



## MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

# 1

THURSDAY 24 JANUARY 2019  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

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**Board Members Present:**

Councillor F Dugdale (Convener)  
Councillor L Bruce  
Councillor J Goodfellow  
Councillor J Henderson  
Councillor W Innes  
Councillor J McMillan

**Clerk of the Licensing Board:**

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

**Attending:**

No Council Officers were present

**Committee Clerk:**

Ms J Totney

**Apologies:**

None

**Declarations of Interest:**

None

## **1 MINUTES FOR APPROVAL – 22 NOVEMBER 2018**

The minutes of the East Lothian Licensing Board meeting of 22 November 2018 were approved as a true record.

## **2 STATEMENT OF PRINCIPLES, 2019 TO 2022 – GAMBLING ACT 2005 (CONSULTATION)**

The Clerk presented a report detailing the Board's proposed Statement of Principles, 2019- 2022 - Gambling Act 2005 (The Gambling Policy/the policy). She explained that the policy requires to be updated every three years; advised that the consultation responses were attached to the Board report; and highlighted that the main changes include the introduction of a local risk assessment and the future development of a local area profile. She informed members that if the Board approved the proposed policy, it would be subject to publication on East Lothian Council's website for 28 days, after which time it would come into force.

Councillor Goodfellow welcomed the report, and in particular, the references to children and vulnerable people, given that it is recognised that gambling can be an addictive activity, and that the social impact can be severe. He also welcomed statutory changes which have significantly reduced the stakes for fixed odds betting terminals. However, he stated that central Government policy does not make any provision for over-provision, adding that he feels that there is over-provision in some areas of deprivation.

The Clerk confirmed that the Gambling Act 2005 does indeed preclude over-provision as a consideration when determining gambling licences.

Councillor Innes commented on the commitment to create a local area profile and suggested that officers contact the area partnerships who already have area profiles.

Councillor Henderson commented that there would also be some cross over with the local area profile for the Board's Licensing Policy.

Councillor Bruce echoed the concerns about the absence of an overprovision policy and enquired if the Board could write to the Scottish Government with their concerns.

The Clerk advised that this was not a devolved matter and that the thinking was that market forces would dictate the number of gambling establishments.

Councillor McMillan spoke about gambling addiction and the key issue of being observant to such behaviours and signals.

Councillor Henderson remarked that gambling can be extremely destructive and crosses all walks of society; there is a moral duty to recognise it as an illness; and there is a need to seriously address the problems.

The Clerk highlighted the consultation feedback and mentioned that the Director of Public Health had asked to be regarded as a consultee for all applications. She pointed out that this is included in the policy at point 1.5; Councillor Dugdale welcomed the consultation with public health.

Councillor Innes commented that the majority of people going into gambling establishments are not addicted to gambling and that it is important to be aware of that.

He welcomed the fact that over the years, the industry had been encouraged to move into the high street and to provide good quality facilities and remarked that there is formidable opposition to an over-provision policy from what is a powerful gambling industry.

Councillor Bruce concurred that it is a very small percentage of gamblers who have a gambling addiction. However, he felt there is nonetheless an issue that it is impossible to avoid gambling shops on some high streets but that this is a matter for the UK Government. The Clerk informed the Board that this is a role for the Gambling Commission.

**Decision**

The Board thanked the Clerk and council officers for the clear and thorough policy document and agreed:

- i. to adopt the draft Gambling Policy for the period 2019-2022 with no amendments
- ii. that the existing Gambling Policy will remain in place until the 2019-2022 policy has been published for the statutory time period and comes into force; and
- iii. to delegate to the Clerk of the Board to finalise the policy in respect of any formatting and typographical changes required to the draft consultation version of the policy

Signed .....

Councillor Fiona Dugdale  
Convener of East Lothian Licensing Board



**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

Variation (Major)(s)

Premises

Applicant

Date Received

Comments

1 THE BRIG AND BARREL

SCOTCAN CATERING LTD

1 February 2019

8 HIGH STREET  
BELHAVEN  
DUNBAR  
EAST LOTHIAN  
EH42 1NP

Change Premises name to "The Brig and Barrel" Vary Premise Manager, Operating Plan to add Off-sales, Vary core hours from 11am to 11pm, Mon, Tues & Wed, 11am to 1am - Thurs, Friday and Sat. 11am to 12 Midnight Sun. Add Restaurant/bar meals, receptions and club meetings, recorded & live music, films, gaming, sports, televised sports, outdoor drinking. Allow children and young persons, vary capacity from 66 to 95 people. Vary layout plan for renovation to include dining/ drinking area. Two ladies toilets to shorten the beer garden to allow staff parking & delivery



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

EL286

2(b) Name and Address of Premises

Masons Arms  
8 High Street  
Belhaven  
Dunbar

East Lothian Council  
Licensing

- 1 FEB 2010

Received

Post Code EH42 1NP

Phone No. 01368 866847 / [REDACTED]

