



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

**THURSDAY 24 JUNE 2021 at 10.00am
VIA DIGITAL PLATFORM**

Agenda of Business

Apologies

Declarations of Interest

Members and officers should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

- 1. Minutes for Approval**
East Lothian Licensing Board, 22 April 2021 **(pages 1-8)**
- 2. Personal Licence Application**
 - a. Jack Byrne **(pages 9-16)**
 - b. Manish Kumar **(pages 17-26)**
- 3. Notification of Offence – Personal Licence Holder**
 - a. Jaspal Singh Gill **(pages 27-28)**
- 4. Grant of a Provisional Premises Licence**
 - a. Carlyle House, 51 High Street, Haddington **(pages 29-60)**
 - b. Margiotta, 6D Hall Crescent, Gullane **(pages 61-86)**
 - c. Barney's Coffee Shop, 39 High Street, East Linton **(pages 87-158)**
- 5. Grant of a Major Variation of Premises Licence**
 - a. The Watchman (formerly Mallard Hotel), East Links Road, Gullane **(pages 159-184)**
 - b. Winton Castle, Pencaitland **(pages 185-204)**
 - c. Co-op, 41 Links Road, Port Seton **(pages 205-222)**
 - d. Co-op, 32 Hopetoun Drive, Haddington **(pages 223-242)**
 - e. Macmerry Miners Welfare & Social Club, Main Road, Macmerry **(pages 243-266)**
- 6. Review of Premises Licence**
Maitlandfield House Hotel, 24 Sidegate, Haddington **(pages 267-271)**

**Kirstie MacNeill
Clerk of the Licensing Board
17 June 2021**

**Public papers for this meeting are available to view on the East Lothian Council website:
http://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board**



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 22 APRIL 2021
ONLINE PLATFORM MEETING

Board Members Present:

Councillor L Bruce
Councillor F Dugdale
Councillor J Goodfellow (from Item 3)
Councillor J Henderson
Councillor J McMillan (Convener)

Clerk of the Licensing Board:

Ms K MacNeill, Service Manager – People and Governance

Attending:

Ms M Winter, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Inspector Stuart Fletcher, Police Scotland
PC Graeme Bairden, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor W Innes
Mr R Fruzynski, Licensing Standards Officer

Declarations of Interest:

Item 2: Councillor Henderson – due to having had conversations with various parties regarding the planning application, also made by Mr Stirling Stewart, to place tables on the Anchor Green site.

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

ELECTION OF NEW CONVENER

The Clerk of the Board had received Councillor Dugdale's formal resignation as Convener of the East Lothian Licensing Board, and therefore sought nominations for a new Convener.

Councillor Dugdale nominated Councillor McMillan, and the nomination was seconded by Councillor Bruce.

Decision

Councillor McMillan was elected as the new Convener of the East Lothian Licensing Board.

1. MINUTES FOR APPROVAL Licensing Board 25 March 2021

The minutes of the East Lothian Licensing Board meeting of 25 March 2021 were approved as a true record of the meeting.

2. OCCASIONAL LICENCE APPLICATIONS Stirling Stewart, Rocketeer, North Berwick

Three applications had been received from Mr Stirling Stewart for occasional licences relating to an outdoor area at Anchor Green by the Rocketeer, North Berwick. The applications covered the period 26 April 2021 – 6 June 2021 from 11am-8pm daily, and alcohol would be served in conjunction with food only. The Licensing Standards Officer (LSO) had raised no objection, noting there had been no sign of adverse impact on the site when he had visited the previous year. There had been no objections from Planning, the NHS, Police Scotland, or Environmental Health. The applications had attracted 16 public objections, including two late objections, which the Board Members agreed to take into account.

Mr Stirling Stewart, applicant, and Ms Yvonne Campbell, premises manager, were present to speak to the application. Ms Morna Mulgray and Ms Helen Mulgray, objectors, were also present.

Mr Stewart advised that there had been no licencing issues at the Rocketeer in the nine years since it had opened, and advised that the LSO had been content with the operation of the outdoor area when he had visited the previous year. He stated that staff would continue to ensure the smooth running of the site; he disagreed with assertions made by objectors and noted the support of the hundreds of customers who had used the area the previous year. Responding to comments from objectors regarding waste, he stated that staff emptied the twelve council bins on the site regularly. He advised that the owner of the private land and the current leaseholder also supported of the operation.

Mr Stewart responded to questions from Members. He advised that no complaints regarding operation of the site had been made to the premises, but that issues or complaints would be taken seriously and addressed. Mr Stewart felt that the operation

was not disrespectful to the site, and noted that public knowledge of the memorial cross had increased with Rocketeer customers' use of the site. The Clerk of the Board confirmed that no complaints had been made to the licensing service regarding the outside area when it had been operational in the previous year.

Responding to further questions from Members, Mr Stewart confirmed that the operation was planned to mirror the previous year's, and would use the same area of the site. He confirmed that the terminal hour would be 8pm, and that any alcohol would be consumed at tables while customers ate their meals. Mr Stewart also detailed some of the cleaning measures in place to mitigate against the spread of Covid-19.

Ms Helen Mulgray noted significant objection amongst the local population, and multiple letters sent to the East Lothian Courier by locals who were upset that tables had been placed on the Anchor Green site. She stated that the council had asked that the tables be moved from the area in front of the cross, as this had been considered disrespectful. The Clerk confirmed that no objections had been received from Environmental Health in respect of the applications. Mr Stewart responded that Historic Scotland and the Archaeological Officer for East Lothian Council had been consulted, and no objections had been raised. He advised that he was not aware of having been asked to move tables from in front of the cross, but would have been happy to oblige had the request been made.

PC Bairden advised that a call had come in from a local resident to ask where chairs and tables were allowed to be situated. There was also a recorded routine visit from community police officers, who had been impressed with the operation and noted that the site had been clean and tidy with no issues.

Ms Morna Mulgray said she agreed with taking a lenient approach to allow premises to operate from outdoor sites as the sector reopened, however, she felt that Anchor Green was an unsuitable site, which strong local opposition to alcohol being consumed in such close proximity to a cemetery. She also raised the issue of alcohol bylaws in North Berwick as Anchor Green was a public place. The Clerk clarified that once premises were licenced, local bylaws relating to alcohol consumption no longer applied.

Ms Helen Mulgray also spoke to her submitted objection. She felt that the site was unsuitable for religious reasons. She also raised issues around toilet provision, and noted that Covid-19 restrictions may reduce toilet provision within the restaurant itself. She stated that Rocketeer customers would not be able to use the toilets at the nearby Seabird Centre, and advised of decreased public toilet provision due to Covid-19 restrictions nearby on Quality Street, with extremely long socially distant queues seen the previous weekend. She felt that alcohol consumption on the Anchor Green site would lead to crowds of people waiting to use available toilets. She summarised that the application should be refused due to the lack of toilet provision and because the site was unsuitable for the consumption of alcohol.

Mr Stewart responded that the Rocketeer had a fully accessible toilet, and described the Covid-19 mitigations and processes in place when customers used the facilities. He stated that staff were very aware that this had to be policed carefully, and advised that no issues relating to toilet provision had been raised.

The Convener called an adjournment to allow Board Members to hold a private discussion.

Councillor Bruce said that he was sympathetic to complaints about noise and litter, but also took into account that Mr Stewart had received no complaints when operating the outdoor area. He appreciated that the area would be busy over the summer months,

and facilities would have to be provided for visitors. He suggested a condition that the applicants must leaflet neighbours with a direct phone number to allow the latter to raise any concerns.

Councillor Dugdale said that objections from the community had been discussed, but also noted that no official complaints had been made regarding the operation of the site. She agreed with the condition raised by Councillor Bruce and encouraged anyone who had an issue to use formal complaints procedures. With this in mind, she gave her support to the application.

The Convener felt that Mr Stewart had tried to manage the site within Covid-19 and licensing regulations. The Convener reminded people to make official complaints where necessary, but thought that the lack of complaints pointed to it being a well-run site. He suggested that allocating a time slot for customer use of their table may help with issues around queuing/toilet provision. He was minded to grant the application, and agreed with Councillor Bruce's suggested condition to leaflet neighbours.

Mr Stewart sought clarification on the area to be leafleted, and Victoria Road and the Lower Quay were agreed. The Convener recommended that those outside the area would be best raising any concerns through official channels rather than with the local press.

Decision

The East Lothian Licensing Board agreed to grant the occasional licence applications. The terminal hour would be 8pm, and the applicant would be required to leaflet neighbours with a phone number to allow any concerns to be raised and addressed with the applicant in the hope that a quick resolution could be found.

Sederunt: Councillor Goodfellow joined the meeting.

3. PERSONAL LICENCE APPLICATION Kayde Reynolds

This application had been withdrawn.

4. GRANT OF FULL PREMISES LICENCE B&M Store, Prestonpans

The application sought a full premises licence for off-sales from 10am-10pm daily. One public objection had been received on the basis of overprovision in the area. No other objections had been received from the LSO, Planning, the NHS, or Police Scotland.

Mr Richard Williams, agent, was present to speak to the application on behalf of EV Retail Ltd. Ms Dayna Corcoran, premises manager, was also present.

Mr Williams advised that the B&M store had been open for over a year, on a site which had previously been a licenced premises as a Co-op store. B&M had been an essential retailer over lockdown, and he noted that alcohol sales were ancillary to the products offered in store. He noted that B&M did not discount or deliver alcohol, display posters to advertise alcohol, and their price point for alcohol was normally higher than in supermarkets. He advised that B&M worked with police and were happy to discontinue products which were found to be problem lines with street drinkers, etc. He advised that the store had a good deal of CCTV and till prompts for the sale of age-restricted

products. He addressed the one public objection, and submitted to the Board that there was in fact no significant overprovision in the area. Mr Williams also addressed the display capacity of alcohol, and said that only a small range of beers, wines, and spirits would be offered. Regarding the LSO conditions, Mr Williams advised that the CCTV was fitted in store anyway, and that the store would report any thefts of alcohol to the police. Mr Williams responded to the LSO's request high value spirits be tagged; he advised that the store had not experienced issues with theft and therefore had not found reason to install a security tagging system. Should this condition be required, a system would cost in the region of £10,000; however, Mr Williams reassured Members that B&M was a responsible retailer, and would be prepared to install such a system if theft became an issue.

Responding to questions from Councillor Henderson, Ms Corcoran advised that there were always four members of staff in the store. The till nearest the alcohol display would always be operational to allow staff to keep an eye on the area. Ms Corcoran advised that a member of staff would work in the alcohol aisle, and spirits would be kept up high so that a member of staff would have to retrieve bottles for customers. Mr Williams confirmed that only 9 bays in the store were dedicated to the display of alcohol.

The Convener enquired how managers maintained standards in the sale of age-restricted products when the alcohol offer was considered to be ancillary. Mr Williams reassured Members that all staff undertook induction training, including Challenge 25; and this was refreshed every 6 months for all staff, and not just those who operated the tills. Ms Corcoran advised that other age-restricted products were currently sold in the store, and described the till prompt process. She advised that knife sales were refused at times when a customer could not provide ID, and that staff under 18 knew that they had to call a colleague to sell age-restricted products.

