

**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
<b>#</b> TOWN HOUSE FISH & CHICKEN BAR 17 MARKET STREET HADDINGTON EAST LOTHIAN EH41 3JL	ANNA TANZI	14 October 2019	Vary the licence to include the facility of supplying alcohol to customers who have purchased a hot food meal for delivery by our own courier service. alcohol would not be supplied on its own or with snack type food. Recorded music to be played in the background for the benefit of customers and staff. Music may be played out with core hours while staff are cleaning or preparing food.

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

East Lothian Council  
Licensing  
11 OCT 2019  
Received

2(a) Licence Number of Premises

EL291

2(b) Name and Address of Premises

Town House Fish & Chicken Bar  
17 Market Street  
Haddington  
East Lothian

Post Code	EH41 3JL	Phone No.	01620823293
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2(c) Full Name and Address of Current Licence Holder

Anna Tanzi

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

**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 would wish to include the facility of supplying alcohol to customers who have purchased a hot food meal for delivery by our own courier service. Alcohol would not be supplied on its own or with snack type food.

We would also wish to play ambient background music via an ipad/radio for the benefit of customers and staff. Music may be played outwith core hours while staff are cleaning or preparing food prior to opening.

**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.

Not applicable

**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)

Not applicable

**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 £ is enclosed.

Signature



SARA SANTANGELO  
PARTNER

(See note 5 below)

Date

11-10-2019

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

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

simon@townhousechippy.demon.co.uk

**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 &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

## 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.

The Town House Fish & Chicken Bar provides a hot food takeaway service to the public. The premises are on the ground floor in Haddington town centre with the entrance directly off the main street at 17 Market Street.

At present we have an alcohol licence to provide an off-sales facility to customers. We also provide a hot food delivery service which we would like to supplement by offering the option to customers of the facility of delivering a small quantity of alcohol with telephone ordered meals. No alcohol would be delivered without the purchase of a full meal.

We currently have a late hours caterers licence in place until midnight each day.

(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.

a) Not applicable

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

b) Off sales of beer, spirits and wine to customers who call at the premises. To supply a delivery service of a small quantity of alcohol along with a hot food meal.

**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:

Hot food restaurant takeaway service. Off sales of alcohol to customers calling at the premises.

**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:

Not applicable

**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 would wish to play ambient background music via an ipad/radio for the benefit of customers and staff. Music may be played outwith core hours while staff are cleaning or preparing food prior to opening.

**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:

Not applicable.

**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:

Not applicable.

**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:

Sale of hot food until midnight at weekends, but close early most week nights.

**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:

Not applicable.



**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.

Children and young persons are welcome on the premises at all times to purchase hot food offerings, snacks, sweets and soft drinks. A strict challenge 25 policy is in place to prevent underage sales of alcohol.

**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 operate a strict Challenge 25 policy and checks.

The shop area is covered by a 30 day recording CCTV system

All staff who serve alcohol are trained to the standards required of the Licensing (Scotland) Act 2005 and have a signed staff training record.

Our staff frequently collect any discarded litter by customers within the shop and immediate area outside it.

We have a zero tolerance policy to anti-social behaviour.

**Securing Public Safety:**

The shop area is covered by a 30 day recording CCTV system

We have a zero tolerance policy to anti-social behaviour.

We have on site first aid facilities.

We carry out frequent fire safety checks and comply with the requirements on fire prevention and provision of fire extinguishers.

We comply with all food and appliance safety requirements.

We do not sell alcohol to persons who are drunk.

We ensure that the premises are maintained in good, clean and tidy condition at all times and our staff frequently collect any discarded litter by customers within the shop and immediate area outside it.

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

We operate a family friendly hot food takeaway service.

Only designated adult staff are permitted to sell alcohol.

Staff are trained to operate a strict Challenge 25 policy and checks.

Our customer area is covered by CCTV.

We do not tolerate anti-social behaviour or drunkenness on our premises.

Our stock of alcohol is held behind the service counter and not directly accessible to customers.

