

ELO 372

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

2

Question 1


Name, address and postcode of premises to be licensed.

102 NEW STREET MUSSELBURGH EH21 6JQ

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.*

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

NA

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

NA

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

NA

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.**

NA

* 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? YES/NO*

If YES – provide full details

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Question 4

Previous convictions

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

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

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

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)

RESTAURANT WITH APROX 60-80 COVER.

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>	

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

Signature .  * (see note below)

Date 14/7/20

Capacity OWNER APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory . 

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	✓
<i>Layout plan</i>	✓
<i>Planning certificate</i>	✓
<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.

102 NEW STREET MUSSELBURGH EH21 6JQ

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>	YES/NO*
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES/NO*
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES/NO*
<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 AM	11 PM
<i>Tuesday</i>	11 AM	11 PM
<i>Wednesday</i>	11 AM	11 PM
<i>Thursday</i>	11 AM	1 AM
<i>Friday</i>	11 AM	1 AM
<i>Saturday</i>	11 AM	1 AM
<i>Sunday</i>	11 AM	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>	NA	NA
<i>Tuesday</i>	"	"
<i>Wednesday</i>	"	"
<i>Thursday</i>	"	"
<i>Friday</i>	"	"
<i>Saturday</i>	"	"
<i>Sunday</i>	"	"

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES NO*
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**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>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	NO
<i>Bar meals</i>	NO	NO	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	NO	NO	NO
<i>Club or other group</i> <i>meetings etc.</i>	NO	NO	NO
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	NO	NO	NO
<i>Live performances –</i> <i>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.

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>	<input checked="" type="radio"/> YES <input type="radio"/> 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*

WITH ADULT AGED 18 YEARS OR ABOVE
OR SEATED IN AREA AWAY FROM BAR

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

CHILDREN OF ALL AGES ALLOWED ENTRY
PROVIDED ACCOMPANIED BY AN ADULT ~~OR~~

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

ALL TIMES

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

ALL PARTS OF DINING AREA

Question 7

CAPACITY OF PREMISES

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

APPROX 60 - 80 PERSONS , USED AS RESTAURANT

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

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.

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

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 15/1/20

Capacity OWNER APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory ... 

*** Data Protection Act 1998**

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

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

Business Profile

Please describe your business offering.

RESTAURANT SERVING INDIAN FOOD.
NO INTENTION FOR LIVE MUSIC. INTENTION
TO OFFER QUIET DINING EXPERIENCE

(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) PROVISION OF ALCOHOL
ALONG WITH MEAL AS
PART OF RESTAURANT

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

b) 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:

NA

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

BABY CHANGING FACILITIES AVAILABLE

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:

- NOT ALLOW ENTRY FOR ANYONE WHO APPEARS DRUNK AND DISORDERLY
- ALL CHILDREN AGED UNDER 12 TO BE ACCOMPANIED BY AN ADULT

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

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

Securing Public Safety:

- REGULAR ELECTRICAL / GAS SAFE TESTS
- STAFF ONLY AREAS CLEARLY IDENTIFIED

Preventing Public Nuisance:

- REFUSING ENTRY FOR ANY PERSONS THAT APPEAR DRUNK AND DISORDERLY
- CALLING POLICE IMMEDIATELY SHOULD IT BE REQUIRED

Protecting and Improving Public Health:

- FOOD SAFETY CHECKS / CERTIFICATES OBTAINED BY ALL RELEVANT STAFF

Protecting Children and Young Persons From Harm:

- NO SERVING OF ALCOHOL TO PERSONS BELOW 18
- ADEQUATE BABY CHANGING FACILITIES
- REQUIRING PRESENCE OF ADULT FOR ANY CHILDREN UNDER AGE 12

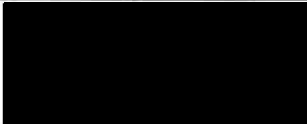
Application Supporting Comments / Any Other Additional Information

(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 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	14/7/20
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DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

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

- ACCESSIBLE FLOORING
- WIDE FRONT DOOR THAT FITS A WHEELCHAIR
- DISABLED TOILETS

Question 3

Facilities available

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

- DISABLED TOILETS
- ALL TABLES ARE ON GROUND LEVEL SO
ACCESSIBLE BY WHEELCHAIR.

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.

N/A.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  * (see note below)

