



**AGENDA FOR THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

**TUESDAY 7 JULY 2020 at 10.00 am
VIA TELECONFERENCE**

Agenda of Business

Apologies

Declarations of Interest

Members and officers should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

- 1. Minutes for Approval**
East Lothian Licensing Board, 27 February 2020 (**pages 1-6**)
- 2. Provisional Premises Licence**
57 Eskview Terrace, Musselburgh (**pages 7-36**)
- 3. Major Variation of Premises Licence**
 - a) Margiotta, 10a High Street, Aberlady (**pages 37-64**)
 - b) Nisa Local, 18-26 High Street, North Berwick (**pages 65-84**)
 - c) The Co-op, 1 Clayknowes Crescent, Musselburgh (**pages 85-110**)
 - d) The Honourable Company of Edinburgh Golfers, Muirfield Golf Course, Duncur Road, Gullane (**pages 111-134**)
 - e) Wallyford Miners Welfare and Social Club, 24 Salters Road, Wallyford (**pages 135-160**)
- 4. Occasional Licence**
The Green, 2 Hope Park, Haddington (**pages 161-256**)

Kirstie MacNeill
Clerk of the Licensing Board
1 July 2020

Public papers for this meeting are available to view on the East Lothian Council website:
http://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 27 FEBRUARY 2020
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

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

Clerk of the Licensing Board:

Ms K MacNeill, Service Manager – People and Governance

Other Councillors Present:

Councillor J Williamson

Attending:

Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
Mr R Fruzynski, Licensing Standards Officer
PC A Harborow, Police Scotland
PC C Banks, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor W Innes

Declarations of Interest:

Councillor McMillan, Item 3b, due to having a connection with Glenkinchie Distillery in his role as Cabinet Spokesperson for Economic Development and Tourism.

1. MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 23 January 2020 were approved as a true record of the meeting.

2. NEW PREMISES LICENCE

Miros Village, 127 High Street, Musselburgh

The application sought a licence for on sales and off-sales of alcohol within policy hours to run a café/restaurant with takeaways and deliveries, and to host receptions and play recorded music. The inclusion of live performances had been withdrawn from the application, and the terminal hour had changed to 11pm each day.

There were two objections and one representation from the public. There were no objections from NHS Scotland, the Police, or the Community Council.

The applicant had been trading on occasional licences and no complaints had been received.

Alistair Macdonald, agent, was present, along with applicant, Mr Kazim Aslan. Mr Macdonald made a detailed presentation to the Board. He provided some context around the applicant's other café, run on Portobello Promenade, which had operated for several years without issue. He advised that Mr Aslan had previously managed the Portobello café, but would move to the Musselburgh premises as manager. Mr Macdonald advised that the café's main business during the day was food, snacks, and hot drinks, but it was hoped that a full restaurant offering could be provided in the evenings in future. He advised that background music would be played, but at a level that was not intrusive to those reading or holding conversations. Due to objections and representations made by neighbours, live music had been removed from the application. Work had been carried out to minimise any noise escape and it was submitted that the premises were very well insulated.

Mr Macdonald addressed some of the issues raised in the objections and representations. With reference to the overconsumption of alcohol, he advised that alcohol would be only sold ancillary to the sale of food, those who arrived at the premises having consumed too much alcohol would not be permitted access, and he noted that there were pubs on Musselburgh High Street for those who wished to buy alcohol only. He also advised that no smoking was allowed in the stairway entrance. Staff had seen no indication that smokers were causing issues but he undertook that staff would observe the behaviour of smokers in future as the property was glass-fronted. He stressed that his client did not wish to cause disruption or problems, but wished to access early evening trade given the investment he had made in the premises. His client hoped that his neighbours would become core customers. He submitted that the application would not impinge on the amenity of the neighbours, and neighbours were encouraged to contact staff with any issues that arose.

Inspector Harborow flagged the applicant's responsibilities under section 119 and section 14.3 of Board policy regarding the delivery of alcohol, including driver training, that no alcohol may be left with under-18s, and that drivers were required to keep mandatory records of all deliveries.

The Licensing Standards Officer (LSO) reported that Mr Aslan was aware of all responsibilities regarding licensing objectives, and noted that the adjustments to the terminal hour and the deletion of live performances had been helpful. He stated that background music had not been an issue when he visited the premises.

Fiona Irving spoke to her representation, and voiced her gratitude for the recognition of neighbours' amenity. She noted Mr McDonald's comment that early evening trade would be important to the business, but took issue with whether the 11pm closing time was in keeping with early evening trade. She questioned the statement made in the application that there would be no noise escaping into the flats above as it was possible to hear music and conversational noise from her home. She acknowledged that no complaint had been made regarding the Hogmanay party, but had not realised that occasional licences were part of a move towards obtaining permanent licence. Ms Irving also noted concerns with smokers, including having received verbal abuse when asking them not to smoke or discard cigarette ends in that area. She raised further concerns regarding security in the close. She summarised by submitting that current proposals would adversely affect the amenity of neighbours but she had submitted a representation rather than objection to try to find a solution.

Mr Macdonald responded to some of the issues raised by Ms Irving. He requested that his client be made aware of any issues in future so they could be dealt with. His client had been unaware of noise issues, but offered to listen to the noise in Ms Irving's flat and consider solutions such as moving speakers. Mr Aslan undertook to clear up litter created by smokers more frequently in view of Ms Irving's comments. Mr Aslan would also hang notices instructing customers not to stand in the doorway, and would consider CCTV should it become an ongoing problem. Mr Macdonald advised that Mr Aslan would be prepared to move to a closing time of 10pm Monday-Wednesday and would make neighbours aware of functions in future.

Councillor McMillan questioned the arrangements in place for management of the premises. Mr Macdonald introduced Maciek Pagowicz, day-to-day manager, who was listening to the undertakings being made.

In response to a question from Councillor Goodfellow, it was established that the only activities to take place outside of licensed hours would be the serving of breakfasts.

Councillor Goodfellow noted that another objector had raised the issue of public welfare as people left from the premises under the influence of alcohol, and asked whether there was a history of these kinds of problems in Musselburgh High Street. Inspector Harborow advised that this could be the case with any increased footfall, but was more often the case with pubs than cafes. The police would support both the premises and the neighbours to find solutions to any problems.

Ms Irving summarised the undertakings made by Mr Aslan was pleased with the suggested changes. She questioned whether the earlier closing time of 10pm could also be extended to Thursday and Sunday. She wished to be a good neighbour and said that her household had a good relationship with the café. She said her household would call the police and LSO if a compromise could not be found, but felt confident that this would not prove necessary.

Mr Macdonald confirmed that his client did not wish to make further changes and asked for the grant of a licence as amended.

Councillor McMillan commented on the constructive and engaging presentations; he had been reassured by the relationship between the LSO and neighbours, welcomed Inspector Harborow's professionalism, and was minded to grant the application.

Councillor Goodfellow agreed with Councillor McMillan's comments and was also minded to grant the application. He encouraged neighbours to report any issues. Although the security to the common close was not a licensing matter, he appealed to the applicant that this be dealt with.

Decision

East Lothian Licensing Board unanimously agreed to grant the premises licence subject to the following conditions:

- Licensed hours are 11am-10pm Monday-Wednesday and 11am-11pm Thursday-Sunday
- Licence holder undertakes the displaying of a notice for smokers and regular cleaning of cigarette ends, as well as noise monitoring
- Standard conditions attached to any alcohol deliveries that may take place

3. MAJOR VARIATION OF PREMISES LICENCE

a Aldi Stores, Olive Bank Retail Park, Newhailes Road, Musselburgh

The application sought to amend the permanent alcohol display area from 25.875m² to 31.51426m². There were no objections from the public, police, NHS, or Community Council. The LSO's representation included the reporting of all thefts to the police, maintenance and CCTV cameras, and that a member of staff should operate the area at busy periods. He also recommended that unused checkout aisles be closed.

Michael McDougall, agent, was present, along with Sean Feely, Aldi representative. Mr McDougall stated that, after a significant redevelopment of the store, there would be just one alcohol display for 12 months of the year. He gave assurance that thefts would be reported and high stock value would be tagged, and commended the application to the Board.

The LSO commented on the positive relationship between Aldi and licensing standards, as both parties were able to discuss issues and agree on next steps. He noted that all points made had been taken on board by Aldi, and therefore offered his support to the application.

Councillor Dugdale enquired about the recommendation for there to be a member of staff in the alcohol area. The LSO advised that this was a recommendation rather than a condition, and was due to the fact that shoplifters took advantage of busy periods.

In response to a question by Councillor McMillan, the LSO confirmed that high-value products to be tagged referred only to spirits. Councillor McMillan asked Aldi to think about how 'high value' might be defined to guard against theft. Mr McDougall stated that Aldi checked stock levels on a daily basis, and would use data to put strategies in place if necessary.

Decision

East Lothian Licensing Board unanimously agreed to grant a major variation to the premises licence.

Sederunt: Councillor McMillan left the meeting.

3b Glenkinchie Distillery Visitor Centre, Glenkinchie Distillery, Glenkinchie

The application sought a licence for on-sales Monday-Wednesday 9am-10pm and Thursday-Sunday 9am-11pm, with activities to include workshops, sampling of non-alcoholic drinks and food, and external areas which may be used for recreational purposes. The premises may be used for range of functions, such as dinners and

meetings. The bowling green would be removed, and a new visitor centre and licensed garden area would be created.

There were five public objections, including one petition signed by 24 residents. The NHS and police raised objections on the basis that the application was outwith Board policy hours, and the police raised a number of further objections. The LSO and Community Council had made no comment.

David Hossack, agent, was present, along with Ian Smith, Ramsay Borthwick, and Rhona Paisley, Diageo representatives. Mr Hossack gave a detailed presentation to the Board on the history of the site, and gave further information on the use of internal and external areas. He noted that, due to the location, visitors rarely 'popped in', but rather come to the distillery as a destination. He advised that the site had been working on a temporary licence since September 2019 whilst works were going on, and noted that there had been no incidents or complaints other than one parking issue. He voiced his clients' disappointment over the large number of objections made to the application. He referred to plans being made to reassure the community that there would be no change to the method of operation at the distillery, and looked in turn at areas of concern around extended hours, outside drinking, antisocial behaviour, and traffic. He reassured the Board that it was not proposed that the bar would open at 9am, but rather that tours would begin at this time and samples would be consumed. He further gave reassurance that his clients were aware that the garden replacing the bowling green was in close proximity to residents' houses; this would be used for occasional functions with a maximum capacity of 50 people, and the consumption of alcohol would be carefully controlled. He stated that coach movements would adhere to planning requirements; although many matters raised in the objections dealt with non-licensing issues, his clients nevertheless wished to address them and provide reassurance to the community.

Inspector Harborow noted that, following meetings with the distillery, the position had moved markedly; no police letter of objection would have been proffered based on the new proposals. He welcomed all changes made to the application. He noted remaining concerns around the wide terminology used regarding functions, and the precedent that may be set to other premises in East Lothian should Board policy of 14 hours' drinking time be breached. He stated that he had heard substantial reassurance and, having heard of the two changes made to the application, now offered representation rather than objection.

The LSO referred to his report dated 9 January 2020, which neither objected nor made representation, but provided information based on current hours. He understood that the proposed extended hours were to provide flexibility so that the licence holder need not make multiple applications for extended hours.

In response to questions from Members, Mr Hossack, Mr Smith, and Mr Ramsay advised the following: the outdoor area was not of a character to host marquees; the distillery would not be marketed as a corporate hospitality venue and the public would be unable to book for weddings/functions; and current visitor numbers were projected to rise from 40,000 per year to 60,000 – 70,000 visitors in 2-3 years' time.

The Convener invited Elaine Horne and Neil Reid to speak to their objections. Ms Horne stated that her home would be significantly impacted by outdoor events and increased traffic. She raised concerns about the offer at the distillery bar from early in the morning. She was also concerned about how visitors would vacate the distillery late at night, and suggested this may lead to large groups congregating as they awaited transport. She also sought assurances as to the number of events to be held.

Mr Reid acknowledged that bus movements were not within the remit of the Board, but also raised concerns about people vacating the distillery at night. He raised further concerns that the proposed maximum of 50 people in the garden area would create a substantial noise, in contrast to the peace and quiet in the village at night currently enjoyed by residents. He advised that the petition had been signed by all residents of Glenkinchie except for one resident employed at the distillery.

Mr Hossack and Mr Smith responded to the objectors. Mr Hossack advised that the bar was meant as a logical follow-on from tours, and not somewhere that visitors would spend the evening drinking for many hours. He advised that his clients would continue to adhere to the restriction on bus movements after 10pm. He indicated that his clients wished to work with their neighbours in the village, and this could be organised more formally. Mr Smith reassured objectors that although 'functions' could suggest weddings or stag dos, this was not being planned, and functions held would not become weekly or even monthly occurrences. He advised that previous events had been small in scale and required only a few taxis to transport visitors at night.

Inspector Harborow questioned how distillery staff intended to stop people staying and drinking at the bar for extended periods of time. Mr Smith reminded the Board that the bar was not for public use, but only for those who had taken a tour; it would be a well-managed part of the visitor experience. Ms Paisley added that dwelling time was short across similar venues in Scotland, with a natural movement of people, and more hot drinks sold than alcohol.

In response to a question from Councillor Henderson, Mr Hossack advised that the outside area would not often be used for the consumption of alcohol. Mr Smith made an undertaking to let the community know about events in advance.

In response to a point raised by Ms Horne, Ms Paisley advised that at peak season, staff currently left at 6pm having undertaken the last tour at 4pm. It was proposed that the last tour would potentially begin at 5pm or 6pm.

The Convener called a short adjournment for the Board to discuss the application.

Decision

East Lothian Licensing Board unanimously agreed to grant the premises licence subject to the following conditions:

- Licensed hours are 9am-10pm Monday-Thursday and 9am-11pm Friday-Sunday
- Alcohol may be sold prior to 11am only to those taking part in a formal tour
- Applicant to give two weeks' formal notification of events to all residents, informing them of the nature of the event and contact details should residents wish to get in touch
- Applicant to control exit arrangements by way of signage, asking visitors to respect neighbours and keep noise to a minimum

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board

EAST LoTHIAN

Meeting 26 March 2020 at 10.00a.m. in , Council Chambers, Town House, Haddington

2

Licensing (Scotland) Act 2005

Provisional(s)

Premises

Applicant

Date Received

Comments

1	57 ESKVIEW TERRACE MUSSELBURGH EAST LoTHIAN EH21 6LX	TRACY MANDY AGNES MCDONALD C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	10 February 2020	Hot food takeaway with small waiting area for the public, located on the ground floor of building on Eskview Terrace, Musselburgh.
---	---	---	------------------	--

FLO 371

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL 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.

57 Eskview Terrace
Musselburgh
East Lothian
EH21 6LX

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.*

Tracy Mandy McDonald

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.*

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.**

*** 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

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<i>NO</i>
---	-----------

**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

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

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)

<i>Hot food takeaway with small waiting area for the public, located on the ground floor of a building on Eskview Terrace, Musselburgh.</i>

Question 6


6 To be completed by members' clubs only

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

(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  of my knowledge and belief.

Signature * (see note below)

Date *6/2/20*

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>	X
<i>Layout plan</i>	X
<i>Planning certificate</i>	X
<i>Building standards certificate</i>	
<i>Food hygiene certificate</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.

57 Eskview Terrace
Musselburgh
East Lothian
EH21 6LX

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>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

**If YES – provide details*

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	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
5(b) <i>Activity</i> <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>	No	No	No
<i>Club or other group meetings etc.</i>	No	No	No
5(c) <i>Activity</i> <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>	No	No	No
<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>	No	No	No

5(d) <i>Activity</i>	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) <i>Activity</i>	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 will stay open until 11pm, and may operate after this time, with the benefit of a Late Hours Catering Licence, if required. No alcohol will be sold or supplied after 10pm.
Recorded Music may be played during these 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.

Deliveries (alcohol will only be supplied with food).
Takeaways

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*
---	---------

When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
--	---------

*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/NO*
	<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*

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?

3.05m2

Question 8

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

Personal details

8(a) *Name*

--

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>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this operating plan are true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alastair@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.

<p>Business Profile Please describe your business offering.</p> <p>This is a new hot food takeaway opening up in Eskview Terrace, Musselburgh.</p> <p>It is being fitted out at present so all equipment will be brand new.</p> <p>It is envisaged the premises will offer fish and chips, pizzas, and other types of hot food as decided by the owners. There will also be soft drinks and teas and coffees.</p>	
<p>On/Off Consumption</p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>a) Not applicable.</p> <p>b) Alcohol may be sold along with takeaways and as part of a delivery, but only when accompanying food.</p>

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

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

No.

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:

The only one of these activities that may take place will be Recorded Music, which would simply be background music for the staff and customers to enjoy.

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 available.

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 available.

Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

The premises will probably remain open after 10pm, until at least 11pm, and Recorded Music may take place during that period. It is possible that the premises will remain open after 11pm, but this may require a Late Hours Catering Licence so it would be subject to that. Again Recorded Music might be played during that period.

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:

This is a hot food takeaway so that will be the main activity.

It is envisaged that they will also do deliveries (alcohol will only be supplied with food) which may include alcohol. Our client is familiarising herself with the requirements of deliveries and understands that certain conditions will be added as part of the Board's Policy.

She envisages using one of the agencies such as Deliveroo for instance. However notwithstanding that they are aware of their responsibilities with regard to deliveries.

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.

As with off sale premises in general, there is no restriction for Children and Young Persons and it is envisaged that under 18s will use these premises for the purchase of takeaway food and soft drinks.

So far as the service of alcohol is concerned our client is aware of her responsibilities in this respect.

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:

Our client is already the proprietor of the next door convenience store at number 56 Eskview Terrace. She has operated this for 22 years. Because of that she is well-known in the area. She knows the local people, including the families and the children etc. She does not have issues in the shop and does not expect to have so here.

Securing Public Safety:

Firstly all staff are behind the counter. A new CCTV system is being introduced which will include an outside camera.

Preventing Public Nuisance:

Our client does not anticipate any issues but certainly at the end of the evening customer's behaviour as they enter and leave the premises will be monitored.

Protecting and Improving Public Health:

Alcohol sold either by means of takeaway or delivery will be more expensive than the alcohol that you would expect to purchase in a takeaway or convenience store. Our client is part of the community and the last thing she wants is to be considered detrimental to the health of the local people. As the operator of licensed premises next door she is fully aware of her responsibilities in this respect.

Protecting Children and Young Persons From Harm:

Not a dissimilar situation to next door and the restrictions on the sale of alcohol, including Challenge 25 and having an Age Verification Policy in place.

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

Additional Information:

This is an Application for a new hot food takeaway by a well-known local operator who has a history of co-operating with the Police and the Licensing Standards Officer.

She knows the area very well and the people that are likely to be her customers. She herself will work in the premises, along with staff and of course there will also be staff working for her in the adjacent premises.

She feels that there is a demand for such a facility in the area. A large investment has been made, and the premises are currently being fitted out to a high standard with brand new equipment for providing high quality takeaway food.

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

We will be asking the Board to support this Application because it is a business investment by a well-known local operator who has not caused the Licensing Board issues in the past.

She is well respected by the locals and we hope by the Police, and your Licensing Standards Officer. We understand that he has already visited the premises.

There is nothing to indicate that the grant of this Licence would be likely to cause an infringement of any of the Licensing Objectives.

Our client will be proactive if there are issues and is happy to take advice from the Police and the Licensing Standards Officer, with any recommendations that they may have as to the operation.

SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law (C) [redacted] 1995 Section 44(2)(b))

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

Signature	[redacted]	Date	6/2/20
-----------	------------	------	--------

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

“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	YES
1(b)	Do you have facilities for those with a disability	NO
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
*Delete as appropriate		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

Entrance to the premises is directly from the pavement. The door is wide enough to accommodate a wheelchair, with care. See photo attached.

Question 3

Facilities available

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

Staff will remain aware of customers coming in and whether special care is required for the service of such customers.

For those with sight issues, there will be large TV screens with the menus on them which should assist, rather than have to read a menu.

In general however staff will provide assistance as necessary.

Question 4

Other provisions

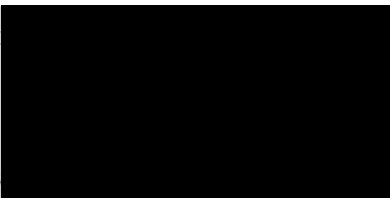
Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

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 contents of  statement are true to the best of my knowledge and belief.

Signature * (see note below)

Date 6/2/20

Capacity APPLICANT/AGENT

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

*** Data Protection Act 1998**

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

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

**SECTION 50
PLANNING CERTIFICATE**

Fax 01620 827253
Email:licensing@eastlothian.gov.uk

APPLICANT:	Tracy McDonald
NAME AND ADDRESS OF PREMISES:	57 Eskview Terrace, Musselburgh

SECTION 50 PLANNING CERTIFICATE

I confirm that planning permission (ref: 06/00560/FUL) 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:	23 rd January 2020
Neil Millar Planning Officer			

JUST EAT



14/02/2020

Your Ref: EL0371

Our Ref: JE/4926LIC/20

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

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

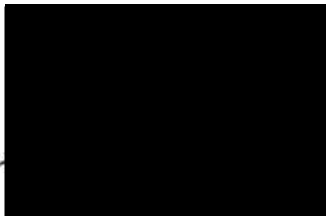
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
57 ESKVIEW TERRACE, ESKVIEW, MUSSELBURGH, EAST LOTHIAN, EH21
6LX.**

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.

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 22 Feb. 20

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

57 Eskview Terrace, Musselburgh, East Lothian EH21 6LX

I refer to the above subject and can confirm that the premises have been visited in relation to application for a Provisional Premises Licence.

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. Licensees 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.

The applicant should ensure that the foregoing conditions are adhered to.

The CCTV system to be installed in the premises should be to a standard acceptable to Police Scotland and maintained in full working order.

The applicant has worked well with Licensing Standards over the years while running the licensed grocers and convenience store next door, which is now the only licensed premises in the locality.

I support this application for grant.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 2nd March 2020

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

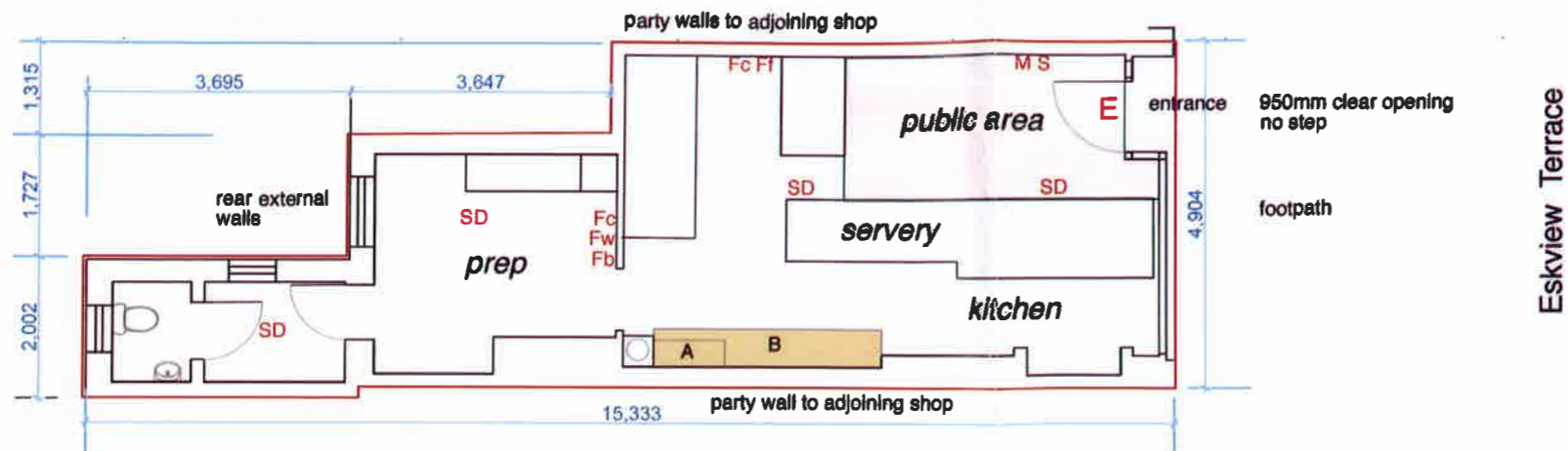
Address: 57 Eskview Terrace, Musselburgh
Application type: Premises Licence

There are no objections to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.