Light refreshments and non-alcoholic soft drinks are available for purchase.

Strong language is not tolerated on our premises.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

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

We have operated as a hot food takeaway restaurant in Haddington for many years and have a very good reputation as a responsible business supplying a service to the public. We work with the police and LSO to ensure that we comply with all aspects of our alcohol licence and with other officials to ensure that our commercial food operation is always of a high standard, professional and safe. We hope that the Licensing Board is assured that our track record will continue to be so operated with the inclusion of the facility to provide small deliveries of alcohol with hot food meals. We ask you for your support in granting this variation application.

**Preventing Public Nuisance:**

We monitor customers for noise and improper conduct and do not tolerate anti-social or drunken behaviour.

We have a no smoking policy in place in compliance with the prohibition of smoking in public places legislation.

We display a sign to our customers ' Be Nice To Our Neighbours – Please Leave Quietly'

Our staff frequently collect any discarded litter by customers within the shop and immediate area outside it.

We do not provide entertainment on the premises and any music played will be of a low level ambient background nature.

We have a proper waste management contract in place for disposal of rubbish and waste materials.

**Protecting and Improving Public Health:**

We stock light refreshments as well as non-alcoholic soft drinks.

In relation to sales of alcohol, we only hold a small stock of beer, spirits and wines and do not cater for large off sale carry outs. All alcohol sold complies with the requirements of Minimum Unit Pricing.

We do not operate alcohol drinks promotions.

All our off sale alcohol stock is securely held behind the service counter and not accessible to the public except on a request to purchase. This prevents theft and access by underage persons.

We operate a strict challenge 25 policy.

We do not sell alcohol to drunks.

In relation to our proposed delivery of alcohol to customers, who request telephone orders, we will:

- Maintain records of all sales, as required by law.
- Our delivery drivers will be trained to the same standard as those who sell and supply alcohol on our premises.
- Delivery drivers will operate the Challenge 25 policy.
- No orders will be left in any place unless accepted by an adult.
- Orders of small quantities of alcohol will only be made as part of the sale of a hot food meal. No deliveries will be made with snack type food.
- A delivery book will be held by the driver recording details of Challenge 25 checks, refusals and the like.

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	11-10-2019
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SARA SANTANGELO  
PARTNER .

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

**Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	
1(b) Will alcohol be sold for consumption solely OFF the premises	<b>YES</b>
1(c) Will alcohol be sold for consumption both ON and OFF the premises	
*Delete as appropriate	

**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>	<b>N/A</b>	<b>N/A</b>
<i>Tuesday</i>	<b>N/A</b>	<b>N/A</b>
<i>Wednesday</i>	<b>N/A</b>	<b>N/A</b>
<i>Thursday</i>	<b>N/A</b>	<b>N/A</b>
<i>Friday</i>	<b>N/A</b>	<b>N/A</b>
<i>Saturday</i>	<b>N/A</b>	<b>N/A</b>
<i>Sunday</i>	<b>N/A</b>	<b>N/A</b>

**Question 3**

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	12:00	22:00
Tuesday	12:00	22:00
Wednesday	12:00	22:00
Thursday	12:00	22:00
Friday	12:00	22:00
Saturday	12:00	22:00
Sunday	12:00	22:00

NOTES:

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	<b>NO</b>
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\*If YES – provide details

None
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**Question 5**

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

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Receptions including (Weddings funerals,, birthdays, retirements etc)</i>	NO	NO	NO
<i>Club or other group meetings etc</i>	NO	NO	NO
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	NO	NO	NO
<i>Dance facilities – see 5(g)</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO

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

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

**AMBIENT BACKGROUND MUSIC MAY BE PLAYED DURING CORE HOURS FOR THE BENEFIT OF CUSTOMERS AND STAFF. MUSIC ALSO MAY BE PLAYED OUTWITH CORE HOURS WHILE STAFF ARE CLEANING OR PREPARING FOOD PRIOR TO OPENING.**

