



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

**THURSDAY 24 SEPTEMBER 2020 at 10.00am
VIA ONLINE MEETING FACILITY**

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, 7 July 2020 (pages 1-8)
- 2. Provisional Premises Licence**
 - a) 102 New Street, Musselburgh (pages 9-36)
- 3. Major Variation of Premises Licence**
 - a) The Main Course, 40 Main Street, Gullane (pages 37-58)
 - b) Zitto, 10 Quality Street, North Berwick (pages 59-80)
 - c) Luffness New Golf Club, Aberlady (pages 81-102)
- 4. Grant of Personal Licence**
 - a) Lee Nelson (pages 103-108)
- 5. Festive Hours – Report by the Clerk of the Licensing Board (pages 109-110)**
- 6. Chief Constable’s Report to the East Lothian Licensing Board, 1 April 2019 – 31 March 2020 (pages 111-125)**

Carlo Grilli
Depute Clerk of the Licensing Board
17 September 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

TUESDAY 7 JULY 2020
VIA TELECONFERENCE

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

Attending:

Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
Ms G Herkes, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Mr R Fruzynski, Licensing Standards Officer
PC C Banks, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor W Innes

Declarations of Interest:

Councillor McMillan – Item 4, The Green, Haddington, due to knowing some of the objectors and having received a good deal of correspondence since the application had been made.

Due to restrictions imposed during the COVID 19 pandemic, the East Lothian Licensing Board determined to proceed with the meeting by way of video conferencing.

1. MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 27 February 2020 were approved as a true record of the meeting.

2. PROVISIONAL PREMISES LICENCE 57 Eskview Terrace, Musselburgh

The application sought a licence for off-sales for takeaway and alcohol with food deliveries.

No objections had been raised by the public or Police Scotland, NHS Scotland, the Community Council, or by Planning. The Licensing Standards Officer (LSO) had made representations, as contained within his report.

Alistair Macdonald, agent, was present on behalf of the applicant. He explained that the fish and chip shop, Eskview Fry, opened in April and had been operating on occasional licences without issue. He highlighted the new CCTV system in place and advised that all conditions requested by the LSO would be accepted and complied with. He advised that the premises had been making deliveries under occasional licences and carefully complying with guidelines without issue. Mr Macdonald also informed the Board that his client had been the licence holder at the newsagents next door for 22 years, and therefore possessed a very good local knowledge.

PC Colin Banks, Police Scotland, advised that he had previously visited the newsagents and had never been aware of any issues. The Police had no comment to make.

Rudi Fruzynski, LSO, noted that the occasional licences in operation since the outset of the new venture had run without incident

Councillor Henderson questioned whether the businesses would be run in conjunction to fulfil deliveries. Mr Macdonald confirmed that the businesses would be run separately.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence, subject to standard conditions.

3. MAJOR VARIATION OF PREMISES LICENCE

a Margiotta, 10a High Street, Aberlady

The application was for a change of name (premises previously known as the Aberlady Village Store), a change of hours, to add a takeaway and delivery to the operating plan, and to reduce capacity for the sale of alcohol.

No objections had been raised by Police Scotland, NHS Scotland, the Community Council, or by Planning. Two public objections had been received, both of which

focused on public safety and the potential for increased noise and traffic. The LSO supported the application but had requested some local conditions be applied.

Alastair Macdonald, agent, was present on behalf of the applicant. He advised that the new owners were currently operating on the basis of the current licence. He provided some background to the Margiotta family's stores; this shop represented the first venture outside of Edinburgh. He advised that comments made by the Police and LSO had been noted and accepted.

Mr Macdonald addressed the public objections raised. He advised that there was an area for parking outside the shop, and suggested that a notice be displayed in the shop regarding considerate parking. His clients were aware of the issue with a nearby pedestrian crossing, but stated that there had been no problems so far. He advised that staff would monitor parking and take action should a customer block a neighbour's driveway, and highlighted the good relationships built with neighbours. He noted comments made regarding litter, which his clients would deal with. He also mentioned background music, which would be kept at a background level and would therefore cause no disruption.

Mr Macdonald explained that the terminal hour had previously been 8pm due only to the personal circumstances of the previous owner. His clients had applied for a 10pm terminal hour; he noted that all other Margiotta stores had a terminal hour of 10pm, most of which were situated in residential areas.

Councillor McMillan asked whether the owners had considered how much additional traffic the two additional operating hours each day would bring. Mr Macdonald advised that there was an indication that the business coming later in the evening would be from people locally, many of whom would walk. He advised that there was plentiful parking for anyone travelling in an Edinburgh direction just past the shop, and two or three spaces outside the shop. It was likely that visits to the shop would be short and would not cause any problems.

PC Banks agreed with Mr Macdonald's comments on parking. He reminded the applicant about their obligations regarding deliveries of alcohol and record keeping.

The LSO commented that no complaints had been made against the shop in the past. He raised that there had never been a request for licensing hours beyond 8pm. He noted that the coastal road was busy; most noise came from vehicles driving rather than from anyone stopping, and he felt there was ample parking available. He offered his support to the application.

Councillor Henderson was pleased to be welcoming Margiotta to East Lothian and wished the applicants well.

Councillor Bruce had read the objections carefully and welcomed the idea of a notice to address parking. He understood the concern around the change, but also noted that 10pm represented a standard closing time for village shops, which local residents would enjoy the benefit of.

The Convener was pleased that Mr Macdonald had acknowledged the concerns of objectors and that consideration had been given to advising patrons to park considerately.

Decision

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

3d Honourable Company of Edinburgh Golfers, Muirfield Golf, Gullane

The application sought a major variation of the premises licence to include a new outside roof terrace area and off-sales, as well as a number of other changes.

There had been no public objections, or objections raised by Police Scotland, NHS Scotland, the Community Council, the LSO, or by Planning.

Alastair Macdonald, agent, was present on behalf of the applicant. He explained that alterations had been made to the club including a roof terrace being added to the outdoor drinking facility. A change of hours was requested to commence off-sales from 11am, and he advised that the operating plan had been simplified. Bar meals had also been introduced, and the capacity had been increased due to the changes made to the premises.

Councillor Henderson questioned the plans for recorded music, as the application did not make this clear. Mr Macdonald advised that it was being requested as part of the licence but was played infrequently; he would make any necessary amendments to clarify this.

The LSO raised no objections to recorded music being used, and noted that the club may host occasional social functions and charity events.

PC Banks advised that Police Scotland had no objections to the application. There had been no issues noted and he commented that it was a very well run pub.

The LSO advised of the good relationship held with management. It was clarified that 'The Smoking Room' to which the layout plan referred was a historical name only.

Decision

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

3b Nisa Local, 18-26 High Street, North Berwick

The application sought to amend the operating plan to include home deliveries and to increase the display area for alcohol.

There had been no public objections, or objections from Police Scotland, NHS Scotland, the Community Council, the LSO, or Planning. The LSO had made a representation in his report.

Maqbool Ahmed, licence holder, was present to speak to his application. He advised that considerable investment had been made in a refurbishment in September 2019 to improve the flow to the store. The alcohol section had been moved to the other side of the store and had been kept close to the checkouts for the purposes of security. Mr Ahmed explained that he wished to make locally-produced alcohol available, but also had to stock national brands due to being part of the Nisa chain, hence the necessity to increase the display area for alcohol.

PC Banks reminded the applicant of his obligations under Section 119 for home deliveries. He advised that the refurbishment had improved security and commended the applicant on the work that had been done. He offered his support to the application.

The LSO asked that standard conditions be added, including the tagging and security labelling of high-value spirits and wines, and the new CCTV system being maintained

to a high standard. He noted that it was a well-run and popular store, and offered his support to the application.

Mr Ahmed responded that security was taken seriously and that the store had a good CCTV system and enjoyed a good relationship with the police. He was happy to comply with all of the standard conditions.

Councillor Goodfellow supported the application. He added that the shop was well run, thorough with Challenge 25, and proactive when there was suspicion that purchases would be supplied to someone underage. He commended the applicant for supporting the community through the COVID 19 crisis.

Councillor McMillan agreed with Councillor Goodfellow's comments regarding services provided throughout lockdown, and was pleased that the store would be promoting local produce. He supported the application.

Decision

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

- CCTV to be maintained to a standard acceptable to Police Scotland;
- Theft of alcohol to be reported to Police Scotland; and
- High value wines and spirits to be tagged and security labelled.

3c The Co-op, 1 Clayknowes Crescent, Musselburgh

The application sought to add recorded music as an activity on the operating plan, and to add home deliveries.

There had been no public objections, or objections from Police Scotland, NHS Scotland, the Community Council, the LSO, or Planning.

Eilidh McGuire, agent, was present on behalf of the applicant. She advised that the two changes to the operating plan would bring the store in line with other Co-op stores, and would allow them to play Co-op radio in store. She advised that the Co-op had robust procedures regarding deliveries, and all drivers received mandatory training including the use of Challenge 25. She noted that home deliveries were an essential service for many during the COVID 19 pandemic and the Co-op managed deliveries as responsible operators.

Councillor McMillan enquired whether the Co-op had considered using electric vehicles for their deliveries. Ms McGuire thought that this may be in consultation. She advised that some deliveries were fulfilled by Deliveroo, with whom many delivery persons used bicycles. She undertook to feedback Councillor McMillan's comments about electric vehicles to her clients.

PC Banks noted that the Musselburgh Co-op was a well-run establishment that never came to the attention of Police Scotland.

The LSO supported the application, noting that the store was very well run, staff were helpful, and records had always been kept very well.

Councillor Bruce welcomed the application, and also noted that it was a well-run store. He thought the deliveries would be a good addition to that area of Musselburgh.

Decision

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

3e Wallyford Miners' Welfare and Social Club, 24 Salters Row, Wallyford

The application sought to add an area to the layout plan around the bowling green, to open up a smoking area, to allow children into the main hall and lounge, and to change the age of children allowed on the premises to 0-17.

There had been no public objections, or objections from Police Scotland, NHS Scotland, the Community Council, the LSO, or Planning.

Darren Smith, Treasurer of Wallyford Miners' Welfare, was present to speak to the application. He advised that a new door would be installed the following day, so the club would have a closed door policy and would not cater for visitors. A swipe card would record which members had been in attendance. Furthermore, a traffic light system online would let other members know how busy the club was. The club hoped to open the back area to help with capacity, and to allow children into the main hall. The club also looked to extend the hours under 18s could be on the premises at certain types of functions. He added that a new CCTV system would also be in place.

Councillor McMillan questioned how children would be kept away from the outdoor smoking area. Mr Smith advised that this would be segregated if the licence were granted to open the patio area as an outdoor drinking and smoking area. Any private functions would not be allowed to use the bowling green as an outdoor smoking or drinking area going forward.

PC Banks commended the club on the installation of the new door entry and CCTV systems.

The LSO supported the application and all of its changes. As per standard conditions, it would be expected that the CCTV system would be maintained to a high standard. He noted that the club should ensure doors leading to the outdoor drinking area be kept closed to ensure amplified entertainment would not cause a disturbance to neighbours. The club had voluntarily decided to refuse to host any 18th - 21st birthday parties, and Mr Fruzynski suggested this be made a formal condition. He questioned how the club would manage children being allowed on the premises only until 12am at prearranged events when the club would stay open until 1am. He highlighted the good relationship between the club and the LSO; he wished the club well and congratulated them on their silver award at the Best Bar None inspections.

