

- NOTES**
1. Section 56 of the Licensing (Scotland) Act provides that only:-
- The holder of a premises licence;
 - The holder of a personal licence; or
 - A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

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

Position of fire extinguishers	
Sounder	
Break glass call point	
Overdoor emergency exit (non-illuminated)	
Maintained emergency lighting	

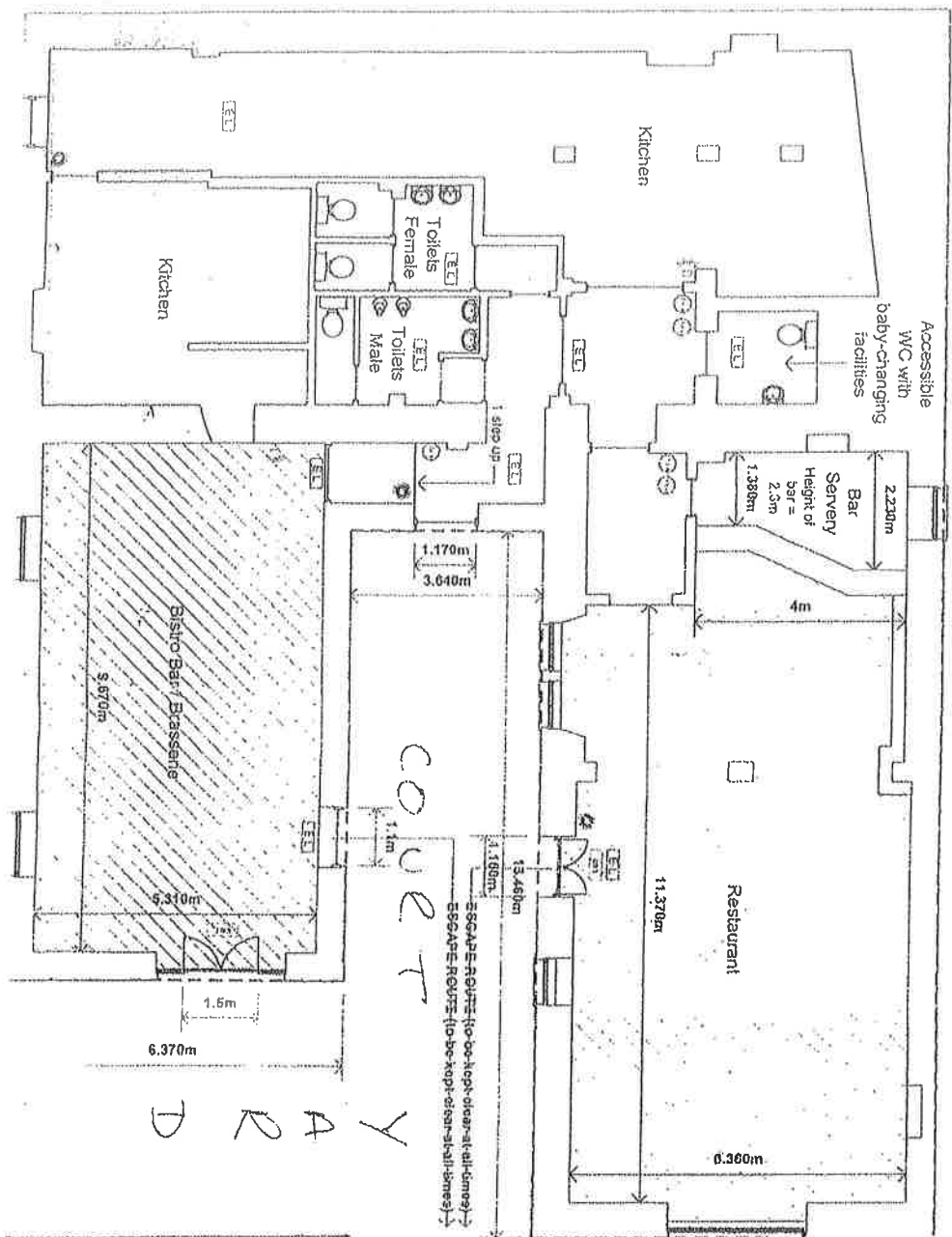
General Notes

Fire fighting equipment to comply with the British Standard EN3, British Standard 7863:1996, British Standard 5306-3:2000 and British Standard 5306-8:2000.

The applicant must ensure that the upholstered furniture satisfies the Cigarette and Match Ignitability. Test specified in British Standard 5852:1990 (1998). (Note for existing furnishings only).

A Certificate of Compliance to the aforementioned British Standards should be issued by a competent person and forwarded to the Fire Authority prior to, or on the date of final inspection of the premises.

23.3m or thereby



REF: WATER LOO BISTRO
TUNE HOUSE
1600A FC
HADDINGTON
EQU 40A

FRONT AREA

← 52 FEET →

PIAZZA SEATED AREA

BARRIER

PUBLIC WALKWAY

TO POLDRATE MILL

AMERICAN DISCO BARRIER

BARBERS

Herkes, Gillian

From: [REDACTED]
Sent: 06 March 2019 11:25
To: MacNeill, Kirstie
Cc: Licensing; Frúzynski, Rudi
Subject: Re: Tyne House cafe/restaurant

Hello

I note that the Poldrate Bistro has now applied for an occasional license. I would like to ensure that my previous representations are considered by the board as previously discussed. Just ensuring that this happens as I know I submitted them before the application was received by East Lothian Council.