PC Bairden referred to the LSO request that high-value alcohol be tagged, and said Police Scotland's would be satisfied for alcohol not to be tagged as per the store's policy, unless theft became an issue.

Councillor Bruce commented that the store was well run and the staff were always positive. He was minded to grant the licence subject to the LSO-raised conditions, other than tagging of spirits.

Councillor Henderson noted that the site had previously sold alcohol as a Co-op. She was comfortable to grant the application.

Councillor Dugdale was reassured that spirits were kept on a high shelf, but felt the possible tagging of spirits should be kept under review. She was happy to grant the application, and Councillor Goodfellow agreed with these comments.

The Convener stressed the importance of good staff training, and was minded to grant the application.

Decision

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

- CCTV to be operational in the store;
- theft of alcohol to be reported to the police; and
- the left-hand-side till to be operational at all times to give staff a view of the alcohol display area.

**5. GRANT OF PROVISIONAL PREMISES LICENCE
Wine Wednesdays, North Berwick**

The application sought a provisional premises licence of off-sales for Monday-Saturday 10am-6pm and Sunday 12pm-6pm. The offer was an online local wine delivery business operated from the applicant's primary residence. No objections had been received from the public, NHS, LSO, or Police Scotland.

Ms Catherine Boot was present to speak to her application. She provided information on her own experience in the wine trade, and said she had taken advice on setting up her home as a licenced premises. She advised that she received a delivery of wine cases once per week, which were repacked and delivered, mostly to repeat customers.

Ms Boot answered questions from Members. She advised that she undertook all deliveries herself as this made for a very personal offer. She stated that she would not leave wine with anyone other than an adult; she knew most of her customers, but would follow Challenge 25 where necessary. She stated that she sold mostly wine but also offered some fortified wines and local gins around Christmastime.

PC Bairden was satisfied that Ms Boot was aware of her responsibilities regarding the delivery of alcohol and Challenge 25.

Councillor Goodfellow noted that no objections had been made by Planning, and was comfortable to grant the application.

Councillor Henderson thanked Ms Boot for taking advice before bringing her application to the Board, and was happy to grant the application. Councillor Bruce wished Ms Boot success with her business and was minded to grant the application. Councillors Dugdale and McMillan were also minded to grant the application.

Decision

The East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

**6. MAJOR VARIATION OF PREMISES LICENCE
Gullane Golf Club**

The application sought to increase the capacity of on-sales for the outside seated area from 100 to 180 persons, which was part of a new lounge and seating area. No objections had been received from Planning, the NHS, Police, the LSO, or from the public.

Members sought clarity on the track record of the golf club in terms of licensing. The Clerk confirmed that there had been no licensing issues, and noted that the premises was not in close proximity to residential areas. The Clerk advised that planning permission would be required, but that planning offers had been directed not to be overly bureaucratic while premises reopened and restrictions were lifted; she confirmed that this was a separate matter from licensing, and the premises would not be in breach of its licence should planning permission be refused.

PC Bairden advised that he had discussed the premises with the LSO, and noted that the new outdoor area faced the golf course. He advised that he had also spoken with Mr Marshall, premises manager, due to the significant increase in capacity' Mr Marshall

had confirmed that the area would be used mostly by members and their guests. PC Bairden stated that had never been any issues with the premises.

Councillor Henderson commented that the development looked to be well thought out, and was consistent with what many other golf clubs were offering. She said that the detail in the application was such that she felt comfortable to grant the major variation. Councillor Goodfellow said the clubhouse was well managed and he was also happy to grant the major variation.

Councillor Bruce commented on the proximity of the neighbours, whose properties were not situated too close to the outdoor area. He was comfortable to grant the application. Councillor Dugdale said she had been reassured by police comments; as there had been no issues in the past, she was minded to grant the application.

The Convener supported the comments made by fellow Board Members. He commented that the new licenced area would add to the world class facilities already on offer and would create jobs in the area.

Decision

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

Signed

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Councillor J McMillan
Convener of East Lothian Licensing Board

EL1723
PC RF 2214

Licensing (Scotland) Act 2005

Application for a Personal Licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

2a

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	BIRNE
Forenames	JACK
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	East Lothian Council Licensing 22 APR 2021
Post town	[REDACTED]
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
FAX NUMBER	
E-mail address (if you would prefer us to correspond with you by e-mail) licensing@cpltraining.co.uk	
Address for correspondence associated with this application (if different to the address above)	
C/O CPL LEARNING, BRIDGE COURT, UNIT 3, 110 CANNING STREET, BIRKENHEAD	
Post town	WIRRAL
Post code	CH41 1EW
CONTACT DETAILS: LICENSING TEAM	0151 218 7639

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		

3. FIRST APPLICATIONS ONLY
 This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.

Note: You may only hold one personal licence at a time	Please tick	
Do you currently hold a personal licence?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Licensing Board	
Licence number	
Date of issue	
Date of expiry	
Any further details	

4. RENEWAL ONLY
 This section should be completed only if you are applying for a renewal of your existing licence

Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below

Details of current personal licence	
Licensing Board	
Licence number	
Date of issue	
Date of expiry	
Any further details	

If you cannot provide your personal licence, provide a statement explaining why

Other personal licence		
Note: You may only hold one personal licence at a time	Please tick	
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

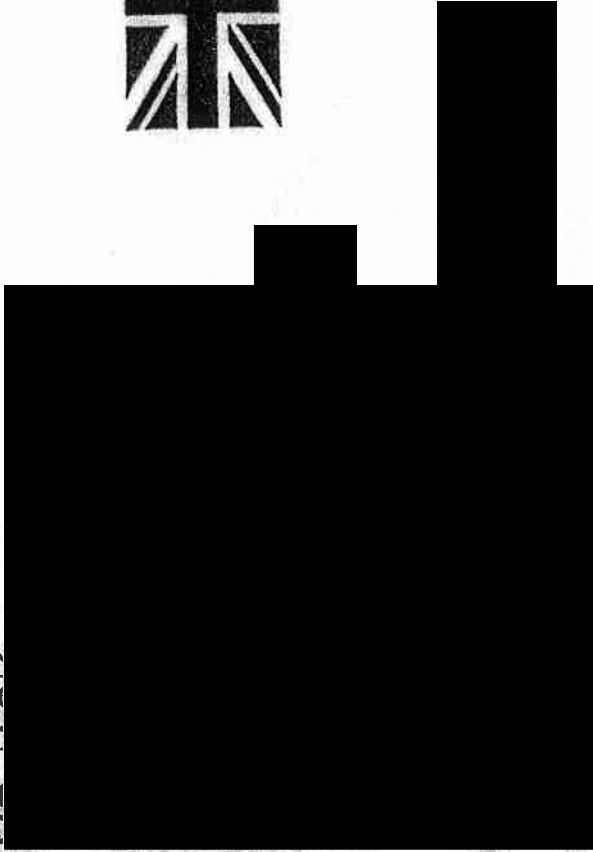
5. CHECKLIST	
I have	Please tick yes
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	<input checked="" type="checkbox"/>
• Enclosed a copy of any licensing qualification I hold	<input type="checkbox"/>
• Enclosed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

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

Offence	Court	Date	Penalty

7. Declaration	
The contents of this application are true to the best of my knowledge and belief	
SIGNATURE – read note 5	DATE 6/4/21

I hereby certify this is a true likeness of:
Jack Byrne
Signed:



DRIVING LICENCE

1. BYRNE

2.

3.

4a.

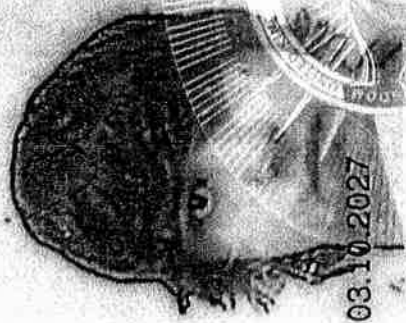
4b.

5.

7.

8.

9. AM/B/f/k/q



26/04/2021

Your Ref: EL1723

Our Ref: 407680/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 GRANT OF A
PERSONAL LICENCE**

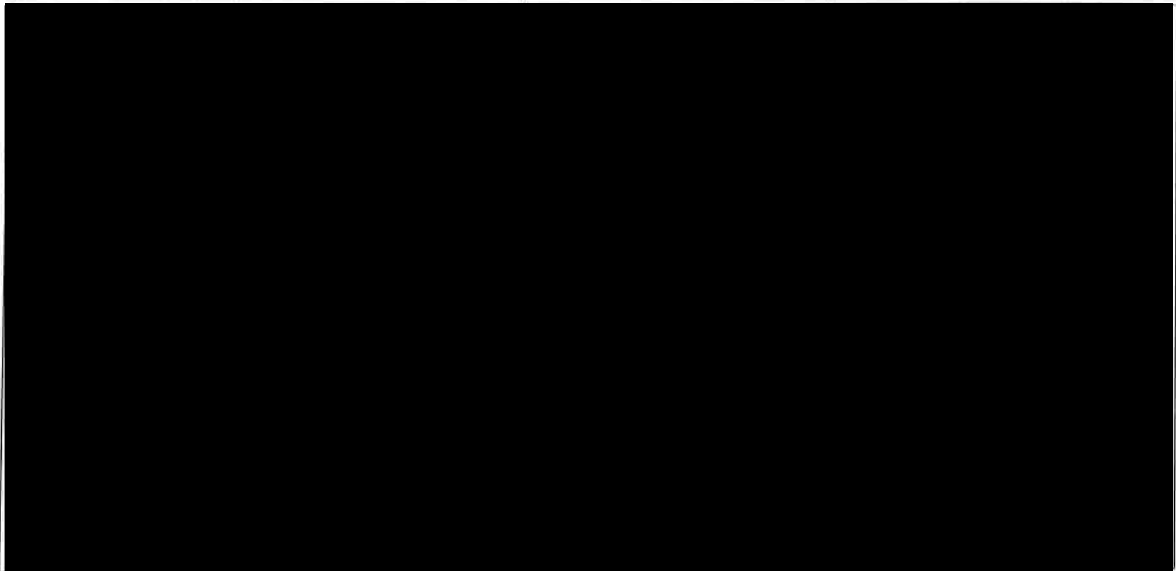
JACK BYRNE. [REDACTED]

I refer to the above application.

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

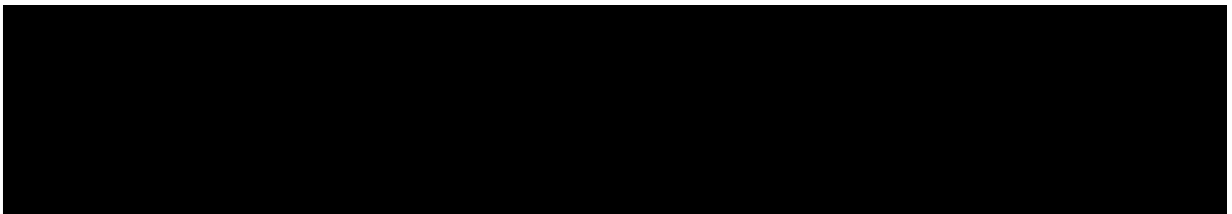
Date	Court	Crime/Offence	Disposal
[REDACTED]			

OFFICIAL



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

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



It is appreciated by the reporting officer, Constable Bairden, that this a summary of the offences committed and should the board wish, these incidents can be detailed and described individually at any subsequent board hearing.