Mr Smith responded to some of the points raised. He explained that the second door from the toilet/foyer area would limit any noise disturbance to neighbours, and that there were no houses outside the patio area. He explained that the bar closed at 12pm, and anyone at events accompanying children would have to leave at that time. Mr Smith confirmed that he was happy to agree to the conditions mentioned by the LSO. He would look into having a door closure system installed if possible. It was agreed that the application would be amended to allow use of the outdoor area to 10pm.

Councillor McMillan had been impressed with the community feel of the club and how supportive they had been of community events. He wished the club well.

The LSO clarified that he sought only for doors to be closed when amplified entertainment was being played, and that staff monitoring this regularly would be sufficient. Mr Smith agreed that he was happy with the condition that the doors be kept

closed during events with amplified entertainment, and the club staff would monitor this using CCTV.

The Convener was pleased with how well the club supported the Wallyford community and offered her support to the application.

Decision

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

- The terminal outdoor drinking hour to be amended to 2200 hrs;
- CCTV to be maintained to high standard;
- Doors to remain closed when amplified music is played;
- No 18th or 21st birthday parties to be hosted; and
- Children must be off premises by midnight.

Sederunt: Councillor John McMillan left the meeting.

4. OCCASIONAL LICENCE The Green, 2 Hope Park, Haddington

The application sought to licence a pop-up beer garden in a car parking area from 18th – 31st July, Thursdays 4pm-10pm, Fridays and Saturdays 12pm-10pm, and Sundays 12pm-9pm. This was the second application of this nature, and the beer garden was soon to open under its first occasional licence.

No objections had been raised by Police Scotland, NHS Scotland, the Community Council, the LSO, Environmental Officers, or Planning. A number of public objections had been received, and a good deal of email correspondence was included within the papers.

Laura MacSweeney, applicant, was present to speak to her application. She advised that the pub would serve food and drink from the beer garden. Risk assessments were in place, and Ms MacSweeney had made contact with Licensing, Police Scotland, and Environmental Health as part of her preparations. She advised that the pub was looking to open from Friday 10th July and extend through the summer period with further occasional licences.

Councillor Henderson asked how staff would take food across the road from the kitchens to the beer garden. Ms MacSweeney advised that all food would be served in takeaway boxes to limit the number of trips necessary.

PC Banks advised that Police Scotland had some initial concerns regarding the road, classified as an A road, but these had been addressed when the first occasional licence was granted. Several conditions had been put in place, which could be found at the appendix to the Police Scotland letter dated 18 June 2020. However, condition no. 3 had since been revised, and a staff member would hold the key to the toilets and patrons would be escorted across the road to use the facilities. PC Banks noted that the applications had a good system in place and he had no concerns having been walked through the plans.

Councillor Goodfellow questioned the dates regarding any following occasional licences. The Clerk advised that the initial licence covered the 4th – 18th July, and that the licence under discussion would cover 18th – 31st July. Occasional licences could run for a maximum of a fortnight, and were advertised on the licensing section of the

council's website. As Police Scotland, the LSO, and Environmental Health had been aware of the applications, they could monitor the premises as necessary.

Councillor Henderson questioned how many of the conditions requested by the police and LSO would be in place for the first occasional licence. Gillian Herkes, Licensing Officer, advised that the conditions were the same for the first occasional licence. She also advised that Environmental Health was not normally taken into consideration, but additional bodies/departments had been notified in this instance and all had been satisfied with the plans.

The LSO highlighted the suggested conditions in his report dated 26th June 2020. He advised that most had been implemented by the application in risk assessments and staff training, and noted that the applicant had done everything possible to ensure the safety of patrons as they crossed the road. Other conditions relating to Under 18s and the serving of drinks in approved plastic containers had all been accepted by the applicant. An A4 notice would be prominently displayed to request that customers be respectful of neighbours. Further Scottish Government guidelines would be adhered to, such as customer names and addresses for the purposes of tracking and tracing; Environmental Health would enforce these. He stated that he had no objection to this or any future applications.

The Convener asked whether the toilets available included baby changing facilities. Ms MacSweeney confirmed that both baby change facilities and disabled facilities would be available, and would be cleaned after each use.

Councillor Goodfellow noted that council officers and Police Scotland supported the application and the licensing of the piece of land, and so he found himself reluctantly supporting it also. He hoped that the police and the LSO would keep a close eye on the premises to ensure all was running smoothly.

Councillor Henderson said she found the application difficult to support, even in these exceptional times. She raised that she was uncomfortable with the positioning of the land and the necessity to cross an A road close to a junction. She felt this presented too great a complication and was not minded to grant the application.

Councillor Bruce agreed with Councillor Goodfellow's comments, but commended the applicant on the planning that had gone in to ensuring public safety and that disruption to neighbours would be minimised. He was minded to grant the application.

The Convener noted all the work done by Ms MacSweeney, and said that the Board had carefully considered objections raised by members of the public. She would support the application.

Decision

East Lothian Licensing Board agreed to grant the premises licence subject to the conditions agreed with Police Scotland and LSO.

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board

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

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

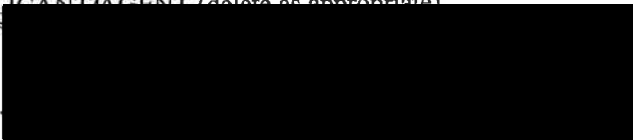
If signing on behalf of the applicant please state in what capacity.

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>	<input checked="" type="radio"/> YES <input type="radio"/> NO*
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**If YES – provide details*

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Question 5

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

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>	YES	YES	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>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
<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>	NO	NO	NO
<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.

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

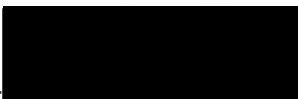
8(e) Personal licence

<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:

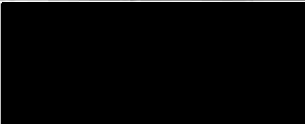
Supporting Comments: i.e. reasons why the Board should support your application.

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
------------------	--	-------------	---------

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

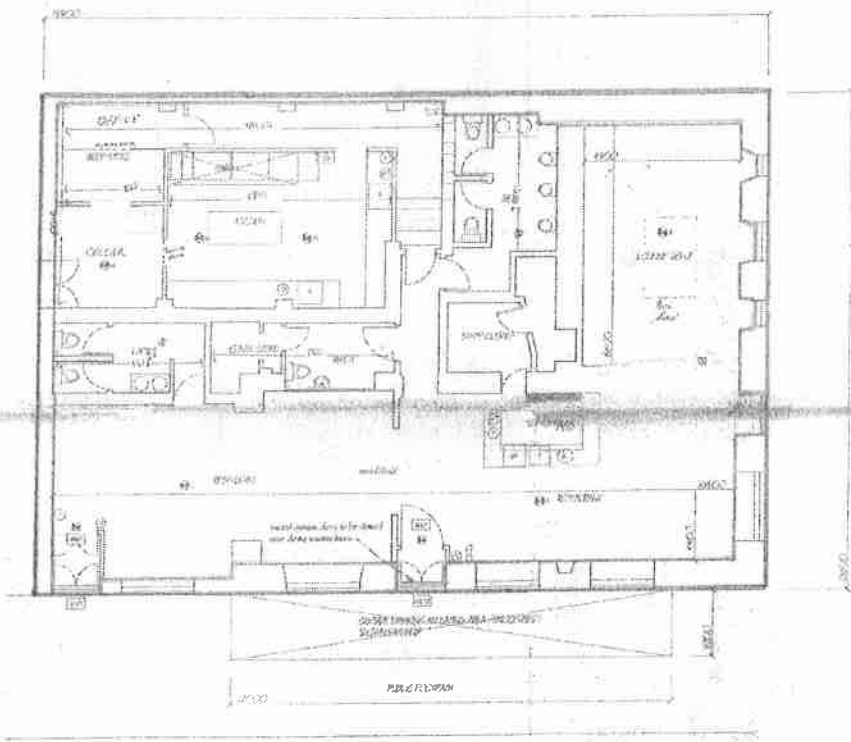
Capacity OWNER APPLICANT/AGENT

Telephone number and email address of signatory..

* Data Protection Act 1998

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

DATE: _____



- LEGEND
- ① emergency exit
 - ② fire rated wall door
 - ③ fire rated door
 - ④ fire rated window
 - ⑤ fire rated glass
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GROUND FLOOR PLAN NEW SITE

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	ADD TO THE EXISTING		
2	ADD TO THE EXISTING		
3	ADD TO THE EXISTING		
4	ADD TO THE EXISTING		
5	ADD TO THE EXISTING		
6	ADD TO THE EXISTING		
7	ADD TO THE EXISTING		
8	ADD TO THE EXISTING		
9	ADD TO THE EXISTING		
10	ADD TO THE EXISTING		



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

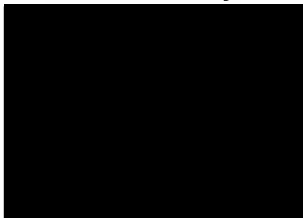
Dear Sir/Madam,

**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

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)

3a

- 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

EL0181

2(b) Name and Address of Premises

The Main Course
40 Main Street
Gullane
East Lothian

Post Code EH31 2AP

Phone No.

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

U. Crolla & Sons Ltd
1a Torphicen Street
Edinburgh

Post Code EH3 8HX

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 Outside Drinking as an Activity.

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 add an area to the rear of the premises as an outside dining area.

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 [redacted] are true to the best of my knowledge and belief;
and (b) the appropriate fee of £ [redacted]

Signature

..... (See note 5 below)

Date

..... 27/1/20

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.

The Main Course 40 Main Street Gullane East Lothian EH31 2AP
--

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	Midnight
<i>Friday</i>	11.00	Midnight
<i>Saturday</i>	11.00	Midnight
<i>Sunday</i>	11.00	Midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

The premises may benefit from Seasonal Variations as decided by the Board for certain general events and specific occasions.

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	Yes
<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>	Yes	Yes	Yes
<i>Club or other group</i> <i>meetings etc.</i>	Yes	Yes	No
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	Yes	Yes	Yes
<i>Live performances –</i> <i>see 5(g)</i>	Yes	Yes	Yes
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	Yes	Yes	Yes

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

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

Certain Activities may take place during periods of Seasonal Variations or Extension of Permitted 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
Takeaways
Outside Catering
Live Performances will be acoustic music and no later than 11pm.

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>
---	----------------

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and Young Persons are welcome on the premises. Children require to be accompanied by an adult.

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

0-17 years

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

No restriction

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

On Sales – 87
Off Sales – 7.7m²

Question 8

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

Personal details

8(a) Name

Marisa Pia

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

[REDACTED]

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
28 June 2017	Midlothian	MID 1099

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The content  the best of my knowledge and belief.

Signature * (see note below)

Date 27/8/20

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.