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

|              |          |           |            |
|--------------|----------|-----------|------------|
| S [REDACTED] |          |           |            |
| [REDACTED]   |          |           |            |
| Post Code    | EH42 1UQ | 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

|   |
|---|
| <ul style="list-style-type: none"><li>• To change the premises name to 'The Brig &amp; Barrel</li><li>• To nominate a Designated Premises Manager</li><li>• To make changes to the operating plan.</li><li>• To make changes to the layout plan</li></ul> |
|   |
|   |

**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 the consumption of alcohol from just 'ON' to both 'ON & OFF'. The addition of the off-sales facility will allow diners to take away their unfinished bottle of wine and to allow patrons to take home a small carryout.
- To change the core times when alcohol will be sold 'ON' premises. The change will do away with the afternoon break in hours on weekdays inherited under grandfather rights at the time of transition from the old system to the new.
- To change the seasonal variations to 'YES'
- To add the following facilities to the operating plan activities and services in addition to the supply of alcohol;
  1. Restaurant facilities
  2. Bar Meals
  3. Receptions
  4. Club or group meetings
  5. Recorded Music
  6. Live Performances
  7. Films
  8. Gaming
  9. Indoor/Outdoor sports
  10. Televised sports
  11. Outdoor drinking facilities
- To change the children and young person policy to allow them on the premises including the times, ages and parts of the premises
- To change the capacity of the premises from 66 to 95
- Please see the attached Supplementary information form for additional information on the proposed new business plan and changes.

### **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.

The premises has under gone a full renovation. The layout of the bar has been opened up into a single open plan dining and drinking area by removing the former entrance corridor. A horseshoe bar has been installed allowing the staff to have full vision of the premises. The previous single ladies toilet has become a pantry with a food lift dropping down to the newly formed kitchen in the cellar area. Two new ladies toilets have been formed at the front left of the premises. The beer garden has been shortened to allow for staff parking and delivery access that does not inconvenience neighbours by blocking the single lane south street.

### **3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence

*(e.g. Alteration to the description of the premises contained within the Premises Licence)*



**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

**YES**

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

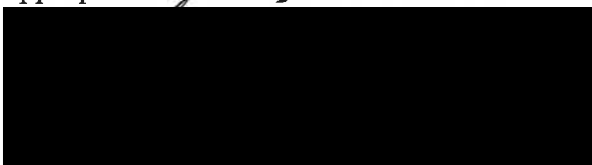
Application for Variation followed by Application for Transfer of Premises Licence

**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**



Date

31/1/19

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](mailto:licensing@eastlothian.gov.uk)

| FOR OFFICE USE ONLY               |                       |                       |
|-----------------------------------|-----------------------|-----------------------|
| <i>Received &amp; 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.*

The Brig & Barrel  
8 High Street  
Belhaven  
Dunbar  
EH42 1NP

### **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>       | <b>NO</b>  |
| <i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>      | <b>NO</b>  |
| <i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i> | <b>YES</b> |
| <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>    | 11:00                 | 23:00                |
| <i>Tuesday</i>   | 11:00                 | 23:00                |
| <i>Wednesday</i> | 11:00                 | 23:00                |
| <i>Thursday</i>  | 11:00                 | 01:00                |
| <i>Friday</i>    | 11:00                 | 01:00                |
| <i>Saturday</i>  | 11:00                 | 01:00                |
| <i>Sunday</i>    | 11:00                 | 24:00                |

**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>    | 11:00                  | 22:00                |
| <i>Tuesday</i>   | 11:00                  | 22:00                |
| <i>Wednesday</i> | 11:00                  | 22:00                |
| <i>Thursday</i>  | 11:00                  | 22:00                |
| <i>Friday</i>    | 11:00                  | 22:00                |
| <i>Saturday</i>  | 11:00                  | 22:00                |
| <i>Sunday</i>    | 11:00                  | 22:00                |

**Question 4**

*SEASONAL VARIATIONS*

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

*\*If YES – provide details*

To take advantage of any extensions granted to core hours in respect of local or national events of special importance, including the festive period and the like.