In light of the above, the Chief Constable considers that it is necessary for the purposes of the preventing crime and disorder, securing public safety and preventing public nuisance licensing objective(s), that the application be refused. The Chief Constable accordingly makes a recommendation to that effect in terms of section 73(4) of the 2005 Act.

Yours faithfully

John McKenzie
Chief Superintendent

This is to certify that

JACK BYRNE

has been awarded the

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

This qualification was credit rated by SQA accreditation

Qualification Accreditation Number: R650 04

Certificate Number: 367346

Date Achieved: 13/04/2021

Learner Number: 354603

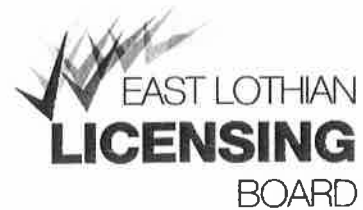


Paul Eeles
Chief Executive
BIIAB Qualifications Ltd

Our Reference: KMacN/mjw/EN/L/PL
Your Reference:

Date: 1st June 2021

Private & Confidential



Alistair Macdonald
Macdonald Licensing
21 Rutland Square
Edinburgh

Kirstie MacNeill
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir

**Licensing (Scotland) Act 2005
East Lothian Board Meeting – June 2021
Continuation of Application for Personal Licence – Manish Kumar**

2b

I refer to your client's application for a Personal Licence, which was heard at the January Board.

The board at that meeting agreed to continue the application to the June Board. The meeting will be held by remote connect to which you and your client are invited to attend.

Details of the remote meeting will be sent to you in due course.

Yours faithfully

Kirstie MacNeill
Clerk to the Licensing Board

c.c. Manish Kumar, [REDACTED]

Direct No.: 01620 827867(Maree Winter)
Email: licensing@eastlothian.gov.uk

Winter, Maree

From: Bairden, Graeme <Graeme.Bairden@scotland.pnn.police.uk>
Sent: 01 June 2021 11:37
To: Winter, Maree
Subject: RE: Continued from January Board - Personal Licence application - Manish Kumar [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

Hi Maree.

I have checked our systems and Mr Kumar was issued a Procurator Fiscals warning in relation to the charge on 10/03/2021.

Regards

Graeme.

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



From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 01 June 2021 09:32
To: Lothian Scot Borders Licensing East Mid Lothian
Subject: Continued from January Board - Personal Licence application - Manish Kumar
Importance: High

Hi Graeme,

I note that the above was continued from the January Board to the June Board Meeting. Do you happen to know if the case is still pending (selling alcohol to a child/young person)?.

17/12/2020

Your Ref: EL1707

Our Ref: 394300GB

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



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith
EH22 3AX

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
MANISH KUMAR, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant, Mr Kumar, has been charged with the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
02/10/2020	EDINBURGH SHERIFF	SECTION 102(1) LICENSING SCOTLAND ACT 2005. Selling alcohol to child or young person.	PENDING

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

Mr Kumar is the tenant of the premises at the Day Today grocery store, Tranent.

OFFICIAL

On Friday 2nd October 2020 a telephone call was received by Police Scotland from a member of the public to report that her stepson (Aged 14) had been found in possession of alcohol which he had purchased from the premises of Day today, Tranent.

The youth involved informed his parents that he had attended at the Day Today store and purchased three bottles of alcohol. He described Mr Kumar to his parents as the person who had sold him the alcohol. The alcohol purchased was two bottles of 75cl Mad dog 20/20 (13% vol) and a bottle of Cactus Jack Apple Schnapps (15% vol). In his statement given to Police the youth said that at no point was he challenged in regard to his age and that he himself was surprised to be served as he is aware he does not look eighteen years of age.

The father of the youth involved attended the Day Today store and challenged Mr Kumar in regard to his actions. Mr Kumar stated to him that the youth was 18 years of age and that he had said he would return to the store at a later time with proof of age documentation.

Police were then contacted.

Officers attended and noted statements from the youth involved and his father.

Officers then attended the Day Today store and were shown the CCTV footage in relation to the incident by Mr Kumar himself. This showed a very short exchange where the youth could be seen being handed the items from Mr Kumar and then paying for them. At no time from did the youth appear to present any form of identification to Mr Kumar. The CCTV did not have audio. The CCTV footage was not seized however was viewed by two police Officers.

Mr Kumar was thereafter cautioned and charged with an offence relating to section 102(1) of the Licensing Scotland Act 2005, selling alcohol to a child or young person and informed he would be reported for summons. He replied "IT WAS A MISTAKE" in reference to the charge.

Constable Bairden, Police Scotland licensing officer submitted a premises review referral to the board in regards to the incident. The outcome of this being that the premises was issued a written warning.

It is clear from the circumstances of this incident that Mr Kumar did not follow his training as given by the designated premises manager and as such he failed to meet the requirements of the licensing objectives of

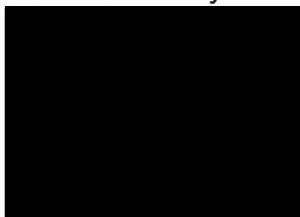
- Securing Public Safety
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm.

The actions of Mr Kumar in relation to this incident are cause for concern in regards to his application for a premises license.

OFFICIAL

I request that the Licensing Board considers the aforementioned grounds for this application and takes such steps as it considers necessary or appropriate for the purposes of fulfilling the Licensing Objectives.

Yours faithfully



John McKenzie
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 662 5775.

EL1707
PC/R 1/12

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	KUMAR
Forenames	MANISH
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
TELEPHONE NUMBERS	
Daytime	East Lothian Council Licensing - 1 DEC 2020
Evening	
Mobile	
FAX NUMBER	[REDACTED]
E-mail address (if you would prefer us to correspond with you by e-mail)	
Address for correspondence associated with this application (if different to the address above)	
Macdonald Licensing, 21a Rutland Square	
Post town Edinburgh	Post code EH1 2BB

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		
3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		

Note: You may only hold one personal licence at a time		Please tick	
Do you currently hold a personal licence?		Yes	No ✓
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?		Yes	No ✓
Has any personal licence held by you been forfeited in the last 5 years?		Yes	No ✓
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
4. RENEWAL ONLY			
This section should be completed only if you are applying for a renewal of your existing licence			
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below			
Details of current personal licence			
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
If you cannot provide your personal licence, provide a statement explaining why			
Other personal licence			
Note: You may only hold one personal licence at a time		Please tick	
I confirm that I do not hold any other personal licences other than the one submitted for renewal		Yes	No
5. CHECKLIST			
I have		Please tick yes	
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.		✓	
• Enclosed a copy of any licensing qualification I hold		✓	
• Enclosed my current personal licence (renewal only)			
• Made or enclosed payment of the fee for the application		✓	

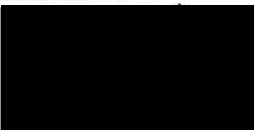
6. Previous Convictions

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

Offence	Court	Date	Penalty
NONE			

7. Declaration

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

SIGNATURE - read note 5		DATE 15 Oct 2020	
-----------------------------------	---	----------------------------	--



Scottish Certificate for Personal
Licence Holders at SCQF Level

6
R352 04



is awarded to
MANISH KUMAR

and was successful in the following 1 module

SCQF 6 Licensing for Personal Licence Holders (1 credit)

Pass



Accreditation



scottish credit and
qualifications framework

Credit Rating Body - SQA Accreditation

Awarded 20 October 2020
4TA9-H3T2-RCM9-C7HV-T44T

201020/7104-11/072650/BFC5756/M/100185
0001053301
5502812548



Kirstie Donnelly MBE
Director-General and Chief Executive Officer
The City and Guilds of London Institute

David Phillips
Managing Director
City & Guilds



Awarded by



The City and Guilds
of London Institute

The City and Guilds of London Institute is the awarding body / awarding organisation for City & Guilds qualifications.
The Institute was founded in 1878 and granted Royal Charter in 1900.
City & Guilds is a City & Guilds Group business

Winter, Maree

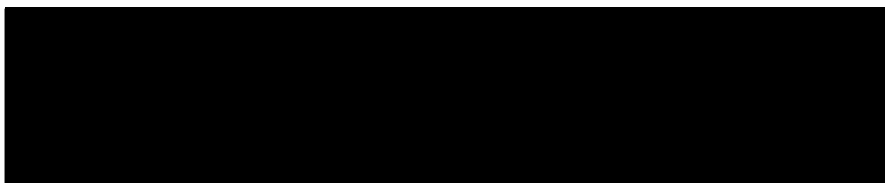
From: Alistair Macdonald <alistair@macdonaldlicensing.com>
Sent: 27 May 2021 12:28
To: Winter, Maree
Cc: MacNeill, Kirstie
Subject: Personal Licence- Jaspal Singh Gill- EL1033

3

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

The above Licence Holder has a conviction from the end of 2019. It should have been notified then but he overlooked this for which he apologises. The details are:



This will presumably require a Board Hearing. Could it be dealt with at the June Board?

Kind regards

Alistair I Macdonald
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)
21a Rutland Square
Edinburgh
EH1 2BB

DX Edinburgh 561

Tel: 0131 229 6181

Fax: 0131 221 1282

www.macdonaldlicensing.com

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03/06/2021

Your Ref: EL1033

Our Ref: ID-83376/GB

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



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 - PERSONAL LICENCE APPLICANT'S
DUTY TO NOTIFY LICENSING BOARD OF CONVICTIONS
JASPAL SINGH GILL.**

I refer to the above and your correspondence. In terms of Section 75(6)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
[REDACTED]			

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

EAST LOTHIAN LICENSING BOARD

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

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

4a

Question 1

Name, address and postcode of premises to be licensed.

<p>Carlyle House 51 High street Haddington EH41 3EE</p>

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.*

Glenfinlas Limited

Carlyle House

51 High Street

Haddington

EH41 3EE

Company No. SC 184633

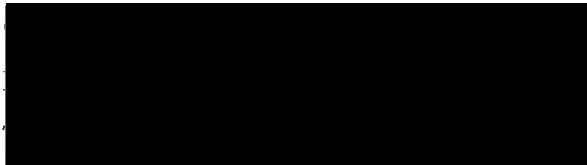
2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

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.*

Robert Graham Walker Campbell



Mhairi Philippa Mackenzie-Robinson



*** 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 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	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

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

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

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

(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.

Three storey building at south western side on High Street, Haddington. comprising a Cafe, Private Dining areas, and supporting facilities

Question 6

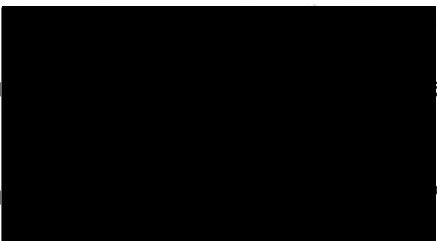
6 To be completed by members' clubs only

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	<i>YES/NO*</i>
<i>* Delete as appropriate</i>	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature 

*(see note below)

Date 30/7/0

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

.....

