

ELO 377

PC
RF
EN
PS
CC
FI
N

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE

Licensing (Scotland) Act 2005, section 20

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

4c

Question 1

Name, address and postcode of premises to be licensed.

Barneys Coffee Shop
39 High Street
East Linton
EH40 3AA

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.

- 2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

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

Barneys Coffee Shop Ltd
39 High Street
East Linton
EH40 3AA

SC571611

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

N/A

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.*

<i>Name</i>	<i>Date of Birth</i>	<i>Place of Birth</i>	<i>Address</i>
Gareth Pickles			
Helen Samantha Pickles			

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3

Previous applications

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* NO

If YES – provide full details

--

Question 4

Previous convictions

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

**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 (if or sentence)</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

(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.

Barneys Coffee Shop was previously the East Linton Post Office until 2 years ago when we purchased the premises and opened the coffee shop. Barney's is in a prominent position in the centre of the village and we believe that we have created an asset to the village and work closely with other businesses as well as respecting our community and neighbours. Over the last couple of years the business has evolved from the original business plan and we are about to move to another new phase where we want to add to the products and services we provide at Barneys. Principally Barneys provides a range of coffee, tea, soft drinks, sandwiches, scones and cakes for consumption on the premises or to take away. We originally had seven tables inside with seating for circa 20 people, plus a couple tables with chairs outside at the front of the shop. We employ seven staff currently (at our peak we had ten staff), the challenges of the last six months have meant we have had to review what and how we operate and to enable us to continue to move forward we need to diversify our offering. Covid has provided additional challenges to floor space but our plan is to have reduced internal seating and we can create the right space where we then have more prominence on our take out service (to include alcohol) with a slightly reduced seating capability for tea, coffee, sandwiches and cakes. Our plan for alcohol sales predominantly focuses on off sales but as described above we want to include options to be able to sell drinks with food, this will also enable us to run wine/spirit tasting special events. Our intention is not to convert Barney's into a wine bar but compliment our existing products and services by extending the retail to include alcohol.

Over the last two years we have developed other products including coffee beans, tea, jams, chutney, honey plus a range of cards and selection of gifts. We have focused on the cards and gifts to compliment the coffee shop business and are now looking to extend that further with the inclusion of the sale of wine and spirits. We propose to convert part of the shop to display and retail wines / spirits (see attached plan) and are working in conjunction with Lockett Bros in North Berwick – the plan is to have a range of quality products and exclusive wines.

We propose to run all alcohol sales with a slightly different trading hours to the coffee shop as we plan to operate until 8pm Thursday, Friday and Saturdays. In our operating plan we have stated to open until 10 to allow us to occasionally open later so that we can run special tasting events with customers. We recognise the market and the local competition and on this basis our plan is not to stock the types of products that you can get from Coop, Tesco or even the local off licence, instead we want to develop a local following for the types of products that Chris and the team at Locketts have been successful with in North Berwick. Our operating ethos will be around quality products and service rather than price driven. We will have a web site to support product sales as well as offering a home delivery service within the community, where customers can pre order on line or by phone to have their wine delivered.

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>	N/A
<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 [REDACTED] . Gareth Pickles * (see note below)

Date 21/04/2021

Capacity Director..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory [REDACTED]

<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>To follow</i>
<i>Food hygiene certificate</i>	<i>to follow</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.

Barneys Coffee Shop, 39 High Street, East Linton, EH40 3AZ

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>	11am	4pm
<i>Tuesday</i>	11am	4pm
<i>Wednesday</i>	11am	4pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	11am	4pm

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	4pm
<i>Tuesday</i>	10am	4pm
<i>Wednesday</i>	10am	4pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	4pm

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Question 5

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

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

<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	No
<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.

Reference 5a – Food will be served from 0900 weekdays and 1000 at the weekend for take away and consumption on the premises. Purchase of alcohol will only be permitted during licensing hours.

Reference 5d – Barneys already has permissions to have seating outside, we would look to extend this to also allow customers to enjoy a glass of alcohol with their food during core licensing hours.

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*

Barneys is predominantly a coffee shop focused on the sale of sandwiches, cakes, teas and coffees. Children (if accompanied by adults) and young people are allowed in the coffee shop to all customer areas for sit in and take away food and drinks. We will have a challenge 25 age verification policy for alcohol purchases for both on and off sales.

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

Children of all ages (when accompanied by adults) and young persons are allowed entry into the coffee shop as our predominant feature remains the sale of coffee's, teas, cakes and food. Our age verification policy where anyone who appears to be under 25 will be asked to provide photographic evidence that they are at least 18 before any sale of alcohol takes place.

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

Children (when accompanied by adults) and young persons are allowed entry into the coffee shop as our predominant feature remains the sale of coffee's, teas, cakes and food. Our age verification policy where anyone who appears to be under 25 will be asked to provide photographic evidence they are at least 18 before any sale of alcohol takes place.

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

Children (when accompanied by adults) and young persons are allowed entry into all customer areas of the coffee shop as our predominant feature remains the sale of coffee's, teas, cakes and food. We will continue to make Barneys a place to go in the village and feel it is important that we continue to provide a warm welcoming atmosphere. Our age verification policy where anyone who appears to be under 25 will be asked to provide photographic evidence they are at least 18 before any sale of alcohol takes place.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The Coffee Shop will continue to provide coffee, tea, sandwiches, cakes for sit in customers and take away customers between the hours of Monday – Friday 9am to 4pm and Weekends 10 am to 4pm. We do not propose to provide hot food after 4pm but will have cakes, coffee, tea and soft drinks available.