**Question 5**

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

| <b>COL. 1</b><br><i>5(a)</i><br><i>Activity</i>   | <b>COL. 2</b><br><i>Please confirm</i><br><i>YES/NO</i> | <b>COL. 3</b><br><i>To be provided</i><br><i>during core licensed</i><br><i>hours – please</i><br><i>confirm</i><br><i>YES/NO</i> | <b>COL. 4</b><br><i>Where activities are</i><br><i>also to be provided</i><br><i>outwith core licensed</i><br><i>hours please confirm</i><br><i>YES/NO</i> |
|---|---|---|--|
| <i>Accommodation</i>  | NO  | N/A   | N/A  |
| <i>Conference facilities</i>  | NO  | NO  | NO   |
| <i>Restaurant facilities</i>  | YES   | YES   | YES  |
| <i>Bar meals</i>  | YES   | YES   | YES  |
| <i>5(b) Activity</i><br><i>Social functions</i><br><i>including:</i>                                      | <i>Please confirm</i><br><i>YES/NO</i>                  | <i>To be provided</i><br><i>during core licensed</i><br><i>hours – please</i><br><i>confirm</i><br><i>YES/NO</i>                  | <i>Where activities are</i><br><i>also to be provided</i><br><i>outwith core licensed</i><br><i>hours please confirm</i><br><i>YES/NO</i>                  |
| <i>Receptions including</i><br><i>Weddings, funerals,</i><br><i>birthdays, retirements</i><br><i>etc.</i> | YES   | YES   | NO   |
| <i>Club or other group</i><br><i>meetings etc.</i>  | YES   | YES   | YES  |
| <i>5(c)</i><br><i>Activity</i><br><i>Entertainment</i><br><i>including:</i>                               | <i>Please confirm</i><br><i>YES/NO</i>                  | <i>To be provided</i><br><i>during core licensed</i><br><i>hours – please</i><br><i>confirm</i><br><i>YES/NO</i>                  | <i>Where activities are</i><br><i>also to be provided</i><br><i>outwith core licensed</i><br><i>hours please confirm</i><br><i>YES/NO</i>                  |

|                                     |  |  |   |
|-------------------------------------|--|--|---|
| <i>Recorded music – see 5(g)</i>    | YES                                    | YES  | YES   |
| <i>Live performances – see 5(g)</i> | YES                                    | YES  | NO  |
| <i>Dance facilities</i>             | NO                                     | NO   | 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  | NO  |
| <i>Televised sport</i>              | YES                                    | YES  | YES   |
|                                     |  |  |   |
| <b>5(d)</b><br><i>Activity</i>      | <b>Please confirm</b><br><b>YES/NO</b> | <b>To be provided during core licensed hours – please confirm</b><br><b>YES/NO</b> | <b>Where activities are also to be provided outwith core licensed hours please confirm</b><br><b>YES/NO</b> |
| <i>Outdoor drinking facilities</i>  | YES                                    | YES  | YES   |
|                                     |  |  |   |
| <b>5(e)</b><br><i>Activity</i>      | <b>Please confirm</b><br><b>YES/NO</b> | <b>To be provided during core licensed hours – please confirm</b><br><b>YES/NO</b> | <b>Where activities are also to be provided outwith core licensed hours please confirm</b><br><b>YES/NO</b> |
| <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.

|   |
|---|
| <p>A) Restaurant/Bar Meals. We will offer a breakfast service at the weekends prior to the sale of alcohol.</p> <p>B) Club or group meetings. We would be happy to host early morning meetings with any local community group.</p> <p>C) Recorded Music. The cleaners/staff will have ambient background music on whilst setting up the premises.</p> <p>D) Televised Sport. We would look to open on occasion to show live sporting events from round the world for example the lions tour, the masters golf and the like.</p> <p>E) Outdoor drinking facilities. We would seek to offer Outdoor Breakfast facilities at weekends. The beer garden will close for alcohol consumption at 8pm with the exception of a small delineated area for smokers, which will be controlled and managed by staff.</p> <p>To be clear no alcohol will be sold outwith core hours except on the grant of any extended hours application or in respect of a general extension approved by the Licensing Board.</p> |
|---|

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.

|  |
|--|
|  |
|--|

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> | <b>NO</b> |
|--|-----------|

|   |           |
|---|-----------|
| <i>When fully occupied, are there likely to be more customers standing than seated?</i> | <b>NO</b> |
| <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> | <b>YES</b> |
|      | <i>*Delete as appropriate</i>   |            |

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

The bar is of an open plan nature and Children will be permitted access to all public areas of the premises, with the exception of 1.5m of the bar, whilst accompanied by a responsible adult.  
Young Persons will have access to all public areas of the premises.

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

All ages of children and Young Persons will be allowed access during core hours.

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

Children & Young Persons will be allowed in the premises until 10pm with the exception of attending a pre-organised event.

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

Children will be permitted access to the premises accompanied by a responsible adult. Children will not be allowed within 1.5m of the bar.

Young Persons will have unrestricted access to all public areas.

