

EAST LOTHIAN

Meeting 27 February 2020 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
1 MIROS VILLAGE 127 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7DD	CAFE MIRO LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	21 January 2020	Cafe/Restaurant - On & Off Sales, restaurant facilities, receptions, recorded music, live performances, takeaways and deliveries.	

ELO 370

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PREMISES LICENCE

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

Question 1

Name, address and postcode of premises to be licensed.

Miros Village
127 High Street
Musselburgh
East Lothian
EH21 7DD

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode, telephone number & email address.*

East Lothian Council
Licensing

21 JAN 2020

Received

2(b) *Where applicant is a partnership, please provide full name and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Cafe Miro Limited
25/25a Promenade
Portobello
Edinburgh
EH15 1HH

Company Number SC520440

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

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

Kazim Aslan

Born

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

Question 3

Previous applications

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

If YES – provide full details

Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	NO
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**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction (if or sentence	Court	Offence	Penalty

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

Cafe/bistro premises located on the ground floor of a property on High Street, Musselburgh.

Question 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of the [redacted] are true to the best of my knowledge and belief.

Signature [redacted] (see note below)

Date 20/1/20

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

.....

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<i>X</i>
<i>Layout plan</i>	<i>X</i>
<i>Planning certificate</i>	<i>X</i>
<i>Building standards certificate</i>	<i>X</i>
<i>Food hygiene certificate</i>	<i>X</i>

*** Data Protection Act 1998**

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

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

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

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Miros Village 127 High Street Musselburgh East Lothian EH21 7DD

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>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	11pm 12 MIDNIGHT
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	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>	11am	10pm
<i>Tuesday</i>	11am	10pm
<i>Wednesday</i>	11am	10pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	11am	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
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**If YES – provide details*

To apply or take grant of Extended Hours for any National/ Local/ Sporting/ Festive Events the Board may grant.

Question 5

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

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

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

The premises may open from 8am for breakfasts, snacks, hot and cold drinks but no alcohol will be sold or supplied until the commencement of core hours. Activities answered “yes” in column 4 may take place during this period or during periods of Seasonal Variations or Extended Hours.

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.

Takeaways (which may include alcohol)
 Deliveries (which may include alcohol)
 Outside catering (which may include alcohol)
 BYOB may be permitted under certain circumstances, and it is accepted that the responsibility will be with the Licence Holder, in terms of your Policy.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
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*Delete as appropriate

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

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

Children and Young Persons are welcome onto the premises. Children must vacate the premises by 10pm and Young Persons by 11pm, unless attending a private pre-booked function in which case they may remain until the end of the function.

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

No restriction (0-17 years)

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

Children must vacate the premises by 10pm and Young Persons by 11pm, unless attending a private pre-booked function in which case they may remain until the end of the function.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

66

Question 8

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

Personal details

8(a) *Name*

Kazim Aslan

8(b) *Date of birth*

██████████

8(c) *Contact address*

██

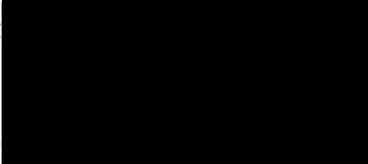
8(d) *Email address and telephone number*

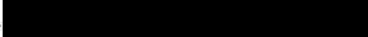
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2016	City of Edinburgh	335119

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of  the best of my knowledge and belief.

Signature  (see note below)

Date *20/11/10*

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

*** 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

Please describe your business offering.

Our clients operate Café Miro, at 25 The Promenade, Portobello, which is obviously in the Edinburgh Licensing Board area. They have been operating their successfully for a couple of years and this is their second place. It will be operated on a very similar basis.

However Portobello is popular with walkers and joggers taking a break, particularly dog-walkers! This is a High Street location and therefore slightly different.

Food is pizzas, burgers, fish and pasta but also in the morning it is very much a café type of operation with a variety of coffees and teas and other such drinks. Various soft drinks, pastries etc.

This is the basis on which they will start off but there may be tweaks, as a result of this location.

(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)
On-consumption will be principally beers and wines for consumption with the food mentioned earlier., particularly with larger meals. Somebody might just want to come in and have a glass of wine and a snack and read the paper however.

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

b)
The premises will do takeaways and would like to be able to offer particular types of alcohol, some of which might be from Turkey which is where the owner is from.

They may do deliveries in the future.

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 only one of these Activities to be included in the Application are Restaurant Facilities, as explained.

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 have asked for permission for Receptions, which would include these type of events, and certainly Birthdays and Retirements and Christmas meals for instance. These will normally be on a relatively informal basis with perhaps a number of tables being taken up by the party. There have already been some birthday parties with birthday cakes etc.

Weddings and other such functions might be catered for on an individual basis, and would probably be for the whole premises, but again until such time as our clients have been operating for a longer period of time and know what local demand is, that is uncertain.

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:

There will certainly be background music and there may very occasionally be Live Music of a Turkish nature for instance. This could be finished by, say, 11pm at the latest.

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:

N/A

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:

This would relate to the premises opening prior to licensed hours as a café, as explained. Restaurant Facilities would be appropriate plus Recorded Music. Unlikely that any other Activities would take place during this period. If a TV is introduced it might be on.