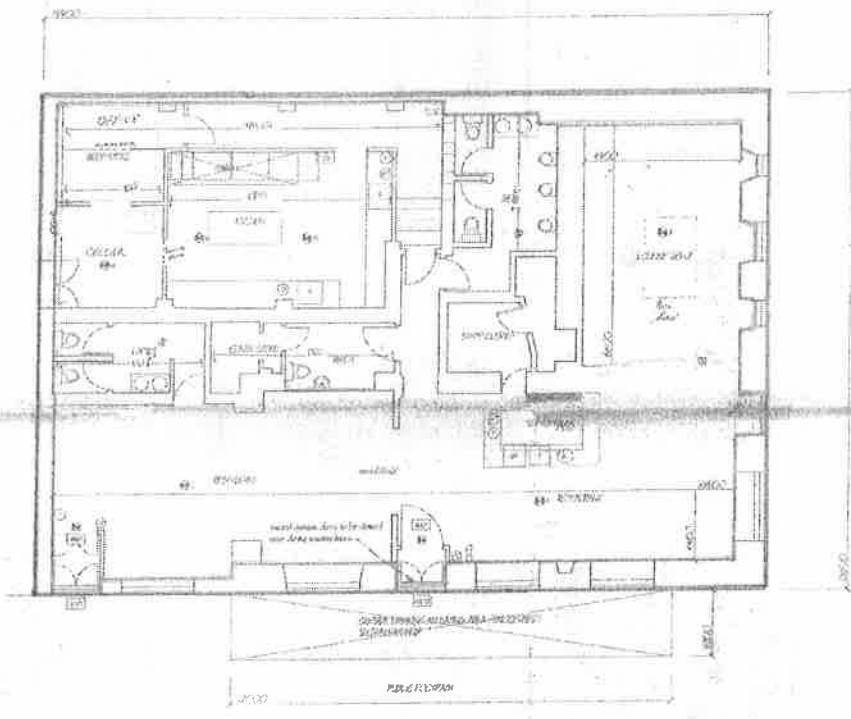
Date 14/7/20

Capacity OWNER APPLICANT/AGENT

Telephone number and email address of signatory.. 

* Data Protection Act 1998

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GROUND FLOOR PLAN

NEW SET

- LEGEND
- ① existing wall
 - ② structural wall
 - ③ finish wall
 - ④ fire door
 - ⑤ window
 - ⑥ door
 - ⑦ floor to ceiling
 - ⑧ wall to ceiling
 - ⑨ roof to ceiling
 - ⑩ floor to floor

⑪ new wall to be added
 ⑫ new door to be added
 ⑬ new window to be added

ENGINEER'S SEAL - [Signature]		
REGISTERED ARCHITECT		
A 20 NEW WEST BRISBANE		
Date	Scale	Sheet
		1/10



East Lothian Council

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

SECTION 50 PLANNING CERTIFICATE

APPLICANT:

Sau Tai Wong

NAME AND
ADDRESS OF
PREMISES:

102 New Street, Musselburgh

SECTION 50 PLANNING CERTIFICATE

- I confirm that planning permission (ref:.....) 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:	21 st August 2020
Neil Millar Planning Officer			

09/09/2020

Your Ref:

Our Ref: 516259

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

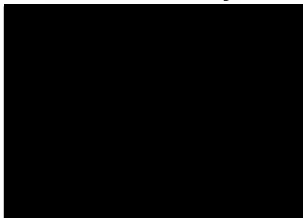
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
102 NEW STREET, FISHERROW, MUSSELBURGH,
EAST LOTHIAN, EH21 6JQ.**

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



John McKenzie
Divisional Commander

For enquiries please contact the Licensing Department on 0131 561 6119.

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNENCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 04 Sep. 2020

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

102 New Street, Musselburgh, East Lothian EH21 6JQ

I refer to the above subject and can confirm that I have met with Mr Rafeeq Mohammed the new tenant of the above premises, formerly known as Golden Chopsticks, and that the premises to be named as Royal Bawarchi have been visited and assessed in relation to application for a Provisional Premises Licence variation.

My observations are as follows:

- The applicant Sau Tai Wong appears to be the owner of the premises and seeks to be the licence holder, and that Mr Rafeeq is the leaseholder who will operate the premises as an Indian food restaurant.
- Mr Rafeeq, at the time of reporting, does not hold a Personal Licence, but has booked a place on a training course towards the end of September.
- Mr Rafeeq stated that he hoped to open for business within two weeks of my visit. However, it was pointed out that no alcohol could be sold or supplied on the premises without a full premises licence being in place or on the successful application for temporary occasional licences, made by the holder of a current personal licence holder.
- In the absence of a licence to sell or supply alcohol customers could consume alcohol on the premises by way of BYOB.
- Mr Rafeeq stated he would like to be able to allow customers to take away unfinished bottles of wine, or possibly a food take away with a small carry out of alcohol and similarly make deliveries of meals and alcohol. It was pointed out that these off-sales facilities had not been requested in the Operating Plan.
- Only restaurant facilities have been applied for in the Operating Plan and Mr Rafeeq enquired about the use of music. He asked if he paid the requisite PPR fees if that would be sufficient authorisation to play music in the premises. He was informed that music required to be included in the Operating Plan therefore it was not possible under the

- terms of the current application.
- The applicant requests Children and Young Persons access at all times while the premises are open. Normally the Licensing Board only allows Children's access until 22:00 unless attending a pre-arranged event or function. However, it is again pointed out that there are no facilities applied for other than Restaurant Facilities in the Operating Plan i.e. no music; group meetings or receptions such as weddings , anniversaries or birthday parties, retirements, which would constitute an event or function.

Should this licence be granted, and the applicant/tenant wish to add additional facilities to it, other than simply the Restaurant Facilities as shown in the Operating Plan, a major variation application will require to be applied for, which will cost £200 and take two to three months to reach a determination at a Licensing Board.

From a Licensing Standards point of view, the applicant would have benefited from consultation with Licensing Officers or a Licensing Agent prior to submission of this application.

Overprovision. In relation to other licensed premises within 800 metres of 102 New Street, Musselburgh there are 4 public houses, 1 Indian and 1 Thai restaurant, 1 florist, 2 licensed grocers and 1 event space.

This information is provided for the benefit of Licensing Board members.

R. Fruzynski
Licensing Standards Officer

