

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

5a

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

EL0101

2(b) Name and Address of Premises

Auld Brig Tavern
45 Eskside West
Fisherrow
Musselburgh
East Lothian

Post Code EH21 6RB

Phone No.

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

Greene King Retailing Limited
Westgate Brewery
Bury St Edmonds
Suffolk

Post Code IP33 1QT

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

NA

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

At Q5

Permit bar meals within and outwith core hours

Permit; receptions; club meetings; recorded music; performances; indoor/outdoor sports outwith core hours.

At further information add as new paragraph 1 – “The activities in column 4 may occur prior to core hours in conjunction with a breakfast service but not normally before 8am.

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) due to covid office restrictions the licence will have to follow in due course

.....

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 09 Nov. 2020

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

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

niall.hassard@ttsolicitors.com

.....
07500 120 827

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.

EL0101 Auld Brig Tavern 45 Eskside West Fisherrow Musselburgh East Lothian EH21 6RB
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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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<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	24:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	24:00

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
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**If YES – provide details*

We would seek to take advantage of any extended period of trading granted by the board for significant local/national events e.g. festive period & bank holidays etc.

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.	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided 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	YES	YES	YES
Televised sport	YES	YES	YES
5(d) Activity	Please confirm YES/NO	To be provided during core licensed	Where activities are also to be provided

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

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

THE ACTIVITIES IN COLUMN 4 MAY OCCUR PRIOR TO CORE HOURS IN CONJUNCTION WITH A BREAKFAST SERVICE BUT NOT NORMALLY BEFORE 8AM

TELEVISED SPORT – WE ANTICIPATE THAT CERTAIN MAJOR SPORTING EVENTS E.G. OLYMPICS; FOOTBALL WORLD CUP MAY BE TELEVISED OUTWITH CORE HOURS AND WE WOULD WISH TO OFFER THE SALE OF ALCOHOL ON THE PREMISES AT THESE TIMES. THIS WOULD BE OBTAINED THROUGH AN EXTENDED HOURS APPLICATION.

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.

WE MAY PROPOSE A RANGE OF ACTIVITIES DURING CORE HOURS SUCH AS QUIZ NIGHTS, DOMINOES, CHARITY NIGHTS OR SIMILAR SOCIAL ACTIVITIES APPROPRIATE TO THE TARGET MARKET.

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?	
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When fully occupied, are there likely to be more customers standing than seated?	
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED ONLY WHEN ACCOMPANIED BY AN ADULT.

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

0 TO 17 YEARS

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

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED UNTIL 8.00PM.

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

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED TO ALL PUBLIC AREAS, HOWEVER THEY WILL NOT BE PERMITTED TO SIT OR STAND AT THE BAR COUNTER, AND WE WILL COMPLY WITH THE LOCAL CONDITION WHICH SPECIFIES THEY ARE NOT TO BE WITHIN 1.5M OF THE BAR COUNTER.

Question 7

CAPACITY OF PREMISES

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

ON SALES – 60

Question 8

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

Personal details

8(a) *Name*

STEPHEN BREMNER

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 NOVEMBER 2019	CITY OF EDINBURGH COUNCIL	263325

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.

[Redacted Signature]

Signature * (see note below)

Date09 November 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.

The business is an existing public house. The variation seeks to permit bar meals. Breakfast, teas and coffees may also diversify the offer so activities like club meetings; performance, music, indoor outdoor sports are now sought outwith licensed hours as ancillary to breakfast 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) No change
(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries	b) No Change

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:

Bar meals introduced to diversify the offer and unused kitchen to be brought back into use.

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:

Family celebrations and life events like funerals will be accommodated as demand arises but this is not the core business. Outwith core hours sought as facility to do food being introduced. Morning purveys could be arranged or occasional outing catered for e.g. bacon rolls a local golf society

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:

Outwith core hours sought as facility to do food being introduced – see comments in business profile

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 no change

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 no change

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:

See Q5(e)

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 no change

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

NA no change

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)

<p>Preventing Crime and Disorder:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives</p>
<p>Securing Public Safety:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives.</p>
<p>Preventing Public Nuisance:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives</p>
<p>Protecting and Improving Public Health:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives. Food registration has been submitted to East Lothian EHO.</p>
<p>Protecting Children and Young Persons From Harm:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives</p>

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

<p>Additional Information:</p> <p>NA</p>

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

In a very challenging time for hospitality businesses with the devastating effect of Covid 19 on the Licensed Trade, investment and diversification should be welcomed. Businesses which provide a facility for the local community, protect jobs and create safe places for people to meet and socialize are vital.

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		te	11/11/2020
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13/11/2020

Your Ref: Variation 42498

Our Ref: 391727/GB

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



**POLICE
SCOTLAND**

Keeping people safe

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

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
AULD BRIG TAVERN
45 ESKSIDE WEST, FISHERROW, MUSSELBURGH, EAST LOTHIAN, EH21
6RB.**

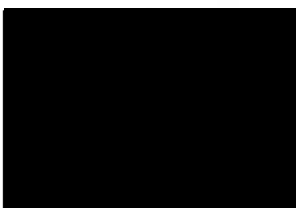
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of permitting bar meals within and out with core hours. Permit receptions, club meetings, recorded music, performances, indoor / outdoor sports out with core hours.

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

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

Yours faithfully



John McKenzie

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNENCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 14 Dec. 2020

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

**Auld Brig Tavern, 45 Eskside West, Fisherrow, Musselburgh, East
Lothian EH21 6RB**

I refer to the above subject and can confirm that Licensing Standards has no objection to the proposed variation to include the following facilities:

Permit bar meals within and outwith core hours

Permit; receptions; club meetings; recorded music; performances; indoor/outdoor sports outwith core hours.

At further information add as new paragraph 1 – “The activities in column 4 may occur prior to core hours in conjunction with a breakfast service but not normally before 8am.

Proposed food offerings include Toasties, Macaroni and Cheese, Beef Chilli, Chicken Curry, Spaghetti Bolognese, and Mince and Tatties.

The premises are well run and a popular community pub. The additional facilities will enhance the experience for customers.

R. Fruzynski
Licensing Standards Officer