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:

Deliveries (which may include alcohol)

Takeaways (which may include alcohol)

Outside catering (which may include alcohol)

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 will be very much welcomed onto these premises which will have an atmosphere conducive to them being there. The hours requested are in terms of your Policy.

Baby-changing facilities will be available for under-5s.

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:

As explained our clients have experience of operating a similar premise on Portobello Promenade and although this is a different type of location, the business itself will be the same and they will expect a similar clientele – perhaps not quite so many dog-walkers! They have had no issues in Portobello, other, unfortunately, than a break-in but customers have been very well-behaved, because that is the type of place and atmosphere it is.

Our clients will cooperate with the Police and will do everything that they need to do.

Securing Public Safety:

The premises have been recently refurbished, and have appropriate Building Warrant/Completion Certificate granted so certain aspects of Public Safety were taken into account here.

The safety of their customers is paramount to our clients, and they would anticipate people with mobility issues for instance and perhaps other issues as well attending. Their safety and well-being will be catered for.

Preventing Public Nuisance:

The music played will be background music. People come here to chat with their friends and the last thing they want is music blaring out.

If there is Live Music it will be very occasional and probably in the early part of the evening.

Protecting and Improving Public Health:

This is not the type of operation where people would come to consume alcohol to an excessive extent. They are here for a snack or a meal and accompanying wine or beer etc.

It would completely spoil the ambience and the environment of the premises, if they allowed people who had already had too much to drink in or allowed their customers to have too much to drink.

Our clients are aware of concerns regarding the over-consumption and irresponsible use of alcohol in Scotland. They feel sure that they will not contribute to this.

Protecting Children and Young Persons From Harm:

As we have said above Children and Young Persons will be welcomed, baby-changing facilities available, and in general there will be nothing that is contrary to the interests of having under-18s present.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

Our clients when considering their second place looked around and decided that there was a gap in the market in the centre of Musselburgh for an operation such as theirs. Although it is in a different Licensing Board area, the Portobello one is not too far away and management can move between both in a supervisory capacity.

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

Our clients have a track record of operating café/restaurant premises in Portobello and would like to open in Musselburgh.

It is not a bar. It is very much a café/restaurant and operates accordingly.

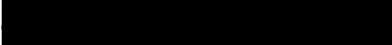
It is not anticipated that it will cause issues that contravene the Licensing Objectives. That has not been the case in Portobello.

They feel that it will be a credit to Musselburgh and East Lothian and that both locals and people visiting Musselburgh will appreciate it.

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The contents  the best of my knowledge and belief.

Signature

Date

20/1/20

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

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

The entrance is suitable for access by people with disability issues for instance. It is a double door and there is no step. Of course staff are always available to assist but certainly the premises consider themselves to be disadvantaged friendly, whether it be mobility or other issues. Staff will be trained accordingly.

Question 3

Facilities available

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

An accessible toilet is included.

There will be table service available at all times and staff will be trained to watch out for people with any form of mobility or other issue. Consideration is being given to large print menus for instance and in any case explanations can be given when required.

Similarly, staff training will include reference to customers who may have mental or other similar issues.

Hearing is another problem and if customers make staff aware of the fact that they do have hearing problems then appropriate measures will be taken which could involve writing things down, or other forms of communication.

Question 4

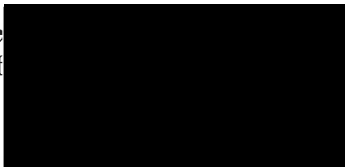
Other provisions

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.

Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types of illness.
It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The content and belief  facilities statement are true to the best of my knowledge

Signature * (see note below)

Date 20/1/20

Capacity APPLICANT/AGENT

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

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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East Lothian Council

LICENSING (SCOTLAND) ACT 2005
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

SECTION 50 PLANNING CERTIFICATE

APPLICANT:

Café Miro Limited

NAME AND
ADDRESS OF
PREMISES:

127 High Street, Musselburgh

SECTION 50 PLANNING CERTIFICATE

- I confirm that planning permission (ref: 18/01122/P) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.
- I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

- I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.
- I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License/Confirmation of Provisional License to cover the above proposals.

Signed:



Date:

19th December 2019

Neil Millar
Planning Officer



East Lothian Council

Our ref: MM/JD
Your ref:
Direct Line: 01620 827296
Fax Number: 01620 827918
E Mail: ehs@eastlothian.gov.uk

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827
Fax 01620 824295

19 December 2019

Alistair Macdonald
Macdonald Licensing
21a Rutland Square
Edinburgh
EH1 2BB

Dear Sir

**THE LICENSING (FOOD HYGIENE REQUIREMENTS) (SCOTLAND) ORDER 2011
CAFÉ MIRO LIMITED, MIROS VILLAGE, 127 HIGH STREET, MUSSELBURGH EH21 7DD**

I hereby certify, in terms of Section 50 of the Licensing (Scotland) Act 2005, that the premises operated at Miros - Village, 127 High Street, Musselburgh, EH15 1HH does comply with the requirements of the EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 (S.S.I. 2006/3)