PROPOSED LEGEND

-  Illuminated exit box with exit signage, 3 hour maintained
-  Emergency lighting units 3 hour maintained To comply with BS 5266 part 1: 2016
-  Smoke detector L2 To comply with BS 5839 Part 1: 2013
-  Heat detector, 3 hour maintained
-  **MANUAL CALL POINT**
- Access for children and young persons
- Licensed area

Part 1:2013.

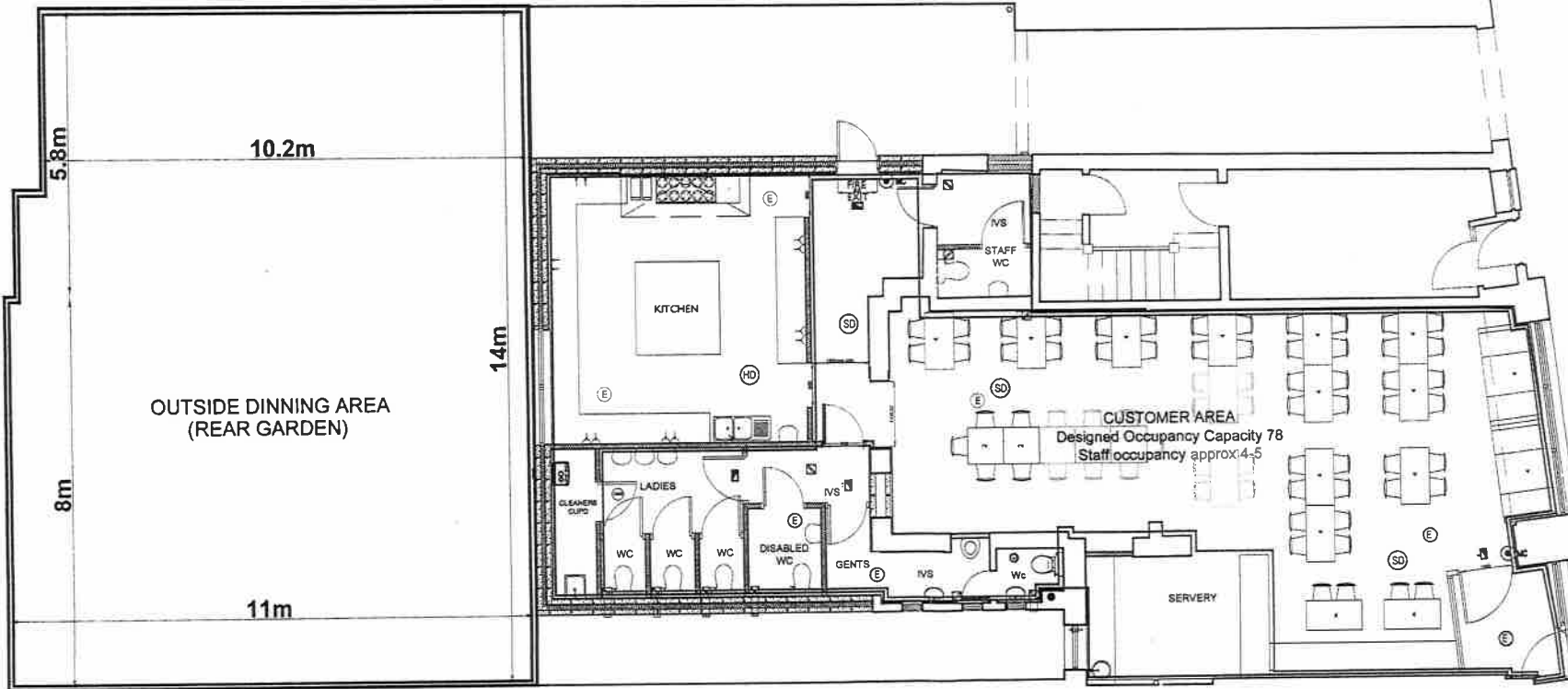
Emergency Lighting System to comply with British Standard 5266: Part 1: 2016. (Maintained- 3 hour duration) and BS EN 1838: 1999 (or BS 5266-7: 1999).

Firefighting Equipment to comply with British Standard EN3, British Standard 7863 : 1996, British Standard 5306-3:2003 and British Standard 5306-8: 2000.

Signs and Notices to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/ or British Standard 5306: Part 8 :2000.



LOCATION PLAN 1:1250



GROUND FLOOR PLAN 1:100

rev	date	details	by	rev	date	details	by
A	23.06.20	amend red line on the site plan	SK				
B	01.07.20	outside dinning area added	SK				

THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.

THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.

THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.

CONTRACTOR NOT TO DEVIATE FROM AN APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.

ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.

SERVICES OFFERED:

MEASURED SURVEYS
PLANNING CONSULTANTS
FEASIBILITY STUDIES
NEW BUILDS

PLANNING APPLICATIONS
LISTED BUILDING APPLICATIONS
BUILDING WARRANT APPLICATIONS
LIQUOR LICENSING DRAWINGS
DEED PLANS

drawing no: 10072 14

status: LICENSING

format design
FADADS Limited

drawing title: ground Floor Plan

job title: 40 Main Street, Gullane

client: Mr Luciano Crois.

scale: @A3

date: 12.01.2018

drawn: SK

Holyrood Business Park
148 Duddingston Road West
Edinburgh
EH16 4AP

Tel: 0131 661 7666
Fax: 0131 659 6033
Email: formatdesign@aol.com
Web: www.formatbuildingdesign.com

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 is The Main Course on Main Street, Gullane which since its opening has established a very good reputation in Gullane. Operated by the Crolla family, who have another business interest in the town. It may open for early morning coffees and snacks, lunches and evening meals. It caters for many local residents, workers and visitors to Gullane plus tourists visiting Gullane, particularly golfers obviously, plus bird watchers, cyclists etc.

During lockdown, and particularly when it was announced that initially outside areas would be used, our clients contacted their agents to ask if they could use the area to the back of the premises, which was included within the licensed area. Unfortunately Outdoor Drinking was not included as an Activity, as it had not really been envisaged that this area would be used for that purpose. However in the current circumstances our clients have used it, by way of Occasional Licences kindly granted by the Board. They would like to have that facility on a permanent basis.

Initially this involved removing that area from the Licence so that Occasional Licences could be applied for. This Application reinstates that area, now designated as an outdoor dining area, and introduces Outdoor Drinking as an Activity.

(extend this box if you require additional space)

<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. As above. Italian themed restaurant</p> <p>B. Off sales include takeaways, collections and deliveries.</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:

Restaurant Facilities are the principal offering of these premises.

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

Social Functions of all kinds are considered.

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, Live Performances, 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:

This Application introduces that, which is presently being dealt with by Occasional Licences.

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Not applicable.

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

The premises may open prior to licensed hours for coffees, snacks, breakfasts, soft drinks etc, but no alcohol is sold or supplied until the licensed hours commence.

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:

The Licence contains deliveries, and takeaways which has been very useful during lockdown in particular.

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.

This is a child friendly premise where families are very much encouraged. Baby changing facilities are of course available. Children are catered for in terms of snacks and meals and generally encouraged.

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 consider that they operate premises that Gullane and East Lothian can be proud of. It is a destination premise as well as catering for locals and visitors. Over the years there have been no issues. Our clients have a great relationship with the Police and the LSOs and attract the type of business that does not create problems. The outside area would be operated on a similar basis

Securing Public Safety:

The public safety of our client's staff and their customers are uppermost in their mind. The corona virus lockdown has heightened the responsibility of operators as they do their best to attract business back. Maybe people are still nervous about visiting licensed premises. Our clients want to operate in such a way that customers feel confident ,particularly those who have been shielding for instance. This will include many regular customers to the Main Course. Certainly recent eventst will have heightened customer's expectations of hygiene arrangements for instance, and also even the end of social distancing it is unlikely that customers will want to be in crowded places to the same extent. Our clients will cater for that, and the outside area is part of that equation..

Preventing Public Nuisance:

There have been no complaints from music escape from the premises. So far as customers causing problems either within or when they leave the premises, this has simply not happened. Our clients are good neighbours however and have been there long enough for everyone to know them! Any issues would be dealt with immediately. The operation of the outside area will be done in such a way as to minimize the possibility of this. By the time this Application comes before the Board it will be the case that the outside area will have been used by diners and hopefully will not have caused any issues. Our clients will comply with the time limit for the use of the outside area.

Protecting and Improving Public Health:

Our clients consider alcohol an ancillary, albeit necessary, feature of their type of operation. It is complimentary to the food that they serve, although they do have people just coming in and sharing a bottle of wine etc. However it is not a destination for people who wish to drink to excess, and our clients would not permit customers to do so.

They totally support the Government's recommendations in this respect but drunk people cause problems. That is not what they want. In addition there are extra health risks associated with coronavirus. Our clients follow the Government Guidelines and are always happy to accept guidance from the police and LAO.

Protecting Children and Young Persons From Harm:

As referred to above our clients wish to attract families and cater for a range of soft drinks, plus food, for youngsters. There should be nothing going on in the premises that would be anything other than conducive to children and young persons being in attendance. The restricted hours for under 18s are implemented.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

Outside areas have become far more desirable to customers, because of the health warnings regarding the transmission of COVID19. These areas are therefore particularly important to premises and our clients would like to have the opportunity to make this facility permanent. The preference of people to dine outside, particularly those who were perhaps were shielding, or are elderly for instance when the weather permits, will continue for some time

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

These are well known and well run premises in East Lothian. They provide an excellent facility to locals and visitors. Moving forward, outside areas will be important and our clients would like this area to be included in their Licence. They are sure that they can do this without causing any problems to neighbours.

SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law (C... on 44(2)(b))

The contents of this... knowledge and belief.

Signature

Date

29/7/20

Mardonald Licensing
21a Rutland Square,

askair@mardonaldlicensing.com 0131 229 6181

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	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

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

Question 2

Disabled access to, from and within the premises

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

The access to the premises is wide enough to easily cater for customers in wheelchairs. Indeed over the years they have had frequent visits by people in wheelchairs. These premises were constructed fairly recently and had to comply with current regulations regarding disabled access. From that point of view they are fully compliant. They do have regular customers who have mobility issues and they are more than adequately catered for. Table service is available and our clients will do everything that they can to look after them.

Question 3

Facilities available

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

There is an accessible toilet.

In general our client's staff have customer's care at heart and will provide advice and assistance to those with mobility problems, but also hearing and sight difficulties. Basically any customer who requires assistance from staff will receive it.

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 this statement are true to the best of my knowledge and belief

Signature * (see note below)

Date 25/7/20

Capacity APPLICANT/AGENT

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

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

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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

Herkes, Gillian

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 30 July 2020 10:26
To: Licensing
Subject: FW: Major Variation application - Main Course - Gullane [OFFICIAL: POLICE AND PARTNERS]
Attachments: Main Course major variation application.pdf; Main Course - layout plan.pdf

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.

OFFICIAL: POLICE AND PARTNERS

Morning,

No objection or adverse comment to the variation sought.