Note : any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence



location plan



- E** emergency exit light
2 hour maintained to BS5266
- SD** smoke detector
- S** alarm sander
- M** manual call point
- Fc** fire extinguisher Co2
- Ff** fire extinguisher foam
- Fw** fire extinguisher wet chemical
- Fb** fire blanket
- solid red line shown around entire licensed premises
- shaded area where children and young persons have access

ALCOHOL DISPLAY

behind counter :

- A** open shelves
2 shelves @ 1000mm = 2.0m linear
x 800mm high = 0.8m² area
- B** chiller
2 shelves @ 3000mm = 6.0m linear
x 750mm high = 2.25m² area

overall total 8.0m linear
3.05m² area

Hot Food Takeaway
57 ESKVIEW TERRACE
MUSSELBURGH, EH21 6LX

licence plan

scale 1:100 January 2020
Whitelaw Assoc 01968 660452

EAST LoTHIAN**3a****Meeting 26 March 2020 at 10.00a.m. in , Council Chambers, Town House, Haddington****Licensing (Scotland) Act 2005****Variation (Major)(s)**

	Premises	Applicant	Date Received	Comments
2	MARGIOTTA 10A HIGH STREET ABERLADY LONGNIDDRY EAST LoTHIAN EH32 0RB	JELCM LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	10 February 2020	Change name of premises to Margiotta. Add recorded(background) music, to take place prior to core hours. Amend opening hours 7am to 10pm. Add takeaway (hot food and coffee) and Deliveries (which may include alcohol). Reduce offsale capacity to 13.5m2.
3	NISA LOCAL 18-26 HIGH STREET NORTH BERWICK EAST LoTHIAN EH39 4HQ	TASNEEM AHMED	30 January 2020	To vary licence for addition of home deliveries of alcohol and increase alcohol display from 23.4m2 to 28.89m2 and vary layout plan for introduction of new checkout area.

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL063

2(b) Name and Address of Premises

Londis Aberlady Village Store
10A High Street
Aberlady
East Lothian

Post Code	EH32 0RB	Phone No.	01875 870 261
-----------	----------	-----------	---------------

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

Aberlady Village Store Ltd
10A High Street
Aberlady
East Lothian

Post Code	EH32 0RB	Phone No.	
-----------	----------	-----------	--

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)

To add Recorded Music, which will be background music, as an Activity, which may take place prior to the commencement of core hours.

To remove the reference in Question 5(f) of the current Operating Plan relating to opening and closing times.

Providing that the shop may open at 7am and remain open until 10pm each day.

To add Takeaways (there is an element of hot food sold, plus coffees) and Deliveries (which may include alcohol) as additional Activities.

As part of the refurbishment reduce the capacity to 13.5sqm.

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.

To substitute a new Layout Plan showing the reduced alcohol display and changes to the layout.

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)

To change the name of the business to 'Margiotta'

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 **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £170 is enclosed

Signature

..... (See note 5 below)

Date

.....

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

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

.....
Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Margiotta
10A High Street
Aberlady
East Lothian
EH32 0RB

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>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

**If YES – provide details*

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	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
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>	No	No	No
<i>Club or other group meetings etc.</i>	No	No	No
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>	No	No	No
<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>	No	No	No

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.

Recorded music, namely background music, may be played prior to licensed hours commencing, as the property may open from 7am.

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.

Hot food takeaway (there will be a limited amount of hot food available, together with coffees and teas).

Deliveries (which may include alcohol).

The shop may open at 7am and remain open until 10pm each day.

5(g) Late night premises opening after 1.00am

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

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES/NO*</i>
	<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*

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?

Off Sales - 13.5sqm

Question 8

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

Personal details

8(a) *Name*

--

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>

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  the best of my knowledge and belief.

Signature * (see note below)

Date 6/2/20

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

*** 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.

This Application is by JELCM Ltd, owned and operated by the Margiotta family. Margiotta Ltd operate six convenience stores in Edinburgh and are well known and well respected in those areas. The shops range is sized from fairly small, to quite substantial, and are all overseen by members of the family. Younger members of the family are now involved to a larger extent as well. This is a new company, owned by the next generation who have decided that East Lothian is an area that they would like to operate from. These premises became available and they considered that this would be an ideal location for their type of operation.

The Application deals with the following issues:-

- To add Recorded Music as an Activity. This is simply background music which they play in all of their shops. The volume will be at a level that is conducive to people carrying on their business of shopping and for staff serving. It will not be loud.
- There is actually a reduction in the alcohol display capacity.
- There is an element of hot food sold plus coffees, and also deliveries may take place. That is the case in their Edinburgh stores and they will just repeat the formula which works very well.
- With regard to the shop hours, all of their current shops remain open until 10pm, which is the maximum Statutory Hours for an off-sale. We have also provided that they may open at 7am in the morning.
- Finally there is a new Layout Plan showing the new layout including the alcohol display area, and also to change the name of the business to 'Margiotta'

(extend this box if you require additional space)

On/Off Consumption

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

- a) As explained above a convenience store type of business with a range of products, including groceries, fresh fruit and veg, toiletries and alcohol, which is what the shop provides at the moment.
- b) With regard to deliveries, deliveries are carried out by Margiotta staff who have received the two hour statutory training. The Board's Conditions in respect of Deliveries will be accepted

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:

N/A

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:

N/A

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:

As explained above Recorded Music will be played at an appropriate level. None of the others are applicable.

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:

The shop will open from 7am. Recorded Music may be played during that period and the general business of the shop, other than the sale of alcohol, will be available from then. No alcohol will be sold or supplied until the commencement of licensed hours.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

As explained, there will be a limited hot food (rolls, pies, pizza, for takeaway) available along with teas and coffees.

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.

There is of course no restriction on access by children and young persons in off-sales. The store would expect to have children and young persons as customers, sometimes unaccompanied. From the point of view of the sale of alcohol, our clients are experienced in implementing Challenge 25, appropriate staff training and due diligence. This will be strictly enforced here as well.

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:

Our clients have had no issues in their Edinburgh shops and would not expect to have here, in this village environment. One of the Margiotta family will be the Premises Manager and staff will be employed, probably locally.

Our clients wish to fit into the village in the same way as the current operation does and the main business will be from locals.

On that basis the last thing they would want to do is create any issues or concerns regarding crime and disorder. We have already made reference to the sale of alcohol to children and young persons, but they will be equally strict with regard to people who have already consumed alcohol. According to the current owners this is not an issue but they will be diligent, especially in the initial period when they takeover.

Potential theft is an issue that all shops have to deal with these days but our clients will review CCTV system when they take over and will add to it if they consider appropriate and this will be closely monitored. In particular alcohol display areas will be in view of the staff to deal with potential theft of alcohol, as well as other products.

Securing Public Safety:

The premises will go through a refurbishment and public safety of customers and of course staff is taken into account when this is done. There will be CCTV for the protection and assistance of staff and customers alike. There have been no public safety issues at any of their shops. They are responsible and experienced operators.

Customers with any form of disability, be it mobility, sight, hearing etc will be treated accordingly and their safety will be paramount. As part of the refurbishment aisles will be widened.

Preventing Public Nuisance:

Recorded Music in the premises will be played at a low volume appropriate for a shop.

They do not consider that their shop will cause any inconvenience. We are requesting that the hours be extended, but it is not anticipated this will be an issue. Obviously in the first few weeks or months of opening, our clients will welcome input from local neighbours if there has been any increase in any form of inconvenience, which they will then address.

Protecting and Improving Public Health:

Our clients are responsible retailers and are fully aware of the concerns of the Government, alcohol agencies and the public at large.

They consider that they have contributed to the increased standards in the off-sale trade, including training, and heightening the awareness and responsibility of staff and management in their shops.

Protecting Children and Young Persons From Harm:

As explained above children and young persons will be welcomed onto the premises and monitored if appropriate. They would also expect most children and young persons to be local and over time for staff to get to know them, know how old they are, and do not envisage there being any issues.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

With the retiral of the current owners who have become very much part of the community, our clients look forward to taking over these premises and operating in this beautiful village in East Lothian.

There are opportunities in Edinburgh for shops to be acquired, but they intentionally decided that they would like to venture outwith Edinburgh and are delighted with this proposed acquisition.

They consider East Lothian to already be a thriving part of Scotland, but with a growing population resulting in increased demand for first class services in terms of shopping, restaurants and bars etc they would like to be part of that.

East Lothian is of course a major producer of fresh fruit, vegetables and meat and they would certainly envisage looking locally for their supplies.

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

Taking over an existing community store and upgrading the store.

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 of this Application are true to the best of my knowledge and belief.

Signature		Date	
-----------	--	------	--

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

17/02/2020

Your Ref: EL063

Our Ref: JE/4926LIC/20

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
LONDIS ABERLADY MINI MARKET
10A HIGH STREET, ABERLADY, EAST LOTHIAN, EH32 0RB.**

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 in that following refurbishment the name be changed to 'Margiotta' there be a reduction in the alcohol display to 13.5sqm, recorded music be played in the background prior to the commencement of core hours, to include hot food takeaway, and deliveries (which may include alcohol). That the shop may open at 7am and remain open until 10pm each day.

In terms of Section 29(5) this request can be considered a variation.

Should the Board be minded to grant this variation, I would take this opportunity to remind the applicant of their 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 01602 826147

EAST LoTHIAN COUNCIL

PEOPLE and GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 06 March 2020

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

Londis Aberlady Village Store, 10A High Street, Aberlady, East Lothian EH32 0RB

I have no objection to this application.

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

The changes applied for are:

- To change the name of the premises to Margiotta.
- To add ambient background music.
- To add in the facility of home delivery of alcohol. In this respect, the applicant should comply with requirements of Section 119 of the Licensing (Scotland) Act 2005 and Section 32 of the Board's statement of licensing policy.
- To change the layout of the store and decrease the alcohol display from 16m² to 13.5m². Licensing Standards has no objection to this proposal, but as a standard now being set for all variations to off-sales premises, it is requested that conditions be applied that all theft of alcohol should be reported to the police.
- Any CCTV will be of a specification supported by Police Scotland.

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

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> on behalf of Licensing <Licensing@nhslothian.scot.nhs.uk>
Sent: 26 February 2020 11:49
To: Winter, Maree
Subject: RE: Major Variation application - Londis Village Store (new name - Margiotta).

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.

Hi Maree

No comments from NHS Lothian on above application, thanks.

Kind regards, Fiona

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 10 February 2020 11:19
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Licensing; Boyle, Fiona; Grant, Shona; torquil.cramer@firescotland.gov.uk;
[REDACTED]
Subject: Major Variation application - Londis Village Store (new name - Margiotta).

Dear all,

Please find attached major variation application for the above premises. Could I please have any objections/representations by Friday 6th March 2020.

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



Winter, Maree

From: [REDACTED]
Sent: 22 February 2020 11:57
To: Licensing
Cc: [REDACTED]
Subject: Change of Licence - 10a High Street Aberlady

Follow Up Flag: Follow up
Flag Status: Flagged

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 Ms MacNeill,

Thank you for your letter re the Application for Variation (Major) of the Off Sales Licence at our local village shop.

[REDACTED]

We are concerned re the proposed extension to opening hours until 10pm bringing increased noise and traffic congestion late in the evening. The shop is next to the zebra crossing and close to the bus stop which restricts parking.

By 7pm most residents have returned home from work and parked - the result is that visitors to the shop by car stop illegally either within the zebra crossing restricted area or in the bus stop. This is an accident waiting to happen and increasing the opening hours especially in the winter months makes this more likely.

Our other concern is background music being played - what restrictions are there on volume and if approved could this be played outside the shop where there is space to put tables and chairs? Quiet background music inside the shop is fine otherwise outside or loud music we would object to.

Finally could a provision be made for an on-site rubbish bin? [REDACTED]

[REDACTED]

Finally we welcome the new owners of the shop as we believe their reputation for good quality products can only enhance the village but we ask that the above comments are taken into consideration.

Your sincerely

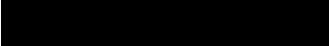


East Lothian Council
Licensing
25 FEB 2020
Received

Your ref. KmacN/mjw/EN/L/L1
25 February 2020

Dear Sir/Madam

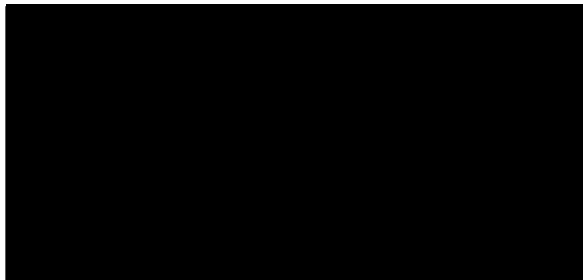
LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION (MAJOR)
PREMISES – MARGIOTTA, 10A HIGH ST, ABERLADY, EH32 0RB.
TYPE – OFF SALES

Further to your notification dated 10 Feb. 2020 regarding the above premises as an  I wish to make the following objections and representations.

- * Recorded (background) music to be limited to the inside of the premises at all times and not at any time to be audible from the outside of the premises.
- * The current premises close at 7pm weekdays and 6pm at weekend which is acceptable and the prospect of opening till 10pm will only encourage an element of customers who are wanting to buy alcohol late in the evening. This would encourage excessive noise with possible drinking in the streets. Most customers at this time of night will arrive by car which could mean that the alcohol, just purchased, could be consumed in the car and possibly by the driver. This action is impossible to police and therefore the only way to control it is not to open later than 7pm. One must remember the financial cost of a fatal accident to the public authorities is enormous and the loss to family and friends is a permanent tragedy.
- * Currently the forecourt of the shop is not used and it would be totally unacceptable for this to be used in anyway with tables and or chairs to eat or drink. The hotel DUCK'S is directly opposite and provides adequate facilities for anyone who wishes these outside services.
- * This shop at the moment has been well run and is an asset to the village but a large number of its customers arrive by car. Immediately outside the shop is a Traffic Light controlled Pedestrian crossing with Zig-Zag lines on both sides of the road and there is a rapidly growing tendency for drivers to park either on the Zig- Zag lines or half on the pavement both of which, apart from

being strictly illegal, are highly dangerous as they restrict the visibility of the pedestrians trying to cross the road and of course the motorists approaching the crossing. This crossing is used daily by numerous children and unless it is better policed there will be an avoidable and tragic accident

I am well aware this last item is not solely the responsibility of the Licensing Board but would ask that they liaise with the Police to ensure that special attention is given to illegally parked vehicles and drivers are prosecuted when they break the law. Also to liaise with East Lothian Council to ensure the repair of the pavements and kerbstones in the immediate area which are currently in a dangerous condition and in need of immediate attention.



EAST LoTHIAN

3b

Meeting 26 March 2020 at 10.00a.m. in , Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
2	MARGIOTTA 10A HIGH STREET ABERLADY LONGNIDDRY EAST LoTHIAN EH32 0RB	JELCM LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	10 February 2020	Change name of premises to Margiotta. Add recorded(background) music, to take place prior to core hours. Amend opening hours 7am to 10pm. Add takeaway (hot food and coffee) and Deliveries (which may include alcohol). Reduce offsale capacity to 13.5m2.
3	NISA LOCAL 18-26 HIGH STREET NORTH BERWICK EAST LoTHIAN EH39 4HQ	TASNEEM AHMED	30 January 2020	To vary licence for addition of home deliveries of alcohol and increase alcohol display from 23.4m2 to 28.89m2 and vary layout plan for introduction of new checkout area.

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0142

2(b) Name and Address of Premises

NISA LOCAL
18-26 HIGH STREET
NORTH BERWICK
EH39 4HQ

Post Code EH39 4HQ

Phone No. 01620895775

RECEIVED
31 JAN 2020
E.L.C Customer Services

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

[Redacted area]

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

NA

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 OPERATE HOME DELIVERIES OF ALCOHOL AND INCLUDE THIS IN THE OPERATING PLAN AT Q5 (f) DELIVERIES OF ALCOHOL

WE REQUEST THE INCREASE OF ALCOHOL DISPLAY FROM 23.4 m² TO 28.89m² AND AMEND THE OPERATING PLAN AS FOLLOWS:

Q7 TOTAL ALCOHOL DISPLAY : 28.89m²

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

THE PROPOSED VARIATION IS TO ACCOMMODATE A CHANGE TO THE LAYOUT PRIOR TO LAUNCH OF OUR REFURBISHED STORE. THE CHANGE RESULTS IN AN INCREASE IN THE ALCOHOL DISPLAY CAPACITY FROM 23.4M² TO 28.89M².

AN AMENDED LAYOUT PLAN TO REFLECT THE INCREASE IN DISPLAY CAPACITY; INTERNAL RECONFIGURATION AND INTRODUCTION OF THE NEW CHECKOUT AREA, IS ATTACHED TO THIS APPLICATION.

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)

NA

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



..... (See note 5 below)

Date

30/01/2020

Capacity: APPLICANT / AGENT (delete as appropriate)

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

.....
.....
.....

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

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

Convenience store based on North Berwick High Street for over 25 years. We're an independent grocery shop, a family business in operation for over 35 years in East Lothian. Owned and operated by Rasul Brothers LTD.

We share usage of the 'Nisa' brand with other independent retailers like 'Pinkie Farm' in Musselburgh and on a more national scale ' ParcMarket' at Center Parcs . 'Nisa' is owned and operated by The Co-operative Food Group and acts as a partners and wholesalers for Nisa Members.

On/Off Consumption

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

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

Convenience store & Off-Sales license with storage room, kitchen/loading area, office & toilet as per plans

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:

NA

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:

NA

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:

NA

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:

NA

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:

NA

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:

NA

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:

PREMISES OPEN AS GENERAL GROCERS BETWEEN HOURS OF 7AM – 10PM

PREMISES IN LATTER STAGES OF INTRODUCING ON-LINE HOME DELIVERY OPERATING BETWEEN HOURS 10AM - 10PM

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.

NA

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:

Excellent CCTV

High End products close too or present area occupied by Team Member
Training and Development of all Team Members on security/crime prevention
Challenge 25 scheme
Prominent notices
Better lighting around the building
Health and Safety assessments and review
Risk Assessments and reviews
Company Auditing

From our experience and intuition, we believe it's best to locate the Alcohol section near an area where we reduce any potential for crime and disorder. Just as our current layout, our new layouts beverage section will be located near the checkout area. Experience tells us, this area is the optimal location to reduce potential misfortunes. We also have exceptional HD CCTV with night vision which have always and forever will be accessible by Police Scotland if required. There will be CCTV at the checkout area for team members as well as the office allowing constant monitoring.

Securing Public Safety:

We are committed to securing public safety by:
Design and layout of store
CCTV
Training and Development
Health and Safety assessments
Written Policy
Risk Assessment
Team Members First Aid Qualified

Preventing Public Nuisance:

Training Development and supervision
CCTV
Store closes at 9pm everyday
Liaise with Neighborhood watch and Community Warden
Litter and waste management policy
Temperature controlled store

Protecting and Improving Public Health:

Notification displayed at display area
Challenge 25
Till Prompts for Team members selling age restricted products
Staff members trained in protecting and improving public health with particular attention towards Alcohol abuse
Selection of Non-Alcoholic beverages
Defibrillator located within 20 meter of the store
Delivery drivers trained at personal license holder level

We take within our own responsibility the consideration of public health towards alcohol abuse within the community. We train our team members extensively to identify alcohol abuse and how to refuse and log sales once we believe member of the public are have unfortunately fallen victim. Our team communicates well with the public and its important that we 're beneficial to the community. Records of refusals are logged and are regularly updated and reviewed . Our

stores are audited and risk assessment's undertaken.

We're a community store and want to operate in a healthy and safe society.

Protecting Children and Young Persons From Harm:

Challenge 25

Accept only accredited proof of age scheme

Training and Development and Supervision in accordance to company policy and procedure

Log-Books

Layout designed separating product marketed towards Children and the display of restricted items.

Company Policy and Procedures Auditing

Health, Safety and Risk Assessment

Delivery drivers trained at personal license holder level. Delivery of alcohol must be signed buy persons over 18 and confirm no person under the age of 18 will have access to any age restricted products.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

This store refurbishment which we're about to undertake is in essence to future-proof these essential services to the local communities to which it serves. Business is extremely competitive and change is constant in the grocery market. These changes are to inline our business with customers expectations. We're investing a lot of our own money into this project, hopefully developing this business to create more employment and create a better experience in general for our community and tourists alike. We want to showcase the "best in local produce" adding a point of difference from our competitors.

At Nisa NB, we stock your standard range from what we would expect from a High Street Co-operative food store. Our range of produce from East Lothian includes Lucas Ice Cream, Glenkinchie Malt Whiskey, and Belhaven Brewery, naming a few. The Lothians and the surrounding areas have incredible producers and independent retailers are essential to these small businesses development and sustainability. We've calculated, producers making tail-end 'Retail-able Product' From within a 50 miles radius of the store, approximately 68% is from within the "Alcohol and Beverage" market. Currently in the store, we're only covering 10% of these producers within the Beverage sector and believe the extra space requested is justified, encouraging more purchases of locally produce beverages.

The following local brands which we would like to introduce:

- Thistly cross cider
- NB Gin
- Belhaven Brewery (Inc. Range)
- Scots Cheer
- Knopps Beer
- Stewart Brewing
- Alechemy Brewing
- Range Caledonia Brewing
- Edinburgh Beer Factory
- Brew Dog (Inc. Range)
- Barneys Beer
- Innis & Gunn
- Cross Borders Brewing Company
- Tempest Brewing
- St Andrews Brewing
- Loch Leven Brewing
- Edinburgh Gin (Inc. Range)

*These are the main producers which we would like to introduce into our new range. Please consider these suppliers have an extensive range of products.

This is mainly being pushed by consumer demand and environmental issues, therefore only right to inline with customers expectations and remain relevant as an independent grocers. We will use the extra space to stock more small and larger beverage produced locally and within Scotland.

We are currently doing home deliveries for our Elderly and and housebound customers. This is an essential service to the community. However, we are looking to expand this operation in order to keep it sustainable. We are in the process of developing our on-line home delivery application as this is the next stage of convenience grocery shopping. Innovative technology coupled with the speed to which convenience retailers can deliver is beginning to be pushed by consumer demand. We would like to be the first to introduce this instant, on-line grocery deliveries in North Berwick. This service is still in development stage and is yet not ready for operational purposes.

Furthermore, we would be looking to only deliver within the period between 10am and 10pm and our drivers will be personal license holders or the equivalent level of knowledge and experience.

