

EAST LOTHIAN

Meeting 25 April 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

Applicant

Date Received

Comments

4 SIGNALS BISTRO
12 QUALITY STREET
NORTH BERWICK
EAST LOTHIAN
EH39 4HP

SIGNALS BISTRO LIMITED

7 March 2019

Vary On-Sales hours from 11am
to 9am Monday to Sunday.

EAST LoTHIAN LICENSING BOARD

NEIGH.
SITE NEIGH.

KC
RF
AL
GWS
Pslb
CC

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

East Lothian Council
Licensing

7 - MAR 2019

Received

2(a) Licence Number of Premises

ELO278

2(b) Name and Address of Premises

SIGNALS BISTRO: NO12 QUALITY STREET B&B
12 QUALITY STREET
NORTH BERWICK

Post Code	EH39 4HP	Phone No.	01620 892 529
-----------	----------	-----------	---------------

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

SIGNALS BISTRO LTD
12 QUALITY STREET
NORTH BERWICK

Post Code	EH39 4HP	Phone No.	01620892529
-----------	----------	-----------	-------------

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

N/A

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)

WE ARE PROPOSING A NEW OPERATING PLAN; SPECIFICALLY EXTEND OUR HOURS OF 'ON CONSUMPTION.'

WE WOULD LIKE TO EXTEND THE HOURS FROM 9AM. SEE BELOW HOURS

MONDAY 9AM- 11PM
TUESDAY 9AM- 11PM
WEDNESDAY 9AM- 11PM
THURSDAY 9AM- 1AM
FRIDAY 9AM- 1AM
SATURDAY 9AM – 1AM
SUNDAY 9AM- MIDNIGHT

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 **£220** (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 ~~£200~~ is enclosed.

Signature



..... (See note 5 below)

Date

4th March 2019

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.

SIGNALS BISTRO: NO12 QUALITY STREET B&B
12 QUALITY STREET
NORTH BERWICK
EH39 4HP

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>	9:00	23:00
<i>Tuesday</i>	9:00	23:00
<i>Wednesday</i>	9:00	23:00
<i>Thursday</i>	9:00	01:00
<i>Friday</i>	9:00	01:00
<i>Saturday</i>	9:00	01:00
<i>Sunday</i>	9:00	00:00 MIDNIGHT

Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	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>	<i>YES</i>
--	------------

**If YES – provide details*

WE WOULD LIKE TO TAKE ADVANTAGE OF ANY EXTENDED PERIOD OF TRADING GRANTED BY THE BOARD FOR SIGNIFICANT LOCAL NATIONAL EVENTS
EG. FESTIVE PERIOD, BANK HOLIDAYS ETC

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
Accommodation	YES	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	YES
Bar meals	YES	YES	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
Receptions including Weddings, funerals, birthdays, retirements etc.	YES	YES	NO
Club or other group meetings etc.	YES	YES	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
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	YES	YES	NO
Dance facilities	YES	YES	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	YES	YES	NO

<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>	YES	YES	YES
<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>	NO	NO	NO

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

OUTDOOR DRINKING AVAILABLE FOR COFFEE AND SOFT DRINKS OUTWITH LICENSED HOURS

MUSIC WILL BE AMBIENT BACKGROUND MUSIC FROM 8AM (BREAKFAST)

BREAKFASTS AVAILABLE FROM 8AM

5(f) any other activities

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

N/A

5(g) Late night premises opening after 1.00am

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

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

ONLY WHEN HAVING A MEAL WITH AN APPROPRIATE ADULT

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

0-18

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

CORE HOURS- CHILDREN WHEN ACCOMPANIED BY AN ADULT.
YOUNG PERSONS AT ANY TIME

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 ADMITTED TO ALL PUBLIC AREAS

Question 7

CAPACITY OF PREMISES

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

CAPACITY BREAKDOWN - 85

Question 8

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

Personal details

8(a) *Name*

SEAN DAVID MCCASHEY

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

12 QUALITY STREET
NORTH BERWICK
EAST LOTHIAN
EH39 4HP

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>
11 NOVEMBER 2013	CITY OF EDINBURGH LICENSING BOARD	13/16548 401300

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 ... *4th March 2019* ...