Regards,

John

PC John Fortune (J5943) | Divisional Licensing Officer (Dalkeith) | 0131 654 5583
Police Scotland | Dalkeith Police Station | Newbattle Road | EH22 3AX |

Email/Post-d: john.fortune@scotland.pnn.police.uk
Team Email / Post-d na Sgioba: LothianScotBordersLicensingEastMid@scotland.pnn.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland



From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 29 July 2020 13:45
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Licensing@nhslothian.scot.nhs.uk; Grant, Shona; torquil.cramer@firescotland.gov.uk; Trading Standards; gaccsecretary@gmail.com
Subject: Major Variation application - Main Course - Gullane

Dear all,

Please find attached a copy of the application and layout plan for an outside drinking area to be added to the premise licence. Can I please have any objections/representations by 28th August 2020.

Kind regards

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 20 August 2020

LICENSING SCOTLAND ACT 2005
PREMISES LICENCE VARIATION APPLICATION

The Main Course, 40 Main Street, Gullane, East Lothian EH31 2AP

I refer to the above subject and can confirm that the LSO has visited the premises regarding this application.

I can also confirm that no complaints or licensing concerns have come to light since the premises licence was granted in 2015.

The Main Course was granted occasional licences to operate and try out the outdoor area from 10th July to 7th October 2020 between the hours of 11:00 and 22:00 hours daily. Although the beer garden has not fully operated during the period so far, due to ongoing refurbishment of the garden area, and only recently opened for use, there have not been any complaints received by Licensing Standards regarding it.

I recommend the licence be granted per the following conditions:

- 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.
- 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.
- The terminal hour for use of the outside area to be 22:00 each day.
- At least one A4 notice must be prominently displayed at the entrance/Exit advising customers to be respectful of neighbours peace and quiet. 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](http://www.eastlothianlicensingforum.co.uk/uploads/7/5/4/8/7548131/please_leave_quietly_-_pub_watch_sign.pdf)

- The Guidance and risk assessments on re-opening per the following link must be followed - <https://www.eastlothian.gov.uk/supportyourreopening>

The applicant should ensure that any other permissions required be put in place before permanent use of the outdoor area is commenced i.e. Planning permission and compliance with any conditions set under such permission.

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

R. Fruzynski
Licensing Standards Officer

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)

3b

- 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

EL031

2(b) Name and Address of Premises

Zitto
 10 Quality Street
 North Berwick
 East Lothian

Post Code	EH39 4HP	Phone No.	01620 892 477
------------------	----------	------------------	---------------

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

Zitto Limited
 10 Quality Street
 North Berwick
 East Lothian

Post Code	EH39 4HP	Phone No.	01620 892 477
------------------	----------	------------------	---------------

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 off sale hours from 11am to 10pm

To add Deliveries and Takeaways as additional Activities.

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

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 content of this declaration is true to the best of my knowledge and belief;
and (b) the appropriate fees have been paid.

Signature

..... (See note 5 below)

Date

..... 27/7/20

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.

Zitto 10 Quality Street North Berwick EH39 4HP

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	23:00
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	23:00
<i>Thursday</i>	11:00	00:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	00:00

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

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

To take advantage of Extensions of Permitted Hours in terms of Board Policy, including general grants.

Question 5

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

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

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

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

Activities answered “yes” in column 4 may be available during periods of general or specific Extensions of Permitted Hours.

In the case of recorded music, outside drinking, and bar meals, the premises may open prior to core hours for breakfasts, soft drinks etc, but not before 9am.

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.

Quiz nights
Karaoke
Poker nights
Takeaways
Deliveries

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>
---	----------------

**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*

Children and Young persons will be permitted access subject to the proposed local condition on approaching the bar

Children must be accompanied by an adult

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

No restriction (0-17 years)

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

Under 14s to 8pm only. Otherwise no restriction.

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

No restriction subject to the terms hereof

Question 7

CAPACITY OF PREMISES

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

240

Question 8


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

Personal details

8(a) Name

Cristina Sarah D'Agostino

8(b) Date of birth


--

8(c) Contact address


--

8(d) Email address


--

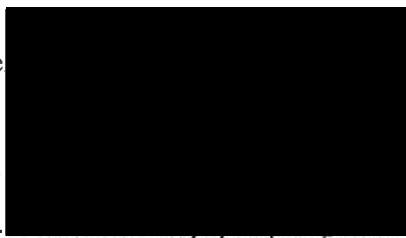
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
26 August 2020	East Lothian	EL 690

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 declaration are true and correct 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, 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 is Zitto Wine Bar and Kitchen, which has become an institution in North Berwick! Opened and operated by the D'Agostino family, it caters for early morning coffees and snacks, lunches, and evening meals, as well as those just desires of an alcoholic beverage. It caters for many local residents, workers and visitors to North Berwick, plus tourist visiting North Berwick including golfers, bird watchers, cyclists etc.

The Licence does not include off sales. They have never really considered the requirement for off sales, but have lost out considerably during the corona virus lockdown because of their inability to include this in deliveries. It is also the case that many customers may well continue to be reluctant to visit bars and restaurants in the foreseeable future so it would be of assistance if off sales could be added to their business.

(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) As above

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

b) Off sales would include takeaways and deliveries.

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 part of the general offering.

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 Functions of all kinds are considered, particularly in the back room.

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, Live Performances, and Gaming are mentioned, although Gaming is no longer utilised.

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:

Outdoor Drinking Facilities – there is an area to the front for outdoor drinking, for which they obtained the necessary permissions.

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Not applicable.

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

The premises may open prior to licensed hours for coffees, snacks, breakfasts, soft drinks etc but no alcohol is sold or supplied until the licensed hours commence.

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:

They would like to do deliveries and takeaways.

There are some Activities left over from the previous operator which was more pub orientated. They have not been removed but are very infrequent!

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.

This is a child friendly premise where families are very much encouraged. Baby changing facilities are of course available. Children are catered for in terms of snacks and meals and generally encourage.

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 consider that they operate premises that North Berwick and East Lothian can be proud of. It is a destination premise as well as catering for locals. Over the years there have been no issues. Our clients have a great relationship with the Police and the LSOs and attract the type of business that does not create problems.

Securing Public Safety:

The public safety of our client's staff and their customers are uppermost in their mind. We are not sure what the position will be when this Application is considered but of course there may still be reminisce of the corona virus lockdown, and certainly it will have heightened customer's expectations of hygiene arrangements for instance, and also even the end of social distancing it is unlikely that customers will want to be in crowded places to the same extent. Our clients cater for that.

Preventing Public Nuisance:

There have been no complaints from music escape from the premises. So far as customers causing problems either within or when they leave the premises, this has simply not happened. Our clients are good neighbours however and have been there long enough for everyone to know them! Any issues would be dealt with immediately.

Protecting and Improving Public Health:

Our clients consider alcohol an ancillary, albeit necessary, feature of their type of operation. It is complimentary to the food that they serve, although they do have people just coming in and sharing a bottle of wine etc. However it is not a destination for people who wish to drink to excess, and our clients would not permit customers to do so.

They totally support the Government's recommendations in this respect but drunk people cause problems. That is not what they want.

Protecting Children and Young Persons From Harm:

As referred to above our clients wish to attract families and cater for a range of soft drinks, plus food, for youngsters. There should be nothing going on in the premises that would be anything other than conducive to children and young persons being in attendance. The restricted hours for under 18s are implemented.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

We consider that our client's operation is well known and may well be familiar to members of the Board, Licensing Officials and the Police. We hope that they will support this Application.

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

Most bars and restaurants do have off sales and have benefitted from that. Our clients sadly did not. It is obviously their hope that such circumstances as we are presently going through will not be repeated but if so the off sales are to facilitate the survival of the business during such periods. In any case, as mentioned previously, there may be a general reluctance by some members of the community, particularly older people, of which our clients have many customers, who are reluctant initially. This can cater for them.

SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law (Conduct) (Scotland) Act 1997, Section 44(2)(b))

The contents of this application are true to my knowledge and belief.

Signature



Date

27/07/20

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

0131 229 6181, alistair@macdonaldlicensing.com

DISABLED ACCESS AND FACILITIES STATEMENT

Licensing (Scotland) Act 2005, section 20(2)(b)(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	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	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.

The access to the premises is wide enough to easily cater for customers in wheelchairs. Indeed over the years they have had frequent visits by people in wheelchairs. They are seated in the lower area and catered for accordingly. Orders can be taken from their table quite easily and our clients will do everything that they can to look after them.

Question 3

Facilities available

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

There is an accessible toilet.

In general our client's staff have customer's care at heart and will provide advice and assistance to those with mobility problems, but also hearing and sight difficulties. Basically any customer who requires assistance from staff will receive it.

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.

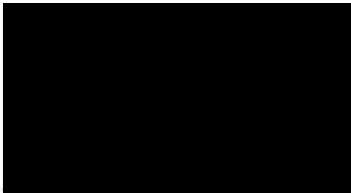
Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide. and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types 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 this
and belief.



statement are true to the best of my knowledge

Signature * (see note below)

Date 27/07/20

Capacity APPLICANT/AGENT

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

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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

Winter, Maree

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 30 July 2020 13:15
To: Licensing
Subject: FW: Major Variation application - Zitto, north berwick [OFFICIAL: POLICE AND PARTNERS]
Attachments: Major variation application - Zittos, North Berwick.pdf; LIC38 Premises variation - no adverse comment.rtf
Importance: High

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.

OFFICIAL: POLICE AND PARTNERS

Good afternoon
No adverse comments to this application.
LIC38 attached.
Regards
Rona

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 29 July 2020 15:38
To: 'LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk'; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; 'Licensing@nhslothian.scot.nhs.uk'; Grant, Shona; 'torquil.cramer@firescotland.gov.uk'; [REDACTED]
Subject: FW: Major Variation application - Zitto, north berwick
Importance: High

Dear all,

Please find attached a copy of the application and layout plan for off sales 11am to 10pm, takeaways and deliveries to be added to the premise licence. Can I please have any objections/representations by 28th August 2020.

Kind regards
Maree.

Maree Winter
Licensing Officer: Accredited Registered Paralegal in Licensing Law: John Muir House:Haddington: EH41 3HA
Tel: 01620 827867: Email: mwinter@eastlothian.gov.uk



Email Disclaimer - East Lothian Council
This email and any files transmitted with it are confidential and

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 02 September 2020 11:49
To: Herkes, Gillian
Subject: FW: Major Variation application - Zitto, north berwick

FYI.

R.

From: Fruzynski, Rudi
Sent: 13 August 2020 08:07
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: RE: Major Variation application - Zitto, north berwick

I have no objection to this application.

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

01620827363

From: Winter, Maree
Sent: 29 July 2020 15:38
To: '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@nhslothian.scot.nhs.uk'; Grant, Shona <sgrant@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk'; [REDACTED]
Subject: FW: Major Variation application - Zitto, north berwick
Importance: High

Dear all,

Please find attached a copy of the application and layout plan for off sales 11am to 10pm, takeaways and deliveries to be added to the premise licence. Can I please have any objections/representations by 28th August 2020.

Kind regards
Maree.