**5(f) any other activities**

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

**DELIVERIES OF ALCOHOL WITH ORDERS FOR HOT FOOD MEALS.**

**5(g) Late night premises opening after 1.00am**

Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details

Will the music level exceed 85dB?	<b>N/A</b>
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When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	NO
	*Delete as appropriate	

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

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

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

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

**Question 7**

**CAPACITY OF PREMISES**

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

**OFFSALES - 1.18M3**

**Question 8**

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

*Personal details*

8(a) *Name*

**ANNA TANZI**

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

**SIMON@TOWNHOUSECHIPPY.DEMON.CO.UK**

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
<b>17 DECEMBER 2009 RENEWAL – 28 MARCH 2019</b>	<b>EAST LOTHIAN LICENSING BOARD</b>	<b>EL605</b>

**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  ..... *SARA SANTANGELI, PARTNER* \* (See note below)

Date ..... *11-10-2019* .....

Capacity ..... APPLICANT

Telephone number and email address of signatory .....

01620823293 .....

**SIMON@TOWNHOUSECHIPPY.DEMON.CO.UK** ... ..

\* Data Protection Act 1998

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

## SCHEDULE

### “SCHEDULE 6

Regulation 7

### DISABLED ACCESS AND FACILITIES STATEMENT

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

#### Question 1

##### **Disabled access and facilities**

1(a)	Is there disabled access to the premises	<b>YES</b>
1(b)	Do you have facilities for those with a disability	<b>YES</b>
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	<b>YES</b>
<i>*Delete as appropriate</i>		

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.

A single step is located at the entrance to the premises. A small ramp will be made to facilitate wheelchair user access.

The small customer accessible area within the shop is on one level. It is flat and provides easy movement for wheelchair users.

**Question 3**

**Facilities available**

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

The shop is easily accessible to everyone from the street.

A single unisex toilet is available for staff and the public, but is not fitted with any specific aids for disabled users.

**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.

All our food offerings are displayed in big print and in pictorial format.

Guide dogs are permitted access with their users.

**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  ..... *SARA SANTANGELI, PARTNER* ..... \* (see note below)

Date ..... *11-10-2019* .....

Capacity ..... APPLICANT

Telephone number and email address of signatory 01620823293  
simon@townhousechippy.demon.co.uk .....

**\* Data Protection Act 1998**

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

Date 23/10/2019

Your Ref: EL291

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

John McKenzie  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith  
EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
TOWN HOUSE FISH & CHICKEN BAR  
17 MARKET STREET, HADDINGTON, EAST LoTHIAN, EH41 3JL.  
ANNA TANZI**

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

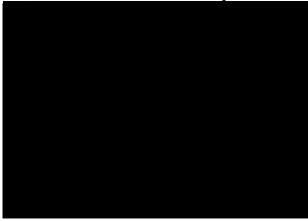
The variation requested consists of a change to the Operating Plan to allow the premises to make deliveries of alcohol and to play background music within the premises.

The premises is a well known hot food takeaway, which has been operating in Haddington for a number of years now. It has a small offering of alcoholic beverages.

Should the Board be minded to grant this variation, I would take this opportunity to remind the applicant of her obligations under Section 119 of the Act in relation to keeping records of these deliveries.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147



# EAST LoTHIAN COUNCIL

## PEOPLE and GOVERNANCE

**From:** R. Fruzynski  
Licensing Standards Officer

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

**Date:** 22 Oct. 19.

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

**Town House Fish and Chicken Bar, 17 Market Street, Haddington, East Lothian  
EH41 3JL**

I have no objection to this application.

The applicant's Operating Plan and Supplementary Information Form indicates that they will conform with the recommended practice as shown in Section 32 of the Board's Statement of Licensing Policy and Section 119 of the Licensing (Scotland) Act 2005, namely:

### **Deliveries**

- 32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records.
- 32.2 Applications for deliveries from cafes, restaurants and other food businesses, not considered to be predominantly grocers/supermarkets outlets, may be granted home delivery services, provided the order is ancillary to a meal and, any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.
- 32.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises.