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

SIGNATURE AND DECLARATION BY
APPLICANT




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

Signature



Date

30/01/2020

-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

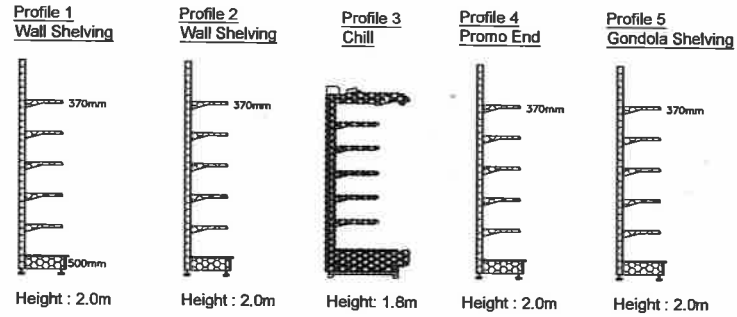
Display Area of Alcohol (Inaccessible)
 Wall Shelving:- 2.0m (w) x 2.0m (h) = 4.0m²

Display Area of Alcohol (Accessible)
 Wall Shelving:- 1.83m (w) x 2.0m (h) = 3.66m²

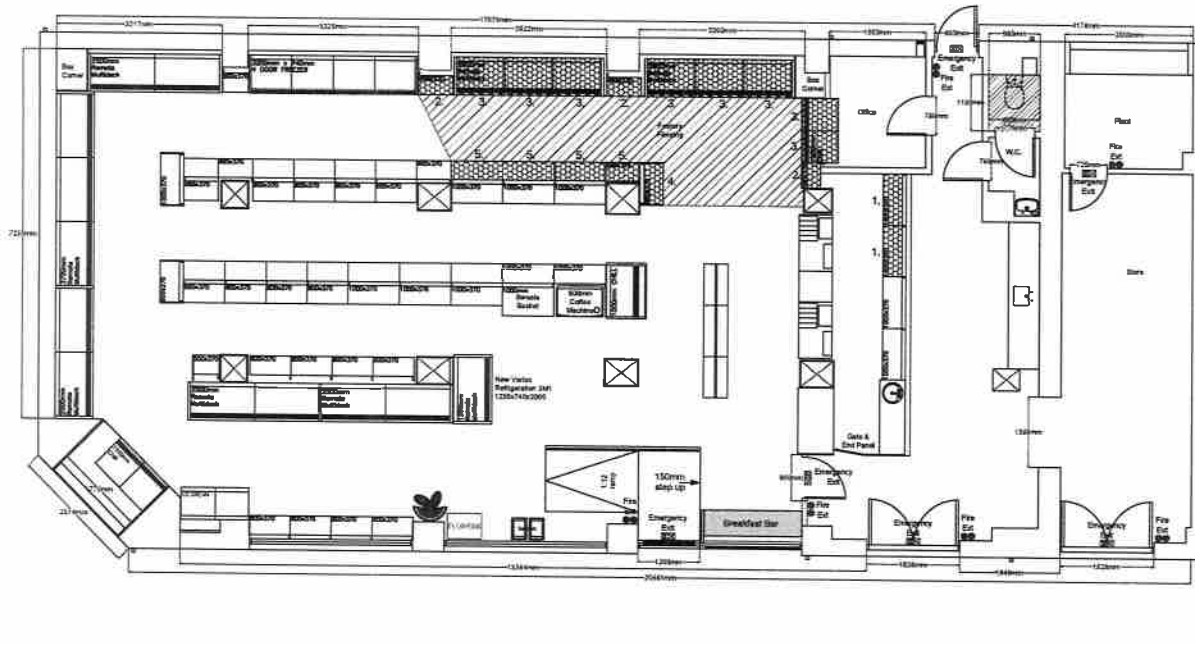
Gondola Shelving:- 3.65m (w) x 2.0m (h) = 7.3m²
Promo End:- 0.8m (w) x 2.0m (h) = 1.6m²

Chills:- 6.85m (w) x 1.8m (h) = 12.33m²

Total Display Area:- 28.89m²



- Existing Ceiling: -
- Proposed Ceiling: -
- Depth of Frieze: -
- Wall Column Height: -
- Gondola Column Height: -
- Suspended Ceiling: -
- Floor Specification: -
- Lighting Specification: -
- Woodwork Finish: -
- Shelving Colour: -
- Kickplate Colour: -
- Ticket Rail Colour: -
- Dairy Trim Colour: -
- Slatwall Finish: -
- Frieze Finish: -



Vertex RAS Ltd
 Sir William Smith Road
 Kirkton Industrial Estate
 Arbroath
 Angus
 DD11 3RD

Tele: 01241 876796
 F.A.X.: 01241 878010
 www.vertexscotland.com

Project: Nisa Local
 Details: 18-26 High Street
 North Berwick
 East Lothian
 EH39 4HQ



Drawing Title:	License
Drawing No:	18-119
Scale:	1:100@A3
Date:	28-01-20
Drawn By:	JT
Revision:	-
Project Rep:	JF
Revision By:	-

13/02/2020

Your Ref: EL0142

Our Ref: JE/4926LIC/20

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

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
NISA FOODS
- 26, 18 HIGH STREET, NORTH BERWICK, EAST LOTHIAN, EH39 4HQ.**

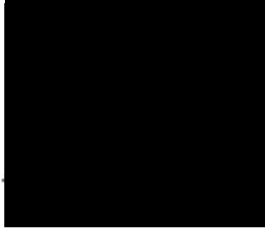
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a change to the operating and layout plan following refurbishment and an increase in the alcohol display from 23.4m² to 28.89m² and to make deliveries of alcohol, between 1000-2200 daily.

The premises is a well-known local grocery store, which has been operating in North Berwick for many years. It has a wide range of alcoholic beverages for sale.

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: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 19 Feb. 2020

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION 2020
NISA LOCAL, 18 - 26 HIGH STREET, NORTH BERWICK, EAST LoTHIAN
EH42 1NP

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

The changes applied for are:

- To add in the facility of home delivery of alcohol. In this respect, the applicant should comply with requirements of Section 119 of the Licensing (Scotland) Act 2005 and Section 32 of the Board's statement of licensing policy, especially Sections 32. 1 and 32.3 therein.
- To change the layout of the store and increase the alcohol display from 23.4m² to 28.89m². Licensing Standards has no objection to this proposal, but as a standard now being set for all variations to off-sales premises, it is requested that conditions be applied that all theft of alcohol should be reported to the police. In addition, all spirits and high value alcohol products should be security labelled/tagged and that the currently installed CCTV cameras be maintained to a standard acceptable to Police Scotland.

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

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

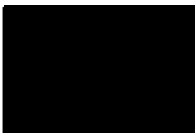
From: [REDACTED]
Sent: 01 March 2020 19:21
To: Herkes, Gillian
Subject: RE: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation

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 Gillian

The Community Council has had an opportunity to consider the major variation application from Nisa Local, 18-26 High Street, North Berwick and can confirm that it has no objection to the proposed variation.

Regards



Secretary, NBCC

From: Herkes, Gillian [mailto:gherkes@eastlothian.gov.uk]
Sent: 06 February 2020 14:20
To: Lothian Scot Borders Licensing East Mid Lothian; Environmental Health/Trading Standards; Environment Reception; torquil.cramer@firescotland.gov.uk; Fruzynski, Rudi; Boyle, Fiona; Licensing; Grant, Shona; [REDACTED]
Subject: FW: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation

Good Afternoon

Please find attached Major Variation Application for Nisa Local, 18-26 High Street, North Berwick for report.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 10th February 2020

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Nisa Local, 18-26 High Street, North Berwick

Application type: Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Herkes, Gillian

From: Licensing
Sent: 26 February 2020 11:59
To: Herkes, Gillian
Subject: FW: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation - Deadline 2 March

From: Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> **On Behalf Of** Licensing
Sent: 26 February 2020 11:50
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>; Licensing <licensing@eastlothian.gov.uk>
Subject: RE: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation - Deadline 2 March

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.

Hi Gillian

No comments from NHS Lothian regarding above application, thanks.

Kind regards, Fiona

From: Herkes, Gillian [mailto:gherkes@eastlothian.gov.uk]
Sent: 06 February 2020 14:20
To: Lothian Scot Borders Licensing East Mid Lothian; Environmental Health/Trading Standards; Environment Reception; torquil.cramer@firescotland.gov.uk; Fruzynski, Rudi; Boyle, Fiona; Licensing; Grant, Shona; [REDACTED]
Subject: FW: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation - Deadline 2 March
Importance: High

Good Afternoon

Please find attached Major Variation Application for Nisa Local, 18-26 High Street, North Berwick for report.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

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)

3c

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL053

2(b) Name and Address of Premises

Co-op 1 Clayknowes Crescent Clayknowes Musselburgh East Lothian	
Post Code EH21 6UW	Phone No.

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

Co-operative Group Food Limited 1 Angel Square Manchester	
Post Code M60 0AG	Phone No.

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)

Amend Q5(c) to read 'Recorded Music Y Y Y'

Amend the box underneath the activities grid to read: Recorded background music may be played within and outwith core hours.

Amend Q5(f) to read 'The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.'

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.

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

Provide details below of any other variation sought to the Premises Licence
(e.g. Alteration to the description of the premises contained within the Premises Licence)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

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) Working remotely without access to principal licences
.....

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ is enclosed.

Signature



..... (See note 5 below)

Date 11 May 2020

Capacity: AGENT

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

Eilidh M. McGuire for Hill Brown Licensing
RWF House, 5 Renfield Street
Glasgow
G2 5EZ
0141 333 0636 / info@mshblicensing.com

Note 1:

Please note that the proposed Operating Plan **must** contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Co-op 1 Clayknowes Crescent Clayknowes Musselburgh East Lothian EH21 6EW

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>YES*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO*</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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		

<i>Sunday</i>		
---------------	--	--

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>	10:00am	10:00pm
<i>Tuesday</i>	10:00am	10:00pm
<i>Wednesday</i>	10:00am	10:00pm
<i>Thursday</i>	10:00am	10:00pm
<i>Friday</i>	10:00am	10:00pm
<i>Saturday</i>	10:00am	10:00pm
<i>Sunday</i>	10:00am	10:00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO*</i>
--	------------

**If YES – provide details*

Question 5

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

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

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

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

Recorded background music may be played within and outwith core 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.

The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

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*
---	---------

When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
--	---------

*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	YES/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?

Question 8

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

Personal details

8(a) Name

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>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this operating plan are true to the best of my knowledge and belief.

Signature * (see note below)

Date 11 May 2020

Capacity AGENT (delete as appropriate).

Telephone number and email address of signatory 0141 333 0636 / info@mshblicensing.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.

Convenience store

(extend this box if you require additional space)

On/Off Consumption

<p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p>	<p>a) N/A</p>
<p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>b) Usual convenience store off sales operation with home delivery offer</p>

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

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

N/A

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:

N/A

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:

Recorded Music – in-store background music only

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:

Recorded Music – in-store background music at all times when store is open to public

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:

N/A

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.

None in particular – off-sales premises only

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:

- There is full CCTV coverage at the store.
- There are several personal licence holders with one on shift at all times.
- Location of alcohol area allows for careful monitoring. All spirits and high value products which may appeal to shoplifters are located behind the tills.
- Store management have a good working relationship with the Police, reporting any issues and co-operating at all times.

- No delivered alcohol will be left unattended.

Securing Public Safety:

- Store is fitted out to a high standard and regular checks take place of all fixtures and fittings to ensure the physical safety of the public when they are within the store is protected.
- There is CCTV coverage at the store.
- There are several personal licence holders with one on shift at all times.
- Comprehensive risk assessments are carried out regularly and a security guard will be stationed at the entrance if deemed necessary.
- No delivered alcohol will be left unattended.

Preventing Public Nuisance:

- There is full CCTV coverage at the store.
- There are several personal licence holders with one on shift at all times.
- Music will be low level background only.
- External doors are kept closed.
- Delivery times are scheduled to ensure that disturbance to any local residents is kept to a minimum.
- No delivered alcohol will be left unattended.

Protecting and Improving Public Health:

- Low alcohol beer forms part of the product range and all alcohol is clearly labelled with unit information.
- The Co-operative Group are members of the Wine and Spirits Trade Association and the British Retail Consortium as well as being

signatories to the Portman Group Code of Practice.

- Marketing material for the Co-operative Group always includes an instruction to drink responsibly and the Drink Aware web address.
- Extensive CITRUS Training programme is in place for all staff which includes thorough training on Age Verification Policy relating to age restricted products at the commencement of, and at regular intervals throughout employment. The training system features a Section on the negative consequences of excessive alcohol consumption and provides advice on how to deal with customers with alcohol dependency issues including refusing sales where a person is intoxicated.
- All delivery drivers, including third party couriers, will be trained in age verification and delivery procedures.
- All deliveries will be made in accordance with the relevant provisions of the Licensing (Scotland) Act 2005.
- No promotions which are in contravention of the Licensing (Scotland) Act 2005.

Protecting Children and Young Persons From Harm:

- No alcohol lines appealing to children or young persons are stocked.
- There is full CCTV coverage at the store and several personal licence holders with one on shift at all times.
- Extensive CITRUS Training programme in place for all staff which includes thorough training on Age Verification Policy relating to age restricted products at the commencement of, and at regular intervals throughout employment.
- Introductory and refresher training will be provided on proxy purchasing including a DVD demonstrating practical examples of how to refuse sales in potential proxy purchase scenarios.
- All new staff will be placed in 'lockdown' during the first 6 weeks of employment which requires all age restricted sales to be authorised by a senior member of staff.
- Challenge 25 will be in operation, both in store and for deliveries of

alcohol.

- All delivery drivers, including third party couriers, will be trained in age verification and delivery procedures.
- All deliveries will be made in accordance with the relevant provisions of the Licensing (Scotland) Act 2005.
- A highly advanced till system will be installed within the store which requires a 4 stage process to be completed before alcohol sales can be made. This includes the identification of the purchaser's age. An electronic register of all age challenges is recorded in the store back office systems and is reviewed on a weekly basis by management.
- The Co-operative have over the past year developed a new audit system called 'At Risk' which periodically allows comprehensive audits of all areas of service within stores including age restricted sales. Where a store is considered to be at risk on any element of the audit they will not be passed until the issues are rectified.

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.

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 of this Application are true to the best of my knowledge and belief.

Signature		Date	11 May 2020
-----------	---	------	-------------

11/06/2020

Your Ref: PREM – EL/053

Our Ref: 505561

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Chief Superintendent

The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CO-OP, 1A CLAYKNOWES DRIVE, CLAYKNOWES,
MUSSELBURGH, EAST LOTHIAN, EH21 6UW.**

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 variation to the operating plan, including:

- the addition of background music as an activity during and outwith licensed hours
- an amendment to the details of the other activities, including the description of the normal shop business and to include the addition of home deliveries, including alcohol being delivered in terms of the relevant provisions of the Licensing (Scotland) Act 2010

In terms of Section 29(5) this request can be considered a variation.

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

Yours faithfully



John McKenzie
Divisional Commander

For enquiries please contact the Licensing Department on 01620-826147.

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 12 June 2020 08:11
To: Herkes, Gillian
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

I have no objection to the proposed changes applied for in this Major Variation application.

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian
EH41 3HA

01620827363

From: Herkes, Gillian
Sent: 10 June 2020 11:19
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>; Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk>; Grant, Shona
<sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Trading Standards
<tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

Please find attached Major Variation for Co-op, 1 Claykoves Crescent, Musselburgh for report by 2nd July, 2020.

Gillian
Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk



Herkes, Gillian

From: Trading Standards
Sent: 10 June 2020 13:21
To: Herkes, Gillian
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

OK – thanks. I take it they have an underage sales policy in place then and a method of on-line age verification and/or policy for only delivering to a person over the age of 18. All points that the alcohol licensing team will no doubt have picked up on. Nothing else then from trading standards.

Many thanks for getting back to me.

Regards
Alex

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 10 June 2020 11:58
To: Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

The only thing they are changing is allowing alcohol to be delivered with groceries.

Gillian

From: Trading Standards <tradingstandards@eastlothian.gov.uk>
Sent: 10 June 2020 11:57
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

Hi Gillian

Was there anything else meant to be included with this variation? I am struggling to see what the variation is – there is minimal information on the form.

Thanks
Alex

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 10 June 2020 11:19
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>; Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Trading Standards <tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

Please find attached Major Variation for Co op, 1 Clayknowes Crescent, Musselburgh for report by 2nd July, 2020.

Gillian
Gillian Herkes
Licensing Officer

LICENSING (SCOTLAND) ACT 2005, SECTION 29
 APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

FE
 OF
 THIS
 TS
 ARG
 NHS
 SS
 NEIGHBOUR

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).

3d

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0267

2(b) Name and Address of Premises

The Honourable Company of Edinburgh Golfers
 Muirfield Golf Course
 Duncur Road
 Gullane
 East Lothian

Post Code	EH31 2EG	Phone No.	01620 842 123
------------------	----------	------------------	---------------

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

The Honourable Company of Edinburgh Golfers
 Muirfield Golf Course
 Duncur Road
 Gullane
 East Lothian

Post Code	EH31 2EG	Phone No.	01620 842 123
------------------	----------	------------------	---------------

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)

To commence off sale hours on a Sunday at 11am, and to add Receptions and Recorded Music as an Activities.

To amend the Seasonal Variations section to simply provide that the premises may wish to take advantage of General Extensions provided by the Board, including those relating specifically to events taking place at the premises and to delete everything else that is presently in that section.

To provide that Restaurant Facilities may take place outwith core hours and to introduce Bar Meals as an Activity.

To provide that certain Activities may take place outwith core hours, prior to the commencement of licensed hours, including golfing events, and bar meal facilities, such as the provision of coffees, teas and rolls to golfers teeing off early.

There may be Club Meetings before the licensed hours commence, Televised Sport may be on at that time, and the Outdoor Drinking Facility may be used for the consumption of non-alcoholic drinks, coffees, and teas. No alcohol will be sold or supplied prior to the commencement of licensed hours unless during a General or Specific Extension granted by the Board. Previous information contained in this section on the Operating Plan will be deleted.

To clarify that the premises will run principally as the clubhouse and ancillary areas relating to the operation of the Golf Club, for the benefit of its Members and Visitors.

To amend the current access arrangements for Children and Young Persons, so as to provide that Children and Young Persons may have access to the Club for under 18 golfing events. Children and Young Persons will require to be accompanied or supervised by an adult.

Children and Young Persons aged 12-17 will be permitted.

Children and Young Persons will require to vacate the premises by 9pm at the latest. Children and Young Persons will have access to all public areas, subject to the rules of the Club.

Subject to the above, all current information regarding Children and Young Persons will be deleted and replaced by this.

To increase the capacity to 550 to reflect the new areas introduced, including the seating on the balcony, ladies facilities etc.

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.

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

Provide details below of any other variation sought to the Premises Licence
(e.g. Alteration to the description of the premises contained within the Premises Licence)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

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 **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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

Name, address and postcode of premises to be licensed.

The Honourable Company of Edinburgh Golfers Muirfield Golf Course Duncur Road Gullane East Lothian EH31 2EG
--

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	NO
1(b) Will alcohol be sold for consumption solely OFF the premises	NO
1(c) Will alcohol be sold for consumption both ON and OFF the premises	YES
*Delete as appropriate	

Question 2

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday	9:00	23:00
Tuesday	9:00	23:00
Wednesday	9:00	23:00
Thursday	9:00	01:00
Friday	9:00	01:00
Saturday	9:00	01:00
Sunday	9:00	23:00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	22:00
<i>Tuesday</i>	11:00	22:00
<i>Wednesday</i>	11:00	22:00
<i>Thursday</i>	11:00	22:00
<i>Friday</i>	11:00	22:00
<i>Saturday</i>	11:00	22:00
<i>Sunday</i>	11:00	22:00

NOTES:

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

The premises may wish to take advantage of General Extensions provided by the Board, including those relating specifically to events taking place at the premises.

Question 5

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

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

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

Certain Activities in column 4 may take place prior to the commencement of licensed hours. Restaurant Facilities and Bar Meals may be made available to golfers teeing off early or at a pre-arranged function. This may be in the form of coffees, teas, soft drinks and rolls for instance. No alcohol will be sold or supplied prior to the commencement of licensed hours.

RECEPTIONS ETC.

There may be Club Meetings before the commencement of licensed hours, and the television may be on, showing sport at this time. The Outdoor Drinking Facility may be used by members and golfers for the consumption of non-alcoholic drinks, coffees, and teas.

No alcohol will be sold or supplied prior to the commencement of licensed hours unless during a General or Specific Extension granted by the Board.

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.

The premises represent the Club House and ancillary outside areas to Muirfield Golf Club, one of the most famous in the world. Activities normal to the operation of such a club will take place within the premises. The Club is run principally for the benefit of its Members.

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

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

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
6(b)	<i>Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry</i>	
<p>Children and Young Persons involved in under 18 golfing events will be permitted access to the premises, before and after the event, subject to the Club and Management Rules. Children and Young Persons will require to be accompanied or supervised by an adult.</p>		

6(c)	<i>Provide statement regarding the AGES of children or young persons to be allowed entry</i>	
<p>Children aged 12 and over will be permitted, together with Young Persons.</p>		

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

<p>Children and Young Persons will require to vacate the premises by 9pm.</p>

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

<p>Children and Young Persons will have access to all public areas subject to the rules of the Club.</p>
--

Question 7

CAPACITY OF PREMISES

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

550

Question 8

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

Personal details

8(a) *Name*

James Hall

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

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 2019	East Lothian	EL606

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 4/2/20

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

*** 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.

The 'business' is that of a Private Members Club, namely the Honorable Society of Golfers in Edinburgh, based at Muirfield Golf Course, one of the most famous in the world. The Club was established in 1891 ([printout at the back of this statement](#)). Recently this constitution was changed to accept lady members as well.

Its principal purpose is to provide a facility for its member and those enjoying the golf course. Members may bring guests and there are tournaments of course but the emphasis is on the provision of a facility that makes it competitive in the world of golf courses, all competing for the major tournaments.

This Variation involves additional areas and facilities to the Club, in terms of the Layout Plan, including additional rooms, elimination of the accommodation facility, and a new roof terrace. There are also additional facilities for lady golfers.

(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) The provision will not change. Alcohol is provided to golfers for instance after they have finished a round of golf, or if they are having something to eat at the Club. Some members live close by and use the Club as somewhere to come and meet friends for a drink.

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

b) There are no deliveries. Off-sales would just be purchasing bottles of specialist drinks etc

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:

Restaurant facilities and bar meals are included. Meals are provided in the historic dining room and bar meals encompass for instance bacon or sausage rolls for golfers to enjoy before or after their game.

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:

There may be occasional charity events for instance.

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:

Recorded Music is not normally played but we have added it in case it is required for the charity events for instance or another special occasion.

Only indoor/outdoor sports, principally golf, is relevant, plus of course TV Sport.

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:

There is a terraced area where members and their guests can take their drinks. There is also a new roof terrace.

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:

Some competitions start early in the morning and therefore this is answered yes. No alcohol will be sold or supplied outwith core hours unless with the benefit of an Extension of Permitted Hours.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Just general activities associated with a golf club of this statute.

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.

The position regarding Access by Children and Young Persons is hopefully been simplified, from the point of view of the staff, the Members, their guests, and the LSO and the Police. In general Children and Young Persons might be in attendance for a Tournament, play in a tournament or watching a tournament.

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:

The Variation reflects changes to the layout to the property but it will not affect the day to day operation and running of this Golf Club. They would be horrified if it was considered that they contributed in any way to Crime and Disorder. A very high standard of behavior is expected by Members and their guests. That would apply equally if there was any indication that there had been any inconvenience to neighbours for instance by behavior of people who attended the Club. That has not been the case. Our clients will continue to uphold their strict Rules and Regulations with regard to behavior and this should prevent there being any issues or concern regarding this Licensing Objective.

Securing Public Safety:

It is uppermost in our clients operation that Members, visitors and staff work in a safe and pleasant environment. They believe that that is the case. With regard to the property itself, care is taken to lay it out in a way that is convenient for use by elderly Members and guests or those with any form of disability.