**Question 7**

***CAPACITY OF PREMISES***

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

Standing 35

Seating 60

Total 95

**Question 8**

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

*Personal details*

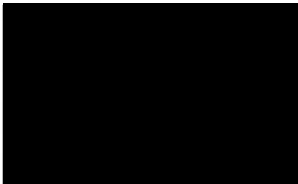
8(a) *Name*

|              |
|--------------|
| James Hughes |
|--------------|

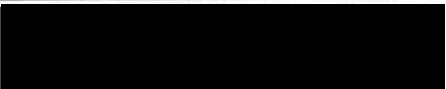
8(b) *Date of birth*

|   |
|---|
|  |
|---|

8(c) *Contact address*

|   |
|---|
|  |
|---|

8(d) *Email address and telephone number*

|   |
|---|
|  |
|---|

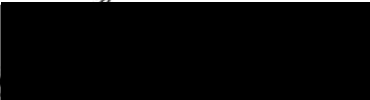
8(e) *Personal licence*

| <i>Date of issue</i> | <i>Name of Licensing Board issuing</i> | <i>Reference no. of personal licence</i> |
|----------------------|--|--|
|                      | East Lothian Licensing Board           | EL038                                    |

**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 31/1/19 .....

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.

**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.

**Business Profile**

The Brig & Barrel concept is to be a family friendly country pub, serving good quality beverages and good home cooked pub food. Situated in the heart of Belhaven we are eco distant from the famous Bridge to Nowhere on Belhaven beach and the 300 year old Belhaven brewery. Our name celebrates these icons of the Belhaven area.

(extend this box if you require additional space)

**On/Off Consumption**

(a) Please describe the type of business you intend to operate in respect of On consumption.

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

a) We will be serving quality products specialising in a wide range of draught products including the rotation of varied cask and craft beers, especially locally brewed ones. We will also have a varied wine list to compliment our food menu. There will be a wide selection of premium spirits as well, focussing on Scottish ones.

b) Our off consumption will allow customers to take unfinished wine home with them. It will also allow customers to purchase a product to take home with them as there is no shops within close reach.

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

**To what extent do you intend to use any of the following:** Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

The Brig & Barrel will have a big focus on the food aspect of the business. We will also offer a breakfast service at weekends which will be prior to the sale of alcohol. With a south facing beer garden we will also offer people the opportunity to eat outside prior to the beer garden closing at 8pm.

**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:

Being in the heart of the Belhaven community we will welcome any social bookings for events.

We will have community clubs and pub sections (eg golf) that may hold meetings or events in the pub.

**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:

Background music will play in the bar daily. We will get involved in the Dunbar Music Festival and will on occasions have live performances in the bar. Due to the size of the bar these will not be large noisy bands or discos.

If any local community groups wish to play films relating to their club or any films with local interest may be shown in the bar.

As a community hub the Brig & Barrel will hold a few gaming events. Small stake poker evenings/dominos/charity race nights and any other fun evenings.

Indoor/Outdoor sports will take place on occasions for fun events for example skittles/bowls.

Televised sport will be shown mainly around rugby but other sports of interest will be shown on occasions.

**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:

We have a south facing walled beer garden, which will be open for use until 8pm, with the exception of a small delineated area for smokers, which will be controlled and managed by staff. This is to encourage people away from main entrances to the bar.

The beer garden will have sturdy tables and chairs which will be suitable to eat at. The area is a combination of paving and gravel with mature trees and bushes providing privacy for both customers and neighbours.

**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:

N/A

**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:

The activities that will be held outwith core hours will be the offering of breakfast both indoors and outdoors. We would also look to show televised sport from around the world outwith core hours. Examples being the masters golf from the states, the lions tour in australia or new zealand or when scotland reach the world cup!

**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:

**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.

We will welcome children into the premises and follow the licensing boards control measures to protect them from harm. We will train staff to control and manage the areas in which they are allowed. We will have follow the challenge 25 guidelines. We will have highchairs available for parents. One cubical in both the ladies and gents toilet will have a fold down baby changing shelf fitted to a solid structure.

Children and Young Persons will only be permitted until 10pm unless attending a pre arranged function.

**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:**

We will not tolerate violent/anti social behaviour at The Brig & Barrel. We have installed CCTV system in the bar. Only accredited proof of age will be accepted. Staff will have all carried out their minimum 2 hours training and further training will be given on how to prevent crime and disorder. We have been in contact and welcome PC Gavin Ross' reintroduction of Pub Watch to the area. We have fitted outside security lighting by all entrance/exits. There is a zero tolerance approach to possession or use of drugs. We will not host 18th or 21st birthday parties on the premises.

**Securing Public Safety:**

Measures we have taken to ensure public safety are:

New fire alarm system with regular checks and annual maintenance

Intruder Alarms

CCTV

Risk Assessments of the bar

Appropriate first aid facilities and staff training



**Preventing Public Nuisance:**

We aim to live in harmony with our neighbours and staff will be trained to make sure that customers leaving the premises or smoking in the beer garden are respectful of them. We have limited the user of the beer garden for combustion of alcohol to 8pm. We have CCTV in place. We have waste management contracts in place for the removal of waste and the recycling of glass and food waste. Glass bins will not be emptied past 8pm. We will not host 18th or 21st birthday parties on the premises.