5(g) Late night premises opening after 1.00am – N/A

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	NO
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	NO
<i>*Delete as appropriate</i>	

Question 7

CAPACITY OF PREMISES

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

The shop has a total capacity for approx. 20 people seated but this will be reduced to 12/14 post covid restrictions – currently temp capacity is limited to 8 with covid space restrictions.

Question 8

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

Personal details

8(a) *Name*

Gareth Pickles

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>
2 nd October 2020	East Lothian Licencing Board	EL1689

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  Gareth Pickles * (see note below)

Date21/04/2021.....

CapacityDirector..... APPLICANT

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.

Barneys Coffee Shop was previously the East Linton Post Office until 2 years ago when we purchased the premises and opened the coffee shop. Barney's is in a prominent position in the centre of the village and we believe that we have created an asset to the village and work closely with other businesses as well as respecting our community and neighbours. Over the last couple of years the business has evolved from the original business plan and we are about to move to another new phase where we want to add to the products and services we provide at Barneys. Principally Barneys provides a range of coffee, tea, soft drinks, sandwiches, scones and cakes for consumption on the premises or to take away. We originally had seven tables inside with seating for circa 20 people, plus a couple tables with chairs outside at the front of the shop. We employ seven staff currently (at our peak we had ten staff), the challenges of the last six months have meant we have had to review what and how we operate and to enable us to continue to move forward we need to diversify our offering. Covid has provided additional challenges to floor space but our plan is to have reduced internal seating and we can create the right space where we then have more prominence on our take out service (to include alcohol) with a slightly reduced seating capability for tea, coffee, sandwiches and cakes. Our plan for alcohol sales predominantly focuses on off sales but as described above we want to include options to be able to sell drinks with food, this will also enable us to run wine/spirit tasting special events. Our intention is not to convert Barney's into a wine bar but compliment our existing products and services by extending the retail to include alcohol.

Over the last two years we have developed other products including coffee beans, tea, jams, chutney, honey plus a range of cards and selection of gifts. We have focused on the cards and gifts to compliment the coffee shop business and are now looking to extend that further with the inclusion of the sale of wine and spirits. We propose to convert part of the shop to display and retail wines / spirits (see attached plan) and are working in conjunction with Lockett Bros in North Berwick – the plan is to have a range of quality products and exclusive wines.

We propose to run all alcohol sales with a slightly different trading hours to the coffee shop as we plan to operate until 8pm Thursday, Friday and Saturdays. In our operating plan we have stated to open until 10 to allow us to occasionally open later so that we can run special tasting events with customers. We recognise the market and the local competition and on this basis our plan is not to stock the types of products that you can get from Coop, Tesco or even the local off licence, instead we want to develop a local following for the types of products that Chris and the team at Locketts have been successful with in North Berwick. Our operating ethos will be around quality products and service rather than price driven. We will have a web site to support product sales as well as offering a home delivery service within the community, where customers can pre order on line or by phone to have their wine delivered.

<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) <i>We propose to have a small amount of consumption on premises where we can offer a glass of wine or prosecco with food. The exception to this will be the occasional tasting event to launch new products or brands (these will be a by invitation only).</i></p> <p>b) <i>We will display a range of white, red and rose wines as well as a selection of sparkling wines and champagnes, in addition we will also have a range of spirits all of which will be for sale with consumption off the premises. We also plan to have a delivery service for the local community, where customers can order in the shop/on line or by phone and have their products delivered.</i></p>
---	---

Clarification is required in relation to the content of your proposed Operating Plan

(extend the boxes below if you require additional space)

<p>To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p>None</p>
<p>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:</p> <p>None</p>
<p>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:</p> <p>None</p>

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:

Over the last 3 years we have tried to build Barneys into somewhere in the village where people recognise it as a family friendly place to eat and drink and where you can meet with family or friends over a coffee and a cake. Our plan is to continue this and prevent any disorder or antisocial behavior through creating the right environment and also supporting our team with the right training. Training has always (and will continue to be) very high on our agenda for all of our staff and we will ensure that we give the right protection to our staff and our customers. We are installing cctv within the shop to help with this as well as proving added security for Barneys. In addition we will promote safety and awareness of our strict age and behavior policies.

Securing Public Safety:

We will manage the occupancy of the premises just as we do today with the coffee shop, it is important that the right space is created and managed to help create the right environment. As mentioned above we are installing cctv within the shop to help support but already have smoke detectors installed and fire extinguisher – remembering that Barneys is a small coffee shop with just two public areas.

Preventing Public Nuisance:

We have taken serious consideration of neighbouring premises and all factors which might affect public nuisance. We believe it is important to work in conjunction with the local community and we will continue to manage capacity and customer engagement in the same positive way in which we do today. We have also taken neighbours into consideration when planning our opening hours, our normal closing time will be 8pm Thursday Friday and Saturday (4pm Mon through Wed & Sunday) and will only be later when we hold special tasting events. We also will ensure we have the right level of training and coaching to ensure our team have the right support to work with our customers.

Protecting and Improving Public Health:

We believe it is really important that we create the right environment in the shop, ensuring customers are aware of choice in relation to alcohol measures, drinking responsibly and that we are compliant with the law on responsible alcohol pricing promotions. Our challenge 25 policy and procedures will apply both in the shop and also for any deliveries. All deliveries have to be ordered in person at the shop or via the website, where the customer must register their details online.

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:

We respect our neighborhood and recognise we are located in the middle of the village. We intend to offer customers the opportunity to have a glass of alcohol with their food and offer the option of being able to sit outside on our tables. Our focus will be on our off sales activity but we want to be able to occasionally provide the option for customers to enjoy a glass of wine if the customer requests.

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:

None

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:

We will provide tea, coffee and food as part of the coffee shop main offering recognising that the coffee shop opens at 0900 through the week and core licensing hours will not start until 1000.