Preventing Public Nuisance:

As we have mentioned already, there have been no issues with regard to nuisance being caused by those attending the Club. On a day to day basis, for Members and their guests that is particularly the case.

Obviously for large tournaments attracting a high volume of spectators, there is the possibility of some inconvenience being caused to neighbours, although the Club itself has a good relationship with all neighbours who live close by, some of whom are Members. For such tournaments the Club liaises closely with Police and Council Officials to minimize any adverse affect on the amenity of local neighbours by such crowds.

Protecting and Improving Public Health:

As will be appreciated, the consumption of alcohol is very much an ancillary part of the operation of this Golf Club. However after a game of golf our clients wish their Members to be able to enjoy a drink in the bar, or with their meal, in a civilized and pleasant environment.

The range of drinks is appropriate for such a demand. They do not expect their visitors or guests to consume more than they should as staff would be very strict in refusing, both from the point of view of that person's health but also to the adverse affect it would have on the general atmosphere of the premises.

Protecting Children and Young Persons From Harm:

The Application explains the basis on which Children and Young Persons may be present in the Club. They may be playing in or attending a tournament and the interests of Children and Young Persons are very much catered for in such circumstances.

On a day to day basis, it is fairly unusual for Children to be present but when they are they are expected to be properly supervised so as to cause minimum inconvenience to any other guest or Member.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

This Major Variation does not change the nature of the Club in any way. It is simply to reflect certain changes that the Club have made which they consider assists their efforts to keep at the forefront of the golfing market in the UK, which is extremely competitive.

We would suggest that Muirfield Golf Club is a credit to East Lothian and does bring visitors and business to the area which is shared with other businesses in Gullane and beyond.

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

As above, this is assisting our clients in maintaining their position as one of the World's leading Golf Clubs.

We would hope that the Board would accept that the possibility of this Application increasing any possible infringement of the Licensing Objectives is negligible.

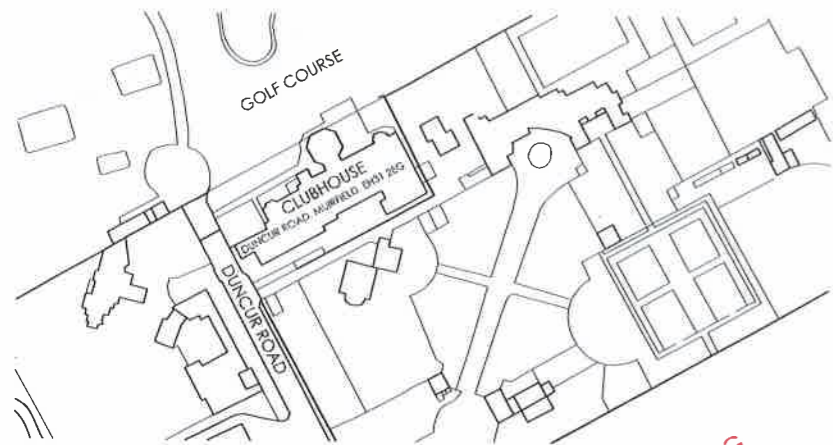
SIGNATURE AND DECLARATION BY APPLICANT

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 of this Application are true to the best of my knowledge and belief.


















Signature		Date	
-----------	--	------	--

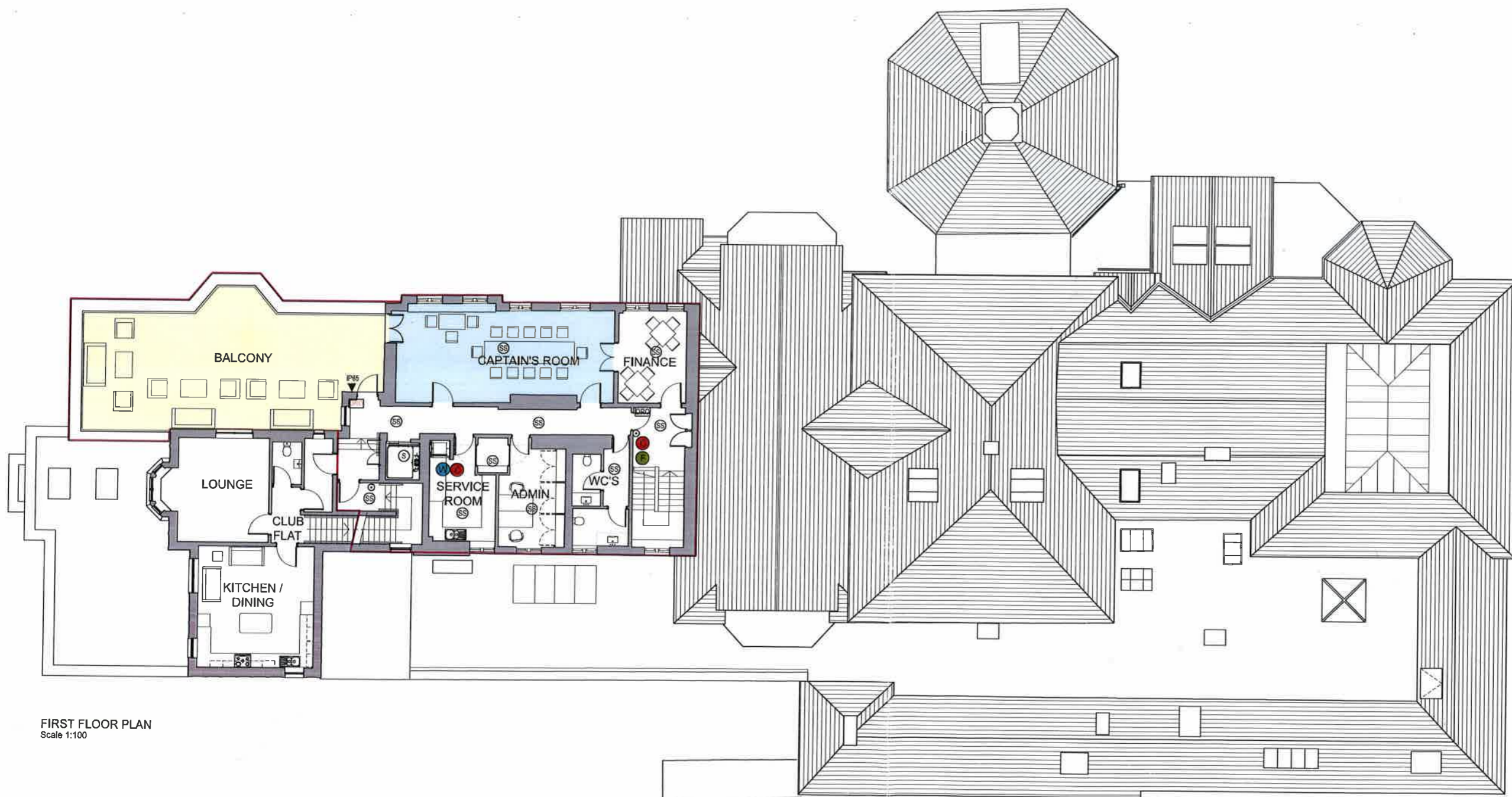


LOCATION PLAN
Scale 1:1250

- Smoking Room**
Used by:
- Members and their guests for coffee pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Visitors for coffee pre and post lunch drinks.
- Children and young persons are only allowed in this room when accompanied by designated adult or member.
- Dining Room**
Used by:
- Members and guests for lunch, afternoon tea, dinners.
- Visitors for lunch.
- Children and young persons are only allowed in this room when accompanied by a member, or when signing in a guest.
- Captain's Room**
Used by:
- Meeting room
- Occasional Members only
- Outdoor Drinking**
Used by:
- Members and their guests for coffee pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Visitors for coffee pre and post lunch drinks.
- Children and young persons allowed in this area.
- Balcony**
Used by:
- Members and their guests for coffee, lunch and afternoon tea, pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Visitors for coffee pre and post lunch drinks.
- Children and young persons allowed in this area when accompanied by a member or designated adult.
- Club Room**
Used by:
- Members and their guests for coffee, lunch and afternoon tea, pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Note - access to children/young persons:**
While there are no areas set aside in the Clubhouse for children and young persons, children and young persons who have played golf may when accompanied by an adult, have lunch in the dining room and may accompany an adult into the lounge areas and/or the designated outside terrace/balcony and other areas.
Children and young persons will when accompanied be allowed to access locker and toilet facilities and the cove for signing in purposes.
Children and young persons will not be allowed to enter the Clubhouse when not accompanied by an adult. They will be allowed access to the outside seated areas, except the balcony for the consumption of non-alcoholic drinks.

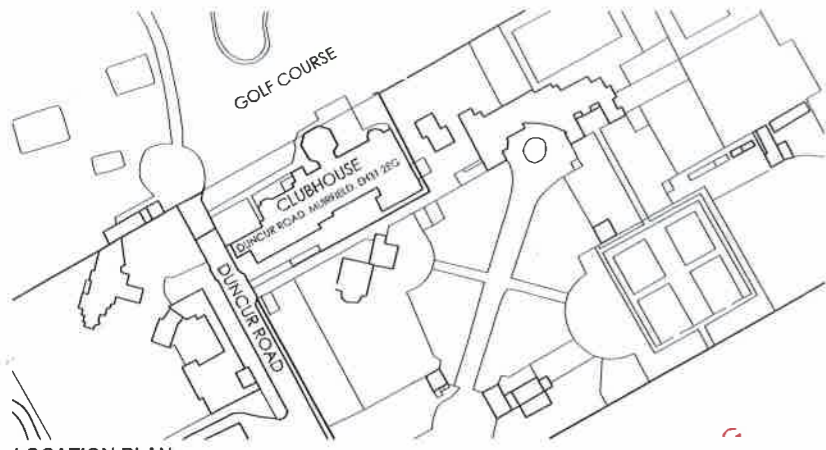
FIRE DETECTION SYSTEM & ALARM SYSTEM
Fire detection and alarm system is compliant with BS 5839 Standard L1

-  FIRE EXTINGUISHER - FOAM
-  FIRE EXTINGUISHER - CO2
-  FIRE EXTINGUISHER - WATER
-  LICENCED AREAS
-  AREAS ACCESSIBLE TO CHILDREN / YOUNG PERSONS
-  OPTICAL SMOKE DETECTOR
-  OPTICAL SMOKE DETECTOR c/w SOUNDER BASE
-  OPTICAL SMOKE DETECTOR WITHIN CEILING VOID
-  HEAT DETECTOR (FIXED)
-  HEAT DETECTOR (FIXED) c/w SOUNDER BASE
-  MULTI SENSOR c/w CO-DETECTION AND SOUNDER BASE
-  WALL MOUNTED SOUNDER BEACON
-  EXTERNAL IP 65 RATED WALL MOUNTED SOUNDER BEACON
-  FIRE ALARM PANEL
-  MANUAL CALL POINT (SEMI RECESSED)
-  DISABLED REFUGE PANEL
-  DISABLED REFUGE OUTSTATION



FIRST FLOOR PLAN
Scale 1:100

susan stephen architects			
project	1475	Muirfield Golf Club	
client	Honourable Company of Edinburgh Golfers		
drawing	FIRST FLOOR PLAN		
dwg no.	LIC123/02	revision	A
scale	1:100	drawn	PS



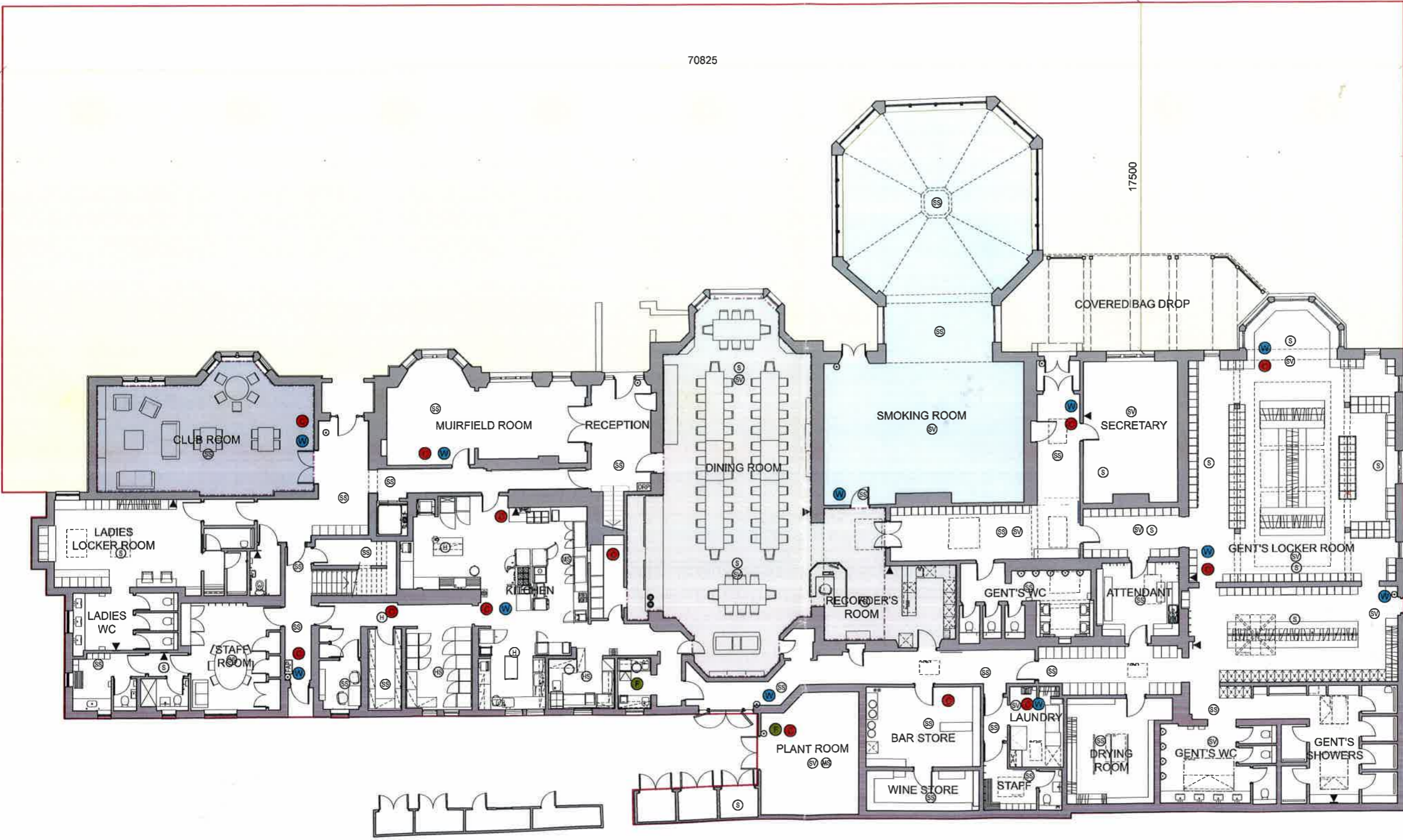
LOCATION PLAN
Scale 1:1250

- Smoking Room**
Used by:
- Members and their guests for coffee, pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Visitors for coffee, pre and post lunch drinks.
- Children and young persons are only allowed in this room when accompanied by designated adult or member.
- Dining Room**
Used by:
- Members and guests for lunch, afternoon tea, dinners.
- Visitors for lunch.
- Children and young persons are only allowed in this room when accompanied by a member, or when signing in a guest.
- Casualty Room**
Used by:
- Meeting room
- Occasional Members dining
- Outdoor Drinking**
Used by:
- Members and their guests for coffee, pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Visitors for coffee, pre and post lunch drinks.
- Children and young persons allowed in this area
- Balcony**
Used by:
- Members and their guests for coffee, lunch and afternoon tea, pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.
- Visitors for coffee, pre and post lunch drinks.
- Children and young persons allowed in this area when accompanied by a member or designated adult
- Club Room**
Used by:
- Members and their guests for coffee, lunch and afternoon tea, pre and post lunch drinks, pre and post dinner drinks, socialising before and after golf.

Note - access to children/young persons:
While there are no areas set aside in the Clubhouse for children and young persons, children and young persons who have played golf, may when accompanied by an adult, have lunch in the dining room and may accompany an adult into the lounge areas and/or the designated outside terrace/balcony and sealed areas.
Children and young persons will when unaccompanied be allowed to access locker and toilet facilities and the caddy for signing in purposes.
Children and young persons will not be allowed to dine in the Clubhouse when not accompanied by an adult, they will be allowed access to the outside seated areas, except the balcony for the consumption of non-alcoholic drinks.

FIRE DETECTION SYSTEM & ALARM SYSTEM
Fire detection and alarm system is compliant with BS 5839 Standard L1

- FIRE EXTINGUISHER - FOAM
- FIRE EXTINGUISHER - CO2
- FIRE EXTINGUISHER - WATER
- LICENCED AREAS
- AREAS ACCESSIBLE TO CHILDREN / YOUNG PERSONS
- OPTICAL SMOKE DETECTOR
- OPTICAL SMOKE DETECTOR c/w SOUNDER BASE
- OPTICAL SMOKE DETECTOR WITHIN CEILING VOID
- HEAT DETECTOR (FIXED)
- HEAT DETECTOR (FIXED) c/w SOUNDER BASE
- MULTI SENSOR c/w CO-DETECTION AND SOUNDER BASE
- WALL MOUNTED SOUNDER BEACON
- EXTERNAL IP 65 RATED WALL MOUNTED SOUNDER BEACON
- FIRE ALARM PANEL
- MANUAL CALL POINT (SEMI RECESSED)



GROUND FLOOR PLAN
Scale 1:100

susan stephen architects	
project	1425 Muirfield Golf Club
client	Honourable Company of Edinburgh Golfers
drawing	GROUND FLOOR & LOCATION PLAN
dwg no.	11C/23101
scale	1:100 @ A1
drawn	PS

31/03/2020

Your Ref: EL0267

Our Ref: JE/4926LIC/20



**POLICE
SCOTLAND**

Keeping people safe

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
HONOURABLE COMPANY OF EDINBURGH GOLFERS
MUIRFIELD GOLF COURSE, DUNCUR ROAD, GULLANE, EAST LOTHIAN,
EH31 2EG.**

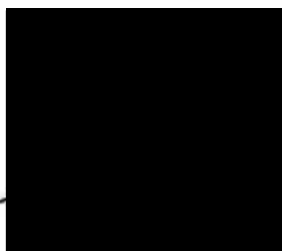
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of change to the maximum capacity and footprint and changes to the operating hours.

In terms of Section 29(5) this request can be considered a variation.

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: 30 March 2020

LICENSING (SCOTLAND) ACT 2005 **PREMISES LICENCE VARIATION APPLICATION**

The Honourable Company of Edinburgh Golfers
Muirfield Golf Course
Duncur Road
Gullane
East Lothian
EH31 2EG

I refer to the above subject and can confirm that the LSO has assessed the content of this variation application and confirms that it is consistent with the terms of the Licensing (Scotland) Act 2005 and the Board's statement of policy.

The Club is very well run and I can confirm that no complaints or licensing concerns have become known in respect of the premises.

I support this variation.

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

From: Aitken, Beatrice
Sent: 14 April 2020 14:24
To: Licensing
Subject: FW: Major Variation application for The Honourable Company of Edinburgh Golfers premise licence
Attachments: Muirfield Golf Club - Layout Plans.pdf; Major variation application - The Honourable Company of Edinburgh Golfers.pdf

Dear Licensing,

Sorry for late response. I have no objections to this licence variation.

Kind Regards,
Beatrice

Beatrice Aitken
Environmental Health Officer

John Muir House Court Street Haddington EH41 3HA 01620827332

https://www.eastlothian.gov.uk/info/210568/environmental_health

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 13 March 2020 08:34
To: Aitken, Beatrice <baitken@eastlothian.gov.uk>
Subject: FW: Major Variation application for The Honourable Company of Edinburgh Golfers premise licence

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: 12 March 2020 16:23
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>; torquil.cramer@firescotland.gov.uk; Trading Standards <tradingstandards@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Licensing <Licensing@nhsllothian.scot.nhs.uk>; gaccsecretary@gmail.com
Subject: Major Variation application for The Honourable Company of Edinburgh Golfers premise licence

Dear all,

Please find attached a variation application for the above premises. Could I please have any objections/representations you may care to make by Monday 6th April 2020.

REFUSED

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)

3e

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0270

2(b) Name and Address of Premises

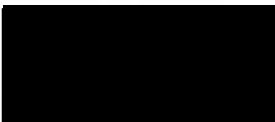
Wallyford Miners Welfare and Social Club
24 Salters Road
Wallyford
East Lothian

East Lothian Council
Licensing
-3 JUN 2020
Received

Post Code	EH21 8AA	Phone No.	0131 665 2416
-----------	----------	-----------	---------------

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

Elaine Archbold



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

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

First Variation

To allow the consumption of alcohol around the bowling green, This will be restricted to the bowling season and limited to the bowling green opening hours (11:00-20:00). Clear signage will be displayed to enforce that the consumption of alcohol outside these hours will not be permitted. Committee and Licenced Door staff will also monitor this condition. CCTV coverage in this area

Second Variation

To open up an additional smoking area and allow the consumption of alcohol around the back-seating area of the club, This will be restricted to the hours of 11:00-20:00. Clear signage will be displayed to enforce that the consumption of alcohol outside these hours will not be permitted. Committee and Licenced Door staff will also monitor this condition. The primary reason for this change is to reduce the volume of smokers who congregate around the bowling green at the weekend and do not necessarily respect the bowling green in terms of disposing of there cigarette ends. This area is completely secluded from neighbouring houses which makes an ideal outside area. CCTV coverage in this area

Third Variation

In addition to our Lounge we now book out our main hall for private functions and will require to amend our licensed to allow Children in to our main hall as well as the Lounge.

Fourth Variation

At the moment we only allow children over 5 years of age on to the premises however we now support a number of charities such as the 'Wallyford Living Room Church' and 'Wallyford Children's Gala' who require access to our social club for various community activities.

As part of our own social events we plan to have various activities for children such as our members children's Christmas party as well as various bowling fun days throughout 2020 to try and get the community more involved with our bowling green and we appreciate that some children may have younger siblings who may on occasions be taken along to such events

Baby changing facilities have been installed to support this application

We **DO NOT** and have no plans to allow 18th or 21st birthday parties within our premises

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)

See Attached Plan

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

Provide details below of any other variation sought to the Premises Licence
(e.g. Alteration to the description of the premises contained within the Premises Licence)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES **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 **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £200 is enclosed.

Signature



..... (See note 5 below)

Date

..... 31.5.20

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

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

.....
.....
.....

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

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.

Wallyford Miners Welfare Society and Social Club was established in 1955 to provide facilities for such forms of recreation and leisure time occupation as are conducive to the improvement of the conditions of living of the inhabitants of Wallyford and the surrounding area of Musselburgh.

In keeping with our aims and objectives, the club has continued to support activities which can be enjoyed by the residents of the local community thereby promoting a community atmosphere in the surrounding area.

Unlike a pub, a social club to some people is an extension of their livingroom which has seen many generations of family pass through the doors. People who are not familiar with the social club scene tend to just see a club as a place to get a cheap drink but to us it far more than just a bar with entertainment. To us its more comparable to a village hall, allowing people to socialise, exercise and retain that community spirit as our village expands and grows.

If our changes are approved this will allow us to continue serving our local community by allowing us to offer safe outdoor seating areas where friends and family can meet on a sunny afternoon in the comfort of their own social club. This will also allow us to approve function requests from senior members wishing their grandchildren and children to attend the during our special anniversaries or similar occasions such as weddings where there is a real family focused event.

(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) Social Club

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

b) Social Club

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:

N/A

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:

Social Events

Old Time Dancing

Burns Night

Sportsman's Dinners

Tea Dances

ELC Community Projects in conjunction with Wallyford Community Council

Bowling Competitions

Karaoke Nights

Live bands and Cabarets

Charitable Activities

OAP Summer Dance

St Andrews Night

Charity fundraising events (CHAS, Local Children's Gala etc.)