Maree Winter
Licensing Officer: Accredited Registered Paralegal in Licensing Law: John Muir House:Haddington: EH41 3HA
Tel: 01620 827867: Email: mwinter@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

EL0245

2(b) Name and Address of Premises

Luffness New Golf Club
Aberlady
Longniddry
East Lothian

Post Code EH32 0QA

Phone No. 01620 843336

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

N/A

Post Code N/A

Phone No. N/A

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

- Removal of Conditions – 6 & 7. As I understand it these have been carried over and never removed following the last major variation application.

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)

Addition – Music – yes to activity and yes to provided during core hours and no to outwith core hours

Addition – Live Performance - yes to activity and yes to provided during core hours and no to outwith core hours

Addition – Films - yes to activity and yes to provided during core hours and no to outwith core hours

Addition – Gaming - yes to activity and yes to provided during core hours and no to outwith core hours

Addition – Outside Drinking – adding yes to activity provided during core hours.

Addition – Any Other Activities – Charitable Events, Visiting Golfing Parties

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.

Updated Activities Legend.

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

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

N/A

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

X 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 £..... is enclosed.

Signature



..... (See note 5 below)

Date

23-07-20

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		
Received & Receipt No.	System Updated	Licence Issued
	84	

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Luffness New Golf Club Aberlady Longniddry East Lothian EH 32 0QA
--

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>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/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>	10.00	23.00
<i>Tuesday</i>	10.00	23.00
<i>Wednesday</i>	10.00	23.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	23.00
<i>Saturday</i>	10.00	23.00
<i>Sunday</i>	10.00	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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/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
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 outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	YES	YES	NO
Club or other group meetings etc.	YES	YES	NO
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	NO
Live performances – see 5(g)	YES	YES	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	YES	YES	NO
Gaming	YES	YES	NO
Indoor/outdoor sports	YES	YES	YES
Televised sport	YES	YES	YES
		87	

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

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

ACCOMMODATION – this is the Clubmaster’s accommodation.

RESTAURANT FACILITIES – these facilities may operate outwith core hours but not before 8am and no later than 11pm.

BAR MEALS – these facilities may operate outwith core hours but not before 8am and not later than 11pm.

SPORT – golfing facilities are normally available to members, guests and visiting parties from dawn until dusk.

TELEVISED SPORT – these facilities may operate out with core hours but not before 8am and not later than 11pm.

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.

<p>Corporate Golf Days</p> <p>Open Golf Competitions</p> <p>Retail Sales</p> <p>Visiting Golfers</p> <p>Charitable Activities</p>

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

<p>Children up to the age of 13 must be accompanied by an adult. Children and Young Persons from the age of 14 upwards will have access to the premises without the need to be with a responsible person.</p>

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

<p>Children – 5 – 15 years</p> <p>Young Persons – 16 & 17 years</p>

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

Children and Young Persons will have access normally from 9am to 11pm, in the height of summer it may be earlier in the morning, but never later than 11pm.

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

There will be no access for children under the age of 12 to the bar area. Children and Young Persons from the age of 13 to 17 years of age will have access to all areas but will be restricted and not allowed with 1.5 metres of the bar area.

Question 7

CAPACITY OF PREMISES

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

ON SALES - 250

Question 8

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

Personal details

8(a) *Name*

N/A

8(b) *Date of birth*

N/A

8(c) *Contact address*

N/A

8(d) Email address and telephone number

N/A

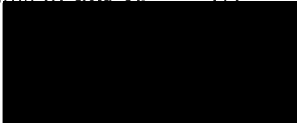
8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

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 23-07-20

Capacity COMPANY SECRETARY..... 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.

We are a Private Members Golf Club.

All of our business is from members, guests and any visiting parties that have played golf on the day.

We offer lunches from 11.30am to 3pm every day, and on the odd occasion we have member events in the evening.

There is no access for members of the public to just walk in and use the facilities.

(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) *Service of alcohol to members, guests and visiting golfers.*

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

b) *This would only be on the odd occasion for the sale of alcohol to be consumed off the premises by members.*

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:

Lunch is served daily with in the Clubhouse from 11.30am to 3pm.
Very occasionally high tea, and dinners are served at the request of members or visiting parties.

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:

The hosting of a social function is very rare, and if it were to happen it would only be for members and their guests. The premises cannot be booked by non-members for an event.

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 – very rarely, if at all music would be played at a Members Dinner.

Live Performances – very rarely – unlikely that any commercial entertainment would be provided this would be more to allow talented musical members to perform at an event.

Gaming – to allow the playing of the card games like bridge within the facilities.

Indoor/Outdoor sports – golf is the primary sport and is played from dawn til dusk every day.

Televised Sports – the only time any television coverage would be shown is at the time of The Open, or any other golfing major.

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:

These are areas delineated on the layout plan, and are areas whereby members can sit or stand outside and enjoy a drink that they have purchased from within the Club House.

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:

All the activities that we have requested out with core hours are the exception to the rule, and not the norm eg. Bar Meals – this is likely to be for breakfast prior to a club competition when the competitions starts as a shotgun start (ie. All start a separate holes at the same time.)

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:

Corporate Golf Days – very little demand for these however

Open Golf Competitions – we will perhaps once or twice a year host an event for Scottish Golf, Lothians' Golf Association, East Lothian Ladies County Golf Association.

Retail Sales – within the Clubhouse we sell golf accessories such as tees, balls, caps, socks, and we have an online member only clothing range.

Visiting Golfers – we have around 1500 visiting golfers play the course per year.

Charitable Activities – golf days can be held to raise funds for charitable organisations.

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.

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 club is governed by its rules and byelaws. Any member stepping out of order would be dealt with in line with these.

The premises are covered fully by CCTV and at all times open experienced members of staff are on duty.

Securing Public Safety:

At all times the safety of our members, guests, visitors and staff are our priority. No large gatherings are held at the Clubhouse and non-members would if attending be required to sign in.

Preventing Public Nuisance:

We are a standalone building with only the Clubmaster's accommodation and Green Keeper's accommodation in close proximity. The nature of the business we would not want to or encourage any public nuisance.

Protecting and Improving Public Health:

Without exception our members, guests, visitor and staff are our main priority. The members enjoy the facilities and a balanced menu is always provided, and the service of alcohol is well controlled with personal licence holders on duty and experienced trained staff on duty.

Protecting Children and Young Persons From Harm:

All children over the age of 5 are permitted to the Club House however at all times they must be accompanied by a parent or guardian. Children are not allowed in close proximity of the bar area, and are only likely to ever be in the Clubhouse if they are dining with members.

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

Additional Information:

We are a long established golf club (125 years) and as well as providing a service to our members, and their guests we also contribute the golf tourism industry in East Lothian.

The norm is for the Club to be very hospitable if not understated, and this application is to tidy up some matters in the operating plan. None of the offerings we seek will change the operation of the business.

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

As previously stated this application is a tidying up of the current licence (mainly the operating plan) which was granted in 2009 following an extension to the building.

The Club works closely with the Licensing Standards Officer and have established a healthy relationship there. Prior to this submission we had a detailed meeting to discuss the proposed changes.

None of the changes sought will bring a change in the way we operate but will give us some flexibility and ensures that everything that may happen at the premises is covered.

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	23-07-20.
-----------	---	------	-----------

"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 / 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.

Disabled access is provided to the North of the Building which gives access not only to the lounge area, but also the disabled toilets. The Club is all on the flat with no steps or stairs.

Question 3

Facilities available

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

Disabled toilets are available, and wheelchairs can be placed at our dining tables for consumption of food and drinks. Special dietary requirements are in place for anyone attending the Club and our catering team are able to accommodate meals as required.

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.

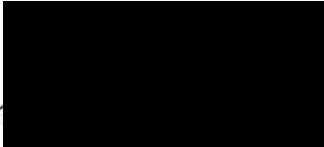
Whilst dogs are not permitted in the Club House – assistance dogs are permitted.

Large print menus are available should they be required.

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 23-07-20

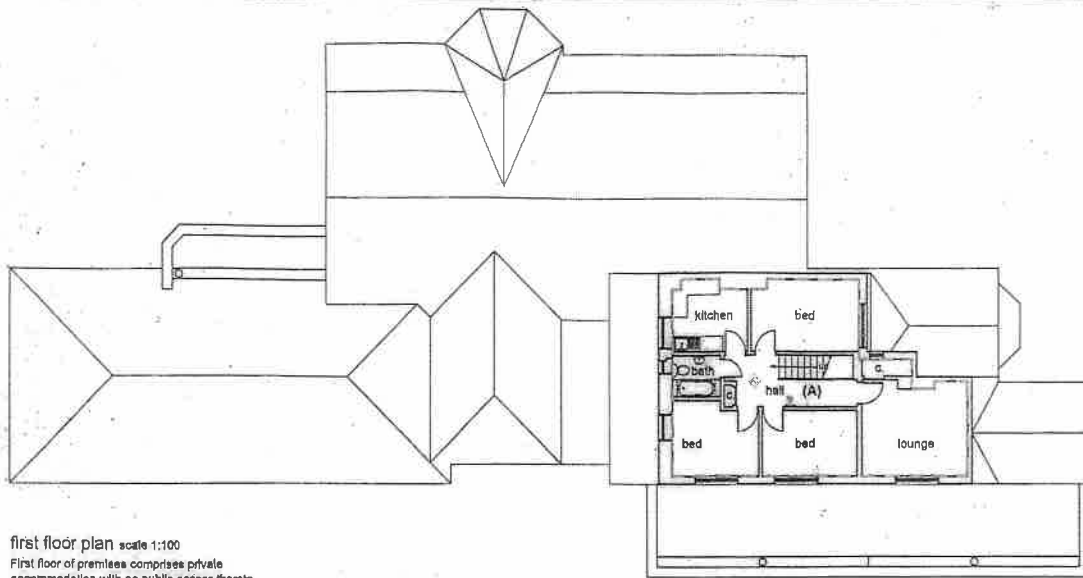
Capacity COMPANY SECRETARY ~~APPLICANT/AGENT~~

Telephone number and email address of signatory.  ..

secretary@luffnessrew.com.