**Protecting and Improving Public Health:**

We will display the correct materials prominently discouraging drink driving, and promoting moderate drinking. We will have a extensive range of non alcoholic drinks available. Staff will be trained to deal with patrons that have had excessive alcohol consumption and follow our policy on that. We have a drinks menu which states all our choices of drink sizes and the strength of alcohol in them.

**Protecting Children and Young Persons From Harm:**

Children and young persons will not be permitted within 1.5 metres of the bar. Only accredited identification will be accepted. Staff will be trained to supervise and instruct parents/guardians of our policy. Staff will also be trained to make sure children and young persons are not exposed to strong language or any violence or disorder.

**Application Supporting Comments / Any Other Additional Information**  
(extend the boxes below if you require additional space)

**Additional Information:**

We have had positive liaison with our neighbours and they have been supportive of our plans and renovations to the property. We have reduced the size of the beer garden and created an area for staff cars and delivery access. We have also agreed to allow our neighbour access to their property via this area.

**Supporting Comments:** i.e. reasons why the Board should support your application.

The Brig & Barrel is bringing a community hub back to the area of Belhaven. The 'country' style pub will have many traditional pub features with good local beer and home cooked food. We will provide a much missed social premises in Belhaven and have a lot of local support to expand the business to include good food.

The area also attracts many tourists to the beach and surrounding facilities such as the John Muir Way, East Links Family Park, Fox Lake, Belhaven Caravan Park and all the wonderful golf course we have on our doorstep of Scotlands Golf Coast. We want to provide a welcoming traditional bar with food for these visitors to the area.

**SIGNATURE AND DECLARATION BY APPLICANT**

**IT IS AN OFFENCE 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

31/1/19

# SCHEDULE

## “SCHEDULE 6

Regulation 7

### DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(iii)*

#### Question 1

##### Disabled access and facilities

|                        |  |                       |
|------------------------|--|-----------------------|
| 1(a)                   | Is there disabled access to the premises   | <del>YES</del> / NO*  |
| 1(b)                   | Do you have facilities for those with a disability   | YES / <del>NO</del> * |
| 1(c)                   | Do you have any other provisions available to aid the use of the premises by disabled people | YES / <del>NO</del> * |
| *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.

DUE TO THE FRONT OF THE BUILDING BEING LISTED + HAVING A SMALL + STEPPED DOORWAY IT DOES NOT HAVE DISABLED ACCESS. WE HAVE INSTALLED NEW LADIES TOILETS + HAVE MADE ONE CUBICLE WIDE ENOUGH FOR PART-ASSISTED ACCESS. WE ALSO HAVE A RAMP FOR THE FRONT STEP TO ALLOW PART-ASSISTED ACCESS.

Question 3

**Facilities available**

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

ACCESSIBLE TABLES.  
PART-ASSISTED CUBICLE IN LADIES TOILET. STAFF TRAINED TO MAKE SURE THIS IS CLEAR FOR MALES TO USE IN A SENSITIVE & DISCREET MANNER.

Question 4

**Other provisions**


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

ASSISTANCE DOGS WELCOME.  
LARGE PRINT MENUS AVAILABLE.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  ..... \* (see note below)

Date 28/1/19 .....

Capacity DIRECTOR ..... APPLICANT/AGENT

Telephone number and email address of signatory 

\* **Data Protection Act 1998**

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

# EAST LoTHIAN COUNCIL

## People and Governance

**From:** Rudi Fruzynski,  
Licensing Standards Officer

**To:** K. MacNeill  
Clerk to the Licensing Board

---

Date: 19 February 2019

**Subject: LICENSING (SCOTLAND) ACT 2005 - PREMISES LICENCE MAJOR VARIATION 2019**

**THE MASONS ARMS, 8 HIGH STREET, BELHAVEN, DUNBAR,  
EAST LoTHIAN EH42 1NP**

I can confirm that the applicant and premises have been visited in relation to this variation application. My observations are as follows:

The changes applied for are:

- To change the premises name to 'The Brig & Barrel'. The change is sought to take away some of the negative stigma associated with the previous activities linked with the premises known as the Masons Arms. There is no objection to this change.
- To nominate the Designated Premises Manager as Mr James Hughes who has taken over the lease of the premises. Mr Hughes formerly managed a local golf club for the past 4 years and had a close liaison with the LSO, always seeking information and guidance on licensing matters. This positive liaison has continued since Mr Hughes took over the lease of the pub.
- To make changes to the operating plan. The main changes are to increase the licensed hours from the current core hours as shown below to reflect the licensed hours of a typical public house.