GetTogether (Local charity that hosts karaoke nights for adults with learning difficulties)

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:

Jukebox (Background music in our lounge bar)

Live Bands – Weekly

Solo Cabaret Acts – Weekly

Line Dancing Classes – Weekly

Irish Dance Classes – Weekly

Boogie Bounce fitness classes – Weekly

Bowling – Daily

Televised Sport – Daily

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:

Bowling Green – Primarily for bowlers and spectators during the season (Seasonal)

Back Garden – Primarily for the weekend to discourage customers from smoking around the

bowling green. The consumption of alcohol will be limited to the summer months.

In all honesty the consumption of alcohol at our bowling green has always been permitted however it was discovered recently that this had not been included in our original plan hence why we are requesting this change now. In all the years that we have allowed the consumption of alcohol during the bowling season we have not received any complaints.

Whilst we did not enforce plastic glassware, we plan to switch to plastic glassware as standard

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:

Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

The only activities that take place out with our core hours is the church service carried out by the 'Wallyford Living Room church' which set up around 9:30am for a 10am start. A typical service is various reading follows by group singing which as you can imagine is far from a typical live performance in a licensed premise. (BAR IS CLOSED DURING THIS SERVICE)

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

At the moment we only allow children and young people under the age of 18 on our premises for private functions such as birthday parties and they must leave by 10pm.

While we do not plan to change our rules we would like to change our license to accommodate family functions such as Wedding and Anniversary parties where the primary focus is on family gatherings with restricted childcare rather than birthday party's which in our opinion is a different atmosphere altogether .

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:

See supporting policy and procedure document

Securing Public Safety:

See supporting policy and procedure document

Preventing Public Nuisance:

See supporting policy and procedure document

Protecting and Improving Public Health:

See supporting policy and procedure document

Protecting Children and Young Persons From Harm:

We are proactively looking to book our staff and bowling instructors on to the next available course which is also a requirement of Bowls Scotland

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 recently took part in the Best Bar None awards incorporating the licensing boards core objectives and were delighted to be awarded 'SILVER'. Paul Allen said that it was a great achievement to receive this award during our first year. He also advised us that we were very close to a gold and only missed out by a few points.

Unlike many other social clubs in the Lothian's, Wallyford Miners has continued to thrive in the current climate and remains a central hub to the village and surrounding communities. We are a busy venue and the low volume of ILP's and recent award attribute to the proactive management of the club by the committee and staff.

SIGNATURE AND DECLARATION BY APPLICANT

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

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

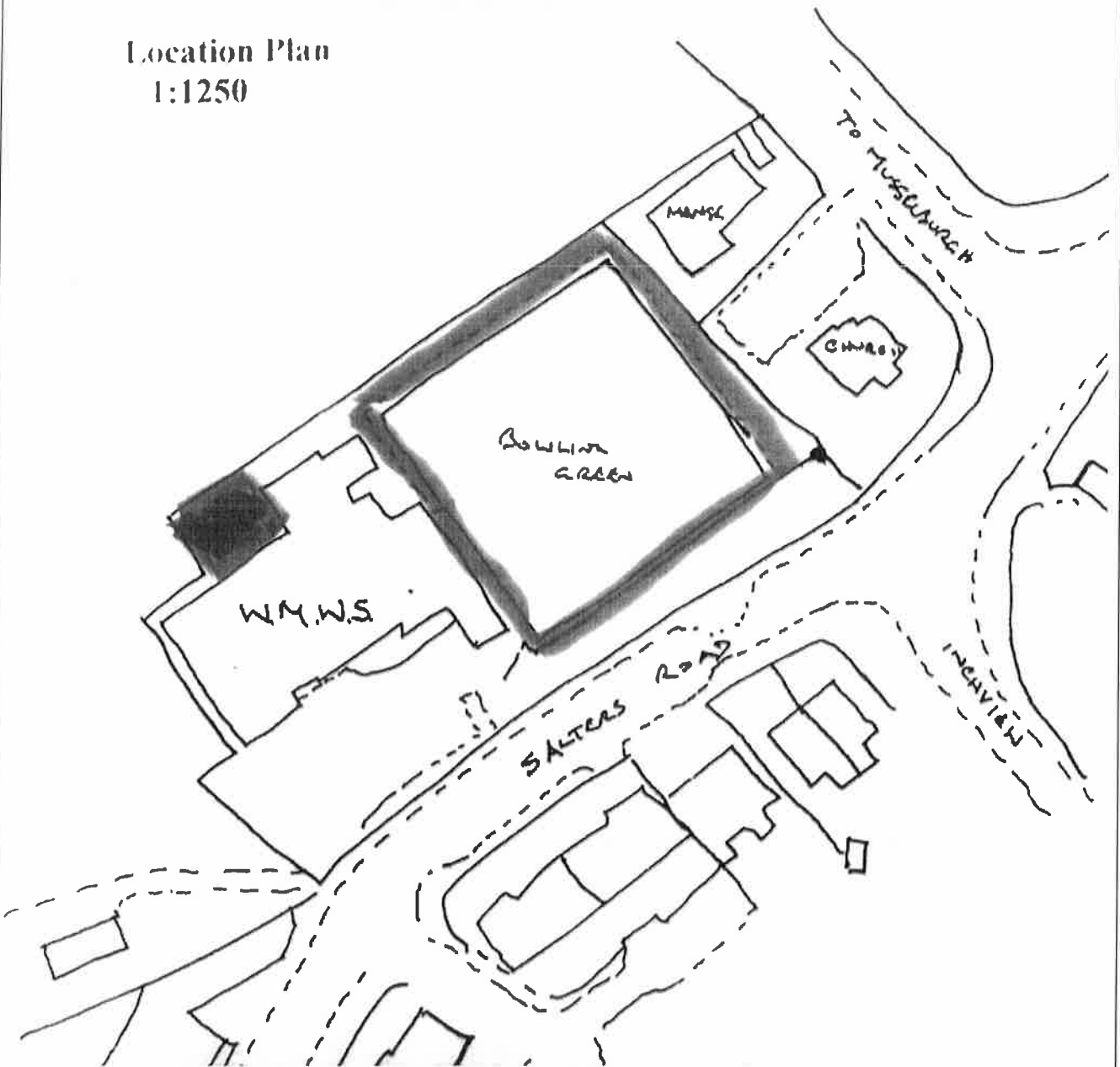
The contents of this Application are true to the best of my knowledge and belief.

Signature		Date	31/5/20
-----------	---	------	---------

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.

Location Plan
1:1250



EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Wallyford Miners Welfare and Social Club
 24 Salters Road
 Wallyford
 East Lothian

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>	11:00	23:00
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	23:00
<i>Thursday</i>	11:00	12 Midnight
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	12 Midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	22:00
<i>Tuesday</i>	11:00	22:00
<i>Wednesday</i>	11:00	22:00
<i>Thursday</i>	11:00	22:00
<i>Friday</i>	11:00	22:00
<i>Saturday</i>	11:00	22:00
<i>Sunday</i>	12 Noon	22:00

Question 4

SEASONAL VARIATIONS

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

**If YES -- provide details*

Hogmanay will be the only day that we will stay open to 1am (Licenced Door staff will be in attendance)
--

Question 5

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

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<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
<i>5(b) Activity</i> <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	NO
<i>Club or other group meetings etc.</i>	YES	YES	YES
<i>5(c) Activity</i> <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	NO
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	NO

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>	YES	YES	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>	YES	YES	YES

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

KARAOKE, POOL, DARTS, OLD TIME DANCING, TEA DANCES, CHARITY FUND RAISING EVENTS FOR CHAS, GALA AND COMMUNITY PROJECTS.

ST ANDREWS NIGHTS AND SUMMER TREAT FOR SENIOR CITIZENS OF THE COMMUNITY, OPEN PAIRS BOWLING COMPETITIONS IN THE SUMMER

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.

THE ONLY ACTIVITIES OUTSIDE CORE HOURS WILL BE THE LOCAL CHURCH WHO USE OUR HALL ON A THURSDAY AND SUNDAY MORNING FOR PRAYER SERVICES with ACOUSTIC LIVE MUSIC\SINGING

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?	N/A
---	-----

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	YES
*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

CHILDREN AND YOUNG PERSONS MUST LEAVE THE PREMISES BY MIDNIGHT

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

ALL AGE GROUPS WILL BE PERMITTED ON THE PREMISES FOR PRIVATE FUNCTIONS SUCH AS WEDDINGS, BIRTHDAY PARTIES, CHRISTENINGS AND COMMUNITY EVENTS.

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

CHILDREN WILL ONLY BE PERMITTED ON THE PREMISES DURING CORE HOURS UNLESS ATTENDING COMMUNITY EVENTS SUCH AS THE CHURCH SERVICE OR COMMUNITY GROUPS.

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

CHILDREN ARE ONLY PERMITTED WITHIN THE LOUNGE, MAIN HALL, TOILETS AND BOWLING GREEN

Question 7

CAPACITY OF PREMISES

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

ON SALES - 384

Question 8

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

Personal details

8(a) Name

Elaine Archbold

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
TBC	TBC	TBC

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this operating plan are true to the best of my knowledge and belief.

Signature . [Redacted] * (see note below)

Date 31/8/20.....

Capacity .. Bar Steward..... APPLICANT/~~AGENT~~ (delete as appropriate).

Telephone number and email address of signatory

[Redacted]

accounts@wallyfordminers.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.

26/06/2020

Your Ref: Wallyford Miners

Our Ref: JE/4926LIC/20

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

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
WALLYFORD MINERS WELFARE AND SOCIAL CLUB
24 SALTERS ROAD, WALLYFORD, EAST LOTHIAN, EH21 8AA.
WALLYFORD MINERS WELFARE AND SOCIAL CLUB**

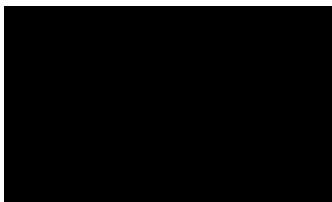
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of changes to the layout plan and operating plan by the addition of outdoor drinking areas and changes to the functions that the premises will be used for.

In terms of Section 29(5) this request can be considered a variation.

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

Yours faithfully



EAST LoTHIAN COUNCIL

People and Governance

From: Rudi Fruzynski,

Licensing Standards Officer

To: K. MacNeill

Clerk to the Licensing Board

Date: 30 Jun. 2020

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2020

WALLYFORD MINERS WELFARE & SOCIAL CLUB, EAST LoTHIAN

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

The changes applied for are:

- To add the bowling green area as an outside drinking area.
- To add the rear patio area as an outdoor drinking area.
- To amend the current operating plan to show that children are permitted in the main hall and lounge areas.
- To permit children under five years access to the premises.
- There are no changes to the current on consumption and off-sales licensed hours of the premises.

The proposed changes are supported by Licensing Standards. The following conditions are recommended:

CCTV is installed to monitor the outdoor drinking areas.

Stewards ensure that the doors leading to the outdoor drinking areas are kept closed when amplified entertainment is held on the premises.

No amplified announcements / music / entertainment will be permitted in or to filter out into licensed outdoor drinking areas to ensure that there is no disturbance or noise nuisance experience by nearby residents.

Provided the doors leading out into the outdoor drinking areas are not emergency exit doors then door closure systems should be fitted to these doors.

To prevent anti-social behaviour the voluntary deceleration by the club that they will not host 18 to 21st birthday parties should be made a condition of the licence.

Children will be permitted on the premises until 22:00 each day unless attending a pre-arranged event/function.

Outdoor areas must be closed no later than 22:00 hours each day. In the application, the applicant has referred to closure by 20:00 each day, but licensing standards does not objection to that being extended to 22:00.

Since 2009 there have 3 complaints regarding the operation of the club premises licence. These came from one anonymous and two named complainers. These complaints were enquired into by the LSO and the Police and none were substantiated.

The LSO and Police has a very good working relationship with the Club and its officials who frequently seek advice and assistance, and are only too willing to take on board guidance and recommendations.

The LSO congratulates the Club on its achievement of gaining a silver award in the recent Best Bar None scheme inspections.

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

From: [REDACTED]
Sent: 25 June 2020 19:23
To: Herkes, Gillian
Subject: Re: Attached Image Major Variation - Wallyford Miners Welfare and Social club

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.

Gillan

At last night's Wallyford Community Council virtual meeting, Wednesday 24 June, there were no objections from any of the Wallyford CC members to the Major Variation application for Wallyford Miners Welfare and Social Club.

Hope this meets with your approval.

Best wishes

Alister y Hadden
Chair
Wallyford Community Council

Sent from Sky Yahoo Mail on Android

On Wed, 10 Jun 2020 at 11:01 am, Herkes, Gillian <gherkes@eastlothian.gov.uk> wrote:

From: Herkes, Gillian
Sent: 10 June 2020 09:33
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>; 'licensing@nhs.scot.nhs.ukg' <licensing@nhs.scot.nhs.ukg>; Grant, Shona <sgrant@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Attached Image Major Variation - Wallyford Miners Welfare and Social club

Good Morning

Herkes, Gillian

From: Trading Standards
Sent: 10 June 2020 13:10
To: Herkes, Gillian
Subject: RE: Attached Image Major Variation - Wallyford Miners Welfare and Social club

Many thanks – no issues with this from TS point of view.

Thanks
Alex

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 10 June 2020 09:33
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>; licensing@nhs.scot.nhs.ukg; Grant, Shona <sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Trading Standards <tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Attached Image Major Variation - Wallyford Miners Welfare and Social club

Good Morning

Please find attached Major Variation application for Wallyford Miners Welfare and Social Club for report. Can I please have your comments by 2nd July, 2020.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk



From: "Herkes, Gillian" <gherkes@eastlothian.gov.uk>
Sent: 10 June 2020 09:20

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
To: Clerk to the Licensing Board
Per: Neil Millar
Per: Licensing Board
Cc:

Date: 10th June 2020

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Wallyford Miners Welfare & Social Club, 24 Salters Road, Wallyford
Application type: Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

OCC 212/20
Ad 18/6
paid online.

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

4

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	THE GREEN (THE BELL) EL0196
Personal licence number (if applicable)	EL1570 LAURA MAY MCSWEENEY
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	MCSWEENEY		
Forenames	LAURA MAY		
DATE OF BIRTH	Day <input type="text"/>	Month <input type="text"/>	Year <input type="text"/>
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
<input type="text"/>			
Post town <input type="text"/>	Post code <input type="text"/>		
TELEPHONE NUMBERS			
Daytime	<input type="text"/>		
Evening			
Mobile			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
INFO@THEGREENHADDINGTON.COM			

3. THE PREMISES

Description of premises

THE GREEN CAR PARK AREA

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

POP UP BEER GARDEN SERVING FOOD & DRINKS

FOOD TRUCK TO BE SET UP AS A BAR. FOOD SERVICE WILL BE OPERATED AS TABLE SERVICE SO CUSTOMERS ARE ABLE TO STAY AT THEIR TABLES DURING THEIR VISIT.

ALL DRINKS TO BE SERVED IN PLASTIC GLASSES.

OPENING HOURS:

THURSDAY 4-10PM

FRIDAY 12-10PM

SATURDAY 12-10PM

SUNDAY 12-9PM

MAXIMUM PEOPLE PERMITTED STILL TO BE CONFIRMED BASED ON GOVERNMENT GUIDANCE ON SOCIAL DISTANCING. BASED ON 2M - 35 PEOPLE APPROX (NOT INCLUDING 1-2 BAR/WAIT STAFF). BASED ON 1M GUIDANCE – MAX 50 PEOPLE.

PRE-BOOKINGS OF TABLES WILL BE IN OPERATION DURING BUSY PERIODS WITH A MAXIMUM STAY PER TABLE OF 2 HOURS. CLEANING TIME WILL BE ALLOCATED BETWEEN BOOKINGS.

A STRICT CHALLENGE 25 ID SYSTEM WILL BE IN PLACE, WITH PEOPLE WHO ARE BETWEEN 18-25 BEING ASKED FOR ID.

SECURITY FENCING TO BE ACQUIRED AND USED TO FENCE OFF THE AREA WITH A DISTINCT ENTRANCE AND EXIT.

SANITISER STATIONS WILL BE SET UP AROUND FENCING AND BAR AREA

ADDITIONAL BIN FACILITIES WILL BE ADDED TO ALLOW FOR PLASTIC / PAPER RECYCLING.

TOILETS WILL ONLY BE ACCESSIBLE WITH A MEMBER OF STAFF ALLOWING ACCESS TO THE PUB BUILDING. THEY WILL ASSIST CUSTOMERS ACROSS THE ROAD.

Full postal address of premises which this application refers to

THE GREEN

70 COURT STREET

HADDINGTON

EH41 3AF

4. DURATION OF LICENCE

From: 18TH JULY 2020

To: 31 JULY 2020 INCLUSIVE

5. Is alcohol to be sold on & off the premises YES - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

11AM-10PM

Times for sale of alcohol for consumption off premises

11AM-10PM

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises
FOOD SERVICE WILL BE CARRIED OUT FROM 4-8PM ON THURSDAY AND 10AM-8PM FRIDAY THROUGH SUNDAY.

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry

FAMILIES ARE WELCOME. ALL CHILDREN MUST BE ACCOMPANIED BY A RESPONSIBLE ADULT. THE STAFF RESERVE THE RIGHT TO REFUSE ALCOHOL SALES TO ADULTS WITH CHILDREN UNDER 12. CHILDREN MUST BE AT LEAST 1.5M FROM THE BAR AREA.

Times at which children or young persons permitted entry

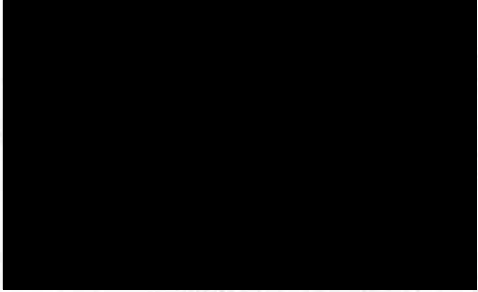
AS PER OUR CURRENT LICENSE WE WOULD ALLOW CHILDREN ENTRY WITH A RESPONSIBLE ADULT (PARENT) FROM 11AM UNTIL 8PM.

Parts of premises to which children or young persons permitted entry

BEER GARDEN

TOILET FACILITIES (PER GOVERNMENT GUIDANCE)

7. CHECKLIST	
I have - Please tick for yes	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	BACS TRANSFER

8. Signature and declaration by applicant (see note 3)	
DECLARATION	
The contents of this Application are true to the best of my knowledge and belief.	
SIGNATURE 	DATE 17/06/20

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only:-

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

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

3. Data Protection Act 1998

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

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

PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

<p>1. <u>Event</u></p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc).</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc).</p>	<p>(a) POP UP SUMMER BAR & BEER GARDEN</p> <p>(b) LIVE MUSIC TBC = ACOUSTIC ONLY 6-9PM</p>
<p>2. <u>Attendance</u></p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>35-50</p> <p>THIS FIGURE WILL BE BASED ON GOVERNMENT GUIDANCE ON SOCIAL DISTANCING RECOMMENDATIONS AND THE SPACE AVAILABLE.</p> <p>Under 18 <input type="checkbox"/></p> <p>18 - 30 <input type="checkbox"/></p> <p>30 - 50 <input checked="" type="checkbox"/></p> <p>Over 50 <input type="checkbox"/></p> <p>BOOKINGS WILL BE TAKEN FOR EACH DAY. WALK INS PERMITTED WHEN SPACE IS AVAILABLE (2 HOUR TIME LIMIT APPLIES).</p>

<p>3. <u>Stewarding</u></p> <p><i>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ unlicensed door stewards.</u></i></p>	<p>NO DOOR STAFF WILL BE REQUIRED AS THIS WILL BE MANAGED BY PUB STAFF. PUB STAFF WILL MANAGE THE EXIT AND ENTRANCE</p>
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at http://www.the-sia.org.uk/home</p> <p>(a) Please state the number, if any, of stewards to be employed at the event.</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.</p>	<p>(a) N/A</p> <p>(b) N/A</p>
<p>4. <u>Layout Plans</u></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or</p> <p>(b) the premises is a registered club which has been issued with a premises licence; or</p> <p>(c) attach a detailed layout plan of the venue with the application</p>	<p>(a)</p> <p>b The Green has a Premise License. EL0196</p> <p>(c) BLOCK PLAN ATTACHED WHICH SHOWS CAR PARK AREA TO THE NORTH EAST OF PUB BUILDING.</p>

<p>5. <u>Applications Lodged by Voluntary Organisations or Registered Clubs Only</u></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1st January and 31st December</p>	<p>NO</p>
<p>6. Will alternatives to glass receptacles be provided?</p>	<p>YES ALL PLASTIC OR PAPER PRODUCTS WHERE PEOPLE PURCHASE BOTTLED BEER OR OTHER GLASS BOTTLES IT WILL BE TRANSFERRED.</p>
<p>7. Where the event is for more than 100 persons, or where the event is relating to a Voluntary Organisation where more than four occasional licences per year are applied for, please give details here of the person trained to personal licence holder standard</p>	<p>Please attach a copy of your training certificate to this application</p>

<p>LICENSING OBJECTIVES **</p> <p>All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.</p>	
<p>8. How will you prevent Crime and Disorder at the event?</p>	<p>ID WILL BE REQUIRED BY ANYONE UNDER 25 YEARS OF AGE.</p> <p>LIMITED TIME PER GUEST WILL BE IN OPERATION.</p> <p>NO ALCOHOL WILL BE SERVED TO ANYONE WHO APPEARS INTOXICATED.</p> <p>THE STAFF RESERVE TO RIGHT TO REFUSE SERVICE.</p>
<p>9. How will you secure Public Safety at the event?</p>	<p>SIGNAGE REGARDING HAND SANITER</p> <p>TOILETS WILL ONLY BE ACCESSIBLE WITH A MEMBER OF STAFF WHO HOLDS A KEY TO THE PUB DOOR. ANYONE WISHING TO USE TOILET FACILITIES WILL BE ESCORTED ACROSS THE ROAD WITH A MEMBER OF STAFF.</p> <p>THE BARRIER WILL BE BACK FROM THE ROAD ALLOWING ADEQUATE CURB SPACE FOR ROAD CROSSING WHEN EXITING THE AREA.</p>


<p>10. How will you prevent Public Nuisance at the event?</p>	<p>SIGNAGE WILL BE DISPLAYED ASKING PATRONS TO BE RESPECTFUL OF OUR NEIGHBOURS. OPENING HOURS WILL ONLY BE IN AFFECT DURING SOCIABLE HOURS. ALL CUSTOMERS WILL BE ASKED TO VACATE THE GARDEN AT 10PM.</p> <p>ADDITIONAL BINS AND REGULAR COLLECTION TO PREVENT LITTERING OF THE AREA.</p> <p>ANY MUSIC WILL BE KEPT TO AN APPROPRIATE LEVEL AS PER OUR USUAL BAR POLICY FOR THE BEER GARDEN.</p>
<p>11. How will you promote and protect Public Health at the Event?</p>	<p>CLEAN TOILET FACILITIES WHICH WILL BE CHECKED AND CLEANED EVERY HOUR BY A MEMBER OF STAFF.</p> <p>SANITISER STATIONS AVAILABLE AT VARIOUS LOCATIONS INCLUDING BAR, TABLES AND TOILETS.</p> <p>SIGNANGE FOR ROAD CROSSING AND SOCIAL DISTANCING.</p>
<p>12. How will you protect Children from Harm at the Event?</p>	<p>CHILDREN MUST BE ACCOMPANIED AT ALL TIMES BY A RESPONSIBLE ADULT.</p> <p>THE BAR STAFF WILL REFUSE SERVICE IF THEY DO NOT THINK THAT THIS IS BEING ADHERED TO.</p>