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:

No other specific activity, although the Coffee Shop will provide coffee, tea, sandwiches, cakes for sit in customers and take away customers between the hours of Monday – Friday 9am to 4pm and Weekends 10 am to 4pm. We do not propose to provide hot food after 4pm but will have cakes, coffee, tea and soft drinks available.

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.

N/A.

Protecting Children and Young Persons From Harm:

Barneys is a family friendly premises and takes very seriously the issue of underage drinking and has put in place process to protect children and young persons from harm. This will be delivered through appropriate control measures such as challenge 25 preventing the sale for consumption of alcohol to children and young persons or creating the right environment and preventing antisocial behaviour. To enable this we will continually work with our team to have the correct level of instruction, training and supervision of staff in accordance with recognised standards

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.

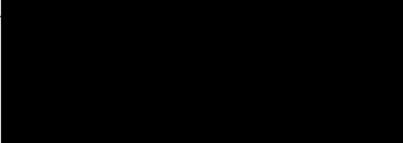
At Barneys we are passionate about creating a business we are proud of and building a business that supports the community it sits within. We have proved over the last three years that we have built a positive family friendly business from a business built on solid principles and through supporting our team with the right training and support we have been able to build the business and its positive reputation within East Linton and beyond. Covid 19 has brought challenges to both our business and the community, we believe that extending our range of products (to include wines and spirits) both helps build Barneys as a stronger brand in East Linton and also provides our customers with a quality range of products without having to leave the village.

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	21/4/2021
-----------	---	------	-----------

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

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

Question 2

Disabled access to, from and within the premises

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

Barneys Coffee Shop was previously a post office so benefits from a wider than usual front door and level entry to enable easy wheel chair access to the main customer area.

Question 3

Facilities available

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

N/A

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.

Assistance Dogs and all well behaved dogs are welcome into the coffee shop in the main customer area.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

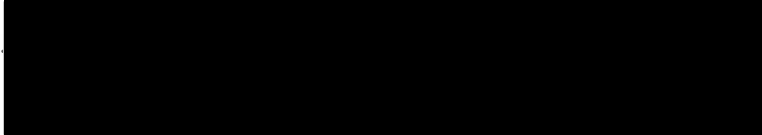
If signing on behalf of the applicant please state in what capacity.

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

Signature  * (see note below)

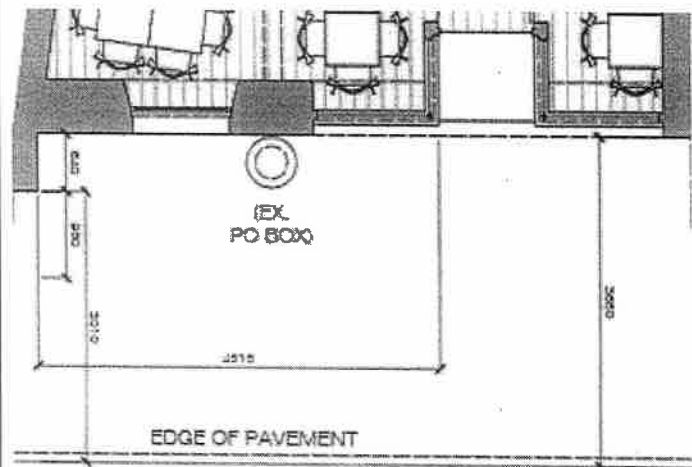
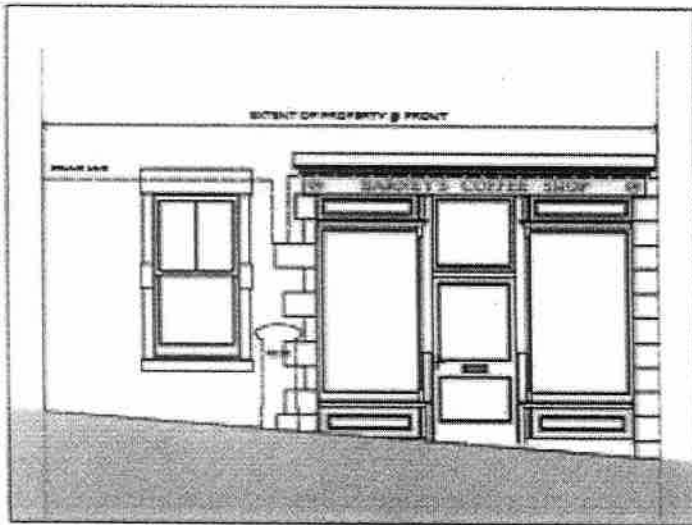
Date 21/4/2021

Capacity Applicant APPLICANT/AGENT

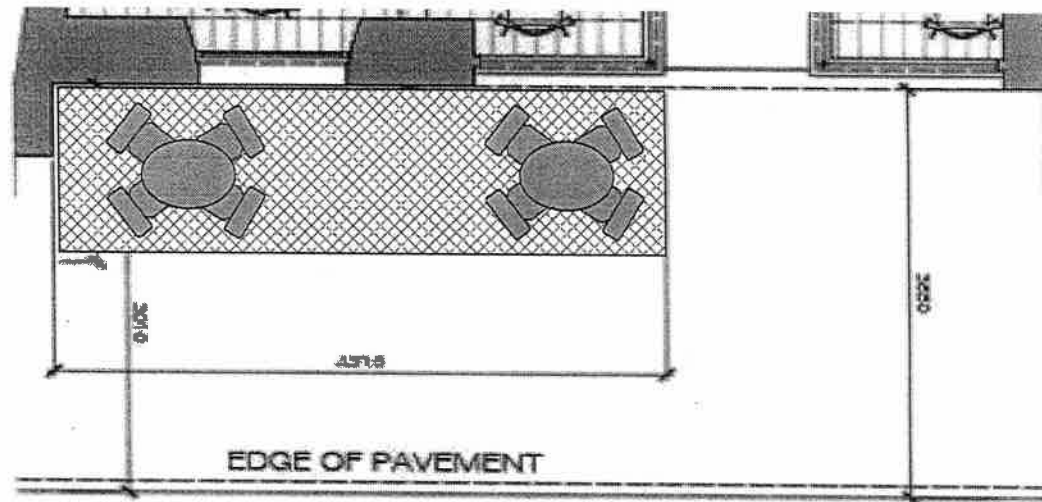
Telephone number and email address of signatory. 