Marion Muir
Food and Safety Officer
cc Licensing Board



LICENSING (SCOTLAND) ACT 2005
BUILDING (SCOTLAND) ACTS 3003

SECTION 50
BUILDING STANDARDS CERTIFICATE

Section 50 Application No: 19/00009/S50

Applicant: Cafe Miro Limited, 25-25A Promenade, Edinburgh, EH15 1HH

Agent: Macdonald Licensing, 21A Rutland Square Edinburgh EH1 2BB

Premises Address: 127 High Street, Musselburgh, East Lothian, EH21 7DD

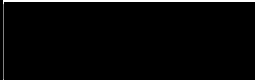
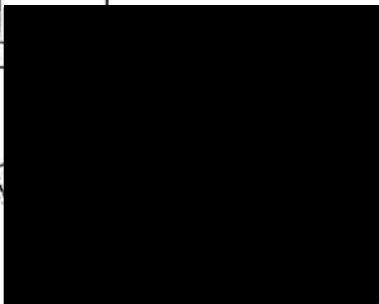
Proposed Use of Premises: Café / Take away

I confirm that building warrant 18/00791/BW & amendment to warrant 18/00791/BW_A were issued for these premises and a completion certificate accepted on 14.11.2019

I therefore confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of Provisional Premises license to cover the above proposed use.

Drwg No.	Rev.	Description.	Source.
10179 04 01		Ground Floor Plan	Format Design, Holyrood Business Park, 146 Duddingston Road West, Edinburgh, EH16 4AP

Signed:



Date: 22.01.2020

Manager

Contact Details: Address: Engineering Services & Building Standards, East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA

Tel No: 01620 827 216

Email: buildingstandards@eastlothian.gov.uk
[Marked for the attention of Frank Fairgrieve]

Issued To: Macdonald Licensing, 21A Rutland Square Edinburgh EH1 2BB

Copied To: Marie Winter, per Clerk of the Licensing Court, East Lothian Council, John Muir House, Haddington

**LICENSING (SCOTLAND) ACT 2005 – SECTION 20
NOTICE OF APPLICATION FOR PREMISES LICENCE**

1. Applicant/Agent Name & Address (including Postcode)	2. Name & Address of Premises (including Postcode)
Diageo Scotland Limited c/o Messrs. Morton Fraser Solicitors Quartermile Two 2 Lister Square Edinburgh EH3 5GL	Glenkinchie Distillery Visitor Centre Glenkinchie Distillery Glenkinchie Pencailland Tranent East Lothian EH34 6ET

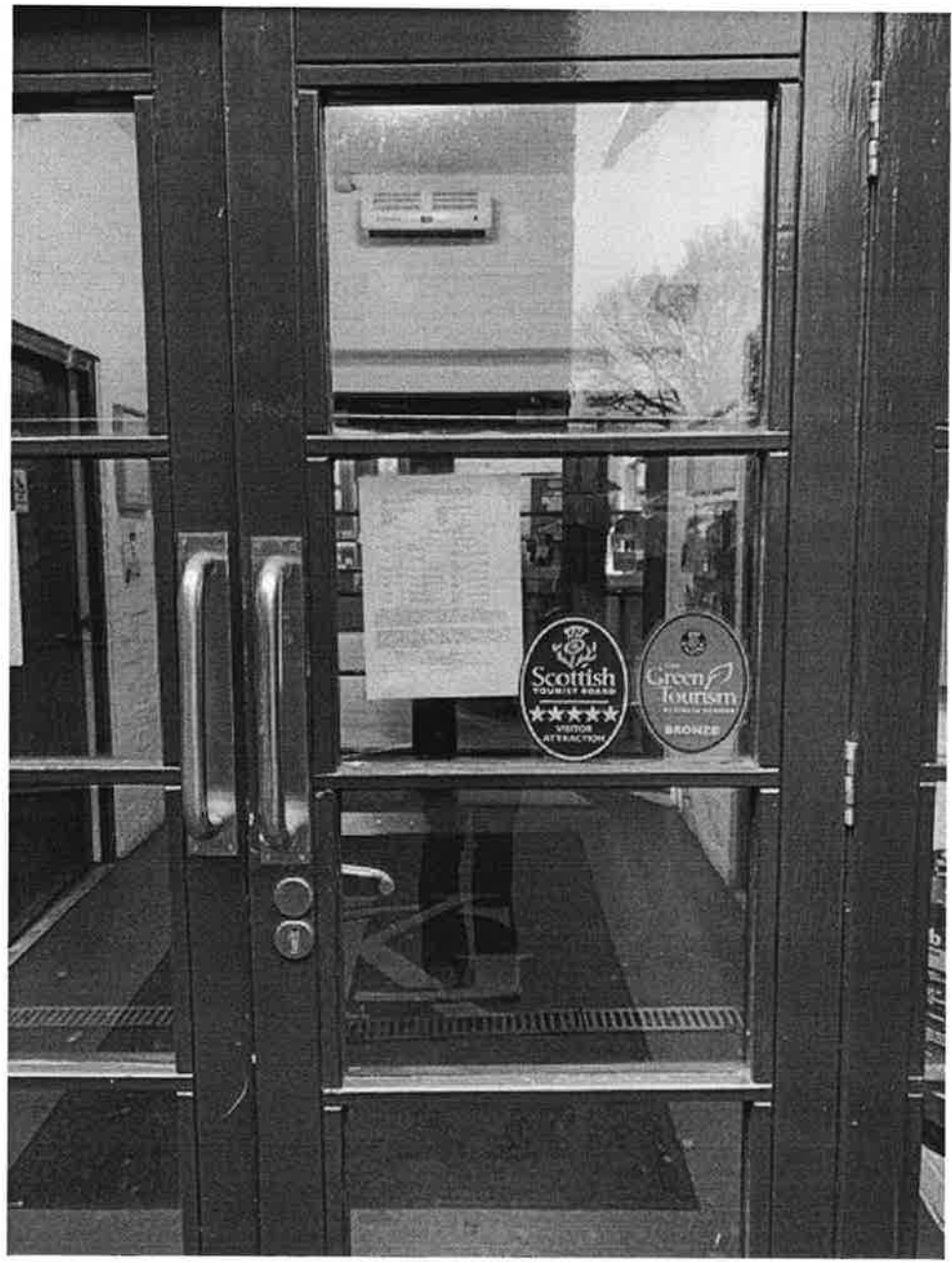
	LICENCED HOURS APPLIED FOR			
	Existing Licenced Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Tuesday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Wednesday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Thursday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Friday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Saturday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Sunday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00