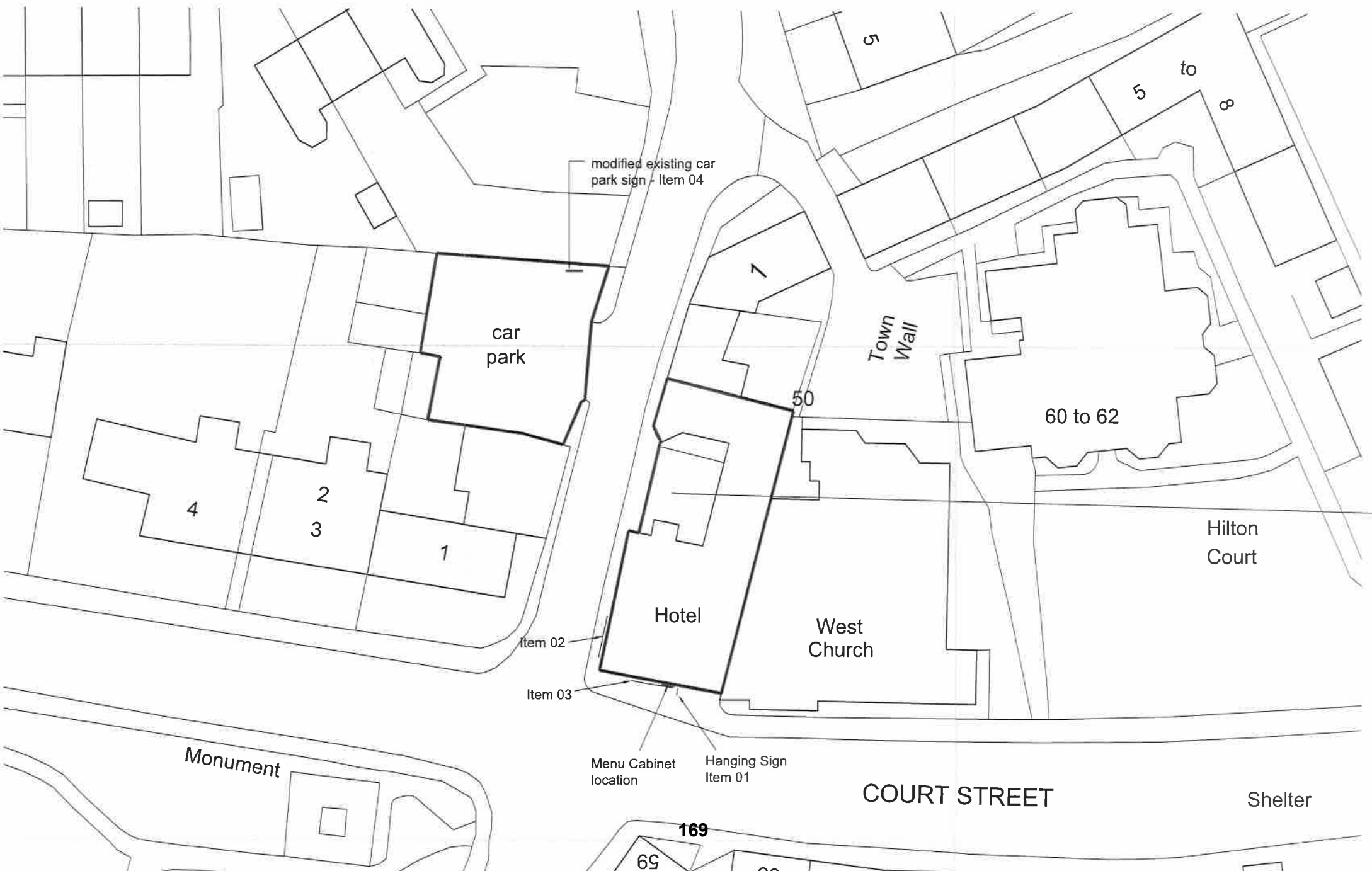
SIGNATURE AND DECLARATION BY APPLICANT DECLARATION

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 of this Application are true to the best of my knowledge and belief.

Signature		Date	17/06/20
-----------	---	------	----------



modified existing car park sign - Item 04

car park

Town Wall

60 to 62

Hilton Court

Hotel

West Church

Monument

COURT STREET

Shelter

Menu Cabinet location

Hanging Sign Item 01

169

69

cc

4

2

3

1

7

50

5

5

to

8

Item 02

Item 03



THE GREEN POP-UP BEER GARDEN - THE RULES

WITH ALL GOOD THINGS THERE HAVE TO BE SOME RULES. WE LOVE OUR CUSTOMERS - PLEASE SHOW US THE LOVE BY RESPECTING OUR GARDEN RULES.

1. We love our NEIGHBOURS and with the lovely summer weather they too want to be out enjoying their gardens. Please be RESPECTFUL and keep the noise to an acceptable level and leave respectfully at the end of your visit.
2. Please SANITISE your hands regularly but especially when entering and exiting the beer garden using our dedicated entry and exit sanitising stations.
3. A booking can be made for a bubble group consisting of two joined households or up to 8 people from 2 households while always practicing appropriate safe distancing.
4. You have a 2 hour booking slot. Please be RESPECTFUL if a staff member reminds you to drink up, as they need to clean down the area prior to the next booking arriving.
5. Please adhere to current social distancing guidelines when meeting up with people outside your household bubble.
6. We will only be accepting card payments - contactless where possible. Please do not ask our staff member to accept cash. We have a zero cash handling policy which means no change. This is for the safety of our customers and staff members.
7. Please smoke in DEDICATED smoking areas so all of our customers can enjoy their drinks and meals in the garden. Smoking areas are for up to 2 persons and clearly marked.
8. Please ask a member of staff if you need to use the toilet facilities. Toilet facilities are available but they will be locked. A member of staff will escort you across the road and provide access. 1 adult or an adult accompanying children at any one time.
9. Table service only. No orders will be taken at the truck hatch.
10. Food and Drinks will be delivered to a collection point in the garden. Please be patient this is all new to everyone!
11. Please RESPECT our lovely team. They are working hard to give you a great, safe experience.

THANK YOU & ENJOY YOUR VISIT!
THE GREEN TEAM

APPENDIX 1 – FITNESS TO WORK SELF CERTIFICATION



FITNESS FOR WORK SELF CERTIFICATE

NAME (PLEASE PRINT):

RESTART DATE:

I CERTIFY I HAVE NO SYMPTOMS RELATING TO CORONAVIRUS AND CAN RETURN TO NORMAL WORKING DUTIES.

SIGNED:

DATE:

MANAGER SIGNED:

DATE:

RISK ASSESSMENT (June) 2020 Guidance

This document is a guide to assist you in completing your Risk Assessment for protection against Covid-19 in readiness for re-opening. This guide has been completed taking into consideration the Government Covid-19 Secure Guidelines as of 1st June 2020.

You do not have to use this document if you have completed your own Risk Assessment.

The lead tenant, as business owner must complete a Risk Assessment with operational oversight to the specific premises, he/she is responsible for. And, if using this guidance, must fully review the document and amend the detail to be specific to your premises following the most up to date Government Covid-19 Secure Guidelines when issued for Pubs.

We envisage compliance checks will be carried out by enforcement bodies such as EHO (Environmental Health Officer). We suggest best practice is to share your site-specific risk assessment with your local EHO.

Please note Section 3a refers to Team member in house Coronavirus training. You should have your own training for this, or you may wish to use the Free Flow Post Coronavirus modules that Greene King have provided. You must keep records of all training completed.

You must also brief your team to ensure they fully understand the controls put in place in your completed Risk Assessment and they each need to sign to say that they understand the controls.

Government guidance states you should share the results of your risk assessment with your workforce. If possible, you should consider publishing the results on your website (government states they expect all employers with over 50 workers to do so, but there is not an expectation for a smaller workforce than this). You should display a notice in your workplace stating you have followed the government guidance “Staying Covid-19 Secure in 2020” which lists the Five steps to safer working together. An example of this will be in the Covid-19 Secure Guidelines for Pubs and Restaurants when the Government issue it.

For your customers, we have developed signage to show “5 steps to safer socialising”.

RISK ASSESSMENT (June) 2020

Name of Premises & Location:THE GREEN HADDINGTON.....

Activity: Protection against Covid-19

Potential hazards: Infection & illness

1. **Coronavirus infection is acquired by 2 principle routes** - Whilst Coronavirus symptoms are often mild, it can cause acute illness & in some individuals death. Infection is acquired by 2 principle routes:
 - A. Airborne droplets carrying the virus which have been exhaled by an infected person. The risk is greatest when a person is displaying symptoms, but not all infected persons have symptoms. Coughs & sneezes increase infection risk. The virus can enter another person via mouth, nostrils or eyes.
 - B. Contamination of hands from touching a surface contaminated with virus particles (because an infected person has coughed or sneezed over it, or passed on the germs with their hands) & then touching your own face (mouth, nostrils, eyes) with your contaminated hands.
2. **Protect yourself from infection in 2 principle ways** - Assume everyone is infected:
 - A. SAFE SOCIALISING - Social distancing – as far as possible, keep the minimum distance advocated by government from all other people. This will reduce risk that you inhale airborne virus particles from an infected person.
 - B. WASH HANDS REGULARLY. Ensure all team members wash hands frequently & vigorously using soap and water for 20 seconds in which they have been trained. They should avoid touching their face. This should be monitored throughout & take teams to task when not employed. Regular reminders will help employees adopt this safe behaviour.

EFFECTIVE HANDWASHING WITH SOAP & WATER IS YOUR BEST DEFENCE AGAINST INFECTION

3. **Looking after your team** - Effective precautions must be employed which will significantly reduce transmission of the virus between people
 - A. All team members must complete in house Coronavirus Training before returning to work & on recruitment. This will make them aware of the controls within this RA (Risk Assessment). No team members may work unless they have completed the training.
 - B. Should a team member develop symptoms whilst at work, they should be sent home immediately to self-isolate. ** Insert your business procedures here **

- 4. Keep virus out of the building** – The Virus will only enter the building with another human. Either because they are infected or carry the virus on their hands. It is unlikely to be on stock delivered to the pub/restaurant.
- A. Display a conspicuous sign that persons can read before entering the building, instructing persons with Covid-19 symptoms not to enter the building.
 - B. Brief team members not to come to work if they have symptoms, or have had symptoms in last 7 days OR someone in their household has had symptoms in previous 14 days.
 - C. Before each team member starts a shift, take their temperature. If above 37.8C, that individual must immediately return home & self-isolate.
 - D. Erect hand hygiene stations at both customer & team member entrances, together with signage requiring all persons on entering the building sanitise their hands. Team members must wash hands thoroughly & in accordance with their training, on arrival at work.
 - E. Unless travelling alone in a private vehicle, team members must not travel to work in their work clothing. They should change on arrival at work washing hands before & after changing. If changing clothes is impractical, e.g. due to lack of facilities, they should wear outer clothing over their workwear which can be removed on arrival.
 - F. Team members must not work at more than one pub. Do not loan staff out to other pubs.
- 5. Contractors** – You should instruct contractors to attend outside of trading hours when possible. If they are required to attend during trading hours, you should request they do the following:
- A. Make an appointment with ** insert nominated person/title.
 - B. Call from car park/street on arrival so that access can be arranged, maintaining social distancing & coming into contact with minimum number of people.
 - C. Wear a face covering mask whilst in the building.
 - D. Beer deliveries will require access to cellar & then cellar vacated whilst stock is being delivered. Or alternatively social distance whilst delivery takes place. If possible, leave stock for 24hours or more before handling.
 - E. Always wear disposable gloves or wash hands after handling newly delivered stock.

Risk Assessment control table: The following table is a checklist for your risk assessment. If you answer “no” for any item you should provide further information on what alternative actions you are able to take to mitigate the risk.

	Control implemented (please tick Y/N)	Yes	No	If a control has not been employed, what alternative control / actions taken to resolve
1.0	CUSTOMER			
1.1	Customer encouraged to pre-book tables.	<input checked="" type="checkbox"/>		<u>A form will be available on the website which will also capture details of the lead group member.</u>
1.2	Walk-ins permitted if tables are available.	<input checked="" type="checkbox"/>		<u>Staff will be available to assist with anyone who has not made a booking, including a form to capture lead persons details.</u>
1.3	Vertical drinking will not be permitted, although customers may use high tops in bar area.	<input checked="" type="checkbox"/>		
1.4	Put tape on floor parallel to bar to ensure tables & chairs do not encroach within the safe social distance of anyone working behind the bar.	<input checked="" type="checkbox"/>		<u>Table service only so no persons will be allowed near the bar area.</u>
1.5	Need to manage door during peak periods to ensure customers are not bunching inside the pub. Queuing at entrance or in car park might be necessary & social distancing may need to be encouraged via the door host.	<input checked="" type="checkbox"/>		<u>There will be one way in and one way out for toilet use. There will be a dedicated entry and exit point for the beer garden.</u>
1.6	Trade area must be set up to maintain social distancing, some tables & chairs removed or clearly marked as out of use.	<input checked="" type="checkbox"/>		
1.7	A single customer entrance has been identified with a separate exit door to ensure one-way flow of customers. Signage makes this clear.	<input checked="" type="checkbox"/>		<u>Sanitiser points at entry and exit.</u>
1.8	Alternative access point may be necessary for persons with impaired mobility. Ensure a plan is in place & team are aware of this.	<input checked="" type="checkbox"/>		
1.9	Customer toilets are managed for single entry or sufficient urinals, hand wash sinks & toilet cubicles are taken out of use to maintain social distancing.	<input checked="" type="checkbox"/>		<u>Staff will give access to toilets during operation of beer garden ensuring that only one person uses the toilet at any one time.</u>
1.10	Pinch points where social distancing cannot be maintained have been identified & suitable precautions employed. **Insert detail controls below or make a note if there are no pinch points	<input checked="" type="checkbox"/>		If more than 1 person is required to be serving on the truck they must try to maintain 1+ meter and wear a face mask. There will be regular cleaning down of bottles and other touch points. When a member of staff is providing access to the toilet, they will open the main doors to allow customers entry. They will remain in the building with the customer until they are ready to leave. Only one customer will be allowed at any one time unless they are accompanying children.

				Collection table will be in operation for drinks and food collection with only one table being served at one time.
1.11	If possible, open windows etc. to increase flow of external air into building.		<u>x</u>	<u>Windows cannot be opened in pub. Beer garden is open air.</u>

	Control implemented (please tick Y/N)	Yes	No	If a control has not been employed, what alternative control / actions taken to resolve
2.0	TEAM			
2.1	Team members can stagger breaks & take them away from customers or at least maintain social distancing.	<u>x</u>		<u>Breaks can be taken upstairs inside the pub</u>
2.2	Team members have been allocated to specific shift teams. Switching between teams should not take place unless absolutely necessary and only with approval.	<u>x</u>		<u>Rota will be developed to minimize mixing of teams.</u>
2.3	Team meetings may only be conducted remotely. Any necessary one to one meeting must observe social distancing.	<u>x</u>		
2.4	All team members with a specific workstation. e.g. behind bar or in kitchen, must be set up so that each station is self-sufficient to avoid unnecessary moving around which may compromise social distancing. Staff may occasionally pass each other on the cook-line or behind the bar, but this should be avoided as much as possible. This may mean that only one person is working the bar or one person in the kitchen.	<u>x</u>		<u>One bar person</u> <u>One person serving drinks</u> <u>One person monitoring toilets and acting as a road marshal</u> <u>Two people in the kitchen adhering to social distancing at individual stations.</u>
2.5	Keep uniforms clean. This gives customers confidence.	<u>x</u>		
3.0	BAR SET UP			
3.1	Where possible, all drinks will be served to customers seated at tables. Bar tenders should have their own workspace, including dedicated ice bucket, scoop, fruit & tongs. These together with any spirit bottles should be cleaned & sanitised at the end of each shift or on change over. If bar is large enough for 2 people, each space should be marked out with floor tape.	<u>x</u>		

4.0	KITCHEN SET UP			
4.1	Social distancing must be maintained in the kitchen. If this is not possible, then only one person to work there. More preparation & cleaning time may be required outside of trading hours. Where more than one person working in kitchen, each must have their own workstation. Do not mark out sections with floor tape, this may become a trip hazard & will become a dirt trap. Ensure each member of kitchen team understands the boundaries of their workstation & that they have their own dedicated utensils, including temperature probe.	x		Space for 2 persons working with social distancing. Hot pass separates two work stations

	Control implemented (please tick Y/N)	Yes	No	If a control has not been employed, what alternative control / actions taken to resolve
	KITCHEN SET UP CONTINUED			
4.2	Record here, number who can work in kitchen. Do not include staff collecting food for service. <div style="border: 1px solid black; display: inline-block; padding: 2px 10px; margin-left: 20px;">2</div>	x		
4.3	Put utensils though pot wash machine between shifts.	<input checked="" type="checkbox"/>		
4.4	Do not share pens when completing due diligence paperwork.	<input checked="" type="checkbox"/>		
4.5	Disposable gloves should be worn for taking in food deliveries & then discarded once this task is complete. Remembering to wash hands after use.	<input checked="" type="checkbox"/>		
4.6	Only one person in walk in storage space at a time.	<input checked="" type="checkbox"/>		
4.7	Do not allow delivery drivers to enter the BOH (Back of House) area.	<input checked="" type="checkbox"/>		
	5.0 HAND SANITISER DISPENSES			
5.1	Should be installed FOH (front of house) and BOH (back of house).	<input checked="" type="checkbox"/>		
5.2	At customer & team member entrance.	<input checked="" type="checkbox"/>		
5.3	Adjacent to working till, one for team & another for customers.	<input checked="" type="checkbox"/>		
5.4	BOH in location for frequent use.	<input checked="" type="checkbox"/>		
	6.0 REDUCE CONTACT			
6.1	Display signage encouraging customers to use contactless payment or on Order & Pay digital platform if available.	<input checked="" type="checkbox"/>		Contactless payment will be made available at the collection table.

6.2	Identify a single till where customers can order & pay for food. Put tape on floor to identify social distancing requirements.	x		<u>Table service only.</u>
6.3	Any operational tills must be protected with a plexiglass screen & hand sanitizing gel. The PDQ machine & printer should be on the customer side of the screen. If plexiglass screen not available, use face visors, or social distancing should be maintained throughout the transaction (amend accordingly).		x	<u>Contactless machine will be used for table service. It will be placed on a table where drinks are collected. The staff will move back 2m while customer makes payment.</u>
6.4	Any cash transactions should be through the gap in the screen or if no screen ask customer to place cash on the counter and step back following social distancing throughout the transaction (amend accordingly).		x	<u>Cash payments will not be taken. BACS will also be another method used for payment for takeaways.</u>

	Control implemented (please tick Y/N)	Yes	No	If a control has not been employed, what alternative control / actions taken to resolve
	REDUCE CONTACT CONTINUED			
6.5	Customers will be expected to remain seated; food & drink will be taken to their table or if customers are being served drink at the bar social distancing must be observed. The server moves back from the bar once placing drinks at the collection point (amend accordingly).	x		<u>Customers should only have to leave their tables when they are collecting food/drinks, finished or when going to the toilet.</u>
6.6	Team members will need to be FOH to deliver plated food & drinks to tables & to collect used crockery & glassware. In such circumstances social distancing cannot be maintained. Keep contact time with customers to a minimum. Ensure adequate face masks/coverings are available should team members wish to wear them.	x		<u>Disposable crockery will be used for our outside space</u>
7.0	TABLE SET UP & TURNING			
7.1	Tables will be left empty between customers.	x		<u>We will have a 10 minute window to clean down the table. There will be a member of staff who's specific job will be ensuring that tables are sanitized for next customers. A tent card will be placed on the table when it has been cleaned and ready for use.</u>
7.2	Cutlery & condiment sachets will be brought to table at same time food is served.	X		<u>Customers will collect these at the same collection point they collect their food.</u>
7.3	Single use napkins only & disposable sauce sachets. No reusable bottles.	x		
7.4	Clear, clean & sanitise tables & chair backs (where customers may have touched them) between each party of customers.	x		
7.5	If necessary, return table & chairs to safe distance from others.	x		

7.6	Use glass trays to collect empty glasses. Do not put fingers where customers mouths have been.	<input checked="" type="checkbox"/>		
7.7	Always wash hands after clearing tables & glassware.	<input checked="" type="checkbox"/>		<u>Disposable plastics will be used and we will ask our customer to assist with disposal as well as staff following guidelines on how to collect them.</u>
7.8	A pedal bin with close fitting lid, must be provided for staff to dispose of face masks & disposable gloves.	<input checked="" type="checkbox"/>		
8.0 CLEANING MONITOR				
8.1	Touching of some surfaces is unavoidable. Frequent cleaning with suitable sanitizer will kill the virus if it is on the surface	<input checked="" type="checkbox"/>		<u>Bar preparation areas will be sanitized regularly.</u>
8.2	Use your nominated cleaning sanitiser.	<input checked="" type="checkbox"/>		
8.3	Increase frequency of cleaning of all surfaces that are frequently touched. These include door push plates & handles, till buttons, card machines & office keypads, toilet handles & all taps, hand dryers, tables, chairs & AWP machines. During busy periods a dedicated person allocated to this task will increase customer confidence.	<input checked="" type="checkbox"/>		

		Control implemented (please tick Y/N)		
		Yes	No	If a control has not been employed, what alternative control / actions taken to resolve
CLEANING MONITOR CONTINUED				
8.4	AWPs can continue to be played. Consider fitting a hand sanitiser dispenser to the wall adjacent to machine & applying tape to floor with a reminder that anyone not playing the machine needs to maintain social distance.			<u>n/a</u>

I declare this business is compliant with Covid-19 Secure guidelines & can safely trade and I have reviewed the Risk Assessment with each member of my team as outlined below.