* 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."



Two 600 diameter round tables each with four small bistro chairs as per diagram below.



 = Seating Area (1m x 4.5m)

Barneys Coffee Shop, 39 High Street, East Linton, EH40 3AA

NB – not to scale



**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:
NAME AND
ADDRESS OF
PREMISES:

Gareth Pickles
Barney's Coffee Shop, 39 High Street, East Linton

SECTION 50 PLANNING CERTIFICATE

I confirm that planning permission (ref: 18/00261/P) 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 to cover the above proposals.

Signed:		Date:	11 th November 2020
Keith Dingwall Service Manager, Planning			

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete Part A of this form.
- If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	R. PICKLES	
Name & Address of premises:	BARNEY'S Coffee Shop	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

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

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

Individual Title Mr Mrs Miss Ms Other _____
delete/complete as appropriate

Surname CUNNINGHAM

First Name(s) JENNIFER

Address (including postcode): 

Telephone number 

Email address 

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title Mr Mrs Miss Ms Other _____
delete/complete as appropriate

Surname

First Name(s)

Address of person lodging objection/representation on behalf of organization (including postcode):

Name of Organisation:

Nature of Organisation e.g. resident's association, ward councilor, trade association

Address of Organisation (including postcode):	
Telephone number	
Email address	

PART A – OBJECTION

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

- (a) The premises are excluded premises.
- (b) The application must be refused where:-
- Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],
 - Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or
 - Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].
- (c) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	CONCERNS OF NOISE, LITTER & TRAFFIC
<u>Objective</u>	<u>Explanation</u>
Securing public safety	SITTING ON THE PAVEMENT IS MORE OFTEN THAN NOT A MAJOR OBSTRUCTION FOR PEOPLE TRYING TO GET UP/DOWN THE HIGH ST. I DOUBT THIS WOULD IMPROVE THINGS!

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<p><u>Objective</u></p> <p>Preventing public nuisance</p>	<p><u>Explanation</u></p> <p>JUST FEEL THERE ARE ENOUGH PLACES SELLING ALCOHOL IN THE VILLAGE WITHOUT THIS ONE HALF WAY DOWN ALPH ST.</p>
<p><u>Objective</u></p> <p>Protecting and improving public health</p>	<p><u>Explanation</u></p> <p>AGAIN WITH THE SEATING ON THE PAVEMENT - MANY MUMS WITH BUGGIES HAVE TO GO AROUND THE SANDWICH BOARD AS WELL DODGE TABLES & CHAIRS.</p>

Objective	Explanation
Protecting children and young persons from harm	
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <ul style="list-style-type: none"> (i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises. <p>Please explain why: <u>ALL OF THE ABOVE FOR REASONS ALREADY STATED IN PREVIOUS PAGES</u></p>	
<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> (i) licensed premises, or (ii) licensed premises of the same or similar description as the subject premises, <p>Please explain why: <u>THERE ARE ENOUGH PLACES SELLING ALCOHOL WITHOUT THE "COFFEE SHOP" JOINING IN</u></p>	

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

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: ---

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

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

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

I have read and understood the attached privacy notice

Your Signature

Date

5/5/2021

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

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

East Lothian Council
Licensing

19 MAY 2021

Received

D J Malcolm

16th May 2021

Dear Sir/Madam

In reply to your letter concerning an application for a provisional of premises licence for Barneys Coffee Shop, 39 High Street, East Linton, East Lothian, EH40 3AD we would like to make an objection. Not for granting a licence to sell and serve alcohol with a meal inside the premises but do object to alcohol being served with or without a meal outside the premises (ie on the pavement) from Thurs-Sun till 8pm and occasionally till 10pm.

Your Faithfully

Occupier & Owner.

East Lothian Council
Licensing

19 MAY 2021

Received

REF

KMAR N/msw/a/Li

Mr & Mrs G Leslie

Dear Sir/Madam

We would like to make an objection to Barneys coffee shop East Linton 39 High Street East Linton East Lothian EH40 3AA application for on and off sale of alcohol license. When they applied to change the use of the post office to a coffee shop selling tea, coffee, sandwiches, scones and home baking we never objected and there was no mention of hot food being served and takeaways being provided.

They are now serving hot food bacon rolls, soup, toasties and baked potatoes etc. If they had said they intended to serve hot food we would have objected at the outset. Outside seating has also emerged since the change of use to a coffee shop. This was previously two benches which have now been replaced by two bistro tables and 8 chairs. Again this was never highlighted as part of the initial change of use application. The owners now wish to sell alcohol in and off the premises.

East Linton High Street is a busy road during the day and in the evening it becomes less busy and quieter. The application for extending the business hours to serving bar food and alcohol would allow the coffee shop to sell alcohol every night. This is despite the coffee shop advising their intention is only to sell alcohol up to 10pm on Thursdays, Fridays and Saturdays. Since approval of change of use to a coffee shop we have seen hot food and seating emerging. Our concern is that more changes are being requested.