3. Brief overview of nature of the business proposed to be carried on in the premises
 Very licence for on-sales - 9am to 12 Midnight Daily to strictly outside area no alcohol will be consumed outside core
 hours Expansion to cover workshops, sampling of non alcoholic drinks and foods and use of external area for displays
 and demonstrations. Change in on sale capacity to 848 and off sale to 3391. Change in refect removal of bowling
 green. Change to layout to create new visitor areas and new visitor centre building. Removal of pavilion building and
 creation of new landscaped areas.

Further detailed information in regard to this application (including the operating plan and layout plan) is available for
 inspection at the Licensing Office, East Lothian Council, John Muir House, Haddington during the following office hours:
 10am - 4pm & 2pm - 4pm Monday-Thursday & 10am - 12pm & 2pm - 3.30pm on Friday.
 Any person is eligible to object. Anyone wishing to object or make representations must, not later than
 Thursday 8 January 2020, lodge with the Clerk of the Licensing Board a written notice of objection or representation. It is the
 responsibility of the person making the objection or representation to ensure that the Board has received it and it may be
 helpful to lodge it in one of the following ways:

- delivered by hand within the time specified, or
- posted (to be registered or recorded in special delivery post) so that it is the normal course
of post it might be expected to be delivered within that time, or
- if sent after that time and an acknowledgement of the fax is kept, or
- E-mailed within that time and an acknowledgement of the email is kept.

Date: 19/12/19 Signature: [Redacted] Tel: [Redacted]



Winter, Maree

From: David Hossack <David.Hossack@morton-fraser.com>
Sent: 07 January 2020 12:21
To: Winter, Maree
Subject: FW: Site notice

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Maree,
Here is photo showing notice on display
Kind regards
David

David Hossack

Accredited specialist in Employment Law and Commercial Mediation
Partner
For Morton Fraser LLP
t: 0131 247 1024 | m: 07808 730 734 | [LinkedIn](#)
www.morton-fraser.com

[Click here for regular blogs on employment law and HR issues](#)

[Click here for details of our Employment Protection Package for employers](#)

To receive regular news and specialist updates on all areas of the law, subscribe to our [email updates](#)

From: Paisley, Rhona [<mailto:Rhona.Paisley@diageo.com>]
Sent: 20 December 2019 14:42
To: Mariska Drion; David Hossack
Subject: RE: Site notice

Hi David/Mariska

Please find attached images of notice in place and check sheet which will be signed off daily.

29/01/2020

Your Ref: ELO370

Our Ref: JE/4926LIC/20



**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 GRANT OF A
PREMISES LICENCE
MIROS VILLAGE
127 HIGH STREET, MUSSELBURGH, EAST LOTHIAN, EH21 7DD.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

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

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147

Winter, Maree

From: Fruzynski, Rudi
Sent: 24 January 2020 08:46
To: Winter, Maree
Subject: RE: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Maree

I visited the above premises on 22nd January 2020 and liaised with the applicant.

I have no objection or representation in respect of this application.

Kindest regards

Rudi Fruzynski
Licensing Standards Officer - Accredited Paralegal
Licensing, Administration and Democratic Services
Room 1.21
John Muir House,
Haddington, East Lothian, EH41 3HA
Tel No. 01620827363

Keep up to date with local and national licensing information at www.eastlothianlicensingforum.co.uk



"Although basic guidance may be sought from the Clerk to the Licensing Board and Licensing Standards Officer, it is for the applicant to make sure that the Application/Operating/Layout Plan is in the correct form and covers all aspects of the operation of the premises. Applicants should, consider seeking independent legal advice." (ref Statement of Licensing Policy 2013- 2016)

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 21 January 2020 14:33
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>; irenetait@btinternet.com
Subject: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Dear all,

Winter, Maree

From: Aitken, Beatrice
Sent: 24 January 2020 08:49
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD
Attachments: Miros Village - grant of premise licence application.pdf; Miros Village Layout Plan.pdf

Dear licencing,

I have no objections to this application, subject to standard conditions.

EHTS, can you please add No Objections to Premises Licence to premises 19/00111/COM.