Capacity ... *SEAN MCCASHEY* ... APPLICANT (~~delete as appropriate~~)

Telephone number and email address of signatory ... [REDACTED]

* Data Protection Act 1998 [REDACTED]

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

Please describe your business offering.

We are a restaurant that seats 24 covers in dining area. We also have 8 tables and 20 chairs (approx.) outside which is used on a seasonal basis. The outdoor seating area has barriers/planters around the area. This means our customers are contained within the outdoor seating boundary.

Our dining area inside consists of 9 tables. We have a counter servery where alcohol is distributed from- by waiting staff taking the drinks to the table.

We serve breakfast from 8am- 12noon, lunch from 12noon until 5pm and then dinner from 5pm until 9pm.

We also have 11 letting bedrooms within the premise- can accommodate up to 20 guests on B&B basis.

The majority of our customers come in for food and drinks, rather than just for drinks.

Our on consumption for alcohol starts at 11am daily. We would like this to change to 9am. Currently we can provide alcohol out with licensed hours to our residents and guests of residents. Guest who are residents also ask for champagne breakfast which can be offered to residents and resident's guests which is covered under section 63 of the Licensing (Scotland) act 2005. Where it is not an offence for a person to consume alcohol on or taken from licensed premises out with licensed hours if the person consuming or taking alcohol resides on the premise or is a guest of a person who resides there.

Signals, between 8am-11am usual accommodates more residents than outside trade. This is due to the restaurant being small and the hotel part accommodating up to 20 guests.

When outside trade come into the restaurant and see others consuming alcohol- they want to have that option as well. This would be in the form of a champagne breakfast or a breakfast drink- e.g. Bloody Mary.

We would like to have this option of offering all our customers alcohol from 9am.

This works in City of Edinburgh as many cafes/ restaurants offer this service.

Breakfasts are getting more and more popular in the hospitality trade and we feel we need to 'up

the standard' and try and compete with other businesses within Edinburgh. Guests and customers do compare their experience at Signals and no12 B&B to previous experiences elsewhere.

<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) We offer drinks sales with food meals and without meals.</p> <p>b) Some of our customers like to take a bottle of wine home with them or back to their hotel rooms.</p>
---	---

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:

We have 11 letting bedrooms. Guests like to take alcohol up their bedrooms.

We serve restaurant and bar meals where alcohol is consumed.

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:

We quite often have customers who book tables for birthdays/ wedding etc. This is for sit down meals only.

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:

We have background music on during breakfast/lunch and dinner.

We want to have the option to have live performances – eg. piper at new year. Where guests can enjoy the live performance and maybe have a dance.

Televised sport- we like to show sporting events e.g. Wimbledon tennis, golf events.

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 put tables and chairs out every morning and bring them in by 9pm in the evening. The tables are within the allowed space. To outline the area, we have barriers and planters which keeps the customers within the area.

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 humor or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

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 license would cover the option of have tea/coffee and soft drinks inside and outside outwith licensed hours.

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.

Baby changing facilities are always available in the gents/ladies/disabled toilet on ground level.

Young children persons and children will be allowed into the restaurant. We have tables away from the area we distribute alcohol from.

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:

- Consider underage drinking- challenge 25 will be enforced.
- staff are trained to monitor individual's behavior
- offering non-alcoholic drinks at reasonable affordable prices
- provide tap water free of charge, this is placed on every table on the arrival of customers.
- keep staff training records up to date
- correct signage in place
- choice of measures- small medium or large. Shown on drinks list.
- Continue to discourage drink driving. Providing non-alcohol drinks
- refusal book on premise and staff will be trained on how to use

Securing Public Safety:

- ensuring all fire risk assessments are up to date.
- ensuring all other risk assessments are up to date.
- First aid kit/facility on site, along with trained first aider.
- Staff will make sure occupancy capacity is not ignored.

- Effective and responsible management of premises.
- CCTV active, and available playback. Correct signage up for this feature.
- adequate numbers of suitable trained staff.
- ensure the premises is maintained and kept in a good clean tidy condition.