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

<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** Data Protection Act 1998**

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

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Carlyle House 51 High street Haddington EH41 3EE

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	11PM
<i>Tuesday</i>	11AM	11PM
<i>Wednesday</i>	11AM	11PM
<i>Thursday</i>	11AM	11PM
<i>Friday</i>	11AM	11PM
<i>Saturday</i>	11AM	11PM
<i>Sunday</i>	11AM	11PM

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>	11AM	10PM
<i>Tuesday</i>	11AM	10PM
<i>Wednesday</i>	11AM	10PM
<i>Thursday</i>	11AM	10PM
<i>Friday</i>	11AM	10PM
<i>Saturday</i>	11AM	10PM
<i>Sunday</i>	11AM	10PM

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Would like to take advantage of General Extensions granted by the Licensing Board, including additional hours permitted at the Festive period and for special events taking place nationally or locally

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> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <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>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</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>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</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>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES

<i>Televised sport</i>	YES	YES	YES
<i>5(d) 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>Outdoor drinking facilities</i>	YES	YES	YES
<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 Cafe and possibly Private Dining may open prior to the commencement of licensed hours
Breakfasts, snacks coffees etc will be available.*

Conferences, Club Meetings , Tastings could take place prior to licensed hours.

Recorded music could be played during these periods.

*Similarly there could be events such as Poetry readings, lectures, films, theatre and TV Sport
available prior to 11am.*

*Outside Seating may be available for customers having breakfast, snacks or soft hot or cold drinks
before 11am.*

*Indoor/Outdoor sports might do the form of Board games, Chess or draughts etc. Might take place
prior to licensed hours*

*Receptions could include small weddings, Company Board Meetings, Training courses or
Conferences. Might involve live music of a low key nature. Could be yoga or similar classes all
prior to the commencement of licensed hours*

5(f) any other activities

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

Book Readings, Poetry readings, yoga classes, training/examinations cookery demonstrations and tastings, quiz nights, art exhibitions, lectures/classes and a venue for private meetings

Deliveries/Takeaways

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
--	----------------

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and Young Persons will be welcomed. Children will require to be accompanied by an adult after 3pm or unless they are visiting the premises to purchase a takeaway. No restriction for Young Persons

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

No restriction (0-17 years)

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

Children will vacate the premises by 10pm and Young Persons by 11pm unless the Children or Young Persons are attending a private pre-booked function in which case they may remain until the end of the function

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

All public areas

Question 7

CAPACITY OF PREMISES

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

80

Question 8

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

Personal details

8(a) *Name*

8(b) *Date of birth*

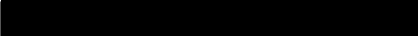
8(c) *Contact address*

8(d) *Email address and telephone number*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of  in what capacity.

The contents of this declaration are true to the best of my knowledge and belief.

Signature (see note below)

Date 30/4/21

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.



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

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:

Glenfinlas Limited

NAME AND
ADDRESS OF
PREMISES:

Carlyle House, 51 High Street, Haddington, EH41 3EE

SECTION 50 PLANNING CERTIFICATE

- I confirm that planning permission (ref: 16/00027/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:

13th April 2021

Keith Dingwall
Service Manager, Planning

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.

Our clients have operated these premises, which date from the 18th century, since 2018. They were acquitted by our clients in 2013. The Council were previous owners of the property. It is a café and events space, in terms of Planning Permission which they obtained in 2016, following their acquisition.

Before that our clients had 20 years experience of operating cafes in Edinburgh, such as the Café in Fruitmarket Gallery, St Giles, Storytelling Centre, and pop ups at the International Book festival, the Assembly Rooms amongst others.

They also operate the Fenton Barns Farm Shop and Café since 2006

The grant of this Licence would allow them to serve the occasional beer or glass of wine in the cafe, which is sometimes requested at lunchtime or late afternoon. It would be very much ancillary to the provision of food, coffees and teas and soft drinks.

At the moment for events they have to organize Occasional Licences and it would avoid that.

They accept that would increase their responsibility in terms of the service and consumption of alcohol but they were licensed in other operations that they have been involved with,. Both Directors have Personal Licences.

(extend this box if you require additional space)	
<p>On/Off Consumption</p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>a) Drinks, mainly beer and wine if customers wish, and to provide alcohol at events such as birthday or retirement celebrations, funerals, small weddings etc</p> <p>Possibly Deliveries and Takeaways or outside catering events</p> <p>b)</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>Conferences at the premises at certainly possible and will be promoted. Restaurant facilities, mainly light meals and snacks.</p> <p>Accommodation are Bar meals are Not Applicable</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 style="text-align: center;">Yes any of these events could take place, probably in the event space upstairs, but could be held downstairs when the café is closed , for certain reasons, such as mobility issues of custytomers.</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>Background Music at an appropriate level will be played in the cafe; also at events, where low key music might be played; Theatre productions and Film Events may be held, which may require additional licensing; No specific Dance Facilities although dancing may take place at certain events; No Gaming; Indoor/Outdoor sports-will be indoor! Could be Board C Games, Chess etc; possibly TV might</p>

be shown if for instance the Golf or Tennis was of particular relevance

The upstairs is designed and classed as an events space and it is hoped to hold regular events, particularly at the weekends; difficult to know what the frequency will be after the last year!

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:

There is an area , shown on the proposed Layout Plan, that the clients would like to use for outdoor drinking, subject to obtaining the relevant consents; there would be three or four tables;

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

Not Applicable

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

The café will open prior to the commencement of licensed hours, and activities such as recorded music, restaurant facilities, and TV Sport could take place; similarly there could be Conferences, Club Meetings, certain types of Events such as Funerals, and some of the additional Activities that have been referred to that could take place prior to licensed hours; No Activities will take place after licensed hours unless during a General Extension or with the benefit of a grant of Extended Hours

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

The Activities referred to as additional will probably be very much occasional, but some of the could be classes which might be weekly or fortnightly for example

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.

There would be access for Children of all ages, and Young Persona. Baby Changing facilities, in terms of the regulations, will be available in the Accessible toilet on the ground floor

The premises are a café and a range of food and drinks suitable for Young Persons will be available. Children and Young Persons will be monitored. We have asked if Children (who would have to be of secondary school age) can be unaccompanied up to 3pm, in case they wish to come in at lunchtime for instance for a snack and soft drink. Our clients will of course comply with whatever the Board decide;

Under 18s may be at functions and should be controlled by accompanying adults but staff will be watchful. There have been functions held at the premises since they opened with no issues;

Licensing Objectives - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

The premises have not had issues since they opened; the café is not open in the evenings and the clientele are well behaved and respectful; nothing takes place in the premises to spoil that atmosphere where customers come relax and chat; if alcohol was introduced it is not anticipated, nor desired, to attract customers whose main interest is the consumption of alcohol; that would go against the intention of our clients; this is not a bar! They appreciate that the grant of a Licence would involve greater responsibility in respect of under agers (including agency purchases) and those who have consumed too much alcohol; our clients are confident that theses will not be issues here; they have

experience of dealing with similar censed businesses without issue; however they are pr-active and will react to circumstances if required; they will have good relationships with the police (any relevant incident would be immediately notified) and your LSO and take advice onboard.

They do, of course, have a zero tolerance to drugs

With regard to Events again our clients will have sufficient staff to monitor those attending, which will be relatively small, taking into account the size of the upstairs area; those attending will be expected to behave accordingly; relevant enquiries will be made when taking bookings as to the type of function and who might attend; customers leaving at the end of the evening will be encouraged to do so quietly;

Securing Public Safety:

Customer safety is paramount to our clients. The layout will be conducive to customer safety, particularly those with mobility issues. Staff will help when they can. Customers will be seated in the café (including outside) unless purchasing takeaways. Table will be cleared quickly when customers leave; staff will be careful if delivering orders to tables, particularly if hot. At events it is explained in the Disabled Access Statement that it might be difficult to have customers with mobility issues upstairs so in the past our clients have moved events downstairs. Those booking will be made aware of the relevant capacity for the event, and it will be explained to them that this cannot be exceeded.

In general staff will be trained and the policy of the premises for dealing with such issues will be explained. Senior members of staff will be on hand to advise less experienced staff. First aid facilities will be in place. Services and Fire equipment will be checked on a regular basis.

Preventing Public Nuisance:

We have already explained referred to staff training and to monitoring customers leaving, particularly from events. This will apply to nuisance as well. Recorded music will be background music in the café and it, and any live performances at events will be at an appropriate volume to avoid causing nuisance to neighbours; at events music will be turned down and then off to encourage dispersal at the terminal hour; outdoor areas will be in conjunction with the café and the staff will monitor this; customers must be seated and will be monitored; waste will be emptied/collected so as not to cause anti-social disturbance; the premises do not have CCTV at the moment but it could be introduced if considered of assistance

Protecting and Improving Public Health:

Our clients operate a café and events space which they wish to be seen as an asset to Haddington; they wish to have good relationships with their neighbours, both residential and commercial; they are aware of the concerns expressed by the Government , Licensing Board, Police and the public concerning the irresponsible consumption of alcohol; they have no wish to contribute to that; they expect alcohol to be very much ancillary in the café and not to affect the atmosphere to the detriment of the clientele they built up prior to lockdowns, and whom they hope to return; soft drinks, coffees and teas will of course be available at all times; if there are deliveries, these will be done in terms of the legislation and any Conditions which the Board may add; they will of course comply with the law on Minimum Pricing and Irresponsible Drinks promotions

Protecting Children and Young Persons From Harm:

The café will be somewhere where families and children of all ages are welcomed; Our clients understand their responsibilities; They have had many under 18 customers since they opened; taking into account the cafes they operated in the past, such as the Storytelling Centre on the Royal Mile in Edinburgh, they have experience in this respect; our clients have noted the comments in your Policy on sexual exploitation of Children. And of course would act responsible and report if necessary; Challenge 25 will be implemented; The law on Children and Young Persons in the Act will be complied with , as will any Conditions added by the Board

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

This is a high profile historical building in the centre of Haddington which our clients have acquired and developed.; that in itself brings responsibility; they are very proud of the premises and their business and which to develop this in a responsible way. They see the addition of alcohol as part of that, which they will supply in a responsible manner following the Law an, Board conditions and advice from the Police and LSO.

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

Obviously a large part of the period since opening has been restricted due to the pandemic. Now that we are coming out of this, and on the basis that no reverse of this will be hopefully required, our clients are looking to develop the business, and would ask for the Board's support. Clarification on any issue can be provided at the Hearing. Of course some issues may be raised by the Police and LSO in advance.

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 2(b))

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

Signature



4/5/21

Macdonald Licensing
21a Rutland Square
Edinburgh
EH1 2BB

0131 229 6181

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

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

Question 2

Disabled access to, from and within the premises

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

There is Disabled Access. Indeed since opening our clients have had frequent visitors in wheelchairs or with mobility issues in the cafe on the ground floor. The upper floor, realistically, is not accessible. There is a small step into the premises but is surmountable with care. The doorway is fairly wide

Question 3

Facilities available

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

There is an Accessible Toilet on the Ground Floor. As mentioned it would really not be possible to accommodate customers with mobility issues upstairs. The upstairs area is used for events. Our clients have moved some private parties to the downstairs area when it is closed so that elderly relatives could attend.