Thank you,
Beatrice

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 21 January 2020 14:57
To: Aitken, Beatrice <baitken@eastlothian.gov.uk>
Subject: FW: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Karen Baikie | Business Support Administrator | Council Support | East Lothian Council | John Muir House | Brewery Park | Haddington | East Lothian EH41 3HA
Direct Dial 01620 828755, ext 6755 | kbaikie@eastlothian.gov.uk
www.eastlothian.gov.uk

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 21 January 2020 14:33
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>; irenetait@btinternet.com
Subject: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Dear all,

Please find attached an application and layout plan for a premise licence for a Restaurant/Café at 127 High Street, Musselburgh. Could I please have any objections/representations by Thursday 13th February 2020.

Kind regards
Maree.

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867

Winter, Maree

From: Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> on behalf of Licensing <Licensing@nhslothian.scot.nhs.uk>
Sent: 07 February 2020 09:51
To: Winter, Maree
Subject: RE: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD - Deadline 13th Feb

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Morning Maree

No objections/letter from NHS Lothian on this application

Kind regards, 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

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 **

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]

Sent: 21 January 2020 14:33

To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; torquil.cramer@firescotland.gov.uk; Grant, Shona; Licensing; [REDACTED]

Subject: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD - Deadline 13th Feb

Dear all,

Please find attached an application and layout plan for a premise licence for a Restaurant/Café at 127 High Street, Musselburgh. Could I please have any objections/representations by Thursday 13th February 2020.

Kind regards
Maree.

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:

[REDACTED]
12.2.20.

Your ref. KMacN/mjw/EN/L/L1.

Dear Madam,

With reference to the above I wish to put forward my concerns.

- 1) NOISE DISRUPTION.
- 2) SMOKING IN OUR STAIR DOORWAY.
- 3) OUR SAFETY WITH REGARDS TO OUR STAIR DOOR NOT CLOSING PROPERLY, HAVING BEEN CHANGED TO A FIRE EXIT. I HAVE ON MANY OCCASIONS ASKED FOR THIS TO BE RECTIFIED.

Jewis faithfully,

East Lothian Cour
Licensing [REDACTED]

12 FEB 2020 [REDACTED]

Received

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk of the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection/representation relates to the following Application:

Applicant's name (if known):	Kazim Aslan	
Name & Address of premises:	127 High Street Musselburgh EH21 7DD	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title



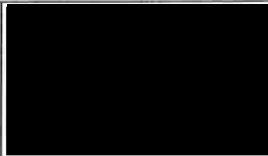
Surname



First Name(s)



Address (including postcode):



(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title

Mr Mrs Miss Ms Other _____
delete/complete as appropriate

Surname

First Name(s)

Address of person lodging objection/representation on behalf of organization (including postcode):

Name of Organisation:

Nature of Organisation e.g. resident's association, ward councilor, trade association

Address of Organisation (including postcode):

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],
- Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or
- Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

	<u>Objective</u>	<u>Explanation</u>
	Protecting children and young persons from harm	
(d)	<p>The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <ul style="list-style-type: none"> (i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises. <p>Please explain why :</p> <p>.....</p> <p>.....</p>	
(e)	<p>Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> (i) licensed premises, or (ii) licensed premises of the same or similar description as the subject premises, <p>Please explain why:</p> <p>.....</p> <p>.....</p>	

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.

We understand and very much support the need to have a vibrant High Street, with a variety of provision, a thriving evening economy and increased ethnic and cultural diversity, all of which this application would provide. We understand also that Mr Aslan wishes to provide an enhanced service to his customers and increase the profitability of his business.

This, however, needs to be balanced with residents' amenity. We bought a flat [REDACTED] a cafe operating from 8am to 5pm seven days a week. By the same token, Mr Aslan opened a café directly underneath residential properties.

By making representation, we are seeking for all parties in this situation to have respect for the others' needs and to achieve a compromise which strikes an appropriate balance between them.

<p>As to modifications which should be made to the Operating Plan</p>	<p>We are aware that the core hours in Mr Aslan's application are those of the ELC licensing provisions. However, it is not clear from the application whether Mr Aslan intends to be open routinely to these hours or whether the cafe would only be open to 11pm, midnight or 1am if a special event was booked.</p> <p>Given that the business is first and foremost a café, and advertises the provision of breakfasts and lunches on its front signage, we would ask the Board to consider stipulating opening hours of Sunday – Thursday, closing at 5pm as at present. This modification would allow Mr Aslan to enhance services to his core customers at lunchtime, whilst also respecting our rights as residents.</p> <p>On Friday and Saturday, we would ask the Board to stipulate closing at 11pm. This would enable customers to enjoy dining during the evening, but would not encroach too much on our peace and quiet.</p> <p>The application also refers to extended hours beyond those applied for. No reason is provided as to why this would be required, how often and what for. We would be very concerned if the café were to be able to open even later. If the Board approves extended hours, we would request that Mr Aslan is required to provide us with regular information when events are to take place.</p> <p>We would also like the Board to consider that the indicated capacity of 66 persons in the application be modified to a lower number. (Mr Aslan's original planning statement for change of use and his drawing accompanying this license application indicated c40 covers.) We feel this is a reasonable modification to mitigate the impact of increased noise.</p>
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<p>As to conditions which should be imposed.</p>	<p>We would ask the Board to consider not allowing amplified live music or live sports events. We ask this to reduce the impact on our health that these levels of noise will cause. Furthermore, Mr Aslan's application states that customers come to chat to friends and do not wish to have "music blaring out".</p> <p>We are happy for there to be acoustic live music, very occasionally and in the early evening as per Mr Aslan's application, especially if Mr Aslan was to improve soundproofing. We realise that this might not be within the Board's remit, but it would help to reduce noise disturbance.</p> <p>We ask the Board to consider placing a condition that no glass bottles are left outside the premises overnight for collection. We feel that this would be in keeping with Mr Aslan's desire to ensure public safety as well as preventing potential public nuisance, which could also be detrimental to us.</p> <p>Mr Aslan's plan to provide takeaways, (although he stated in his planning application that he had no plans to do this) could result in the increased accumulation of litter. We would ask that the Board consider a condition that waste bins are provided and that staff are required to ensure there is no build-up of debris. We feel that this would support the work of the Council to maintain a positive street amenity.</p> <p>We note that Mr Aslan's business in Portobello suffered an unfortunate break in. The presence of alcohol in the café could provide more of a motivation for that type of crime. We ask the Board to consider, on the grounds of preventing crime and disorder, that enhanced security measures are required to be installed.</p>
--	--