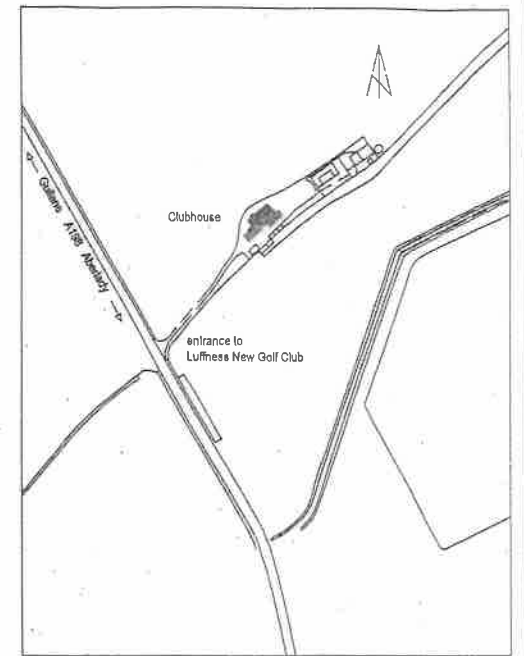
* Data Protection Act 1998

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

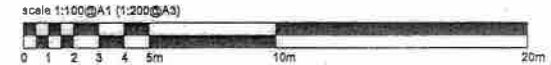
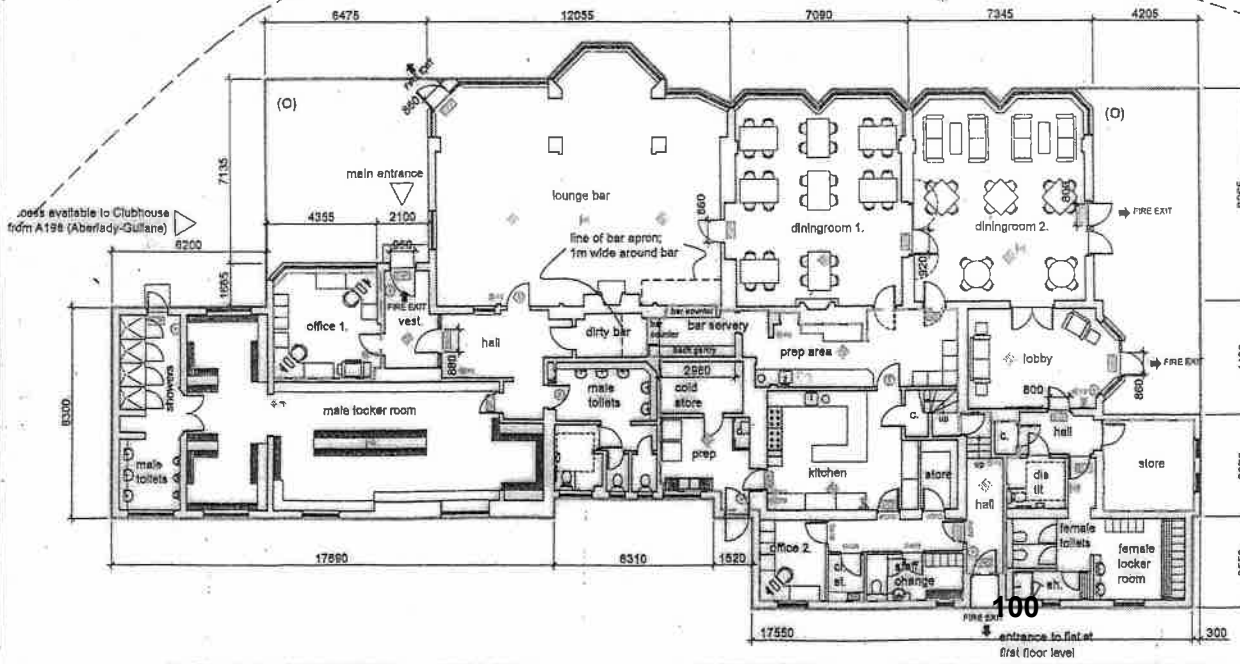


first floor plan scale 1:100
 First floor of premises comprises private accommodation with no public access thereto.

ground floor plan scale 1:100
 The location of the area to be used for the display of alcohol is shown cross hatched light green on the layout plan.
 Back Bar by length as dimensioned, height 2.20m.
 Storage below counter for bottles and cans.
 Display of liquors, wines and products above counter.
 No children or Young Persons within 1.5 metres of the bar.



Location Plan scale 1:25000



KEY TO SYMBOLS SHOWN ON PLAN

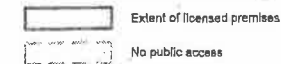
- ⊕ Fire Break Glass Point
- ⊞ Permanently illuminated direction Exit Sign
- ⊙ Emergency Light Fitting
- ⊕ Smoke/heat detector
- ⊞ Fire Extinguisher
- ⊞ Fire Blanket
- ⊞ Fire Alarm Sounder
- ⊞ Self closing fire door

ACTIVITIES LEGEND

- A - Accommodation
- RF - Restaurant facilities
- R - Receptions
- C - Club or other group meetings
- I - Indoor / outdoor sports
- TS - Televised Sports
- O - Outside Drinking

- R - Recorded Music
- L - Live Performances
- F - Films
- G - Gaming

All above activities (with the exception of accommodation) take place in all public areas of the premises.



Children & Young Persons are allowed access to all public areas of the premises but not within 1.5 metres of the bar.

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 License.

Activities	
Ref	Description
License Application Luffness New Golf Club Aberady, EH32 0QA	
General Layout	
Date: 1/10/04	Drawn: JH
Date: 28/10/04	Checked:
Design Number	Ref.
L226/100/01	

Herkes, Gillian

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 30 July 2020 10:20
To: Licensing
Subject: FW: Major Variation application - Luffness Golf Club [OFFICIAL: POLICE AND PARTNERS]
Attachments: major variation application - Luffness Golf Club.pdf
Importance: High

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.

OFFICIAL: POLICE AND PARTNERS

Morning,

No objection or adverse comment to any of the variations sought.

Regards,

John

PC John Fortune (J5943) | Divisional Licensing Officer (Dalkeith) | 0131 654 5583
Police Scotland | Dalkeith Police Station | Newbattle Road | EH22 3AX |

Email/Post-d: john.fortune@scotland.pnn.police.uk
Team Email / Post-d na Sgioba: LothianScotBordersLicensingEastMid@scotland.pnn.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland



From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 29 July 2020 16:31
To: 'LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk'; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; 'Licensing@nhslothian.scot.nhs.uk'; Grant, Shona; 'torquil.cramer@firescotland.gov.uk'; gaccsecretary@gmail.com
Subject: FW: Major Variation application - Luffness Golf Club
Importance: High

Dear all,

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 02 September 2020 11:54
To: Herkes, Gillian
Subject: FW: Major Variation application - Luffness Golf Club

Please see below.
R.

From: Fruzynski, Rudi
Sent: 13 August 2020 08:17
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: RE: Major Variation application - Luffness Golf Club

I have no objection to this application.

The outdoor area should be closed by 22:00 hours each day.

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

01620827363

From: Winter, Maree
Sent: 29 July 2020 16:31
To: '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@nhslothian.scot.nhs.uk'; Grant, Shona <sgrant@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk'; gaccsecretary@gmail.com
Subject: FW: Major Variation application - Luffness Golf Club
Importance: High

Dear all,

Please find attached a copy of the application and layout plan for Luffness Golf Club. Can I please have any objections/representations by 28th August 2020.

Kind regards
Maree.

Maree Winter
Licensing Officer: Accredited Registered Paralegal in Licensing Law: John Muir House:Haddington: EH41 3HA

EC1684
PC18518



SCHEDULE 2

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

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. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate) <input checked="" type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Miss <input type="radio"/> Ms <input type="radio"/> Other (please state)	
Surname	NELSON
Forenames	LEE
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
FAX NUMBER	
E-mail address (if you would prefer us to correspond with you by e-mail)	
Address for correspondence associated with this application (if different to the address above)	
Post town	Post code

East Lothian Council
Licensing
-3 AUG 2020
Received

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes ✓	No
If you have ticked yes please provide a copy of your qualification with your application.		

3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
Note: You may only hold one personal licence at a time		Please tick
Do you currently hold a personal licence?	Yes	No
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	Yes	No
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No
Licensing Board		
Licence number		
Date of issue		
Date of expiry		
Any further details		

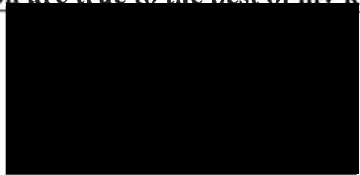
4. RENEWAL ONLY	
This section should be completed only if you are applying for a renewal of your existing licence	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
Details of current personal licence	
Licensing Board	East Lothian Licensing Board. EL 793 31 / 8 / 2011 21 / 10 / 21
Licence number	
Date of issue	
Date of expiry	
Any further details	
If you cannot provide your personal licence, provide a statement explaining why	

Other personal licence		
Note: You may only hold one personal licence at a time		Please tick
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes ✓	No

5. CHECKLIST	
I have	Please tick yes
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	✓
• Enclosed a copy of any licensing qualification I hold	✓
• Enclosed my current personal licence (renewal only)	✓
• Made or enclosed payment of the fee for the application	✓

6. Previous Convictions
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty

7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE – read note 5 Applicant/Agent* (*Delete as appropriate)			DATE 15-07-20

I understand that East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. East Lothian Council may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

NOTES

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



Highfield
Qualifications®

Highfield Qualifications

Certifies that

Lee E Nelson

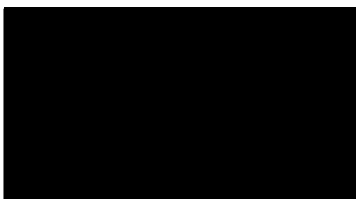
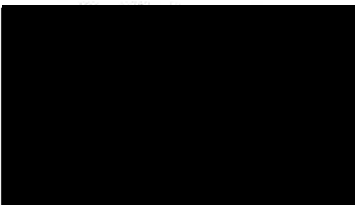
has successfully passed an assessment in

**Scottish Certificate for Personal Licence Holders at
SCQF Level 6**

Qualification number R354 04

Date of award 10 December 2019

PLH2878114



*Jason Sprenger - Chief Executive
Highfield Qualifications*



Accreditation

13/08/2020

Your Ref: EL1684

Our Ref: 513315

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 GRANT OF A
PERSONAL LICENCE**

LEE EDWARD NELSON, 26/06/1988

13 BEARFORD PLACE, HADDINGTON, EAST LOTHIAN, EH41 4NQ.

I refer to the above application.

In terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 (the 2005 Act) I give notice that, based upon the information provided and as far as the Chief Constable is aware, the applicant has been convicted of the following relevant offence.