Table service available in the cafe. Help can be provided with menus and choosing if required

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

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

It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of [redacted] statement are true to the best of my knowledge and belief.

Signature [redacted] * (see note below)

Date 20/9/11

Capacity APPLICANT/AGENT

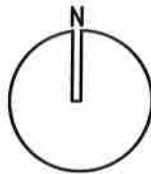
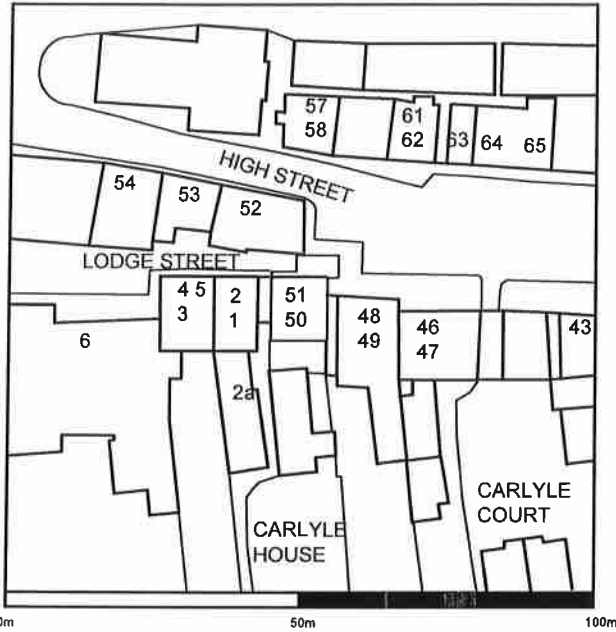
Telephone number and email address of signatory.....

*** Data Protection Act 1998**

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

Macdonald Licensing
21a Rutland Square
Edinburgh
EH1 2BB

51 HIGH STREET, HADDINGTON, EH41 3EE



— Licensed Area

Online Ref:
000028684
Date: 25/10/2011

Scale 1:1250 (1Ha)

Due to OS licensing conditions, you/your agent may only use this map for official Planning purposes. If you wish to use the map for other uses, you must first obtain a separate licence from OS.

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Revisions:

Client: RGW CAMPBELL &
MP MACKENZIE-ROBINSON

Project: CARLYLE HOUSE
51 HIGH STREET
HADDINGTON

Title: LICENCE
LOCATION PLAN

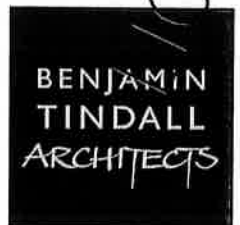
Scale: 1:1250 @ A4

Date: MARCH 2021

Job No: 428-2

Dwg: L01

Rev:



17 VICTORIA TERRACE,
EDINBURGH, EH1 2JL

TEL: 0131 220 3366 FAX: 0131 220 3535
Info@BenjaminTindallArchitects.co.uk

WHEN USED FOR CONSTRUCTION, THIS DRAWING MUST NOT BE SCALED FROM OR USED FOR MEASUREMENTS. CHECK ALL DIMENSIONS ON SITE.

- KEY**
 RC - BABY CHANGE TABLE (DROP-DOWN)
 R - RADIATOR
 SH - NIGHT STORAGE HEATER
 RWP - RAINWATER DOWNPIPE
 SVP - SOIL VENT PIPE
 FD30SC - 30MIN FIRE DOOR WITH SELF CLOSER (EX REFERS TO EXISTING DOORS)
 FD30SCVP - 30MIN FIRE DOOR WITH SELF CLOSER & VISION PANEL
 FD60SC - 60MIN FIRE DOOR WITH SELF CLOSER
SANITARY FACILITIES

PUBLIC (MAX 60NO. PERSONS - 40NO. IN CAFE, 20NO. IN FUNCTION ROOMS) -
 3NO. UNISEX WC WITH WHB (1NO. ON GROUND FLOOR, 1NO. ON 1ST FLOOR, 1NO. SHARED ON 2ND FLOOR)

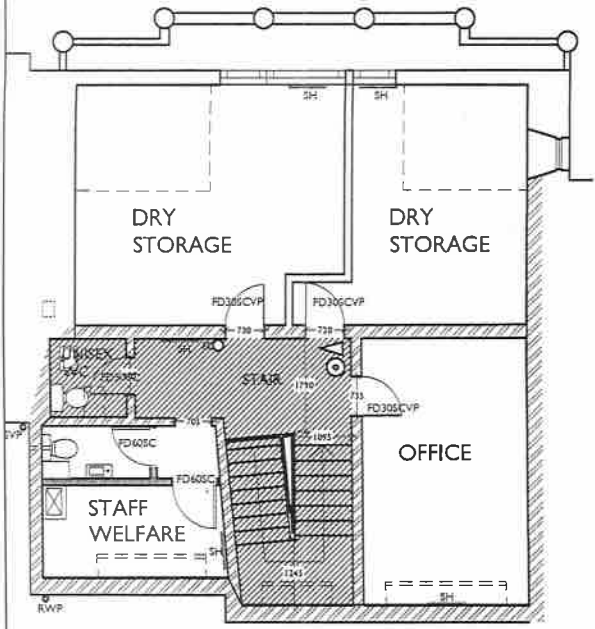
STAFF (MAX 5NO. PERSONS) -
 2NO. UNISEX WC WITH WHB (BOTH ON 2ND FLOOR, ONE OF WHICH IS SHARED WITH PUBLIC)

- FE - FIRE EXTINGUISHER
 [FAP] - FIRE ALARM PANEL
 [GAP] - FIRE ALARM BREAK GLASS POINT
 [S] - FIRE ALARM SOUNDER
 - LICENSED AREA
 [Hatched] - ACCESS FOR CHILDREN AND YOUNG PERSONS

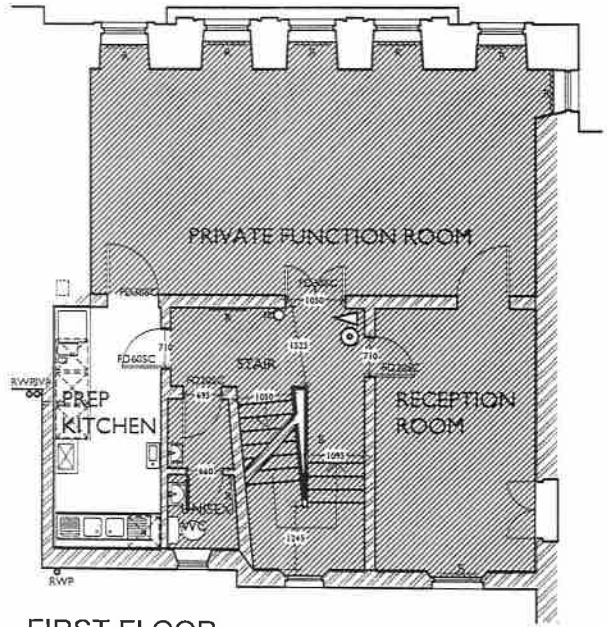
Revisions:
 Client: RGW CAMPBELL & MP MACKENZIE-ROBINSON
 Project: CARLYLE HOUSE 51 HIGH STREET HADDINGTON
 Title: LICENCE FLOOR PLANS
 Scale: 1:100 @ A3
 Date: MARCH 2021
 Job No: 428-2
 Dwg: L100
 Rev:



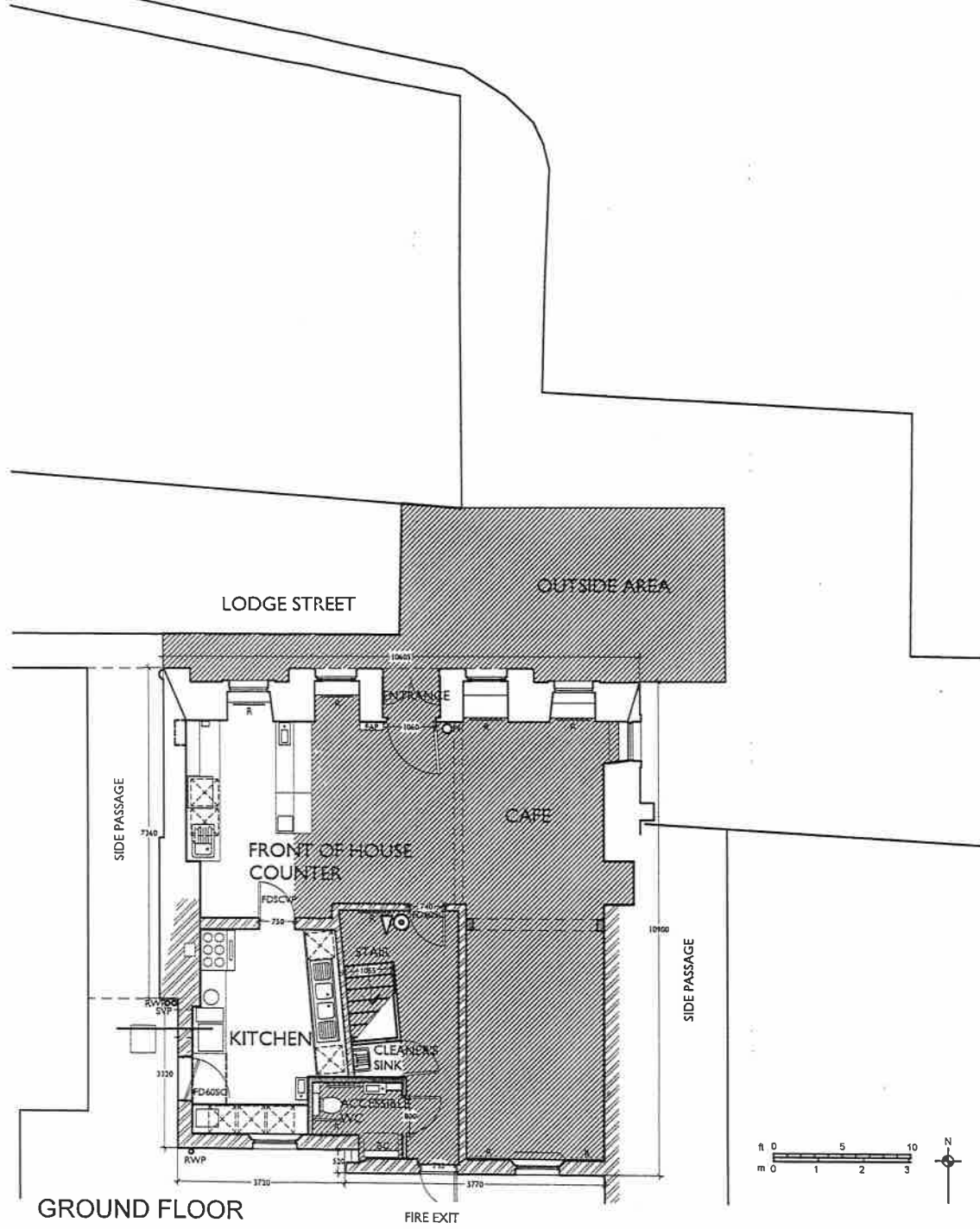
17 VICTORIA TERRACE, EDINBURGH, EH1 2JL
 TEL: 0131 220 3366 FAX: 0131 220 3335
 info@BenjaminTindallArchitects.co.uk