<p>Other representations</p>	<p>We have found it difficult to make a robust representation about this application as the information provided lacks clarity. For example, the business profile refers to 'tweaks' being made to the business model but gives no further information about what that might entail.</p> <p>There is no information provided about the nature, extent and likely frequency of the events referred to. Language used is vague in the extreme eg "TV might be on", "If there is live music it will be very occasional and probably in the early evening." These are all material considerations in relation to how we view this application.</p> <p>We experienced noise nuisance at Hogmanay, when a party was held in the café, ending at 1am. Downstairs noise is audible in our kitchen and bedroom, and whilst acceptable when the café closes at 5pm, it becomes a more significant issue if the café is granted the opening hours Mr Aslan is requesting. We did not complain about the Hogmanay party, having assumed it was a one off and again, understanding that people in Scotland like to party on Hogmanay.</p> <p>However, if that level of disturbance was to become a regular occurrence and affect our sleep, the knock-on effects on our health and ability to work would be significant. Furthermore, one of us has an enduring health condition which causes periods of extreme fatigue. As this person works, a peaceful environment in the home is essential.</p> <p>As it is not within the Board's remit, we are only commenting in this representation on another concern about this application, which we are pursuing separately with Planning (and on which we have sought advice from our solicitor). This relates to Mr Aslan's use of our common close which he has designated a fire escape route, and which leaves our property insecure. A simple solution to this would be our request above for a modification of the numbers allowed to be in the premises thus removing the need for Mr Aslan to have a second fire escape route.</p>
------------------------------	--

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

We trust that the representations we have made are of a sufficient standard to assist the Board to make a decision, and are grateful for the opportunity to make these points.

The Supplementary Application Information section states that the Licensing 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.” We feel our representation would have been stronger for example, if Mr Aslan had clearly evidenced the actions he proposed to take to meet all five of the licensing objectives.

Mr Aslan’s argument that there is no risk to crime and disorder is based on his customer profile in Portobello. He acknowledges that Musselburgh is a different place and in a different licensing area, but provides no information at all about how he would address any issues which did arise. There is no mention of the control measures contained in the Statement of Licensing Policy eg training of staff, policies, display of materials.

There is also a lack of evidence provided of how Mr Aslan proposes to ensure public health is not compromised beyond a statement that he feels “sure [he] will not contribute to” over consumption of alcohol.

There is no mention of a risk mitigation strategy other than “management” can move between Musselburgh and Portobello in a “supervisory capacity.” However, there are no clear steps detailed of how this would work operationally should an incident occur in one site while “management” is at the other.

We are also conscious of the Board’s aspiration to consider the avoidance of over provision in deprived areas.

In conclusion, we have tried in this representation to find an appropriate balance between the needs of all parties. We chose the route of representation as it offers a negotiated process and allows Mr Aslan to clarify the areas noted above.

If the Board accepts our points, Mr Aslan would still be able to provide an enhanced service to his own customers while contributing to a vibrant, thriving High Street consistent with other local eating establishments. We would retain our residential amenity, health and wellbeing and the quiet enjoyment of our home. We trust that the Licensing Board will give due consideration to the points we have raised in making their decision.

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature



Date

13/02/2020

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

EAST LoTHIAN COUNCIL



PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: DPO@eastlothian.gov.uk

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.