Preventing Public Nuisance:

- adhere to any local conditions imposed by the licensed board.
- appropriate staff training to prevent public nuisance. Allow adequate 'drinking up' time.
- Music kept low- back ground music
- CCTV in place. Recorded and available for playback.

Protecting and Improving Public Health:

- ensuring customers know strength of alcoholic drinks and sizes on offer.
- premise license holder always present.
- low alcohol/ non-alcohol drinks available.
- tap water provided free of charge available.
- food always available from restaurant opening times.
- no drink promotions.
- Minimum unit pricing policy in place.

Protecting Children and Young Persons from Harm:

- facility is well maintained and refurbishment takes place annually.
- family friendly. Toy train runs around the top of restaurant.
- staff training. Appropriate supervision in place.
- regulate toilet checks to ensure standards are met.
- risk assessment reviewed regularly.
- alcohol dispensed from servery only.
- challenge 25 enforced.
- only accept appropriate ID cards
- correct signage up for ID cards, and challenge 25.
- policy in place on recognizing and dealing with sexual exploitation of children and young persons.
- appropriate measures in place to ensure that children and young persons do not purchase or consume alcohol on the premises.
- baby changing facilities available.
- High chairs available.
- children menus available.
- children are 1.5m away from servery.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

- 3/4 full time member of staff holds personal licenses.
- Fire officer been in and inspected premises and is happy with layout and fire safety. (Feb 19)
- All staff are well trained, and record kept up to date.
- being local business, would really benefit from an early 'on consumption' license hours. 9am.

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

- We are not a premise where customers come in for drinks only.
- we aren't a pub. We are a sit-down restaurant with table service only.
- Serve breakfast lunch and dinner.
- Small business family run.
- Want to keep our customers happy- we have had comments about not being able to sell alcohol until 11am. Especially when others can consume alcohol (guests of B&B)
- we don't promote drinking alcohol.
- Noticed how successful breakfast restaurants are in Edinburgh with the option of selling alcohol.
- Currently allowed to serve residents of the B&B which is the majority of customer before 11am.
- Never had any bother with alcohol sales to customer, or ever been given warnings from LSO or police.
- been trading as a small restaurant and B&B for 5 years- no problems.
- we are always look at ways of improving, and increased license hours for on consumption is definitely an improvement.
- We keep up to date with the license forum website, and always take advice from LSO.
- Staff are experienced and well trained in this trade.

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

Date 26/03/2019

Your Ref: EL0278

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 - OBJECTION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
Signals Bistro
12, Quality Street, North Berwick, East Lothian, EH39 4HP.
Signals Bistro Ltd**

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

The variation requested consists of an increase in 'on sales' hours, to commence at 9am seven days a week.

In terms of Section 22(1)(a) of the same Act, I make the following objection.

The premises currently benefits from the following hours:

Monday – Wednesday – 11am – 11pm
Thursday – Saturday – 11am – 1am
Sunday – 11am – 11pm

The applicant is looking to increase these hours as follows:

Monday – Wednesday – 9am – 11pm
Thursday – Saturday – 9am -1am
Sunday – 9am – midnight

These requested hours are out with Board Policy in relation to the commencement time of 9am.

It is also out with the Scottish Governments recommendation of licensed hours not exceeding 14 hours. Thursday, Friday, and Saturday would be 16 hours and Sunday would be 15 hours per day.

I appreciate that the applicant has explained the reason for this request but it has long since been common knowledge that residential guests within a premises have exceptions when it comes to the consumption of alcohol. Other premises manage this by having residential guests dining in a separate area/room.

If the Board were minded to grant this application it would set a precedent for East Lothian, one which we would not wish to encourage.

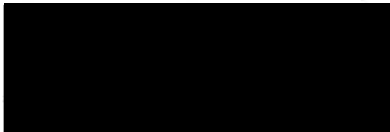
In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder
- protecting and improving public health

Allowing patrons to start drinking at 9am on a daily basis should not be encouraged and cannot be supported by the police from a preventing crime and disorder point of view as well as a public health perspective.