The current licensed hours of the premises are show overleaf:

## Licensed hours

### Current ON SALES

| <i>Day</i>       | <i>ON Consumption</i> |                      |
|------------------|-----------------------|----------------------|
|                  | <i>Opening time</i>   | <i>Terminal hour</i> |
| <i>Monday</i>    | 12:00 - 14:00         | 17:00 - 23:00        |
| <i>Tuesday</i>   | 12:00 - 14:00         | 17:00 - 23:00        |
| <i>Wednesday</i> | 12:00 - 14:00         | 17:00 - 23:00        |
| <i>Thursday</i>  | 12:00 - 14:00         | 17:00 - 23:00        |
| <i>Friday</i>    | 12:00                 | 24:00                |
| <i>Saturday</i>  | 12:00                 | 24:00                |
| <i>Sunday</i>    | 12:30                 | 23:00                |

There is no off sale facility attached to the licence.

The new hours applied for are, as shown below, removes the afternoon break inherited through grandfather rights in 2009. They increase the morning opening times to one hour earlier and makes full use of the later opening policy associated with the weekend night time economy:

### Proposed ON SALES

| <i>Day</i>       | <i>ON Consumption</i> |                      |
|------------------|-----------------------|----------------------|
|                  | <i>Opening time</i>   | <i>Terminal hour</i> |
| <i>Monday</i>    | 11:00                 | 23:00                |
| <i>Tuesday</i>   | 11:00                 | 23:00                |
| <i>Wednesday</i> | 11:00                 | 23:00                |
| <i>Thursday</i>  | 11:00                 | 01:00                |
| <i>Friday</i>    | 11:00                 | 01:00                |
| <i>Saturday</i>  | 11:00                 | 01:00                |
| <i>Sunday</i>    | 11:00                 | 24:00                |

Off Sale hours are also applied for, between 11:00 and 22:00 hours, to allow customers to take away an unfinished bottle of wine after a meal or to take away a small carry out.

Licensing Standards has no objection to these changes in hours or the inclusion of the off consumption facility.

The application to include the playing of ambient background music or have occasional live music, whilst participating in local events, is not considered a potential risk of nuisance to neighbours and nearby residences.

Indoor sports such as darts, pool and skittles, charity fundraisers, televised sport and the like are part of the entertainment and fun of rural pubs and no objection is made to their inclusion in the operating plan.

Children and young persons access facilities have been updated to take account of the new layout plan and is restricted to 22:00 hours, with the exception of when attending a pre-organised event. This is commensurate with the Board's policy and is supported by Licensing Standards.

- To make changes to the layout plan.

This includes removal of the internal divisional walls to create an open plan dining room and lounge area with a central horseshoe shaped bar servery. The new kitchen will be located in the basement and food will be served by staff to customers via a connecting dumb waiter lift facility.

Mr Hughes currently has approval for use of the rear garden as an outdoor drinking and dining area. He has liaised with his immediate neighbours to reduce the size of this area by about one third and given them extra access to their properties. He has also pledged to close the beer garden by 20:00 each day to afford his neighbours protection from noise. This together with the creation of two parking spaces in the former part of the beer garden will reduce the likelihood of blockage of the back lane by deliveries or patrons vehicles and is a thoughtful facility to be welcomed.

In summary, the proposed changes are supported by Licensing Standards.

R. Fruzynski  
Licensing Standards Officer



Date 09/02/2019

Your Ref: EL286

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  
MASONS ARMS  
8 HIGH STREET, BELHAVEN, DUNBAR, EAST LoTHIAN, EH42 1NP.**

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

The variation requested consists of a change of premises name from the Masons Arms to the Brig & Barrel, to nominate a new DPM, several changes to the operating plan and the layout plan.

Having considered all the changes requested within this application, I have no adverse comment to make regarding the variation proposed.

Yours faithfully

Iain Livingstone QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

## Herkes, Gillian

---

**From:** Jacqueline Bell <[REDACTED]>  
**Sent:** 19 February 2019 10:22  
**To:** Herkes, Gillian  
**Cc:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Grant, Shona; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Jim.sherval@nhslothian.scot.nhs.uk; Elizabeth.Oldcorn@nhslothian.scot.nhs.uk; [REDACTED]  
**Subject:** Re: Brig & Barrel, (Formerly Masons Arms) Belhaven Dunbar

Thank you for this

Dunbar Community Council discussed the licensing application and the related Planning application (19/00124/P) at its meeting on February 18th.

The Community Council are supportive of the application.

The Masons Arms had been a longstanding and popular community hub. Sadly it has been closed for some time. We are aware of the issues that led to its closure.

The new licensee seems to have enthusiasm for the project. We note that the owner remains the same. as when the pub was previously a popular place for a meal.

We note that the beer garden will close at 8 pm.

We are happy with the proposals for off sales. In the past off sales were an option.

We wish the applicant success with the venture which will bring the sad looking building back into life.

This is particularly important as the Masons is the main focal point of the conservation village. In the past it was host to a variety of clubs and ran social activities. It was popular for funeral teas. It would be good to see it become a hub again.