Your information may be shared with the following recipients or categories of recipient:

- | | |
|---|---|
| <ul style="list-style-type: none">• <i>Police Scotland</i>• <i>Scottish Fire & Rescue Service</i>• <i>Public Health</i>• <i>The applicant and/or the applicant's agent</i>• <i>Neighbouring Proprietors</i>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i> | <ul style="list-style-type: none">• <i>Licensing Standards Officers</i>• <i>Planning Services</i>• <i>Building Standards</i>• <i>Environmental Health</i>• <i>Community Councils</i>• <i>The Scottish Government</i> |
|---|---|

The retention period for the data is:

- | |
|--|
| <ol style="list-style-type: none">(1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the date of refusal and thereafter will be destroyed.(2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence ceases to have effect and thereafter will be destroyed. |
|--|

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	CAFE MIRO LIMITED	
Name & Address of premises:	MIROS VILLAGE, 127 High Street MUSSELBURGH, EH21 7DD	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)	KMacN/mjw/EN/L/L1	

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	[REDACTED]
Surname	[REDACTED]
First Name(s)	[REDACTED]
Address (including postcode):	[REDACTED]

(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

Commented [MK1]: I think we should just say what those are

(b) The application must be refused where:-

- Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],
- Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or
- Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].

Commented [MK2]: I would put the text First without the brackets and put the section of the Act in brackets This is meant for the public to understand so I would shy away from legalese

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

Objective	Explanation
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	NOISE NUISANCE - THERE ARE FAMILIES AND FAMILIES WITH YOUNG CHILDREN @ 125, 127, 133 High Street, NOISE FROM LIVE PERFORMANCES AND PEOPLE UNDER INFLUENCE OF ALCOHOL LEAVING THE PREMISES WILL INTERRUPT SLEEP AND PUBLIC WELFARE
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

Objective	Explanation
Protecting children and young persons from harm	EXPOSURE TO STRONG LANGUAGE FROM CUSTOMERS UNDER INFLUENCE OF ALCOHOL LEAVING THE PREMISES WHICH ARE VERY CLOSE TO PRIMARY SCHOOL
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <p>(i) the nature of the activities proposed to be carried on in the subject premises,</p> <p>(ii) <input checked="" type="checkbox"/> the location, character and condition of the premises, and</p> <p>(iii) the persons likely to frequent the premises.</p> <p>Please explain why: <u>TWO CLOSE TO PRIMARY SCHOOL & MAIN ENTRANCE TO SCHOOL</u></p>	
<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <p>(i) licensed premises, or</p> <p>(ii) licensed premises of the same or similar description as the subject premises,</p> <p>Please explain why:</p>	

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the  notice

Your Signature

Date

12 FEB 2020

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

EAST LOTHIAN COUNCIL



PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: 01620@eastlothian.gov.uk

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.

Your information may be shared with the following recipients or categories of recipient:

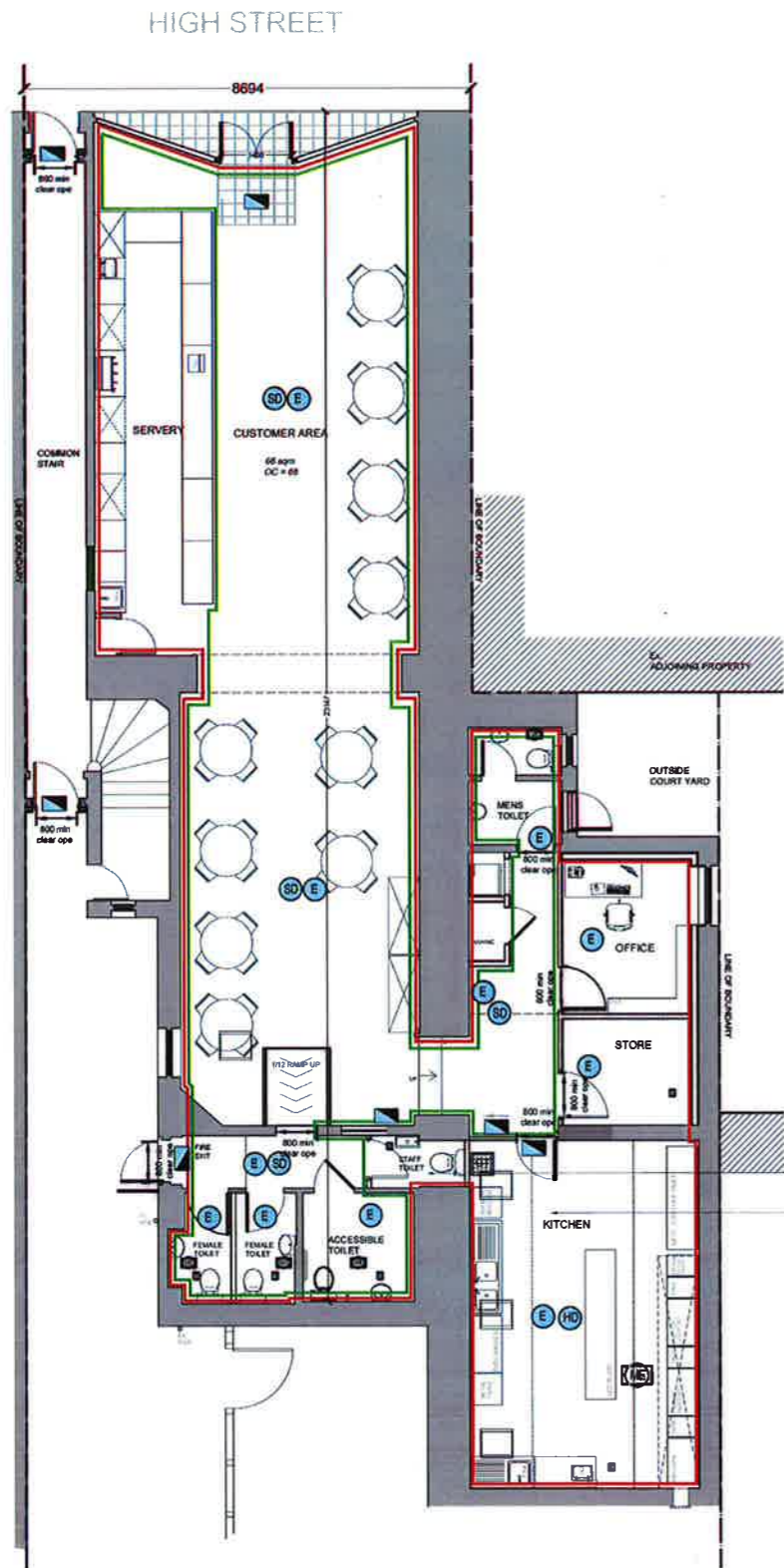
- | | |
|---|---|
| <ul style="list-style-type: none">• <i>Police Scotland</i>• <i>Scottish Fire & Rescue Service</i>• <i>Public Health</i>• <i>The applicant and/or the applicant's agent</i>• <i>Neighbouring Proprietors</i>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i> | <ul style="list-style-type: none">• <i>Licensing Standards Officers</i>• <i>Planning Services</i>• <i>Building Standards</i>• <i>Environmental Health</i>• <i>Community Councils</i>• <i>The Scottish Government</i> |
|---|---|