I would also like to add, in relation to my point about over provision: at least one licensed premises in Haddington has closed recently due to lack of profitability. I would stress that careful consideration should be given to the preservation of existing businesses - many of which are likely to suffer should customers be spread more thinly with another large establishment in the town.

Best Regards

[REDACTED]

From: [REDACTED]

01620 827164
kmacneill@eastlothian.gov.uk

From: [REDACTED]
Sent: 26 February 2019 11:15
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Tyne House cafe/restaurant

Hello

I would like to register my concerns about the license for the proposed cafe/restaurant at Tyne House, Poldrate, Haddington. While I am not necessarily objecting to the business per se - indeed I think it would be good to tidy up the area in which the previous Waterloo Bistro was situated. However, I am concerned about a number of aspects related to the establishment of such a large eatery.

1. **The lack of parking** in the vicinity is likely to lead to an accident on the road. I would invite you to drive, on a Tuesday late afternoon for example, along the road that runs past the Tyneside Tavern, the Poldrate Mill art centre and leading to the bridge over the river Tyne. **It is impossible for two cars to pass due to the fact that cars park on both sides of the road even around the corners in this section of the road.** Large agricultural machinery is often proceeding along this section of road and a significant number of elderly drivers are in the area, often attending classes at the art centre. Furthermore, the area immediately in front of the proposed cafe/restaurant is almost permanently occupied by cars parking either for the arts centre or for walking along the Tyne river path. This leaves no available parking for restaurant customers, a busy restaurant will add a significant amount of additional traffic to a road that is not able to handle it increasing the risk of accident for pedestrians and/or other road users.
2. **Consumption of alcohol outdoors in the evening** is unsuitable due to the noise levels that will impact residents of Tyne House. There is a courtyard area that forms a part of the proposed venue and a number of properties within Tyne House overlook this area - having tables in the courtyard means that residents in these properties will be disturbed by noise of customers eating and drinking outdoors. This is perhaps ok during the day but to expect immediate neighbours to be disturbed every evening is unreasonable.
3. **There are a large number of established eateries in very close proximity to this proposed cafe/restaurant.** For example: The Loft, The Tyneside Tavern (including its Italian restaurant Mazzoli), The Waterside Bistro, Number 7, The Plough, The Golf Tavern, The Eastern Eye, Jo's Kitchen, Falko, The Pantry, The New Pheasant to name a few. I am not convinced that another large cafe and restaurant will be able to survive and/or may put existing businesses in jeopardy. This seems particularly unfair for existing eateries, especially with the uncertainty of Brexit making operation more unpredictable than usual.

As I mentioned, I am not necessarily opposed to this business moving forward and do not wish to register official opposition. However, I would suggest that any licence that is granted is done so taking into account road safety, neighbouring residents and existing businesses in Haddington. I think Haddington works particularly well, in part because there is a successful system in place to ensure that businesses work well together and are suitable for the place in which they operate. I would hope that this will continue with the consideration of licensing any future proposals.

Best Regards

[REDACTED]

Herkes, Gillian

From: Jill Dunn <jill@macdonaldlicensing.com> on behalf of
alistair@macdonaldlicensing.com
Sent: 18 March 2019 13:54
To: Winter, Maree
Cc: Herkes, Gillian
Subject: Tynehouse Cafe/ Restaurant, 13 Poldrate, Haddington

Dear Maree

Representation to Occasional Licence Applications

We refer to the letter of representation that was sent to the Board by [REDACTED]. We are not sure exactly where [REDACTED] lives, but clearly it is in the immediate vicinity of these premises.

As the Board will appreciate, these premises were licensed until fairly recently. It is not clear exactly why the Licence was revoked or if it was surrendered, but Douglas Bonar, who is employed as part of the team, that have taken these premises over, previously operated the premises. He therefore knows the premises well and I understand that they had no issues when they were the operator.

Our clients are sure that they will be able to operate, and satisfy any concerns that the neighbours may have. They are responsible people and consider that they will become part of this community, so it is very much in their interest to have a good relationship with their neighbours, whom they hope will use the premises, for breakfasts, lunches and dinners, coffees etc.

In response to the three particular points raised in the representation, we would comment as follows:-

1. The matter of parking is not really an issue which the Licensing Board can deal with as such. It is envisaged that there will be space for several cars to park in front of the premises, and during the day for instance that may be sufficient. One side of the road does have cars parked on it, but that is going to be the case anyway. It is not considered that the operation of these premises will materially alter this.
2. Our clients have noted the comments with regard to outside drinking. They have no wish to disturb anybody. We have made reference to a 10pm restriction, which is referred to in the Board's Statement of Licensing Policy, but the Board may consider an earlier time is appropriate, at least initially.
3. Firstly, overprovision does not apply to Occasional Licences, but it is accepted that this is a forerunner to an Application for a Provisional Premises Licence, which indeed has now been lodged. However these Applications are to replace a Licence that was already there and which, if the place had operated successfully, would have still been in place. Our Application has tried to mirror what was in the previous Licence.

[REDACTED] has indicated that he is not opposed to the business moving forward, and is not registering official opposition. He is just asking that the Licence be granted in such a way as to take into account his comments. Certainly there could be a restriction on time, for outside drinking, but otherwise it is more to do with the management of the premises.

Our clients are happy to open up a line of communication with [REDACTED] so that he can raise any matters of concern directly with him, when the premises open.

Kind regards

Yours sincerely

Alistair I Macdonald
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC284330)
21a Rutland Square
Edinburgh
EH1 2BB

DX ED561