This objection 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

Lothian NHS Board

Public Health and Health Policy

Telephone 0131 465 5460

www.nhslothian.scot.nhs.uk



Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
HADDINGTON, EH41 3HA

Date 5th April 2019
Your Ref
Our Ref JS/EO/fb
Enquiries to Jim Sherval
Extension 35436
Direct Line 0131 465 5436
Email jim.sherval@nhslothian.scot.nhs.uk

Dear Ms Winter

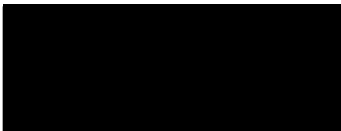
SIGNALS BISTRO, 12 QUALITY STREET, NORTH BERWICK

On behalf of NHS Lothian, we object to the main part of this application for a variation to premises license to increase the core hours of availability. The proposed move of the commencement hour from 11 am to 9am is clearly out with Board policy, which has been agreed as such by the Licensing Board in order to uphold the 5 licensing objectives.

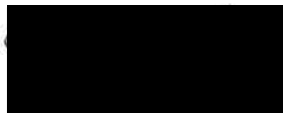
The application did provide some additional information as to why they felt this application should be granted against the hours outlined in the Statement of Licensing Policy. This mainly focused on being able to provide champagne breakfasts and breakfast drinks such as Bloody Marys. We feel it counter to the licensing objective of Protecting and Improving Public Health to promote the consumption of alcohol at breakfast by granting this application for earlier hours against the Licensing Policy.

We are also concerned that granting this application would set a precedent for other applications that the Board may then find more difficult to justify refusing.

Yours sincerely



ELIZABETH OLDCORN
Senior Health Promotion Specialist



JIM SHERVAL FFPH
Consultant in Public Health



Headquarters
Waverley Gate
2-4 Waterloo Place
Edinburgh EH1 3EG

Chair Brian G. Houston
Chief Executive Tim Davison

Lothian NHS Board is the common name of Lothian Health Board

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 04 April 2019

LICENSING SCOTLAND ACT 2005
PREMISES LICENCE VARIATION APPLICATION

Signals Bistro, 12 Quality Street, North Berwick, East Lothian EH39 4HP

I refer to the above subject and can confirm that the LSO has visited the premises and met with Mr McCashey regarding his application.

This is a small well run hotel and I can confirm that no complaints or licensing concerns have come to light since Mr McCashey took over the premises in December 2013.

This application is outwith policy in respect of licensed hours before 11:00 each day and is also inconsistent with the Scottish Government's recommendation of not permitting licensed hours in excess of 14 hours per day. However, the applicant is entitled to apply for hours which is deemed to be in his business interests to meet a demand which he feels outweighs the existing availability and legal exception that hotel guests can be sold and supplied with alcohol at any time during their stay on the premises. Indeed each application is determined on its own merits and the Board may grant the application against policy if they are satisfied that there is a genuine demand for the 09:00 hours consumption of alcohol and that none of the licensing objectives would be compromised by the granting of these additional hours.

I submit this report for the information of the Board in determining this application.

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: Kathryn Smith <[REDACTED]>
Sent: 03 April 2019 11:59
To: Winter, Maree
Subject: RE: Major Variation - Signals Bistro - No 12 Quality Street, North Berwick.pdf

Dear Maree

At last night's Community Council meeting we discussed the major variation application from Signals, 12 Quality Street, North Berwick to amend their operating plan to extend the opening time from 11.00 am to 9.00 am.

We confirm that we have no objection to the proposed amendment.

Regards

Kathryn

Kathryn E Smith
Secretary, NBCC

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 15 March 2019 14:04
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Grant, Shona; Sherval, Jim; Oldcorn, Elizabeth; Kathryn Smith
Subject: Major Variation - Signals Bistro - No 12 Quality Street, North Berwick.pdf

Hi,
Please find attached major variation from Signals Bistro to amend core hours from 11am to 9am Monday to Sunday.
Could I please have any representations/objections you may care to make on this application by 8th April 2019.

Kind regards
Maree

Licensing Officer
East Lothian Council
01620 827867

Email Disclaimer - East Lothian Council
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage which may result from this email or any files attached. Email is not secure and