SIGNED:		PRINT NAME:	
DATE:		JOB TITLE:	

Team:

By signing I agree and understand the controls that I must follow as outlined in the Risk Assessment above

TEAM MEMBER NAME	SIGNATURE	DATE
------------------	-----------	------



COVID WORKING PROCEDURES – THE GREEN POP-UP BEER GARDEN

Contents

DISTANCING & PPE.....	2
HANDWASHING & HYGIENE	2
ENTRY / EXIT OF THE BEER GARDEN	3
CHALLENGE 25 / FAMILIES WITH CHILDREN.....	3
SMOKING AREA.....	3
WORKING PRACTICES – ROLES AND RESPONSIBILITIES & COMMUNICATION.....	4
REQUIRED TRAINING.....	4
APPENDIX 1 – FITNESS TO WORK SELF CERTIFICATION.....	6

DISTANCING & PPE

1. TRY TO MAINTAIN A 1+ METER DISTANCE FROM OTHER MEMBERS OF STAFF UNLESS THEY MAKE UP PART OF YOUR HOUSEHOLD BUBBLE.
2. MAINTAIN A 2M DISTANCE FROM CUSTOMERS WHEN TAKING ORDERS OR CLEANING. CLEANING OF TABLES SHOULD BE DONE AFTER CUSTOMERS LEAVE AND A TENT CARD STATING TABLE IS CLEAN READY FOR NEXT CUSTOMER.
3. TABLES WILL BE APPROPRIATELY SPACED. PLEASE ENSURE CHAIRS ARE MOVED BACK TO ORIGINAL POSITIONS TO ENSURE SOCIAL DISTANCING IS MAINTAINED BY CUSTOMERS.
4. DRINKS ORDERS WILL BE PUT ON A TABLE TO BE COLLECTED BY THE CUSTOMERS THEMSELVES.
5. FOOD ORDERS WILL ALSO BE PLACED IN TAKEAWAY PACKAGING AND LEFT ON THE COLLECTION TABLE WITH A CUP OF CONDIMENTS FOR THE CUSTOMERS TO COLLECT.
6. PAYMENTS WILL BE CONTACTLESS WHERE POSSIBLE WITH TRANSACTIONS BEING PROCESSED AFTER EACH ORDER RATHER THAN A TAB FOR A TABLE TO KEEP WITHIN THE MAXIMUM PAYMENT AMOUNTS FOR CONTACTLESS.
7. STAFF ARE ENCOURAGED TO WEAR MASKS WHEN APPROACHING TABLES TO TAKE ORDERS. MASKS ARE NOT ESSENTIAL BUT CAN BE WORN IF THE STAFF MEMBERS FEEL MORE COMFORTABLE DOING SO.
8. ALL PPE WILL BE PROVIDED BUT PLEASE FEEL FREE TO WEAR YOUR OWN FACE MASKS IF YOU WISH.
9. KITCHEN STAFF WILL BE LIMITED TO 2 MEMBERS OF STAFF AT ANY ONE TIME WITH EACH PERSON WORKING AT OPPOSITE SIDES OF THE KITCHEN WITH THE HOTLIGHT STATION DIVIDING THE WORK STATIONS. FACEMASKS WILL BE WORN IN THE KITCHEN.
10. PPE MUST BE DISCARDED IN THE APPROPRIATE PEDAL OPERATED BIN PROVIDED.
11. CLEAR SIGNAGE WILL BE DISPLAYED AROUND THE GARDEN TO REMIND CUSTOMERS OF THE GUIDELINES. PLEASE ENSURE YOU INFORM EACH CUSTOMER OF THE ORDERING PROCESS AND TOILET PROCEDURE WHEN ALLOCATING THEM THEIR TABLE.
12. MENUS WILL BE ON CHALK BOARDS ON THE TRUCK SO NO NEED FOR PAPER OR DISPOSIBLE MENUS.

HANDWASHING & HYGIENE

1. WE ASK THAT STAFF AVOID CONTACT WITH THEIR FACE WHILE ON SHIFT AND IF YOU DO (THIS IS VERY HABITUAL SO EXPECTED) PLEASE SANITISE HANDS REGULARLY. HAND SANITISER WILL BE AVAILABLE TO USE ON THE TRUCK BAR AND IN THE GARDEN AND INSIDE THE PUB.
2. THE STAFF TOILET WILL BE THE TOILET UPSTAIRS. PLEASE ENSURE AFTER A TOILET BREAK YOU SANITISE ANY SURFACES TOUCHED WITH SANITISER SPRAY PROVIDED. DOOR WEDGES SHOULD BE USED WHERE POSSIBLE TO PREVENT REPEATED USE OF DOOR HANDLES.
3. STAFF (WEARING HI-VIZ VEST) ON SHIFT WILL BE REQUIRED TO ESCORT CUSTOMERS (1 ADULT AT A TIME OR 1 ADULT WITH CHILDREN) TO THE TOILET. THE STAFF MEMBER WILL HAVE A KEY TO ALLOW ENTRY AND MUST LOCK THE MAIN DOOR AFTER EACH VISIT.

4. STAFF MEMBERS WILL ALSO BE RESPONSIBLE FOR ENSURING THE TOUCH POINTS IN THE TOILET ARE SANITISED AFTER EACH USE.
5. HAND SANITISERS WILL BE LOCATED ON THE ENTRANCE AND EXIT OF GARDEN WITH SIGNAGE ENCOURAGING CUSTOMERS TO USE THEM ON ENTRY AND EXIT. THERE WILL ALSO BE A STATION SETUP OUTSIDE THE PUB.
6. ALL STAFF MEMBERS SHOULD KEEP A PEN AND PAD ON THEIR PERSON IF POSSIBLE SO THEY ARE NOT USED BY OTHER STAFF MEMBERS. PLEASE ENSURE YOU KEEP YOUR EQUIPMENT IN A SAFE PLACE / LABELLED BOX FOR USE EACH SHIFT. THIS EQUIPMENT IS FOR YOUR USE ONLY AND INCLUDES ITEMS SUCH AS PENS / PADS / BOTTLE OPENER. CLEAR ROLES AND RESPONSIBILITIES ARE DEFINED SO EACH MEMBER OF STAFF IS RESPONSIBLE FOR A SPECIFIC AREA OF THE GARDEN.
7. CLEAN CLOTHES / UNIFORM MUST BE WORN FOR EACH SHIFT.
8. REGULAR CHECKS OF ALL AREAS, REGULAR CLEANING (HOURLY CHECKS) AND REFILLING OF SANITISER IF REQUIRED.

ENTRY / EXIT OF THE BEER GARDEN

1. A BOOKING SYSTEM WILL BE IN PLACE SO ALL PEOPLE WISHING TO USE THE BEER GARDEN HAVE TO LOG THEIR DETAILS ON OUR WEB FORM. WE NEED TO KEEP RECORDS OF EVERYONE WHO VISITS ON A PARTICULAR DAY / TIME.
2. ANY WALK-INS DURING QUIETER PERIODS WILL NEED TO FILL OUT A FORM PRIOR TO ORDERING. PAPER FORMS CAN BE ISSUED IF CUSTOMER DOES NOT HAVE WEB ACCESS. THESE FORMS ARE SUBJECT TO GDPR AND MUST BE FILED IN ACCORDANCE WITH COMPANY POLICY. A FOLDER WILL BE PROVIDED AND THESE MUST BE KEPT IN A SECURE PLACE ON THE TRUCK AND TRANSFERRED AT THE END OF EACH DAY TO THE FILE IN THE OFFICE.

CHALLENGE 25 / FAMILIES WITH CHILDREN

1. ALL PERSONS WHO LOOK UNDER 25 MUST BE ASKED FOR ID AS PER OUR USUAL PROCEDURE. PLEASE KEEP A RECORD OF THE PERSONS NAME AND DATE OF BIRTH AND FORM OF ID PRESENTED AS PER OUR USUAL PROCEDURE.
2. DRINKS WILL BE LIMITED FOR THOSE WHO ARE RESPONSIBLE FOR YOUNG CHILDREN. WE HAVE A 2 HOUR TIME BOOKING SLOT SO ORDERING WILL BE LIMITED FOR EACH TABLE. CHILDREN ARE ALLOWED IN THE BEER GARDEN UNTIL 8PM.

SMOKING AREA

1. SO EVERYONE CAN ENJOY THE GARDEN THERE WILL BE DESIGNATED SMOKING AREAS AWAY FROM THE SEATED AREA. THERE WILL BE A 2 PERSON LIMIT WITH DISTANCING MEASURES IN PLACE.

WORKING PRACTICES – ROLES AND RESPONSIBILITIES & COMMUNICATION

1. FOR BUSY PERIODS WE WILL HAVE A MINIMUM OF 3 STAFF MEMBERS. THE ROLES ARE AS FOLLOWS:

AREA / JOB TITLE	RESPONSIBILITIES
BAR TRUCK / BARTENDER	POURING DRINKS PER CUSTOMER ORDERS IDENTIFYING LOW STOCK AHEAD OF TIME AND COMMUNICATING WITH SERVERS / RUNNERS. PATRON SAFETY – YOU WILL HAVE A GOOD VANTAGE POINT FOR ALL AREAS OF THE GARDEN SO CAN FLAG UP ANY POTENTIAL ISSUES QUICKLY AND REPORT TO MANAGEMENT OR SERVERS.
GARDEN SERVER	CHECKING BOOKINGS AND ENSURING LEAD CUSTOMER PROVIDES DETAILS IF THEY ARE A RARE WALK-IN. TAKING ORDERS FROM TABLES COLLECTING ORDER FROM THE BAR TRUCK AND PLACING ON THE COLLECTION TABLE. COLLECTING FOOD ORDERS FROM THE LIFT AND PLACING ON COLLECTION TABLE. TAKING PAYMENTS FROM CUSTOMERS USING CONTACTLESS PAYMENT AND USING SOCIAL DISTANCING.
CUSTOMER SERVICE / SERVER	ENSURING CUSTOMER SAFETY AT ALL TIME AND ENSURE THAT NOISE LEVELS ARE RESPECTFUL FOR OUR NEIGHBOURS. ACTING AS A ROAD MARSHAL AND ESCORTING CUSTOMERS ACROSS THE ROAD AND GIVING ACCESS TO TOILETS PER PROCEDURE. ENSURING HIGH LEVEL OF CLEANLINESS IN THE GARDEN AREA INCLUDING RUBBISH COLLECTION AND TABLE CLEANING. FOOD TRUCK WILL HAVE A FIRST AID BOX IN CASE IT IS NEEDED.
MANAGEMENT	MANAGEMENT WILL BE ON HAND ON EACH SHIFT AND CONTACTABLE VIA PHONE OR WALKIE TALKIE IF NOT IN THE GARDEN.

2. THE STAFF WILL HAVE WALKIE TALKIES TO COMMUNICATE ORDERS WITH THE KITCHEN AND TO COMMUNICATE WITH EACH OTHER.
 - i. CHANNEL 1 – BAR STAFF AND SERVERS (3 HANDSETS – TRUCK / SERVER / MANAGEMENT)
 - ii. CHANNEL 2 – KITCHEN (1 HANDSET)
3. STAFF MUST FILL OUT A FITNESS TO WORK ASSESSMENT SHEET PRIOR TO RETURNING TO WORK STATING THEY ARE FIT AND WELL FOR WORK AND ARE CARRYING NO SYMPTOMS OF CORONAVIRUS.

REQUIRED TRAINING

1. ALL STAFF MEMBERS ARE REQUIRED TO COMPLETE THE 3 MAIN TRAINING MODULES LISTED BELOW PRIOR TO RETURNING TO WORK:
 - a. CORONAVIRUS: CUSTOMER SERVICE
 - b. CORONAVIRUS: PERSONAL PROTECTION

- c. CORONAVIRUS: CLEANING AND HYGIENE
2. SUPERVISORS AND MANAGERS ALSO HAVE TO COMPLETE THE FOLLOWING:
- a. PREPARING TO OPEN
 - b. SERVICE AFTER LOCKDOWN
 - c. TAKEAWAYS & DELIVERIES

18/06/2020

Your Ref: OCC212/20

Our Ref: JE/4926LIC/20

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

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

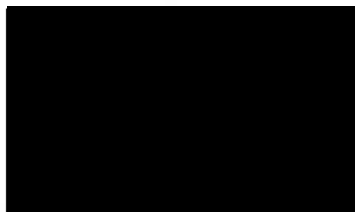
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
OCCASIONAL LICENCE APPLICATION
PREMISES: THE GREEN
70 COURT STREET, HADDINGTON, EAST LOTHIAN, EH41 3AF.**

I refer to the above application and in terms of Section 58(1) (b) (ii) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, and recommend that it be granted subject to the conditions as detailed on the attached appendix being applied.

This representation is submitted for your attention in consideration of this application.

Yours faithfully



John McKenzie
Divisional Commander

For enquiries please contact the Licensing Department on 01620-826147.

Appendix

1. A suitable security fence is erected on the side of the licensed area that abuts the main road (A6137, Hope Park) to assist in ensuring public safety and to prevent the danger of patrons stepping into the roadway from the licensed area, with a designated entry/exit and a member of staff delegated to manage the entry/exit of patrons at all times.
2. The applicant will ensure that there are suitable measures in place to manage the number of persons accessing the licensed area to ensure physical distancing in line with the current Scottish Government guidelines at the relevant time.
3. The applicant will provide a suitable number of portable/chemical toilets for the use of patrons in the licensed area, to prevent the need for patrons to cross the main road adjacent to the licensed area to use the facilities in nearby licensed premises.
4. The applicant will put measures in place to prevent patrons having to purchase take-ways meals from the adjacent licensed premises and then having to cross the main road adjacent to the licensed area, service of food should be within the licensed area.
5. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
 - a. No under 18's served alcohol
 - b. Persons who appear to be under the age of 25 will be asked to provide identification
 - c. The specific opening and closing times of the bar
 - d. Responsible drinking message
 - e. Patrons are requested to have consideration for local residents when dispersing from premises
6. Children and Young Persons may remain until 2000 hours, but only if supervised by a responsible parent or guardian over the age of 25 years.
7. Access to the bar area should be restricted to persons of the age of 18 years and over i.e. no children or young persons to be permitted within 1.5 meters of the bar.
8. There are no amplified announcements / music / entertainment.
9. Plastic drinking containers should be used during the hours that the licensed area is open to the public
10. The licence holder shall ensure that staff or stewards working within the licensed area do not consume alcohol either during or at the conclusion of the licensed period.
11. The licence holder shall ensure that no alcohol purchased in the licensed area is allowed to be taken out of the licensed area.
12. The licence holder shall ensure that the toilets within the main building remain locked and that they have a system in place to ensure that persons requiring access to these are taken over to the area by staff.

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 26 June 2020 08:02
To: Herkes, Gillian
Subject: RE: Attached Image OCC212/20

I recommend the licence be granted subject to the following conditions:

- A personal licence holder will be present at all times the outside drinking area is open to customers.
- A sign prohibiting sale or supply of alcohol to persons Under 18 to be clearly displayed at any bar servery.
- A sign stating that No children are permitted within 1.5 metres of any bar servery to be clearly displayed.
- All drinks should be served in approved plastic containers.
- Challenge 25 policy must be used.
- No amplified announcements / music / entertainment permitted to ensure that there is no disturbance or noise nuisance experience by nearby residents.
- At least one A4 notice must be prominently displayed at the entrance/Exit advising customers to be respectful of neighbours peace and quiet when leaving the outdoor area. The 'Be Nice To Our Neighbours – Please Leave Quietly' sign would be appropriate and can be found at http://www.eastlothianlicensingforum.co.uk/uploads/7/5/4/8/7548131/please_leave_quietly_-_pub_watch_sign.pdf
- An A4 notice should be prominently displayed in respect of road safety – i.e. 'Busy road outside. Look Left & Right before crossing. Assistance with crossing. Ask a member of our staff.'
- A Toilet Check list, as per the attached recommended guidance, is followed and implemented.
- If the toilets need to be accessed through the building a procedure of assisting by a Staff member must be put in place. The customer cannot roam the premises and this will assist with the hygiene/cleaning measures.
- A customer cannot be give blanket access to indoor areas of the adjacent licensed premises.
- The route to the toilet must be marked/barrier out –by moving tables/chairs to barrier off so the customer cannot get gain access to areas of the premises other than the toilets.
- If the toilet is a considerable distance away and difficult to find then access to the internal toilet is not granted and other external provision should be made available.
- The Guidance and risk assessments on re-opening per the following link must be followed - <https://www.eastlothian.gov.uk/supportyourreopening>
- A book of customers names and addresses must be maintained and be readily available to the Police, LSO and Environmental Health Officers for inspection.

R. Fruzynski
Licensing Standads Officer
Accredited Paralegal

Report from Roads Services re. application from The Green, Haddington, for an Occasional Licence

Good morning Kirstie,

I have spoken to Laura as well and she has confirmed that they will have an extra member of staff that will escort customers across the road when required, in which case we would be more assured that this will be done as safe as possible.

Regards,

Eleni Gigourtaki

Senior Roads Officer

East Lothian Council | Road Services | Infrastructure | Partnerships & Community Services

John Muir House | Haddington | East Lothian | EH41 3HA

01620 827540 📞 | egigourtaki@eastlothian.gov.uk

Report from Planning re. application from The Green, Haddington, for an Occasional Licence

I have been involved in previous correspondence regarding a beer garden that has been formed within the car park of The Green. There may be cases where planning permission would not be required for the temporary change of use of land to a beer garden, as Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order allows the use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use. However in the case of The Green, planning permission would be required for this use given the site's location within the Haddington Conservation Area. Planning permission has not been sought or granted for the proposed beer garden, and use of it would therefore be a breach of planning control. Planning enforcement is a discretionary activity and Scottish Government policy and guidance sets out that planning authorities should act proportionately in responding to suspected breaches of planning control. Impact on business operations should be taken into account when considering appropriate enforcement action in any particular case. The Police are satisfied with the proposal. Should environmental health and road services also be satisfied, then it is my view that we are acting proportionately in not recommending that enforcement action be taken to secure the cessation of this short term use, although we do reserve the right to review this. If I may add, this position is entirely consistent with the advice given in a recent letter from the Scottish Government's Chief Planner, who advised "...there will be many circumstances in which reasonable, temporary relaxation of planning controls will help businesses to re-start and return some normality to life within our communities. Examples might include taking a reasonable, positive and supportive approach to allow temporary use for on-street seating for cafes and bars, beer gardens and similar to accommodate physical distancing; and also to enable seasonal businesses such as holiday parks to continue to operate beyond any conditioned limits to their seasons. This may be another example where agreement not to take enforcement action is all that is needed for a temporary period. Beyond any relaxation in planning to support temporary changes, there may of course be some matters to consider through other consenting and licensing regimes". The full letter can be viewed here:

<https://www.gov.scot/publications/coronavirus-covid-19---planning-procedures---chief-planner-letter-may-2020/>

Please let me know if you want to discuss.

Keith Dingwall
Service Manager - Planning

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)	THE GREEN PUB	
Name & Address of premises:	THE GREEN PUB, 70 COURT STREET, HADDINGTON EH11 3AF	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" 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	[REDACTED]
Surname	[REDACTED]
First Name(s)	[REDACTED]
[REDACTED]	[REDACTED]

I own [REDACTED]
[REDACTED] it is
currently rented
out

(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 [redacted] 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 of 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]. *Potentially after 10pm if people leave with their drinks*

Commented [redacted] I would put the first part 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:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	People under the influence of alcohol are more likely to commit crime and create a disturbance

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	staff will have to walk over the road to the beer garden. People will have to walk over the road to use the toilet if there are none provided

in the beer garden

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	The beer garden is directly behind a house and next to a block of flats, there will be considerable noise from the beer garden disturbing neighbours

<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	Given the current corona virus situation, will social distancing be able to be achieved to given the size of the beer garden will a smoking area be provided separate to non smokers

	<u>Objective</u>	<u>Explanation</u>
	Protecting children and young persons from harm	will young children be allowed in the beer garden? will it be secure enough that they can't wander on to the road
(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: <u>Its a conservation area the beer garden is not interfering with the area</u> <u>It is likely to be busy as there are not many other beer gardens</u></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 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:-

B - point 3, As beer etc will be provided in plastic glasses (presumably) people could potentially leave with their alcoholic drinks and drink on the street / in a park etc.

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

**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**

Section 1 – Application Details:

This objection/representation relates to the following Application:

<p>Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)</p>	<p>LAURA MAYNE SWEENEY THE GREEN</p>	
<p>Name & Address of premises:</p>	<p>THE GREEN (CAR PARK) 70 COURT ST HADDINGTON EH41 3AF</p>	
<p>This Application is for</p>	<ul style="list-style-type: none"> • Premises Licence 	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Provisional Premises Licence 	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Variation of an existing Premises Licence 	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Occasional Licence 	<input checked="" type="checkbox"/>
<p>Application Number (if known)</p>		

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:-

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

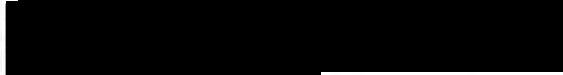
~~(b)(a)~~ That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(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	NON-EXISTENT PAVEMENT FROM CAR PARK TO PEDESTRIAN CROSSING TO ESCORT PATRONS USING TOILETS

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	BEER GARDEN IS LOCATED  GREAT CONCERN FOR NOISE DISRUPTION TILL 10PM IN THE EVENING.
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	THE MAIN ROAD BETWEEN DOES NOT LEND ITSELF TO SAFE PASSAGE DUE TO NON EXISTANT PAVEMENT TO CROSSING

<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	

(d) The premises are unsuitable for use for the sale of alcohol, having regard to²—

- (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.

Please explain why : CLOSE PROXIMITY TO RESIDENTIAL HOMES

.....

.....

(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—

- (i) licensed premises, or
- (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

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 attached privacy notice

Your Signature

[Redacted Signature]

Date

24/6/2020

**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**

mail
product
skel
fige
includes red needlepoint shown in picture

ABLE ONLY
STOOL

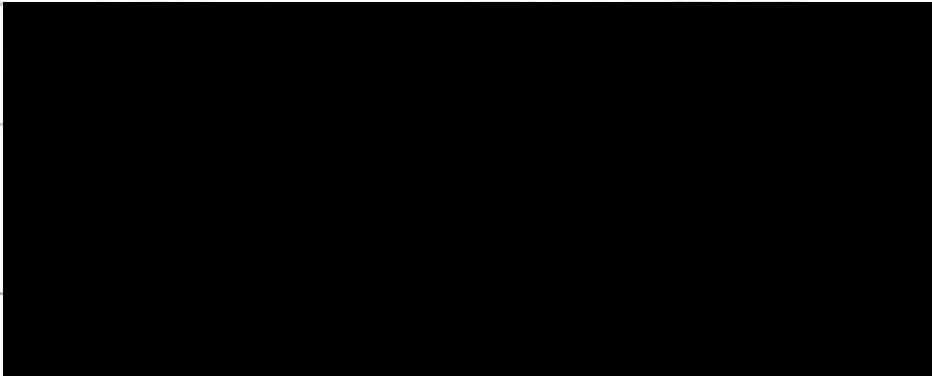
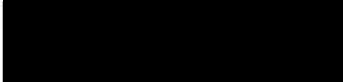
Section 1 – Application Details:

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)	Laura May McSweeney	
Name & Address of premises:	The Car Park opp. The Green 70 Court Street, Haddington EH41 3AF	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input checked="" type="checkbox"/>
Application Number (if known)		

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

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

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

5) 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	

ostcode):

ART A -- OBJECTION

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

N/A

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

<u>Objective</u>	<u>Explanation</u>
------------------	--------------------

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.

Preventing crime and disorder	
<u>Objective</u>	<u>Explanation</u>
Securing public safety	<p>The proposal envisages the frequent crossing of a busy road with limited visibility and with very narrow or non-existent pavement, by staff, drinkers and children alike. Many of those crossing and re-crossing the road will have consumed alcohol.</p> <p>The proposal sets out no plan for the management of social distancing for the management of queuing and for contactless payment at the truck/bar. These measures would support the minimization of virus transmission and in turn support the safety of the community at large.</p> <p>It is my opinion that the objective of securing public safety cannot be met given these foreseeable risks and significant omissions.</p>

<u>Objective</u>	<u>Explanation</u>
------------------	--------------------

lockdown there is a good deal of social catching up to do. Inevitably up to 50 people drinking will be noisy; the noise-with the hours of operation amounting to 35 hours a week, nota bene, will impact neighbours' quiet enjoyment of their gardens, and noise will likely be unavoidable at times within the houses of the immediate neighbours.

As there always has been, there will be some rowdy behaviour and street noise at 'throw out' time; only the numbers are potentially greater than previously.

Beer drinkers need toilets; the proposed toilet arrangements appear unworkable for large numbers of people and children, especially given likely social distancing requirements.

The objective of preventing public nuisance cannot, I think, reasonably be met in these circumstances.

Objective

Explanation

Objective

Protecting children and young persons from harm

Explanation

Children require close supervision when close to a busy road, a busy road that must be crossed to enter and leave the car park and to use the toilet. Alcohol use interferes with decision making and is viewed as being unhelpful in the effective supervision of children.

Given the proximity of the busy road and the need to cross and recross, any reasonable view would identify concerns as to whether the objective of securing the safety of children could be reliably and with certainty be met.

- d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (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.

Please explain why:

The siting of a former military bomb disposal truck in the car park to operate as a bar may not be entirely appropriate within a conservation area.