Jacquie Bell  
Secretary  
Dunbar Community Council

On Thu, 7 Feb 2019 at 12:27, Herkes, Gillian <[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)> wrote:

Hi

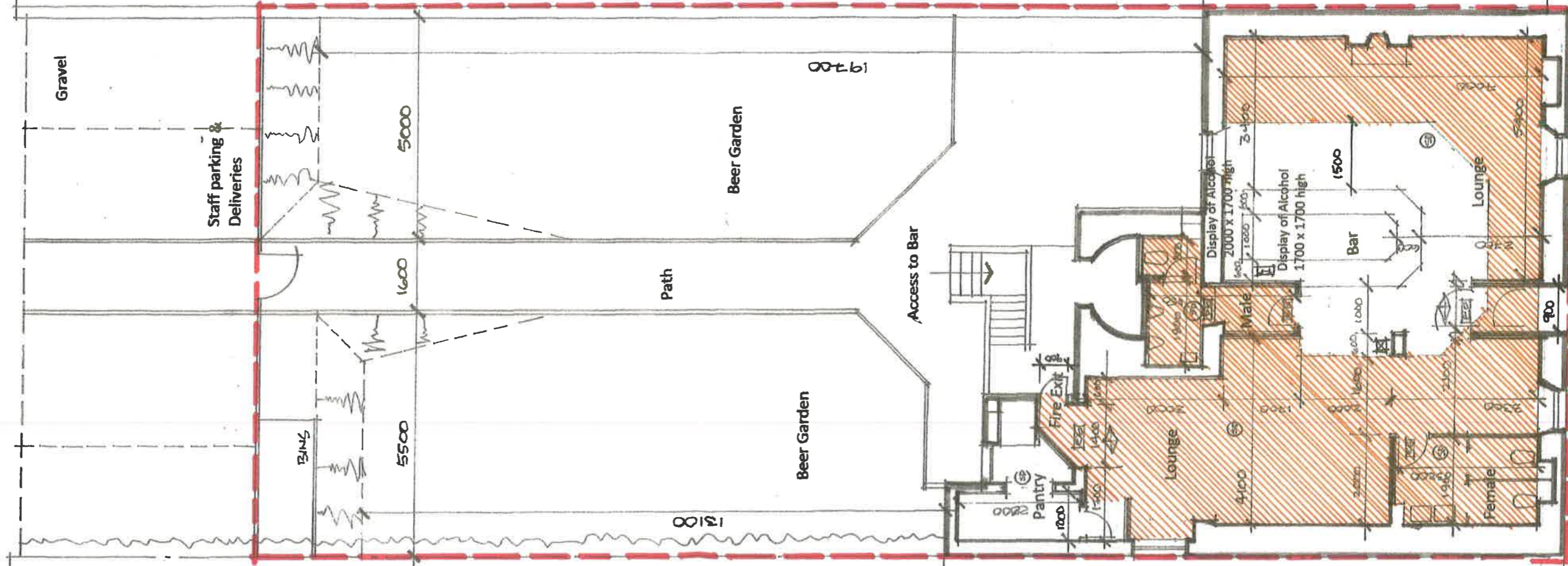
Please find attached Major Variation for Brig and Barrel, (Formerly Masons Arms), Belhaven, Dunbar for report.

Regards

Gillian

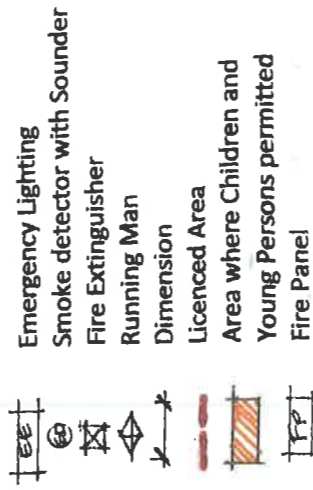
Gillian Herkes

South Street



**Notes**

- Baby changing facilities are available on site via a shelf fixed to a secure structure
- Children and young people permitted to Beer Garden
- No children or young people permitted within 1500mm of Bar
- Emergency Lighting to be installed to BS 5266
- Fire detection and Fire Alarm system to be installed to BS 5839 Part 1 2002
- External escape route from Beer Garden via South Street
- Capacity of Lounge – Max. 95 persons



**James Hughes**  
**Proposed Renovation of**  
**Mason's Arms, Belhaven High Street**  
**Dunbar EH42 1NP**

Liquor Licence Application  
 Layout Plan

Plan as Proposed (Children and Young Persons permitted areas)  
 Scale 1:100





**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, EN, 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.



|  |  |
|--|--|
| <b>6. CHILDREN (see note 2)</b>  |  |
| 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<br><br>No restrictions (0-17)                                      | Times at which children or young persons permitted entry<br><br>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.<br><br>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<br><br>All public areas                         |  |