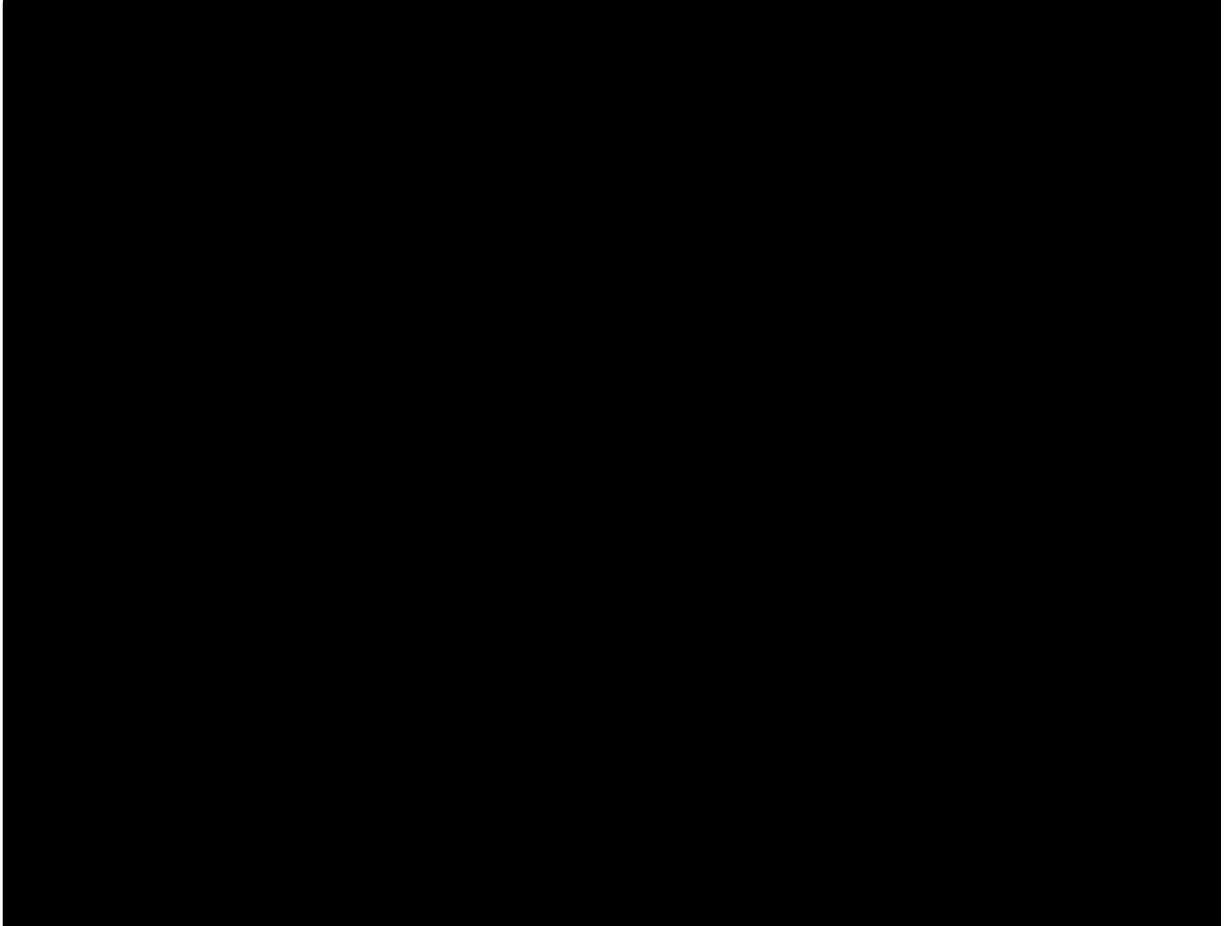
Date	Court	Crime/Offence	Disposal

The applicant failed to disclose this conviction on his application.

OFFICIAL

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

In terms of Section 73(5) of the 2005 Act the Chief Constable provides the following information in relation to the applicant which is relevant to the Board's consideration of the application:-



In light of the above, Police Scotland considers that the applicant is not a fit and proper person to hold a Personal Licence and that the application be refused.

The Chief Constable accordingly makes a recommendation to that effect in terms of section 73(4) of the 2005 Act.

Yours faithfully



John McKenzie
Divisional Commander

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

REPORT TO: East Lothian Licensing Board

MEETING DATE: 24 September 2020

FROM: Clerk of the Licensing Board

SUBJECT: Festive Hours

5

1 PURPOSE

- 1.1 To ask that the Board considers the festive hours and to confirm if any amendments should be made to the policy regarding festive hours this year due to the current COVID 19 pandemic.

2 RECOMMENDATIONS

- 2.1 That East Lothian Licensing Board:
- i. agrees that the existing arrangements regarding Festive Hours remains in place at present; and
 - ii. delegates to the Clerk of the Board in consultation with the Convener of the Licensing Board to make any changes to the policy relating to Festive Hours as may be required should further legislation or guidance relating to the festive period be issued by the Scottish Government.

3 BACKGROUND

- 3.1 The Statement of Licencing Policy 2018-2023 approved by this licencing board provides that

“The Board has an existing practice of allowing longer licensed hours over the festive period. This only applies to ON-SALES premises. The Board's policy is to allow an extension to 2am during the festive period on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day.

The Board may also, from time to time, make other such declarations in recognition of events of local or national significance, as these arise.”

- 3.2 The on-going COVID 19 pandemic could be deemed to be an event of national significance and as such in terms of the policy and would allow the board to

review the policy and determine whether or not this should remain in place due to the current pandemic.

- 3.3 Current government guidance provides detailed guidance to licenced premises and licensing authorities on requirements to operate, although these are predominantly directed at social distancing and face coverings. At present the Scottish Government guidance does not deal with policies on festive opening hours.
- 3.4 As Christmas falls on a Friday this year this would mean that the festive hour extensions would only result in an additional hour of opening over the relevant days.

4 POLICY IMPLICATIONS

- 4.1 The Festive Opening Hours currently forms part of the policy approved by the Licensing Board. Any change to this would alter the terms of the policy applying to the 2020 festive period.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community, or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 None.

AUTHOR'S NAME	Carlo Grilli
DESIGNATION	Depute Clerk of the Licensing Board
CONTACT INFO	01620 827770 / licensing@eastlothian.gov.uk
DATE	16 September 2020



6



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
EAST LOTHIAN LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2019 to 31ST MARCH 2020

Contents

FOREWORD	3
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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2019/20, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year Police Scotland has continued to work tirelessly towards supporting and enforcing the licensing objectives.

Police Scotland continues to work closely with local authorities and partnership agencies to deliver effective regulation in liquor licencing. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to take this time to thank our many local partnerships and acknowledge the good work that they do, as without their support we would not be able to maintain the high standard in licencing we have become accustomed to in the East Lothian Board area.

Going forward I will continue to emphasise the importance of partnership working to our dedicated officers and staff. I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2019/2020, from a licensing perspective, our particular focus was and will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

LICENSING BOARD AREA

The East Lothian local authority area is policed by J Division. Chief Superintendent John McKenzie is Local Police Commander who has the responsibility for all day-to-day policing functions.

The Local Area Commander Chief Inspector Neil Mitchell is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Mitchell is supported by Inspector Andrew Harborow who is based at Tranent. The East Lothian Licensing Boards are attended by Inspector Harborow.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector John McEwan and Sergeant Colleen Hope.

The local Licensing Department is based at Haddington Police Station. This consists of a Licensing Officer, PC Colin Banks, who is assisted by administration staff based at Dalkeith Police Station to undertake the day-to-day functions.

Local Policing Priorities

Following our public consultation process, the policing priorities for J Division, as set out in our Local Policing Plan are as follows;

Following our public consultation process, the policing priorities for J Division, as set out in our Local Policing Plan are as follows;

- Protecting the most vulnerable people
- Reducing Violence & Antisocial Behaviour
- Tackling Serious and Organised Crime
- Improving Road Safety
- Tackling Acquisitive Crime

Description of Board Area

The command area of East Lothian serves, as of 30th June 2018, a population of 105,790 people covering an area of 262 square miles from Musselburgh to the Dunbar area on the east coast and south into the Lammermuir Hills. The age group 25-44 saw a 7.3% decline in numbers over the last 20 years while the 45 - 64 age group saw a 44.4% increase in volume of population over the same period (National

records of Scotland). Approximately 31,075 persons residing in East Lothian are in the 45-64 age group which represents 29.4% of the population.

There are currently 147 'on sales', 108 'off sales' and 161 combined on/off premises in East Lothian. In addition, during the reporting period a supplementary 75 venues were used for Occasional Licences.

In the Alcohol Availability and Harm report (April 2018) published by Alcohol Focus Scotland, East Lothian is ranked 18th out of 30 local authority areas for alcohol outlet availability in Scotland. (13th for on sales and 21st for off-sales outlets) This is lower than Scotland as a whole. Other key findings for East Lothian include;

- Alcohol-related death rates in the neighbourhoods with the most alcohol outlets were 4 times higher than in neighbourhoods with the least.
- Alcohol-related hospitalisation rates in the neighbourhoods with the most alcohol outlets were double those in neighbourhoods with the least.
- Crime rates in the neighbourhoods with the most alcohol outlets were 2.5 times higher than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation, had been taken into account.
- The total number of alcohol outlets in East Lothian decreased by 17 (5.9%) from 286 in 2012 to 269 in 2016.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Police Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In East Lothian there were 355 recorded incidents in licensed premises between 1st April 2019 and 31st March 2020, this is a slight decrease on the previous year (356).

There continues to be a notable trend in thefts of alcohol from 'off sales' premises over the reporting year, continued work is being carried out by Council licensing Standards Officer and the Police licensing officer with regards to crime prevention.

Police Scotland carried out 1,015 recorded inspections of licensed premises in East Lothian during the reporting year, this is a significant increase of 119 % on the previous year. The increase endorses the partnership working between Police Scotland and the alcohol industry, and also ratifies the increase in the identification of criminality within licensed premises.

On Friday and Saturday evenings police officers are deployed on foot, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0200.

The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

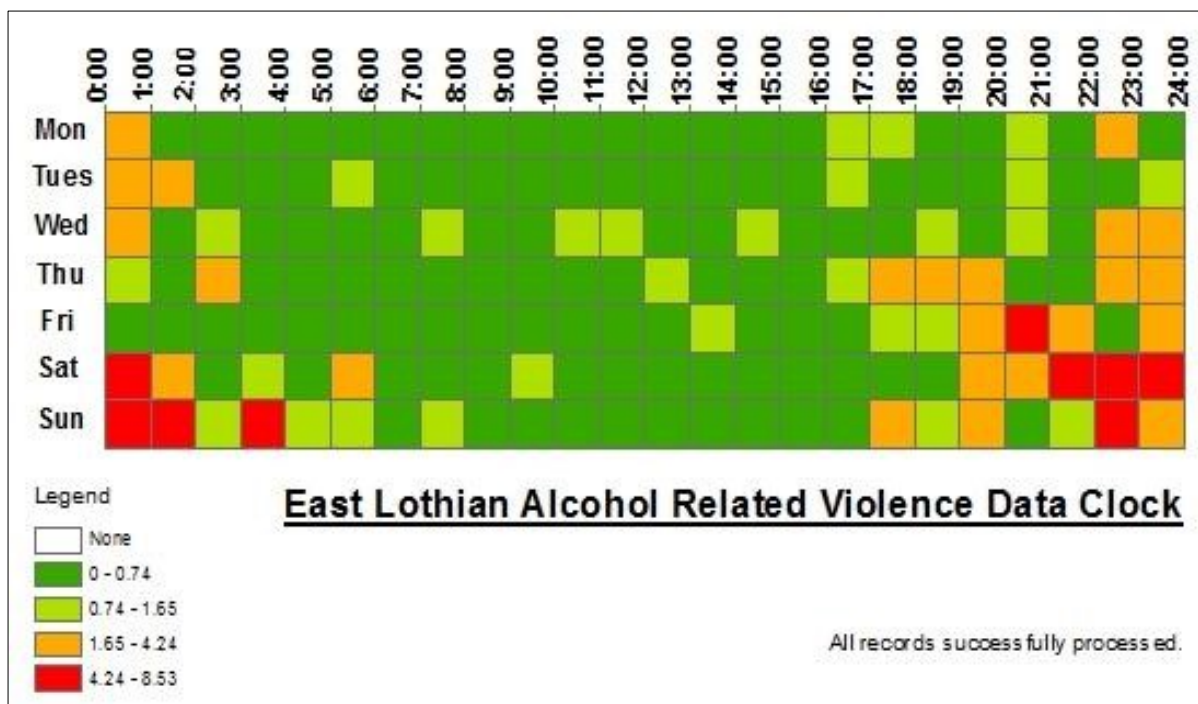
Violence

Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 838 recorded crimes of violence for the 2019-20 period, a total of 167 had the alcohol marker attached to the crime report. Of that total 94 were in residential locations leaving 73 acts of violence in a public space where alcohol featured.