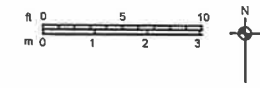
SECOND FLOOR

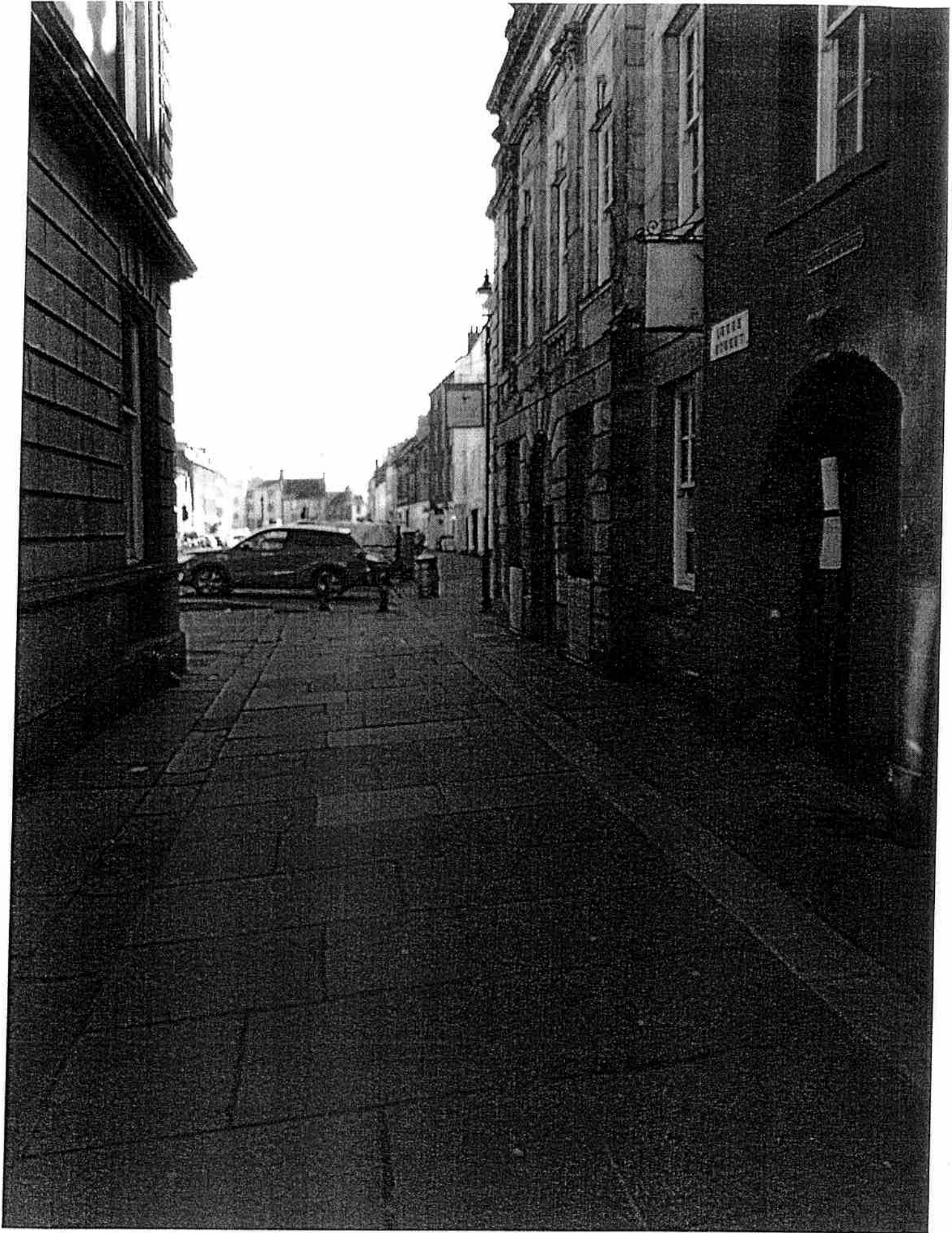


FIRST FLOOR



GROUND FLOOR





Winter, Maree

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 11 May 2021 10:22
To: Licensing
Subject: RE: Carlyle House, 51 High Street, Haddington (2) [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 morning

No Police objections

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: Licensing [mailto:licensing@eastlothian.gov.uk]
Sent: 06 May 2021 13:32
To: Lothian Scot Borders Licensing East Mid Lothian
Subject: FW: Carlyle House, 51 High Street, Haddington (2)

Hi,

Please find attached provisional licence application – Carlyle House, 51 High Street, Haddington, could I please have any objections/representations you may care to make before 31st May 2021.

Kind regards
Maree

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

Carlyle House, 51 High Street, Haddington, East Lothian EH41 3EE

I refer to the above subject and can confirm that the premises have been visited and the application assessed.

The applicant should comply with Section 119 of the Act in relation to deliveries of alcohol.

If the outside drinking area is to be used it should be delineated and there should be no obstruction of pedestrians. To protect neighbouring properties from nuisance, the area should be closed by 20.00 hours each day and there should be no amplified entertainment operated in it. The appropriate permit from Roads and Transport Services should be obtained and the conditions complied with.

I have no objection to this application.

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE

Licensing (Scotland) Act 2005, section 20

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

4b

Question 1

Name, address and postcode of premises to be licensed.

Margiotta
6D Hall Crescent
Gullane
East Lothian
EH31 2HA

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.*

[Empty box for individual applicant details]

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

[Empty box for partnership details]

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

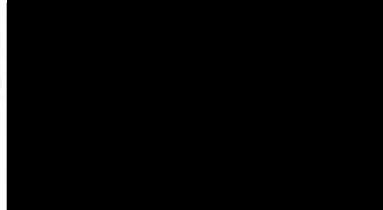
JELCM Limited
9 Bankhead Crossway North
Edinburgh
EH11 4BP

Company Number SC649872

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

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.**

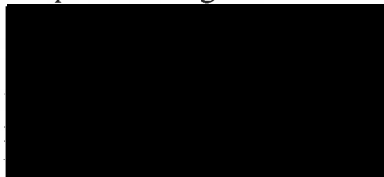
Caterina Margiotta



Elena Francesca Margiotta



Joseph Ross Margiotta



Luisa Margaret Margiotta



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

Question 3

Previous applications

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

If YES – provide full details

--

Question 4

Previous convictions

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

**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

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

(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.

Retail premises located in a single storey building on Hall Crescent, Gullane

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>	YES/NO*
<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 content of this declaration is true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

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

0131 229 6181, Alistair@macdonaldlicensing.com

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	X
<i>Layout plan</i>	X
<i>Planning certificate</i>	X
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** Data Protection Act 1998**

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

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (INITIALS)	
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.

Margiotta 6d Hall Crescent, Gullane East Lothian EH31 2HA

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

Question 2

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

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

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

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

Recorded music, namely background music, may be played prior to licensed hours commencing, as the property may open from 7am.

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.

Hot food takeaway (there will be a limited amount of hot food available, together with coffees and teas).

Deliveries (which may include alcohol).

The shop may open at 7am and remain open until 10pm each day.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/NO*
	<i>*Delete as appropriate</i>	

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

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

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

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

Question 7

CAPACITY OF PREMISES

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

Off Sales - 24.5sqm

Question 8

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

Personal details

8(a) *Name*

--

8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address and telephone number*

--

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The content of this declaration is true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT (delete as appropriate).

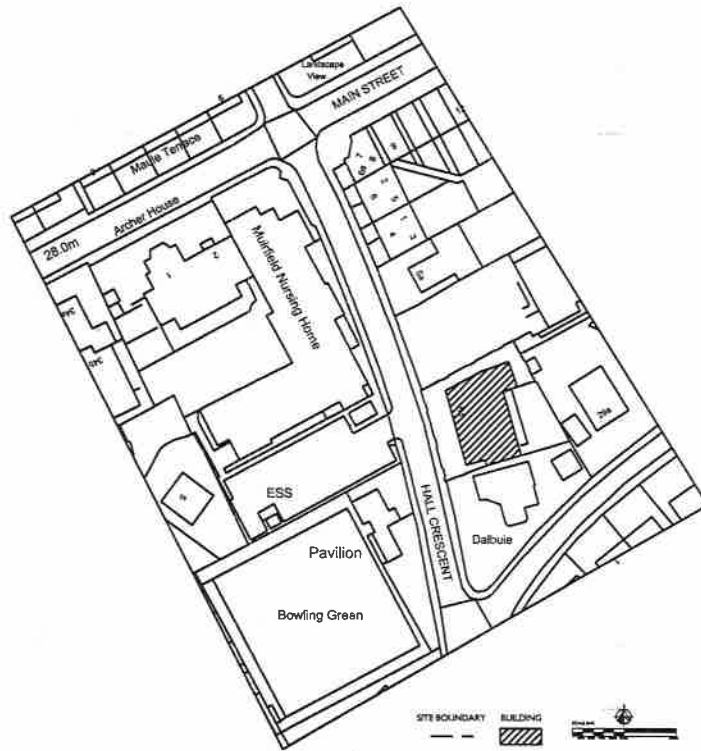
Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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REV:	DRAWN	DATE
REV AA1	SM	21.11.20
REV B1	SM	15.01.21
REV C	SM	15.01.21
REV D	SM	01.02.21
REV E	SM	21.02.21
REV F	SM	23.02.21
REV G		

- EXISTING
- PROPOSED
- SERVICES
- CEILING
- RETAIL
- REAR AREA
- ELEVATION

DRAWING TITLE:
Marglotha
ADDRESS:
6D Hall Crescent
Gullane

DRAWING REF: MOTAQR.REV13	REV: F3
SCALE: A1 (SCALE: 4:1)	DATE: 23rd February 2021
1:1250	DRAWN BY: S. Morgan



11 Langlands Place
Kelvin South Business Park
East Kilbride
G75 0YF
Tel +44 (0) 1355 222585
Fax +44 (0) 1355 230208

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Do not scale, all dimensions to be checked on site independently by any third party.