Cooking bar meals in a small kitchen will affect the houses/flats directly surrounded due to the smell and noise generated. At the moment the village is also well served well with a variation of different takeaways in the village and neighbouring towns which deliver to East Linton (Includes evenings)

There is no word of how many tables and chairs are going to be on the pavement as part of this application. At the moment there is a post box for the use of the village which is very difficult to access with the two tables and eight chairs that are currently there. This causes people having to lean over chairs at times to be able to access the post box. They have decreased their seating indoors to accommodate their other ventures which is their choice. At the moment I have been advised they do not have permission for them and there is no word of how many tables and chairs they plan to have outside when or if they get the licence.

As I know with working in hotels for many years when people start drinking they tend to get louder and louder it is a very busy road during the day but very peaceful in the evenings we have our front window open when we are at home the way the high street is shaped with houses facing up the street the noise seems to echo and bounces around during the evenings.

They wish to have wine tasting which will ultimately spill out of the premises onto the pavement again causing more noise and disturbance on a quiet village High Street. In the evenings it is very difficult for the residents to find parking in or around their homes at present.

We really do not see the need for another licensed premises in the village as it already has three shop premises that sell alcohol, two hotels that sell bar meals with plenty of seating in their gardens and premises. There is also a bowling club where you can have a drink.

We strongly feel that if you allow permission for drinking and bar meals in premises and outdoor on a Thursday, Friday and Saturday until 10pm would be rather disruptive having lived here since 1982. We do realise that things change but not always for the better, our quiet village High Street would never be the same with people sitting and drinking on the pavements especially when the two hotels have ample space inside and out to do so.

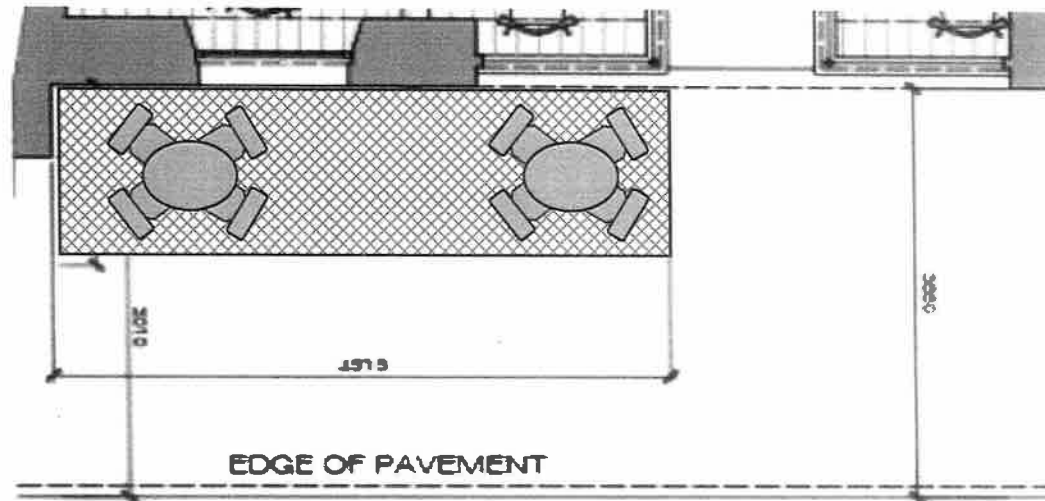
Yours Sincerely,


George & Barbara Leslie

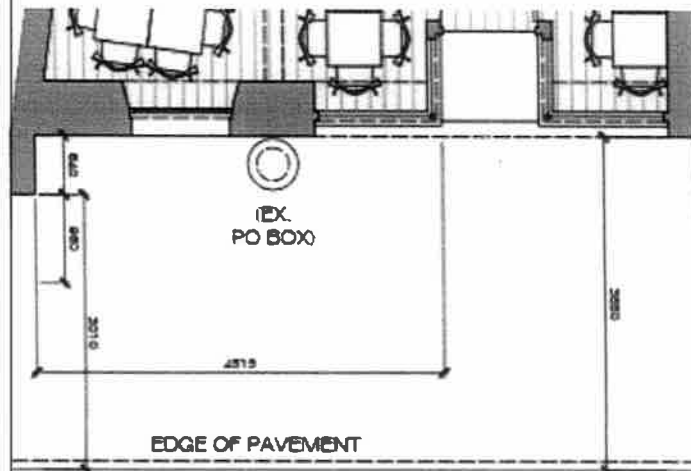
East Lothian Council
Licensing
25 MAY 2021
Received



Two 600 diameter round tables each with four small bistro chairs as per diagram below.



 = Seating Area (1m x 4.5m)



THIS POST BOX IS THE
 MAIN BOX AND IS USED
 EVERY DAY WITH THE RESIDENTS
 OF THE VILLAGES

Barneys Coffee Shop, 39 High Street, East Linton, EH40 3AA

NB – not to scale

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application
- If you are OBJECTING, please complete Part A of this form.
 - If you are MAKING REPRESENTATIONS, please complete Part B of this form.
 - All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

East Lothian Council
Licensing
25 MAY 2021
Received

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	BARNEYS COFFEE SHOP LIMITED	
Name & Address of premises:	39 HIGH STREET EAST LINTON EAST LOTHIAN EH40 3AA	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input checked="" type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

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

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

Individual Title	Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	CHRISTIE
First Name(s)	ALAN JENNIFER
Address (including postcode):	
Telephone number	
Email address	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

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

Address of Organisation (including postcode):	
Telephone number	
Email address	

PART A – OBJECTION

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

~~(a)~~ The premises are excluded premises.

~~(b)~~ The application must be refused where:-

- Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],
- Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or
- Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].

