

2011 10 07
G L
No 3

+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

3a

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

ELO 372

2(b) Name and Address of Premises

102 New Street
Musselburgh

Post Code	EH21 6JQ	Phone No.	
-----------	----------	-----------	--

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

Sau Tai Wong

[REDACTED]

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

SECTION 3: NATURE OF VARIATION

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

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

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

- Children to be allowed on the premises after 22:00 hours.
- To be able to host birthday parties and the like.
- Be able to play background music whilst customers are dining, as usually done in a restaurant setting
- To allow take away of alcohol i.e. unfinished bottles of wine

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)

- Children to be allowed on the premises after 22:00 hours.
- To be able to host birthday parties and the like.
- Be able to play background music whilst customers are dining, as usually done in a restaurant setting
- To allow take away of alcohol i.e. unfinished bottles of wine

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

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

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

Not applicable

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

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

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

Not applicable

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
 - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
 - Other (provide details)
-

SECTION 5: FEE PAYABLE

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

8/10/2020

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

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

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

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

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

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>I(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>I(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>I(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	1.00
<i>Friday</i>	11.00	1.00
<i>Saturday</i>	11.00	1.00
<i>Sunday</i>	11.00	0.00 (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>	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>	<i>YES</i>
--	------------

**If YES – provide details*

<p>Extend opening hours on 25th, 26th, 31st December and 1st January to 2am</p>

Question 5

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

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

When fully occupied, are there likely to be more customers standing than seated?	NA
<i>*Delete as appropriate</i>	

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
<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 under the age of 12 must be accompanied by an adult over the age of 18
- Children over the age of 12 can enter without an adult but will be seated away from the bar area and not served alcohol.

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

Children under the age of 12 will be allowed entry provided accompanied by an adult.
 Children over the age of 12 can attend without an adult

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

Children to be allowed in the restaurant up until 22.00 hours unless they are part of a pre-arranged function e.g. birthday party, funeral etc where adults are also presents. In such cases, the children will be allowed to stay until the adults of the same functions leaves. This is to avoid situations where party overruns past 22.00 hours and the need to ask children to leave at 22.00 hours when the adults haven't yet finished.

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

All parts of the dining area. Where possible, tables with children will be seated away from the bar area.

Question 7

CAPACITY OF PREMISES

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

Approximately 60-80 cover, to be used as a 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

8(c) Contact address

[Empty rectangular box for contact address]

8(d) Email address and telephone number

[Empty rectangular box for 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 8/10/2020

Capacity 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.

Intend to operate as an Indian restaurant serving authentic Indian Cuisine. Will allow hosting of functions such as birthday parties, funeral, club annual dinners etc as usually expected in a restaurant setting.

Background music will be played but no intention of using a live band.

Will also offer a takeaways with a delivery service.

(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 consumption of meal in a restaurant setting.

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

b) Customers will be allowed to take home half-finished bottles of alcohol e.g. wine. No intention to sell alcohol off premises or to provide as part of a delivery service.

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:

Hosting birthday parties, funerals, retirement parties, club annual dinners etc. Customers have the option to hire out part/ whole restaurant for functions. If they hire out part of the restaurant then they will be seated in a separate area to other diners. Customers will dine as per normal. Special menus maybe provided should the customer require. No live music will be allowed.

Expected to be quite frequent due to size of restaurant. At least once a week for smaller parties (between 10-20 people), perhaps once a month for bigger functions.

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:

To allow playing of recorded music (mp3s, CDs) as usually provided in a restaurant setting. Usually will play gentle music to create ambience. May play more upbeat music if requested during functions such as birthday parties.

Music will be played everyday during opening hours.

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

NA

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

NA

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

NA

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

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 in the ladies and disabled toilets. High chairs will be available if requested for toddlers.

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:

- Refusing entry for any person who appears drunk and disorderly or giving verbal abuse to any customer or staff
- Calling the police immediately should it be required
- Ensure all cash is safely stored and out of sight. Premises will be fully locked at night.

Securing Public Safety:

- Regular gas and electric safety tests
- Staff only areas clearly identified
- Ensure at least one member of staff is trained in first aid

Preventing Public Nuisance:

- Refusing entry for any person who appears drunk and disorderly or giving verbal abuse to any customer or staff
- Calling the police immediately should it be required

Protecting and Improving Public Health:

- Food safety and health certificate obtained by all relevant staff

Protecting Children and Young Persons From Harm:

- No serving of alcohol to any person under the age of 18
- To request ID when selling alcohol to anyone who looks under the age of 25
- Requiring presence of adult for any children under the age of 12
- Adequate baby changing facilities.

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.

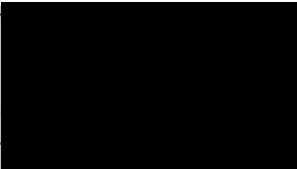
SIGNATURE AND DECLARATION BY APPLICANT

**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

8/10/2020

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.

<ul style="list-style-type: none"> • Accessible Flooring- no uneven surfaces or steps. • 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 with baby changing facilities
- Tables with a central table leg so to allow comfortable access for wheelchairs.
- All tables on ground level with no uneven surfaces so easily accessible with a 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.

NA

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 8/10/2020

Capacity ~~APPLICANT/AGENT~~

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

*** Data Protection Act 1998**

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

Winter, Maree

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 13 October 2020 09:35
To: Licensing
Subject: FW: Application for Major Variation- 102 New Street, Musselburgh [OFFICIAL:
POLICE AND PARTNERS]
Attachments: Major Variation application.pdf; LIC38 Premises variation - no adverse comment.rtf
Follow Up Flag: Follow up
Flag Status: Flagged

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

OFFICIAL: POLICE AND PARTNERS

Good morning
No adverse comment to this application, please see LIC38 attached.
Kind regards
Rona

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 09 October 2020 11:23
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards;
Environment Reception; Grant, Shona; torquil.cramer@firescotland.gov.uk; Trading Standards;
[REDACTED]
Subject: FW: Application for Major Variation- 102 New Street, Musselburgh

Dear all,

Please find attached major variation application from 102 New street, Musselburgh to vary the following:-
Children to be allowed on the premises after 22:00
To be able to host birthday parties and the like.
To be able to play background music whilst diners are eating as usually done in a restaurant setting.
To allow takeaways and unfinished bottles of wine.

Could I please have your comments/representations by Wednesday 4th November 2020.

Regards
Maree

Maree Winter

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

Winter, Maree

From: Fruzynski, Rudi
Sent: 19 October 2020 15:37
To: Winter, Maree; LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Environmental Health/Trading Standards; Environment Reception; Grant, Shona; torquil.cramer@firescotland.gov.uk; Trading Standards; [REDACTED]
Subject: RE: Application for Major Variation- 102 New Street, Musselburgh

From a Licensing Standards point of view, I have no objection to this major variation application.

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

01620827363

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation. It is recommended that you consult with a licensing agent or solicitor if you are looking for legal advice on matters.

From: Winter, Maree
Sent: 09 October 2020 11:23
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>; Grant, Shona <sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Trading Standards <tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Application for Major Variation- 102 New Street, Musselburgh

Dear all,

Please find attached major variation application from 102 New street, Musselburgh to vary the following:-
Children to be allowed on the premises after 22:00
To be able to host birthday parties and the like.
To be able to play background music whilst diners are eating as usually done in a restaurant setting.
To allow takeaways and unfinished bottles of wine.

Could I please have your comments/representations by Wednesday 4th November 2020.

Regards
Maree

Maree Winter