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

|   |          |
|---|----------|
| <b>8. Signature and declaration by applicant (see note 3)</b>                       |          |
| <b>DECLARATION</b>  |          |
| The contents of this Application are true to the best of my knowledge and belief.   |          |
| SIGNATURE   | DATE     |
|  | 20/11/16 |

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             |  |

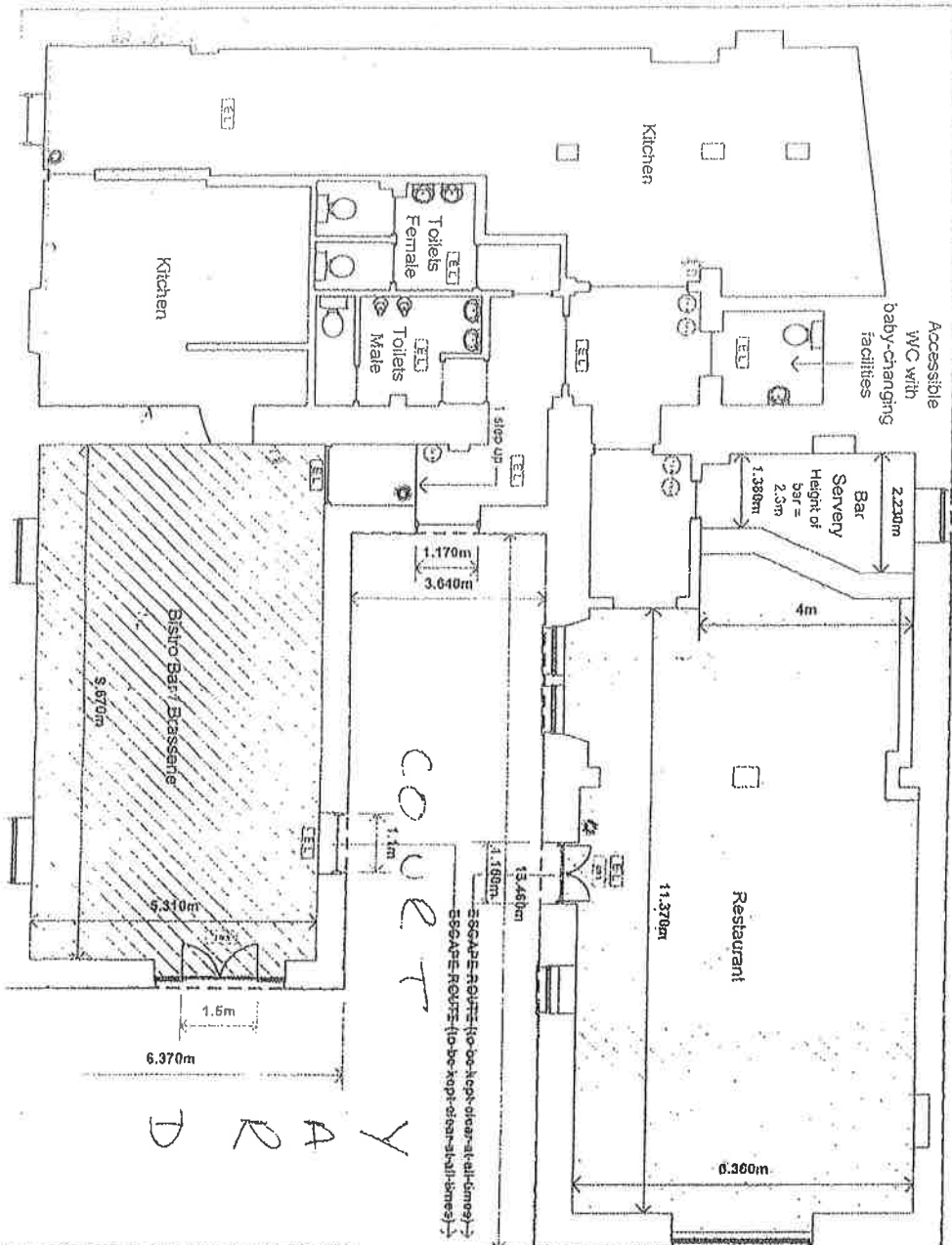
General Notes

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.

2.3.3m or thereby



FRONT AREA

← 52 FEET →

PIAZZA SEATED AREA

BAR/ICE

PUBLIC WALKWAY

TO POLDRATE MILL

AMERICAN DISCO BAR/ICE

REF: WATER LOO BISTRO  
 YNE HOUSE  
 1600A FC  
 HADDINGTON  
 EH41 4DA

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](mailto:kmacneill@eastlothian.gov.uk)

From: [REDACTED]  
Sent: 26 February 2019 11:15  
To: Licensing <[licensing@eastlothian.gov.uk](mailto: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

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