REV:	DRAWN	DATE
REV:AA1	SM	22.11.23
REV:B1	SM	15.01.24
REV:C	SM	19.01.24
REV:D	SM	22.02.24
REV:E	SM	22.02.24
REV:F	SM	23.02.24
REV:G		

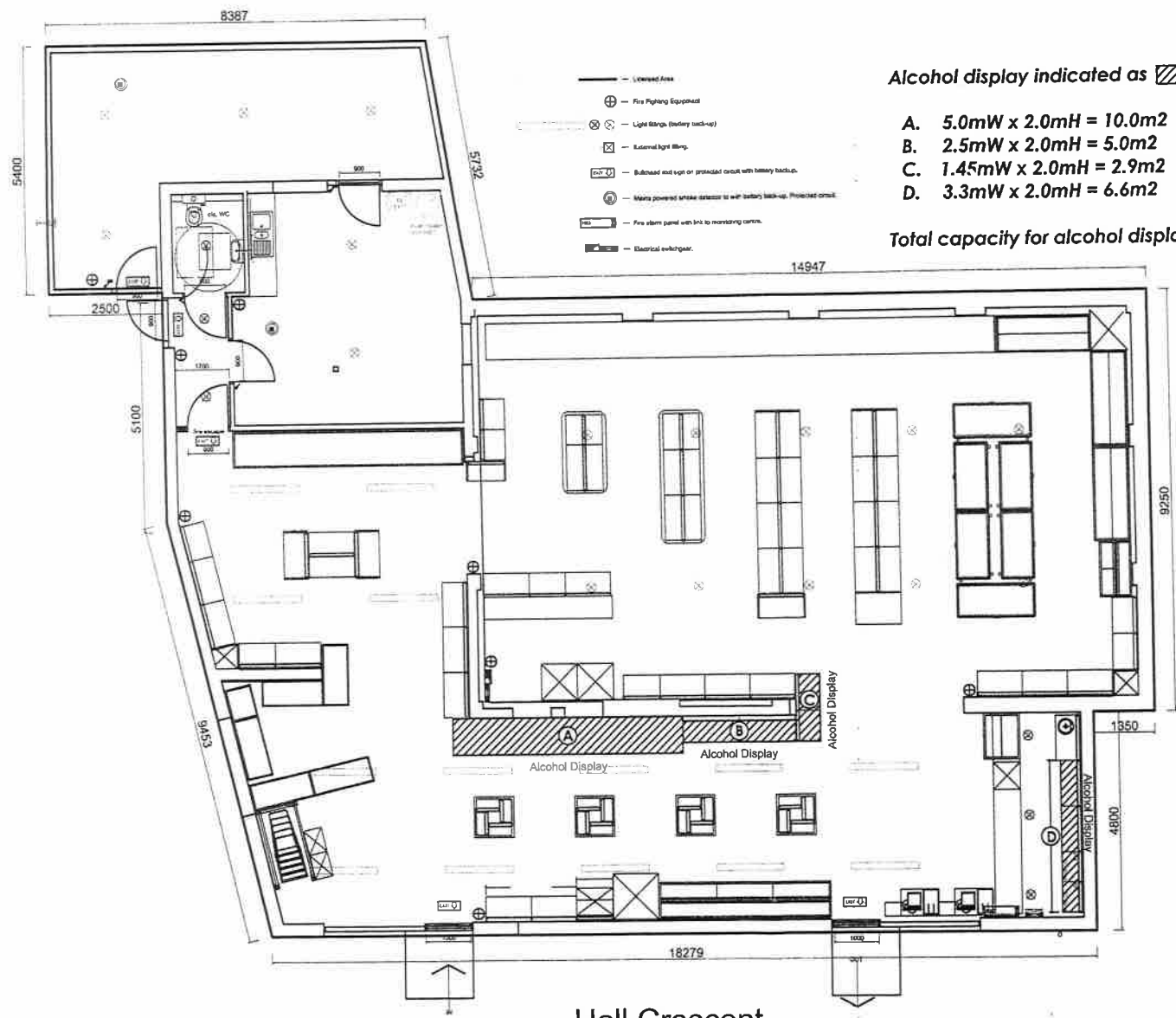
EXISTING	<input type="checkbox"/>
PROPOSED	<input checked="" type="checkbox"/>
SERVICES	<input checked="" type="checkbox"/>
CEILING	<input type="checkbox"/>
RETAIL	<input checked="" type="checkbox"/>
REAR AREA	<input checked="" type="checkbox"/>
ELEVATION	<input type="checkbox"/>

DRAWING TITLE:
Marglofta
 ADDRESS:
6D Hall Crescent
Gullane

DRAWING REF:	SCALE	DATE:	REV:
MGT/AGL/REV2	1:50	23rd February 2024	F2
		DRAWN BY:	
		S. Morgan	

nabco
scotland

11 Langlands Place
 Kelvin South Business Park
 East Kilbride
 G75 0YF
 Tel +44 (0) 1355 222585
 Fax +44 (0) 1355 230206



Alcohol display indicated as on layout.

- A. 5.0mW x 2.0mH = 10.0m²
- B. 2.5mW x 2.0mH = 5.0m²
- C. 1.45mW x 2.0mH = 2.9m²
- D. 3.3mW x 2.0mH = 6.6m²

Total capacity for alcohol display = 24.5m².

Hall Crescent



Supplementary Application Information

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

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

Business Profile

Please describe your business offering.

This Application is by JELCM Ltd, owned and operated by the Margiotta family. Margiotta Ltd operate six convenience stores in Edinburgh and are well known and well respected in those area. Last year they took over the Aberlady Village Store, as their first venture into East Lothian. This was rebranded as a Margiotta and has proved very successful. The Company decided that they would like another outlet in East Lothian. They acquired these premises, which had been used latterly as a gym, and applied for planning permission to change it as a shop. This was granted earlier this year. A Building Warrant has been applied for and granted and work is ongoing at the premises at the moment.

It is hoped that the premises might open on 1st May. Of course opening dates are dependent on various factors but Occasional Licences have been applied for from that date. If it is clear that the date is to be postponed we shall advise the Board accordingly.

In general the Margiotta shops range in size from fairly small, to quite substantial, and are all overseen by members of the family. Younger members of the family are now involved to a larger extent as well. They are the Directors of this Company and all have Personal Licences.

The Application deals with the following issues:-

- Standard hours for an off sales licence
- Recorded Music as an Activity. This is simply background music which they play in all of their shops. The volume will be at a level that is conducive to people carrying on their business of shopping and for staff serving. It will not be loud.
- alcohol display capacity and location as shown on the Layout Plan.
- There is an element of hot food sold plus coffees, and also deliveries may take place. That is the case in their Edinburgh and Aberlady stores and they will just repeat the formula which works very well.
- With regard to the shop hours, all of their current shops remain open until 10pm, which is the maximum Statutory Hours for an off-sale. We have also provided that they may open at 7am in the morning.
- Finally there is a Layout Plan showing the new layout including the alcohol display area

(extend this box if you require additional space)

<p>On/Off Consumption</p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>a) As explained above a convenience store type of business with a range of products, including groceries, fresh fruit and veg, toiletries and alcohol, which is what the shop provides at the moment.</p> <p>b) With regard to deliveries, deliveries are carried out by Margiotta staff who have received the two hour statutory training. The Board's Conditions in respect of Deliveries will be accepted</p>
---	---

Clarification is required in relation to the content of your proposed Operating Plan
 (extend the boxes below if you require additional space)

To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

N/A

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:

N/A

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:

As explained above Recorded Music will be played at an appropriate level. None of the others are applicable.

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:

N/A

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

N/A

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

The shop will open from 7am. Recorded Music may be played during that period and the general business of the shop, other than the sale of alcohol, will be available from then. No alcohol will be sold or supplied until the commencement of licensed hours.

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:

As explained, there will be a limited hot food (rolls, pies, pizza, for takeaway) available along with teas and coffees.

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.

There is of course no restriction on access by children and young persons in off-sales. The store would expect to have children and young persons as customers, sometimes unaccompanied. From the point of view of the sale of alcohol, our clients are experienced in implementing Challenge 25, appropriate staff training and due diligence. This will be strictly enforced here as well.

Licensing Objectives - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Our clients have had no issues in their Edinburgh or Aberlady shops and would not expect to have here, in this environment. One of the Margiotta family will be the Premises Manager and staff will be employed, probably locally.

Our clients wish to fit into the town in the same way as they do in other areas and the main business will be from locals, but of course, in normal times there are a large number of visitors and golfers to Gullane and the shop will cater for them as well..

On that basis the last thing they would want to do is create any issues or concerns regarding crime and disorder. We have already made reference to the sale of alcohol to children and young persons, but they will be equally strict with regard to people who have already consumed alcohol. This is not expected to be an issue but they will be diligent, especially in the initial period when they open.

Potential theft is an issue that all shops have to deal with these days but our clients will have a new CCTV system when they open and this will be closely monitored. In particular alcohol display areas will be in view of the staff to deal with potential theft of alcohol, as well as other products.

Securing Public Safety:

The premises is going through a major refurbishment and public safety of customers and of course staff is taken into account when this is done. There will be CCTV for the protection and assistance of staff and customers alike. There have been no public safety issues at any of their shops. They are responsible and experienced operators.

While COVID restrictions and Guidance are in place our clients will adhere to this. The safety of their customers is their top priority.

Customers with any form of disability, be it mobility, sight, hearing etc will be treated accordingly and their safety will be paramount. Aisles will be wide and counters will be easily used by customers with any form of issue.

Preventing Public Nuisance:

Recorded Music in the premises will be played at a low volume appropriate for a shop.

They do not consider that their shop will cause any inconvenience. It is not anticipated this will be an issue. Obviously in the first few weeks or months of opening, our clients will welcome input from local neighbours if there has been an increase in any form of inconvenience, which they will then address.

Protecting and Improving Public Health:

Our clients are responsible retailers and are fully aware of the concerns of the Government, alcohol agencies and the public at large.

They consider that they have contributed to the increased standards in the off-sale trade, including training, and heightening the awareness and responsibility of staff and management in their shops.

Protecting Children and Young Persons From Harm:

As explained above children and young persons will be welcomed onto the premises and monitored if appropriate. They would also expect most children and young persons to be local and over time for staff to get to know them, know how old they are, and do not envisage there being any issues.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

This is a significant investment for our clients and their second place in East Lothian. It will be a high standard of shop. They are a local family business but are large enough to compete for suppliers with the majors, and will be looking even more to East Lothian for suppliers, and to pass on that benefit to the customers.

They consider East Lothian to already be a thriving part of Scotland, but with a growing population resulting in increased demand for first class services in terms of shopping, restaurants and bars etc they wish to increase their participation in.

East Lothian is of course a major producer of fresh fruit, vegetables and meat and they would certainly envisage looking locally for their supplies.

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

This is the change of use for an unused building and obtaining the relevant permissions to convert it to a high quality retail operation. They are delighted with their first venture into Aberlady and hope they can add a Premises Licence to this business. All of their other shops have Licences.

The Directors are the next generation of Margiottas. They all grew up with their parents being involved in this business so have a lot of experience for their ages! All Directors have Personal Licences.

It is felt that there is a space for an outlet like this in Gullane and that the Board can support them.

SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law section 44(2)(b))

The contents of this declaration are true and correct to the best of my knowledge and belief.

Signature		Date	25/3/11
-----------	---	------	---------

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	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.

The premises are newly refurbished and access and facilities are taken into account as part of the Building Warrant process. There will be sliding doors wide enough to comfortably allow access for a wheelchair. See photo attached.

Question 3

Facilities available

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

There is parking which will include Disabled Parking.

The designed layout takes into account requirements for customers with such needs. Wide door and aisles. Friendly and accessible sales points etc.