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


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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	SEE NOTES ATTACHED.
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

	<u>Objective</u>	<u>Explanation</u>
	Protecting children and young persons from harm 	
(d)	<p>The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <ul style="list-style-type: none"> (i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises. <p>Please explain why: PREMISES SITUATED DIRECTLY [REDACTED] [REDACTED]</p> <p style="text-align: right;">SEE NOTES ATTACHED</p>	
(e)	<p>Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> (i) licensed premises, or (ii) licensed premises of the same or similar description as the subject premises, <p>Please explain why: ALREADY TWO PUBLIC HOUSES SELLING FOOD & ALCOHOL, A SPORTS CLUB & THREE SHOPS SELLING ALCOHOL</p>	

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

PART B - REPRESENTATION

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

In support of the application.

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations

PART C: Additional Information/Supporting Documents

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

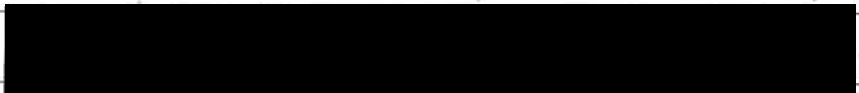
SEE NOTES ATTACHED

Pages 12, 13 & 14

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

I have read and understood the attached privacy notice

Your Signature



Date

24/5/2021

24/5/2021

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

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

Re sale of Alcohol

The Application currently being made states it is for "Premises offering alcohol for consumption on and off the premises and offering bar meals, outdoor drinking facilities and sale of alcohol "On and off Sales"

We feel as there are already two public houses selling food and alcohol, a sports club and three other shops also selling alcohol that a further premises selling alcohol is not required.

On the operating plan the Applicant has stated they would propose to be able to offer a glass of wine etc. with food on the premises and also states on the Supplementary Application re "Outdoor Drinking Facilities" that they intend to offer customers the opportunity to have a glass of alcohol with their food and to offer the option of being able to sit outside at their tables. The Application then further states they are not selling alcohol by the glass, but did want to enable this at a later stage, if required. We would take this to mean they are not presently selling alcohol by the glass but would like this included in their Application should they change their mind at any time in the future which seems like they wish to pick and choose as and when alcohol will be served either inside or outside the premises, which we find to be totally unacceptable.

Regarding Preventing Public Nuisance

We do not feel that consideration of neighbouring premises has been taken into account and these premises are situated in an area consisting of mainly residential properties. There are currently two tables with four chairs placed around each table situated outside these premises. These tables and chairs are situated [REDACTED] and we find that we are already restricted in opening our windows [REDACTED] due to the noise created by customers sitting [REDACTED]. This can also restrict the pavement area when both tables are full and buggies or bikes are with the customers.

The Application states that from Thursday – Saturday the On and Off sale hours are proposed until 10pm, we strongly object to this. The Applicant states the normal closing time will be 8pm and will only be later when holding special wine tasting events. Again as far as we can see, if a licence is granted to allow opening until 10pm this surely means that as well as tasting nights the Applicant has the option to stay open until 10pm every Thursday – Saturday night at his own discretion and this could involve alcohol being served inside and at the outside tables. We find this very unacceptable and strongly object to this with regard to the noise, which will be generated at tables [REDACTED] not to mention any smokers who will congregate at the outside sitting area.

Since the tables and chairs were placed on the street, we have encountered problems with people parking bikes and buggies [REDACTED] restricting access and on occasion have had people standing on our front doorstep waiting for takeaway food. There is a post-box situated between the two tables and access can be restricted when tables are in use.

Objections to Application by Barneys Coffee Shop. 39 High Street, East Linton

Type – Sale of Alcohol – On and Off Sales

We refer to the Application made by Barneys Coffee Shop Limited relating to the above subjects. We live at [REDACTED] East Linton, directly above these premises and strongly object to this Licence being granted on the terms undernoted.

- With regard to the Business Profile, the Applicant states that Barneys principally provides a range of coffee, tea, soft drinks, sandwiches, scones and cakes. No mention is made of breakfast rolls, soups and other hot food presently being provided for consumption on the premises or as hot food takeaway.

Our understanding is that when Barneys applied for change of use from a Post Office to a Coffee Shop this change of use was granted from a class 1 to class 3 premises for sale of food or drink for consumption on the premises. We raised major concerns and objections at this time regarding food odours and the premises could become a hot food takeaway if this change of use was granted.

The change of use was granted with the stipulation that a hot food takeaway is not a use within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1992, as amended. Consequently planning permission would be required should someone wish to change the use of the building to a hot food takeaway at some point in the future and therefore a restriction was made on the methods of food preparation and cooking on the premises to prevent harmful odours in the interest of safeguarding the amenity of neighbouring properties. This has never been the case and Breakfast rolls, soups and other hot foods have always been and continue to be for sale for consumption on the premises and hot food takeaway. This has a substantial detrimental effect on our property with regard to food odours and restrictions on being able to open the windows [REDACTED] [REDACTED] due to these food odours, which are noticeable on the street and within our property, which we find unacceptable. This is not helped as the entrance door to the shop is constantly left open, as is the hopper window above it.

We would also like to know if and when permission was applied for and granted in respect of the change of use to a hot food takeaway and, if this permission has been granted, why were we not made aware that an application had been made for a change of use to a hot food take away, which has always been one of our major concerns. We note that the provision to serve bar meals are mentioned in the section "Activities" on your letter dated 29 April 2021, although in the Supplementary Application Information the question relating to bar meals being provided has been answered as None. We would strongly object to bar meals or any kind of meals being served on the premises or as a takeaway as this would increase the level of food odours already being emitted from these premises and find this unacceptable to ourselves and the surrounding properties.