The retention period for the data is:

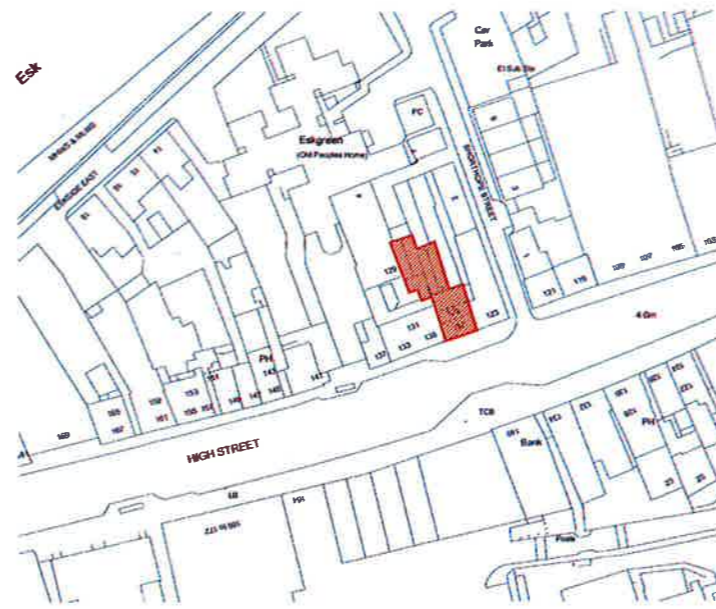
- | |
|--|
| <ol style="list-style-type: none">(1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the date of refusal and thereafter will be destroyed.(2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence ceases to have effect and thereafter will be destroyed. |
|--|

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as far as the legislation permits.



GROUND FLOOR PLAN
1:100 @ A2



SITE LOCATION
1:1250 @ A2

PROPOSED LEGEND

- Fire sound
- Fire alarm push
- Fire Alarm indicating panel
- Illuminated exit box with exit signage, 3 hour maintained
- Non illuminated exit box with exit signage
- Fire extinguisher
- Emergency lighting units 3 hour maintained
- Smoke detector L2 To comply with BS 5839 Part 1: 2013
- Heat detector, 3 hour maintained
- Mechanical Extraction
- Trickle ventilation
- Access for children and young persons
- Licensed area

FIRE MASTER NOTES

Fire Warning System to comply with British Standard 5839: Part 1:2002.

Emergency Lighting System to comply with British Standard 5266: Part 1: 2005. (Maintained- 3 hour duration) and BS EN 1838: 1999 (or BS 5266-7: 1999).

Firefighting Equipment to comply with British Standard EN3, British Standard 7863 : 1996, British Standard 5306-3:2003 and British Standard 5306-6: 2000.

Signs and Notices to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/ or British Standard 5499: Part 1 :2002.

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

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.

PROPOSED CUSTOMER AREA: 66 SQM
 Occupant Capacity : 66
TOILET PROVISIONS
 Females - 33 = 2 WC's + (1 Accessible)
 Male's - 33 = 1 WC + 1 Urinal
 Accessible = 1 WC
 Staff WC = 1 WC
 Occupancy capacity customers excluding
 servery, ramp & fridge displays = 66
 Kitchen Staff = 3
 Servery staff = 2
 Office = 1

rev	date	details	by	rev	date	details	by

<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p>SERVICES OFFERED:</p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	<p>drawing no: 10179 04 01</p> <p>status: LICENSING</p>	<p>drawing title: Ground Floor Plan</p> <p>job title: 127 High Street, Musselburgh</p> <p>client: Mr Kazim Aslan</p>	<p>scale : 1:100 @ A2</p> <p>drawn: MJ</p>
<p>format DESIGN</p> <p>FADADS Limited</p>		<p>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</p>	<p>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</p>	