Licencees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.

32.4 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

### **Licensing (Scotland) Act 2005:**

#### **Section 119 Delivery of alcohol from vehicles etc.**

(1) A person who, pursuant to a sale of alcohol by that person, delivers the alcohol from a vehicle or receptacle without the information mentioned in subsection (2) having been entered, before the despatch of the alcohol, in—

(a) a day book kept on the premises from which the alcohol is despatched, and

(b) a delivery book or invoice carried by the person delivering the alcohol,

commits an offence.

(2) The information referred to in subsection (1) is—

(a) the quantity, description and price of the alcohol, and

(b) the name and address of the person to whom it is to be delivered.

(3) A person who carries in a vehicle or receptacle in use for the delivery of alcohol pursuant to a sale of the alcohol by that person any alcohol the quantity, description and price of which was not entered as mentioned in subsection (1) commits an offence.

(4) A person who, pursuant to a sale of alcohol, delivers the alcohol to an address not entered as mentioned in subsection (1) commits an offence.

(5) A person who refuses to allow a constable or a Licensing Standards Officer to examine—

(a) any vehicle or receptacle in use for the delivery of alcohol, or

(b) any—

(i) day book kept as mentioned in subsection (1)(a), or

(ii) delivery book or invoice carried as mentioned in subsection (1)(b),

commits an offence.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

R. Fruzynski

Licensing Standards Officer

## Herkes, Gillian

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**From:** Johnson, Darren  
**Sent:** 18 October 2019 11:16  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards  
**Subject:** FW: Major Variation - Town House Fish & Chicken Bar.pdf  
**Attachments:** Major Variation - Town House Fish & Chicken Bar.pdf

No objections from Food & Safety.

Darren

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**From:** Environmental Health/Trading Standards  
**Sent:** 18 October 2019 09:39  
**To:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Subject:** FW: Major Variation - Town House Fish & Chicken Bar.pdf

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**From:** Winter, Maree  
**Sent:** 18 October 2019 08:58  
**To:** Lothian Scot Borders Licensing East Mid Lothian  
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>;  
Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception  
<environment@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Grant, Shona  
<sgrant@eastlothian.gov.uk>; Licensing <Licensing@nhslothian.scot.nhs.uk>; fiona.boyle@nhslothian.scot.nhs.uk;  
[REDACTED]  
**Subject:** Major Variation - Town House Fish & Chicken Bar.pdf

Dear all

Please find attached major variation from the Town House Fish and Chicken bar to vary their licence to include the facility of supplying alcohol by delivery to a customer along with a meal. They also would like to include ambient background music for the benefit of customers and staff.

Kind regards  
Maree

*Maree Winter*

**Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:  
Haddington: EH41 3HA  
01620 827867  
[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**

**Winter, Maree**

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**From:** Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> on behalf of Licensing <Licensing@nhslothian.scot.nhs.uk>  
**Sent:** 01 November 2019 10:19  
**To:** Winter, Maree  
**Subject:** Current East Lothian Applications

Dear Maree

NHS Lothian are not submitting letters for the following current East Lothian Applications:

Lodge Nisbett  
Town House Chippy  
Habaneros High Street  
Event Space

Many thanks, fiona

**Fiona Boyle**  
PA/Administrator to:

*Dr Fredi Garbe, Consultant in Public Health*  
*Ms Alison Milne, Supporting Pregnancy & Newborn Screening*  
*Mr Jim Sherval, Consultant in Public Health*

Direct Dial: 0131 456 5817 (35817)  
PHM Tel: 0131 465 5460  
Email: [fiona.boyle@nhslothian.scot.nhs.uk](mailto:fiona.boyle@nhslothian.scot.nhs.uk)  
Address: NHS Lothian, Public Health & Health Policy, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

\*\* Please note my working hours are Monday - Friday; 8.00am to 1.00pm \*\*



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