It appears the Applicant is reducing the area used as a coffee shop (for which the original change of use was granted) and having more prominence on takeaways (to include alcohol)

We fully understand that due to COVID it has not been an easy time for anyone but this is our home and we have lived here for 32 years and feel that we have already lost a lot of the amenity of our property due to food odours, restrictions on opening of windows and noise from placing tables and chairs [REDACTED]

We therefore strongly object to the Application being granted and look forward to hearing from you in acknowledge of our Objections.

Alan and Jennifer Christie

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

- (a) **Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or**
- (b) **Make representations to the Board concerning the application**

- **If you are OBJECTING, please complete Part A of this form.**
- **If you are MAKING REPRESENTATIONS, please complete Part B of this form.**
- **All parties should complete Sections 1, 2 and Part C of this form.**

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

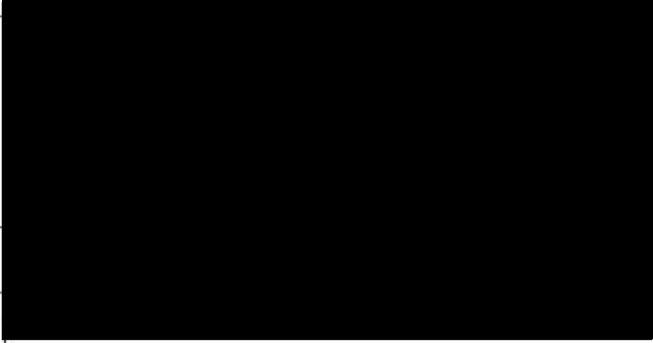
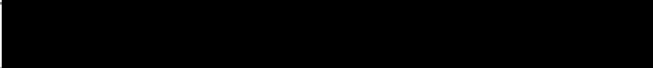

This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	BARNEY'S COFFEE SHOP LTD.	
Name & Address of premises:	39 HIGH STREET, EAST LINTON	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	x <input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

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

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

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other _____ delete/complete as appropriate
Surname	CRAWFORD
First Name(s)	HAZEL WALTON
Address (including postcode):	
Telephone number	
Email address	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

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

Address of Organisation (including postcode):	
Telephone number	
Email address	

PART A – OBJECTION

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

(a)

(b)

(c)

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

PREVENTING PUBLIC NUISANCE – SEE BELOW

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

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

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

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

Preventing public nuisance

ESSENTIALLY A QUIET RESIDENTIAL, RURAL STREET IN A SMALL VILLAGE: THIS IS THE CONTEXT I BOUGHT INTO 35 YEARS AGO, NOT MIXED USE. THOSE LIVING CLOSEST ARE GREATLY AFFECTED BY NOISE & SMELL ALREADY, WHICH WOULD INCREASE. THIS PROPOSAL IS AN ESCALATION WAY BEYOND THE ORIGINAL PERMIT FOR TEA, COFFEE, CAKE & SANDWICHES; IT EXPLICITLY EXCLUDES FRIED FOOD BUT THIS STARTED EARLY ON & HAS CONTINUED. EXTENDED HOURS, HOT FOOD & ALCOHOL EXTEND THE NUISANCE. PREVENTS OUR WINDOW & BACKDOOR BEING OPENED AS COOKING SMELL IS V NOTICEABLE – SEE SUBMISSION TO E.H.- MY HOME IS 1 ROOM DEEP AT THIS JUNCTION & 1 OF MY MAIN LIVING SPACES, SO IT AFFECTS BOTH ASPECTS. ALL THE OTHER SHOPS CONDUCT BUSINESS INSIDE – HISTORICALLY THIS PREMISES WAS HABERDASHER, ANTIQUES, P.O. WE DO NOT HAVE FRONT GARDENS TO MITIGATE: HARD SURFACES – PAVEMENT & STONE WALLS - ENHANCE THE NOISE. PEOPLE EATING & DRINKING OUT IN THE STREET LIKELY TO INCREASE DISTURBANCE COMPARED TO THE LOW LEVEL OF BACKGROUND NOISE. ADDITIONAL CAR PARKING REQUIRED : ON-STREET PARKING IS JUST ABOUT ADEQUATE FOR RESIDENTS – THIS SERVICE, INCLUDING TAKEAWAY, WOULD EXACERBATE MATTERS. POPULAR WITH CYCLISTS – ACCEPTABLE, BUT NO PROVISION FOR PARKING CYCLES WITHIN VICINITY & I FIND BIKES PARTLY OR ALL ALONG MY PAINTED RENDERED WALL & PEOPLE SITTING ON MY KITCHEN WINDOW SILL HAVING A COFFEE & A CONVERSATION WITH A SIZEABLE GROUP OF OTHERS. PRESUMABLY THIS IS WHY THE CLASS USE EXISTS – TO PREVENT INCOMPATIBLE USES. END

XX

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

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

.....

.....

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

Please explain why:

.....

.....

PART B - REPRESENTATION

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

PART C: Additional Information/Supporting Documents

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

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

I have read and understood the attached privacy notice

Your Signature	
Date	28/05/2021

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

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

Winter, Maree

From: Alison Gill <[REDACTED]>
Sent: 10 May 2021 09:11
To: Winter, Maree
Subject: Your Reference: KMacN/mjw/EN/L/L1 East Lothian Licensing Board
Licensing(Scotland)Act 2005

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.

Good Morning Marie,

Regarding our telephone conversation last Monday about the application stated below, please see my following concerns.

Application for a Provisional of Premises Licence in respect of Barney's Coffee Shop 39 High St East Linton

Concerns:-

The licenced opening of Barney's for Thursday to Friday till 22.00 .

The physicality of the High Street which dips and causes noises to be accentuated creates great concern about possible noise from customers and dogs, especially customers using the tables and chairs on the pavement. Also, the premises may stop serving alcohol at 22.00 but people may linger for some considerable time after that.

Noise and smells from any extractor fans.