.....

.....

- e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises.

Please explain why:

.....

.....

ART B - REPRESENTATION N/A

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

support of the application.

N/A

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

is to modifications
which should be
made to the
Operating Plan

is to conditions
which should be
imposed.

Other
representations

Please add here any additional comments you wish to make.

Above and beyond these objections I am bound to identify a range of process failures which, in my opinion, taken together support the view that the application should not have been allowed to go forward for consideration for an occasional license, since necessary legal hurdles were not cleared. These failures I think, can be laid at the door of the Council rather than the applicant.

In any view, I think, the application involves a change of use of the car park to a beer garden. It is suggested that the Planning Officer himself accepts that this is the position. In these circumstances the statutory duty imposed on the Council is for Planning to consider a change of use application. For reasons that are not clear, and for reasons that Councillors seem reluctant to answer, this does not seem to have happened. The application, if I am right, went forward not accompanied by the obligatory paperwork relating to the S.50 statement of suitability and food hygiene requirements. On the face of it, this has the appearance of amounting to a breach of statutory duty and clarification is therefore required.

Furthermore, the application published 18/06/20 finishes mid-sentence and is significantly incomplete. It is difficult to form a view about a proposal where there is uncertainty about what is being proposed. This problem remains uncorrected as I write at 19.00 on 24/06. As such the advert is significantly defective (again probably not the applicants fault).

Additionally, the only proforma form to use to make representation or objection that could be found by neighbours was in pdf form and could not be typed into, only handwritten. I know an elderly neighbour, perhaps likely to be the most affected by the proposed development, struggled with this. Only today, in response to a direct enquiry, was a usable version of the form received with the help of the licensing officer. If, beyond paying lip service to democratic involvement and 'everyone having their say', mechanisms facilitating such involvement are flawed and not really fit for purpose, then the checks and balances that supposedly support democratic involvement are compromised.

Finally, can I say, after this litany, that I do support the idea of flexible responses to the crisis where it is safe and appropriate. I have consistently used, enjoyed and supported Laddington's range of food and drink outlets, bars and restaurants over many years; they are an asset to the Town.

Section 1 – Application Details:

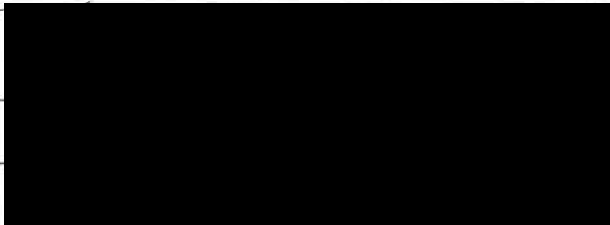
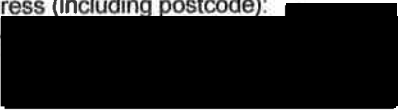
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	LAURA MAY MCSWEENEY ES	
Name & Address of premises:	The GREEN (car park area) 70 COURT ST HADDINGTON EH41 3AF	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input checked="" type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)	OCCASIONAL LICENCE FOR 18 th - 20 JULY 1920	

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 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 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:-

As an [redacted] I find the spaces allocated for comment on pages 4-6 are too small for my handwriting. Therefore I am attaching additional pages ~~to~~ ~~now~~ for this and also on:-

- 1) Relationship with licencees, past & present of the Railway/ The Bell and now the Green;
- 2) Rejected previous application for development of the adjacent premises at 1 Hope Park.
- 3) The process on completely this form.
- 4) Planning permission for this project

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

I have read and understood the attached privacy notice

Your S

[redacted]

Date

25/6/20.

**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**

1. Comment on issues raised in pages 4-6.

I fear that approval of this application may lead to disorder, as I am pretty sure that the clientele ~~is~~ ^{will} bring together groups of lively and ebullient young people who have been cooped up for 3 months. The opening hours seem to me to be far too lengthy, providing access for potentially up to 10 hours of drinking this is not good. The access to and departure from the ~~proposed~~ proposed 'beer garden' is dangerous as it necessitates crossing a busy road. This is a threat to public safety. There is also a strong possibility that there is a likelihood of a very negative impact on neighbours of the "garden" in Lower Station Road, Hope Park, and the residents of a nearby care home. Noise pollution is likely particularly should piped music be allowed. Refuse in the nearby area is also possible. In relation to public health I would ask you to consider carefully the section below on the previously rejected planning request for the development of 1 Hope Park some years ago. Also I am concerned about the monitoring of all of the above and of how the closing hours and departures from the 'garden' will be monitored by the LPA.

I am sure that the main activity in the garden will be drinking. Few will wish to book tables ~~for~~ ²²⁰ meals given our

2.

unpredictable climate, and in the presence of probably exuberant young people. The area itself ~~is~~ is drab and quite unattractive. The 'bomb disposal truck' to be used as a bar is ugly. It is certainly not appropriate in a conservation, residential area.

3. Relationship with licensees

In the 39 years that I have lived in [REDACTED] I have generally had good relationships with the past licensees of the Railway (Bell) Green, though in the early 1980's I objected to a proposal for extending licensing hours, and was successful. This involved excessive noise pollution from discos held in the function room of the pub. This was a very stressful time for me and my late wife. This process should be in council records.

I have had very little contact with Linda MacSweeney and her partner, but in January this year I visited their house on 3 occasions to ask them to ensure that the volume of the bass beat of the music played during their now frequent discos and parties at weekends which often go on till 1 am. I was very anxious to avoid ~~complaining~~ complaining to the police given the experience of the 1980's. The discussion was polite and respectful on both sides. Assurances were given but the implementation was slow and not very effective. On one of these occasions I also mentioned that the noise coming from the present 'beer garden' at the back of the pub ~~could~~ could be excessive. I hope the new proposal does not ~~bring~~ cause

4.

a similar problem. I have not spoken to them since.

I think it is a pity that Laura has chosen not to discuss this application with any neighbours of the pub. (though I think one person phoned her about it.) Had this been done it is possible / probable that a compromise acceptable to all would have been achieved.

I would feel easier about this proposal if we were given a firm assurance that this 'bee garden' will be dismantled once pubs reopen and that the ugly truck is removed asap.

Please be aware that I am very conscious of the need to get revenue felt by the applicants. I am also sympathetic to their present situation.

5.

Previous Rejection of Development of No 1 Hope Park.

This property is linked to the green car park: its northern side is part of the southern boundary of the proposed 'beer garden'.

~~In time~~ Shortly after Wood and Hay left these premises (some years ago) a developer submitted an application for permission to convert the property into a flat. This was rejected on the grounds that there was inadequate paving at the entrance onto Hope Park. The paving is indeed very narrow and does not continue any further up Hope Park. So there is no paving at all in front of the whole length of the green's car park. It seems strange that this could lead to permission to cross a very busy road to the projected 'beer garden' in times when the road is much busier now than all these years ago. Additionally, drivers coming up from the traffic lights often accelerate to get up the incline quickly. This would greatly increase danger to public health.

Details of this decision should be in Council records.


6. The process involved in completing this form
I find it odd that to lodge an objection to an application for a license, one has to make it some time before the start and end of a similar temporary licence. This offers no opportunity to assess the results and consequences of the previous application.

7. Planning Permission for this project

I believe that any reasonable person would agree that this involves a change of use of premises. I believe too that this requires planning permission and that the Head Planning Officer acknowledges this, and yet chooses to ignore it in this case.

This appears to be ignoring a statutory provision, and is very difficult to understand.

Thank you for reading all this. I apologise for my shaky script, and I hope you will support my objection.



Section 1 – Application Details:

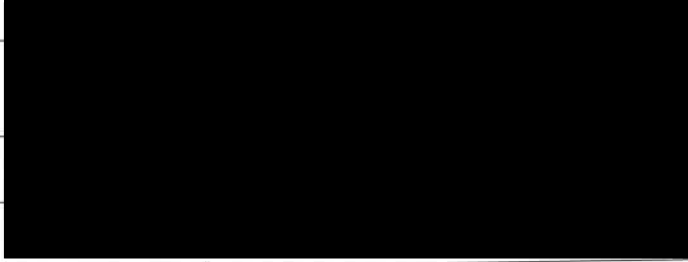
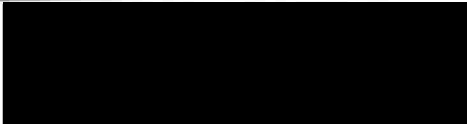
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)		
Name & Address of premises:	THE GREEN 70 COURT ST. EH413AF	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" 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 <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 [REDACTED]: 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 of 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 [REDACTED]: I would put the text First with 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 ROAD SAFETY	SITE OPEN ON TO A BUSY ROAD. THERE IS NO PAVEMENT BETWEEN THE SITE AND THE ROAD. (SITE) TO SERVE FOOD STAFF WILL HAVE TO CROSS THE ROAD. ALCOHOL IS INVOLVED.

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance NOISE & HYGIENE	THERE WILL BE DISTURBANCE TO NEIGHBOURS IN THE IMMEDIATE VICINITY THERE IS SHELTERED HOUSING NEARBY. THERE ARE NO HYGIENE OR TOILET FACILITIES ON SITE.
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health COVID-19	DIFFICULT TO SEE HOW SOCIAL DISTANCING CAN BE MAINTAINED ARE TOILET ARRANGEMENTS FIT FOR PURPOSE? IN THE EVENT OF A COVID OUTBREAK WILL A RECORD OF CUSTOMERS BE KEPT FOR TRACING PURPOSES?

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:-

- FOR WHATEVER REASON PLANNING REGULATIONS HAVE NOT BEEN TRIGGERED IN THIS INSTANCE. THIS IS REGRETTABLE AS THERE ARE, IN MY OPINION, SIGNIFICANT RISKS INVOLVED INCLUDING PUBLIC SAFETY AND COMMUNITY WELFARE -
- THE GRANTING OF THIS TEMPORARY LICENCE SHOULD BE WITHHELD UNTIL THESE ISSUES ARE THOROUGHLY EXAMINED AND ASSESSED.

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

24 JUNE 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

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)	LAURA MAY McSWEENEY	
Name & Address of premises:	THE GREEN (CAR PARK AREA) 70 COURT STREET HADDINGTON EH41 3AF	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
Application Number (if known)	OCCASIONAL LICENSE 18/07 - 31/07	

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

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

Individual Title	
Name	
Name(s)	
Address (including postcode):	

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

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

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

• The premises are excluded premises.

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

• 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 [redacted] 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

⇒ 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:

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.

Securing public safety	CUSTOMERS UNLIKELY TO CROSS AT LIGHTS - STAFF LIKEWISE CARRYING FOOD, PAVEMENT IS NARROW AND UNSUITABLE IN ANY CASE. RESTRICTED VISIBILITY OF THOSE CROSSING ESPECIALLY FOR VEHICLES DESCENDING HOPE PARK. SITE CAN ONLY BE ACCESSED BY CROSSING THE ROAD, ROAD TRAFFIC AND ALCOHOL IS NOT A GOOD MIX.
------------------------	--

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	FOR 35 HOURS, 4 DAYS A WEEK, WITH UP TO 50 PEOPLE - RECENTLY LET OFF THE LOCKDOWN LEASH - DRINKING AND SOCIALISING, THERE WILL LIKELY BE SIGNIFICANT NOISE WHICH WILL AFFECT NEIGHBOURS' ENJOYMENT OF THEIR GARDENS, AND WILL PROBABLY BE AUDIBLE INDOORS. PRE-LOCKDOWN, WEEKEND, ROWDY STREET NOISE AND BEHAVIOUR WAS TOLERATED WITHOUT COMPLAINT AFTER CLOSING TIME. THE CONCERN IS THIS WILL LIKELY BE WORSE THAN BEFORE.
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	A GATHERING OF 35 TO 50 PEOPLE FROM MULTIPLE HOUSEHOLDS IN A CAR PARK WALLED ON 3 SIDES, DRINKING, TALKING, PERHAPS SHOUTING OVER TRAFFIC NOISE, COULD PRESENT A COVID TRANSMISSION RISK. IT IS UNCLEAR HOW SOCIAL DISTANCING RULES COULD BE EFFECTIVELY "POLICED" BY STAFF AT ALL TIMES.

Objective	Explanation
Protecting children and young persons from harm	GIVEN THAT CHILDREN ARE NOT EXCLUDED FROM THIS APPLICATION IT IS ASSUMED THEY WOULD BE ADMITTED, GIVEN THE PROXIMITY OF THE ROAD, WITH NO PAVEMENT ENTRY, EXIT AND CROSSING (FOR THE TOILET) WOULD NEED CLOSE SUPERVISION. ALCOHOL USE IS IDENTIFIED AS A RISK FACTOR IN THE EFFECTIVE SUPERVISION OF CHILDREN
<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) 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>FOOD PROPOSED TO BE FERRIED ACROSS A BUSY ROAD, ALCOHOL FROM AN EX-MILITARY TRUCK IN A CAR PARK WITHIN A CONSERVATION AREA, CARPARK BOUNDED BY ROAD AND RESIDENTIAL PROPERTIES.</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: <u>GIVEN THAT CHILDREN</u></p> <p>.....</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.

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations

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 you could list them here:-

ADDITIONAL TO THESE OBJECTIONS AND CONCERNS IT IS WORTH NOTING THAT THE APPLICATION PUBLISHED ON THE COUNCIL WEBSITE STOPS MID SENTENCE AND IS INCOMPLETE, NO MENTION MADE OF CHILDREN - EXCEPT ON THEIR FACEBOOK ADVERT (17/66) HERE "FAMILY TIME" IS ADVERTISED. NO MENTION IS MADE OF THE MANAGEMENT OF QUEUES OR OF PAYMENT METHOD. IN THE ABSENCE OF CONTACTLESS PAYMENT FOR ALCOHOL AT THE TRUCK, COVID RISKS WOULD ESCALATE WITH THE HANDLING OF CASH, THE ALTERNATIVE BEING MORE ROAD CROSSINGS TO PAY IN PERSON. THE ABSENCE OF ANY BULLET PROVISION IS GLARING, THE RISKS ASSOCIATED WITH CONSTANT ROAD CROSSINGS ARE OBVIOUS AND WHOLLY FORESEEABLE. BEYOND THIS THE PROPOSAL AMOUNTS TO A CLEAR CHANGE OF USE FROM A CAR PARK TO BEER GARDEN. WE ARE TOLD THE PLANNING OFFICER ACCEPTS THE PROPOSAL AMOUNTS TO A CHANGE OF USE, STATUTORY PROVISION REQUIRES THE MATTER TO BE CONSIDERED BY THE PLANNING COMMITTEE IN THESE CIRCUMSTANCES. THIS IS A DUTY. IF THAT IS RIGHT, THE DECISION TO GO FORWARD WITHOUT THE NECESSARY S.50 CERTIFICATE OF SUITABILITY WAS WRONG IN PRINCIPLE AND IN BREACH OF STATUTORY DUTY. SADLY, NO ATTEMPT HAS BEEN MADE AT ANY POINT TO SPEAK TO AFFECTED NEIGHBOURS TO DISCUSS PLANS OR SEEK COMPROMISE ON No. 5 OF CUSTOMERS OR OPENING HOURS.

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

24/06/20

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

JPR

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

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	<i>Absence of a pavement and poor visibility of road traffic when leaving the site makes access dangerous. This applies particularly to customers leaving the site, visiting toilets in the main building, and to staff crossing the road frequently to deliver food, etc. from The Green pub.</i>

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<i>The site is closely overlooked by private dwellings (particularly Nos 1, 2 and 3 Station Road) and any noise from customers will have a serious impact on residents. There is no indication of noise limitation or reduction procedures in place. But if there are to be 35 - 50 customers (as indicated in a previous licence application) then the noise will inevitably be considerable.</i>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	<p><i>The licence application as published on the Council web site gives no indication whether children will be present, but if they are then particular attention must be given to their safety given the open access of the car park to a busy road with limited visibility and no pavement as indicated above.</i></p>
<p>(d) 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 : <i>I am not aware of any application having been made for Planning Permission for the change of use of the car park in a Conservation Area. In the absence of due consideration by the Planning Authorities the default assumption must be that these premises are unsuitable for use as a Beer Garden</i></p>	
<p>(e) 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.

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:-

My particular concerns are for the safety of customers and staff entering and leaving the site across a busy road. There is no pavement on that side of the road in either direction. Visibility of on-coming traffic from the north is very restricted by the bend in the road (see photos below). Customers will need to cross the road to the main pub building to access toilets and to leave the beer garden. Staff will need to cross the road frequently when delivering food from the kitchens to the tables. If children are present then there is no gate restricting access to the road. It is obvious that customers arriving from, or departing to, Station Road will not cross the road at the exit, walk down the pavement and cross again at the lights; they will walk down the road on west side where there is no pavement. This would be particularly dangerous after a few beers.



Restricted visibility to north



Absence of pavement to south for access to Station Road

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	24th June, 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.

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)	LAURA MCSWEENEY	
Name & Address of premises:	THE GREEN 70 COURT STREET HADDINGTON	
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.~~

Commented [REDACTED]: 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 [REDACTED]: I would put the text First with the brackets and put the section of the Act in brack 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	POTENTIAL TRAFFIC HAZARD ACCESS TO THIS SITE IS NOT SAFE

<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	
<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) the location, character and condition of the premises, and</p> <p>(iii) the persons likely to frequent the premises.</p> <p>Please explain why :</p> <p style="text-align: center;">SITE IS WITHIN A RESIDENTIAL AREA WHICH IS ALSO A CONSERVATION AREA</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> <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.

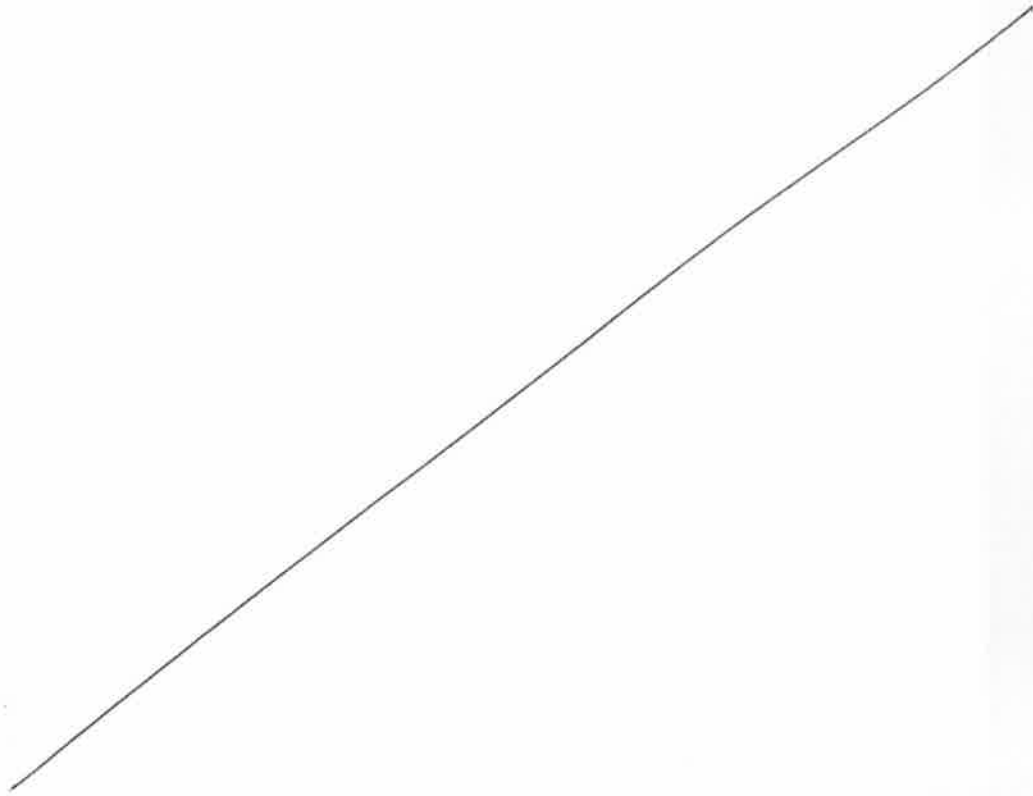
As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations

PART C: Additional Information/Supporting Documents

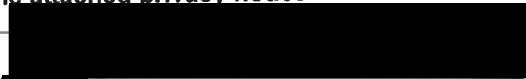
Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-



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

I have read and understood the attached privacy notice

Your Signature



Date

24th JUNE 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**

Herkes, Gillian

From: Laura McSweeney <info@thegreenhaddington.com>
Sent: 24 June 2020 16:03
To: Winter, Maree
Subject: Fwd: From [REDACTED] following on from our call.

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.

Hi Maree

Thanks for this information.

I have attached below communication we had had with one of the neighbours in advance of this. She had contacted us asking for more clarity and Given the tone of the email she seemed happy with our plans. We are not out with sociable hours and we have a kerb space between our fencing and the roadside in question. Can you let us know how we need to proceed? Obviously full guidance on proper use of the beer garden will be issued and displayed in due course and our Facebook advertisements were merely teaser emails as part of our marketing plan. She had also advised me she had spoken with other neighbours and had passed my number on to a [REDACTED] who is currently shielding so he could get in touch and ask any questions. She also stated she wished to book a table in the email below!

Please let me know if there is anything we need to do on this. We've put a lot of work in so far and communication so I'm confused where this objection has come from.

Many thanks
Laura
07736255459

Sent from my iPhone

Begin forwarded message:

From: Laura McSweeney <info@thegreenhaddington.com>
Date: 13 June 2020 at 19:15:54 BST
To: [REDACTED]
Subject: Re: From [REDACTED] following on from our call.

Appreciate you speaking to [REDACTED]

Thank you
Laura

Sent from my iPhone

On 13 Jun 2020, at 19:04, [REDACTED]
[REDACTED] wrote:

Thanks Laura

Just to let you know I spoke to [REDACTED] about what is proposed and we are both of a similar view on this.

We totally understand why you'd want to try a pop up beer garden as we emerge from this crisis. The test for us, as a directly affected neighbour, will be whether noise levels are acceptable but we will call you if there's a problem.

We both want to support local businesses generally, but that being said, please don't take this as our consent to a regular or permanent beer garden in the car park.

Good luck with all your preparations and hopefully the weather will be kinder than it has been this weekend - so far!

[REDACTED]

On 11 Jun 2020, at 21:02, Laura McSweeney
<info@thegreenhaddington.com> wrote:

Hi [REDACTED]

We are aiming for 4th of July but that will all be dependent on our progress with our risk assessments, staff training and general logistics. That will certainly be the earliest we will open.

I will be running the booking system the same way as we operate our takeaway service whereby all bookings must come through email or Facebook. I am the only person who accesses and responds to these, so it gives us total control. We then have a centralised diary system and provide updates for staff ahead of their shift. Of course I expect there to be on the day bookings, but as we are across the road we can communicate these easily.

As soon as we start taking bookings I will get back in touch regarding booking a time. Unfortunately bookings made ahead of time will be subject to weather conditions on that day. Quite a lot stacked against us given the unpredictable Scottish weather but then nothing is predictable at the moment. We will give it a go and see how we go!

Best regards,

Laura

Sent from my iPhone

On 11 Jun 2020, at 20:02, [REDACTED]

[REDACTED]
wrote:

Hi Laura

Our emails just crossed.

Thanks for taking some time to outline your plans and thinking for the pop up beer garden. I called [REDACTED] and he's still a bit wary from a noise point of view, so if you can re-assure him in person that would be kind.

I'm waiting to hear back from the owner of [REDACTED] [REDACTED] I will give her your number in case she wishes to speak to you directly.

Next week's Route Map Update permitting - I forgot to ask when you are hoping to be up and running and how the booking system would work as we'd like to book a slot!

Now you have both my email address and mobile should you need it.

[REDACTED]