The following map has been produced indicating the locations of public space violence where alcohol is a factor. The red dots indicate alcohol while the green dots are the other crimes where no such aggravator has been added



The areas of Musselburgh, Prestonpans, Tranent, Haddington and Dunbar are evident above. The data clock below is based on alcohol related acts of violence and clearly shows the weekend from Friday through to Sunday as most prominent.



The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established intervention process. Incidents connected to premises are identified by licensing officers who evaluate the Licensing Objectives to determine if any have been compromised.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

Police Interventions Categories		Number this reporting year
Red	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.	0
Amber	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.	0
Green	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.	1

No Action	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	0
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Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

Over the last calendar year there has been one premise in East Lothian which have been classed as 'Monitored', this was monitored for the period of a month. This restaurant is no longer trading.

During the reporting year there was no declared problematic premises in East Lothian

Summary

Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. During the reporting year no premises or events were found to be operating unlicensed.

Section 22 - Applications

Over the reporting year, there were 13 Provisional Premises Licences and 4 Confirmation of a Provisional Premises Licence granted by the Board.

Section 36 – Application for Review of Licence

Police Scotland only seek review of a premises licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

In this reporting year there were no review applications of this type submitted by Police Scotland in East Lothian.

Section 63 – Sale or Supply out with licensed hours

Officers in East Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local officers continue to make pro-active visits to licensed premises, particularly at weekends, to ensure premises are being managed appropriately. The police Innkeeper IT solution can be accessed by police control staff and officers alike,

twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and night time economy dispersal details continue to assist in reducing offending of this nature. In this reporting year, no offences of this type was detected, resulting in a report being submitted to the Procurator Fiscal.

Section 72 – Personal Licence Applications

There were 237 applications made for the grant or renewal of personal licences during this reporting year in East Lothian. This is an increase of 37% on the previous year.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 permitting the Chief Constable to request refusal for the purposes of 'any' Licensing Objective has widened the scope for making appropriate representations to the Board. During this reporting year there has been no objections of this type made in terms of personal licenses.

Section 84 (84A) – Personal Licence Reviews

Police Licensing Officers are responsible for monitoring the conduct of personal licence holders. Again, the amendment to legislation has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There were no Personal Licence Reviews requested by Police Scotland in this reporting year.

Section 94 – Exclusion Orders

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises, a request for an Exclusion Order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction', and can exclude a person from specific licensed premises for between three months and up to two years. The Police Licensing Officer proactively drives the request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian.

Section 97 – Closure Orders

There were no closure orders used within East Lothian during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

Sections 111-116 – Drunkenness / Disorder Offences

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 111 (drunk persons within licensed premises)	0
Section 112 (obtaining alcohol by or for a drunk person)	0
Section 113 (sale of alcohol to a drunk person)	0
Section 114 (DPM drunk whilst on duty)	0
Section 115 (disorderly conduct within licensed premises)	1
Section 116 (refusal to leave licensed premises)	5

The numbers reported to COPFS above remains relatively low as a result of officers using their discretion in many cases. Although there has been an increase in reported incidents in licensed premises, we are committed to keeping people safe and improving the quality of life for residents in East Lothian.

Partnership Working

Licensing Standards Officer (LSO)

The police licensing officer works regularly with a number of partner agencies including the LSO. Sharing information and carrying out joint visits to licensed premises, dealing with any noise complaints or antisocial behaviour issues. This unified approach has resulted in a number of successful resolutions in the East Lothian area.

Also in this reporting year there has been several months of collaborative work around updating the new Statement of Licensing Policy, with the police licensing officer having a direct input to the content of this document. I believe the Board have come up with a very positive and effective Board Policy Statement which will carry us through to 2023.

East Lothian Licensing Forum

The police licensing officer is an active member of the East Lothian Licensing Forum and over the last year there has been a lot of good work carried out around the Statement of Licensing Policy as well as consultation and feedback on other licensing policy and guidance.

Best Bar None (BBN)

Best Bar none is a unique National Award Scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out.

The purpose of the Best Bar None Scheme is to

- Reduce alcohol related crime
- Promote social responsibility and duty of care.
- Improves knowledge and skills to assist in responsible management.

- Promotes partnership working to identify good practices and areas for improvement.
- Supports due diligence
- Awards both locally and nationally to reward success.
- Operating more responsibly can improve the commercial viability and attractiveness of a venue and locality.

During this reporting year there were **26** premises that took part in the BBN scheme. There was **1** venue that obtained a bronze award, **10** that obtained silver awards and **16** that received Gold Awards. There is one premises in Musselburgh and one in Haddington going through as finalists to the National Awards.

The BBN Scheme is something that Police Scotland will continue to drive forward, promoting and encouraging responsible management of licensed premises.

Pub Watch

Pub watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local Community Police Officers.

There are a number of pub watch schemes operating in East Lothian all of which are working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers. Police Scotland fully support these schemes and would encourage all licensees to become members of a scheme operating in their area.

Campaigns

During this reporting year there were a number of campaigns including the 'Ask Angela' campaign which is a simple code-word campaign for people feeling unsafe on a date. Supported by Rape Crisis, East Lothian Council and Police Scotland, the poster is a visual aid which could provide a vital life-line to someone who finds themselves in a difficult situation and can't get out of it.

We also continue to run the 'One Punch Two Lives' campaign to raise awareness of the consequences that one punch can have on two lives – the victim and the attacker. The hope is to encourage people to think about the consequences of their actions and the effect alcohol can have on their behaviour.

Posters for both these campaigns were handed into several licensed premises within East Lothian and were very well received.

PREVENTING THE SUPPLY OF ALCOHOL TO CHILDREN AND YOUNG PEOPLE

Introduction

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Activity

Officers continue to routinely proactively visit premises licensed for 'off-sales' to ensure that they are aware of their responsibilities under the 2005 Act, and in particular in the run up to and during school holidays.

Likewise, officers will continue to routinely proactively visit premises licensed for 'on-sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

The provision of 'Test Purchasing', in terms of Section 105 of the principal legislation, is a tactic that is used by Police Scotland, and the East Lothian command area will continue to use this tactic as and when required an effective tool in the fight against underage sales.

Due to the 'code of practice' introduced by Government on 1st March 2018, a Directed Surveillance Authority under the terms of the RIP(S)A (Regulation of Investigatory Powers Scotland Act) must now be sought before a Test Purchase Operation is carried out.

Because of this Police Scotland have had to update the SOP (Standard Operating Procedure) for Test Purchase Operations. This was completed on the 12th March 2019, however there are issues surrounding the use of children in these operations, consequently no Test Purchase Operations have been carried out in the East Lothian area.

Fake Identification

The trade in fake identification is very lucrative, and there appears to be more circulating amongst our young people than ever before, especially fake driving licences, resulting in them having access to alcohol.

The Police Licensing Officer and Community Officers continue to educate licensed premises in order to keep up with trends and now target the use of fake identification. This has proved to be a very successful with a large number of fake identifications being seized and premises now having stringent practices and procedures in place.

Offences relating to children and Young Persons

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 102 (sale of alcohol to a child or young person)	0
Section 103 (allowing the sale of alcohol to a child or young person)	0
Section 104A (supply of alcohol to a child)	0

Section 104B (supply of alcohol to a young person)	2
Section 105 (purchase of alcohol by or for a child or young person)	1

Section 104A and 104B is a new addition following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015. This has proved to be a very useful tool in the fight against ‘agent purchase’ or ‘proxy purchasing’ and will continue to be used by local officers whilst out on patrol.

TACKLING SERIOUS AND ORGANISED CRIME

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG’s pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

Examples of Serious and Organised Crime Activity in the Board area

Over the past year, the police Licensing Officer has scrutinised and interrogated licence applications to identify where Serious and Organised Crime Groups (SOCGs) may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing. Unfortunately a lot of SOCGs already have a foothold in licensed premises which makes it very difficult to object to these applications because more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are ‘tenants’, who neither hold the premises licence or the Designated Premises Manager position and therefore are not ‘relevant’ persons.

The police Licensing Officer continues to monitor the persons connected to licensed premises in East Lothian, who are known to have links to SOCGs. All opportunity is taken to disrupt the running of these licensed premises whenever an opportunity arises. Proactive visits to these premises keeps the pressure on these operators and ultimately they tend to leave an area as quickly as they arrived.

The use of intelligence is now an option when objecting to a licence, however the process is strictly managed. In an effort to educate and prepare the East Lothian Licensing Board members, the police Licensing Officer will be making arrangements for specialised officers based at the Scottish Crime Campus, Gartcosh to give an input on its use.

Nail Bar Interventions

In East Lothian, nail bars are licensed under a Public Entertainment Licence. This has become an invaluable tool for the police in East Lothian over the last year allowing premises to be visited and inspected by police and council departments, disrupting Organised Crime Groups, protecting vulnerable people from exploitation and reducing the demand for the ever increasing trade in human trafficking. Throughout the year there have been a number of reports of unlicensed nail bars in the area which have been operating without appropriate licences. Partnership working between both East Lothian Licensing officer and Licensing Standards officer found some of said premises to be open and personnel working within to be illegal immigrants. In addition to this disruption, the Licensing Officer has carried out work into relation to applicants where it could be shown that persons were 'not fit and proper' applicants, allowing police to object on this basis to the Licensing Board. As a result of this proactivity, East Lothian does not have any sole occupancy nail bars at present.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

The division has an operation which focuses on violence in all forms and recognises that alcohol has a significant part to play in a large amount of the recorded crimes and incidents. In order to tackle this in a more pro-active manner the new Local Area Commander has put additional focus on Licensed Premises. Currently and in the year ahead the police licensing officer will be given additional support through extra staff at peak demand times. More Licensed Premises will be checked and more often, focussing even more on prevention. The police licensing officer now tasks front line police officers on a weekly basis through a local tasking process and is providing additional training to younger in service officers.

In areas where alcohol fuelled disorder occurs, local community officers will be tasked in advance of events to visit Licensed Premises and provide advice. All reports of proxy purchasing will be prioritised and highlighted on social media to ensure awareness. We will provide more awareness of our local activity using our social media pages and link in with national media campaigns, but in a local context.

Where violence and disorder occurs we will pro-actively seek to ascertain where the alcohol has been purchased and robustly pursue anyone who has committed offences.

Through the new Board Policy Statement, we are looking at the crime prevention side of things and what operators can do to reduce theft of alcohol and support the 'preventing crime and disorder' Licensing Objective. We will continue to work closely with licence holders when submitting new premises licence applications as well as variations to existing ones and encourage the use of CCTV and other crime prevention measures.

CONCLUSION

We would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, license holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.