I have no idea what is currently in place - the smell of cooking breakfasts reaches across to street when the door is open, however, there appears to be no extraction noise. Will this be changing with the new bar meals?

Increase in customers parking and traffic for the premises - currently the High Street is lacking in available parking spaces and is already very busy and noisy.

Please could you send me the appropriate form to submit my objections.

Your assistance in this matter is greatly appreciated.

Regards

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

East Lothian Council
Licensing

21 MAY 2021

Received

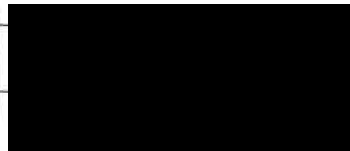
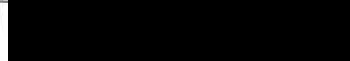
Section 1 – Application Details:**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	Barney's Coffee Shop Ltd.	
Name & Address of premises:	Barney's Coffee Shop 39 High Street East Linton EH40 3AA	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	X
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

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

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

Individual Title	Mr <input type="checkbox"/> Mrs X Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Gill
First Name(s)	Alison
Address (including postcode): 46 High Street East Linton EH40 3AB	
Telephone number	
Email address	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

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

Telephone number	
Email address	

PART A – OBJECTION

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

:

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

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

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

	Preventing crime and disorder	
	<u>Objective</u>	<u>Explanation</u>
	Securing public safety	

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

<p>Preventing public nuisance</p> <p>Noise from customers and dogs</p> <p>Noise from any extraction unit</p>	<p>The High Street is mostly residential. Due to dip and the high sides in the High Street it is particularly bad for accentuating any noises. People chatting ,traffic noises etc.</p> <p>Great concern about possible noise from customers and dogs, especially customers using the tables and chairs on the pavement. Also, the premises may stop serving alcohol at 22.00 but people may linger for some considerable time after that.</p> <p>Food smells and vapours from the cooking of breakfasts and bar meals - will an extractor fan be in use – how noisy will this be</p>
<p><u>Objective</u></p>	<p><u>Explanation</u></p>

	<p>Protecting and improving public health</p> <p>Access of pavement</p> <p>Access to public post box</p>	<p>Currently the pavement is used for outside tables and chairs.</p> <p>How will Barney's guarantee these will not block access to the pavement and post box.</p>	
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>	
	<p>Protecting children and young persons from harm</p>		

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

Please explain why: The Mart in East Linton provides a similar service selling quality products and exclusive wines

.....

.....

.....

PART B - REPRESENTATION

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

<p>In support of the application.</p>	
<p>As to modifications which should be made to the Operating Plan</p>	
<p>As to conditions which should be imposed.</p>	

Other representations	
-----------------------	--

PART C: Additional Information/Supporting Documents

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

Increase in customers parking and traffic for the premises - currently the High Street is lacking in available parking spaces and is already very busy and noisy.

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

I have read and understood the attached privacy notice

Your Signature



Date

17.5.2021

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

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

Herkes, Gillian

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 28 April 2021 12:07
To: Licensing
Subject: RE: Application for a provisional premise licence for Barney's Coffee Shop
[OFFICIAL]

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

Good afternoon

There are no Police objections to this application and the premises should be commended for submitting such a thorough application form !

Thanks

Graeme.

Graeme Bairden
Constable 4269 J
Licensing officer
Police Scotland - J Division- East Lothian
Telephone - 07866 195214
Email - graeme.bairden@scotland.pnn.police.uk



POLICE
SCOTLAND
Keeping people safe
POILEAS ALBA

From: Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]
Sent: 23 April 2021 14:54
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk); Environment Reception; Environmental Health/Trading Standards; Trading Standards; Grant, Shona [REDACTED]
Subject: Application for a provisional premise licence for Barney's Coffee Shop

Dear all,

Please find attached a copy of the provisional premise licence application and layout plan. Could I please have any objections/representations by 28th May 2021.

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 24 May 2021

Subject: LICENSING (SCOTLAND) ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

Barneys Coffee Shop, 39 High Street, East Linton, East Lothian EH40 3AA

I refer to the above subject and can confirm that the applicant has fully liaised with the LSO in relation to this application.

Guidance has been provided on deliveries and on-line sales of alcohol. The applicant should comply with requirements of Section 119 of the Licensing (Scotland) Act 2005 and the relevant parts of Section 32 of the Board's statement of licensing policy.

The outdoor drinking and eating area should be delineated and there should be no obstruction of pedestrian footway. There should be no amplified entertainment in this area, which should be closed no later than 20.00 hours each day to prevent disturbance of nearby residents.

I can confirm that the applicant has operated under temporary occasional licences since 1st December 2020 without any identified issues or complaints.

I support this application.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

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

Date: 7th May 2020

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Barneys Coffee Shop, 39 High Street, East Linton
Application type: Provisional premises licence

Planning permission is not required for the sale of alcohol on the premises.

I can confirm that, in June 2018, planning permission (Ref: 18/00261/P) was granted for the change of use of shop (class 1) to cafe (class 3) and installation of vent. However, the approved drawings relating to planning permission 18/00261/P did not show the intention to form, or create, an outdoor drinking area.

I note that the application forms submitted with this licensing application state that an outdoor drinking area is to be provided. However, the submitted layout plan does not show the position of the intended area to be used as an outdoor drinking area.

Please note that if a beer garden/external drinking area is to be formed on land associated with the premise then planning permission is required for a change of use. However, in the event that tables and chairs are to be sited on the public footway in front of the building of 39 High Street, then planning permission is not required in that instance. However, a permit for the siting of tables and chairs on the public footway may be required from the Council's Road Services department.

I therefore suggest that the operating plan layout submitted with this licensing application be revised to clearly indicate where the 'outdoor drinking area' is to be formed.