In general our clients wish to establish themselves as a popular local business, catering mainly for local residents and hopefully build up knowledge on their customers as they become regulars.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

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

It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature * (see note below)

Date 5/5/07

Capacity APPLICANT/AGENT

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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Shiel, Christine (Licensing)

From: Licensing
Sent: 13 April 2021 10:45
To: Shiel, Christine (Licensing)
Subject: FW: Provisional Premise licence application for Margiotta, 6D Hall Crescent, Gullane [OFFICIAL]

A report for running off

G

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 13 April 2021 10:44
To: Licensing <licensing@eastlothian.gov.uk>
Subject: RE: Provisional Premise licence application for Margiotta, 6D Hall Crescent, Gullane [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 morning

No Police objections.

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: 08 April 2021 09:45
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer

Winter, Maree

From: Fruzynski, Rudi
Sent: 09 April 2021 13:15
To: Winter, Maree
Subject: RE: Provisional Premise licence application for Margiotta, 6D Hall Crescent, Gullane

I have no objection to this application.

In terms of other off-sales within 800 metres of the premises, there is the Scottish Co-op, Roseberry Place & Gullane Mini Market, Stanley Place, Gullane.

If this application is granted by the Board, it is recommended that the shop should have a CCTV system capable of covering the alcohol display area; that all instances of theft are reported to the police, and that in terms of deliveries of alcohol, Section 119 of the Licensing (Scotland) Act 2005 and Section 32.1 & 3 of the Board's statement of licensing policy 2018 – 2023 should be complied with.

Rudi Fruzynski
Licensing Standards Officer
Accredited Paralegal
East Lothian Council
Room 1.21
John Muir House
Haddington
EH41 3HA



01620827363

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 20th April 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Margiotta, 6D Hall Crescent, Gullane
Application type: Provisional Premises Licence

I have no objection to the grant of a premises licence. Planning permission is not required for the sale of alcohol on the premises.

ELO 377

PC
RF
EN
PS
CC
FIA
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*

<p><i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i></p>	<p>N/A</p>
<p><i>* Delete as appropriate</i></p>	

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**

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<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> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <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>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
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</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>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	No	No	No
<i>Club or other group</i> <i>meetings etc.</i>	No	No	No
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</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>Recorded music – see</i> <i>5(g)</i>	No	No	No
<i>Live performances</i> <i>see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No

<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>
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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.

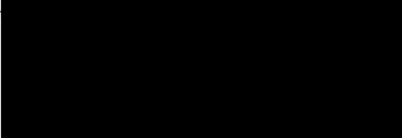
At Barneys we are passionate about creating a business we are proud of and building a business that supports the community it sits within. We have proved over the last three years that we have built a positive family friendly business from a business built on solid principles and through supporting our 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
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DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
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

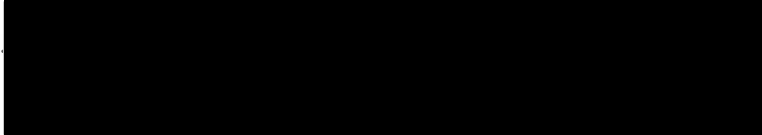
If signing on behalf of the applicant please state in what capacity.

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

Signature  * (see note below)

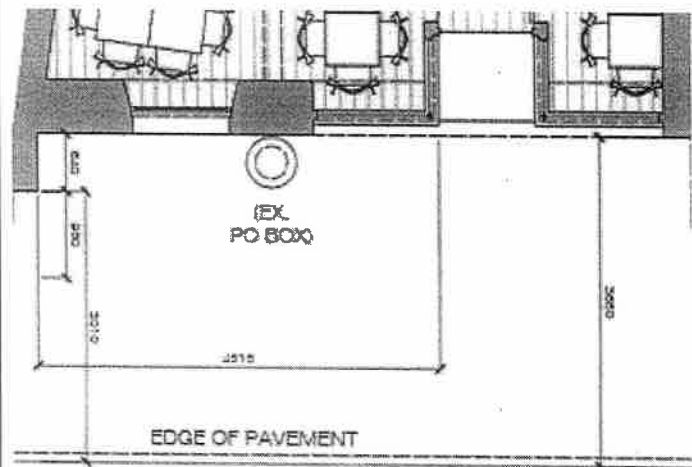
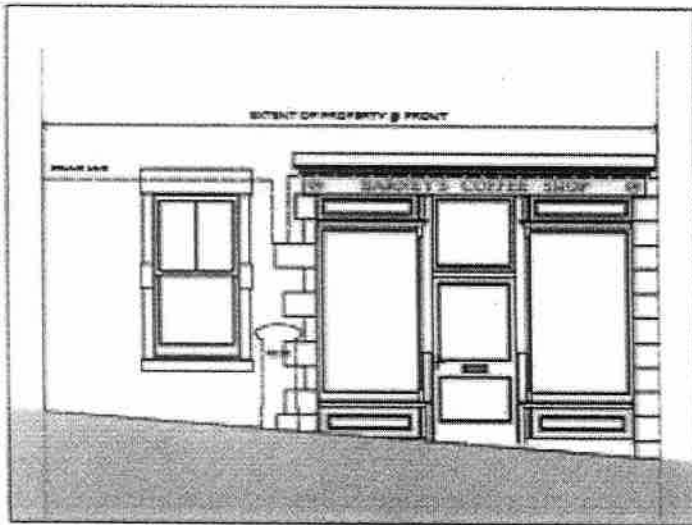
Date 21/4/2021

Capacity Applicant APPLICANT/AGENT

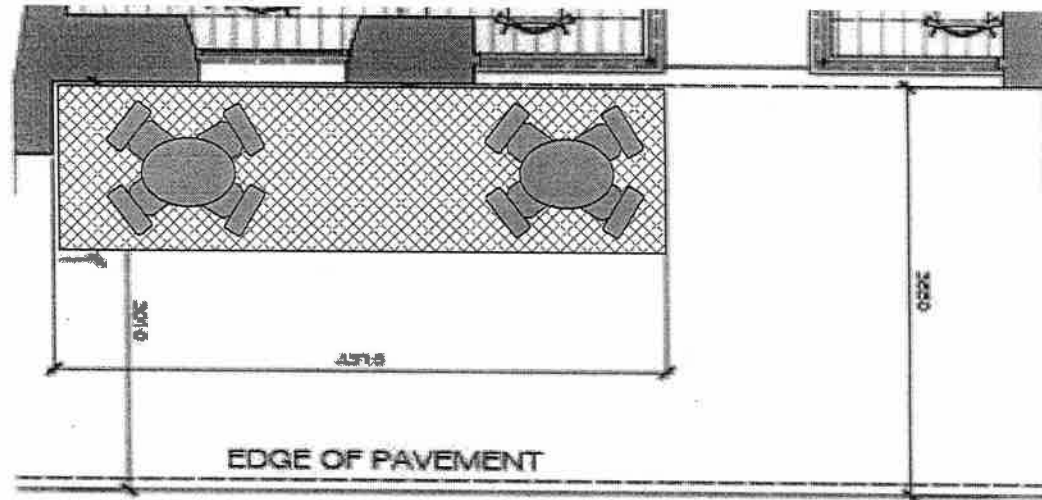
Telephone number and email address of signatory. 


* 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

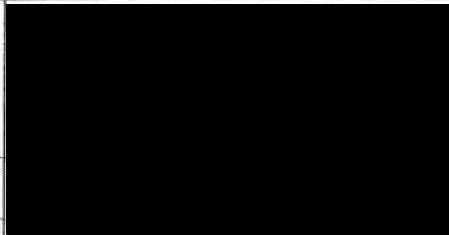
(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

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.

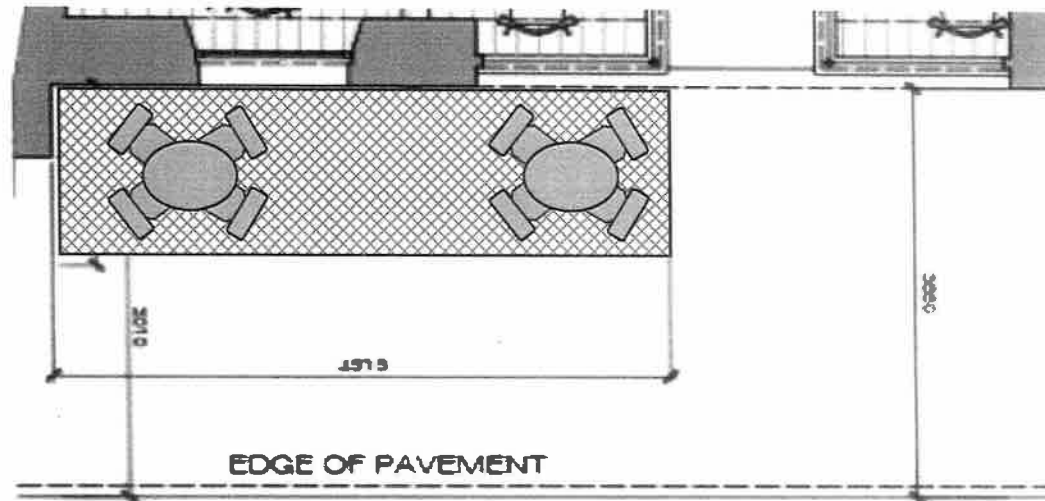
Yours Sincerely,


George & Barbara Leslie

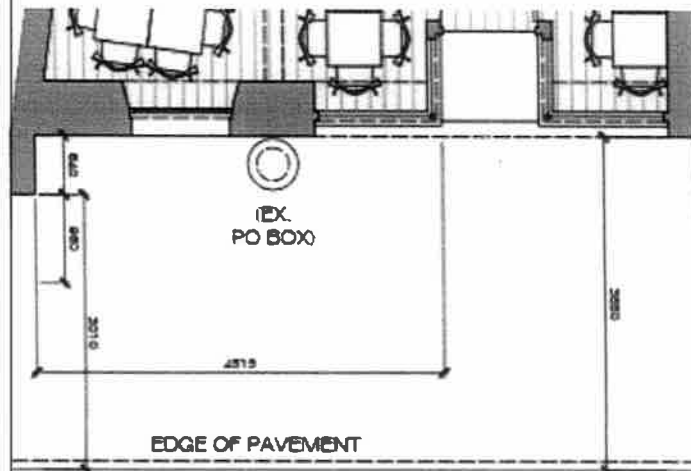
East Lothian Council
Licensing
25 MAY 2021
Received



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:


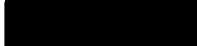
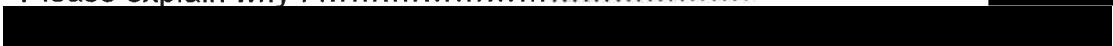
(d) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<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: <u>PREMISES SITUATED DIRECTLY</u> </p> <p></p> <p style="text-align: right;"><u>SEE NOTES ATTACHED</u></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: <u>ALREADY TWO PUBLIC HOUSES</u></p> <p><u>SELLING FOOD & ALCOHOL, A SPORTS CLUB &</u></p> <p><u>THREE SHOPS SELLING ALCOHOL</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:-

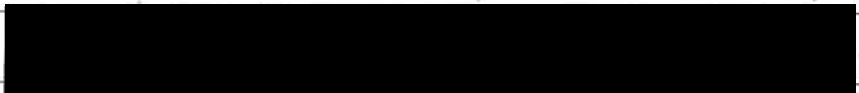
SEE NOTES ATTACHED

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] 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:

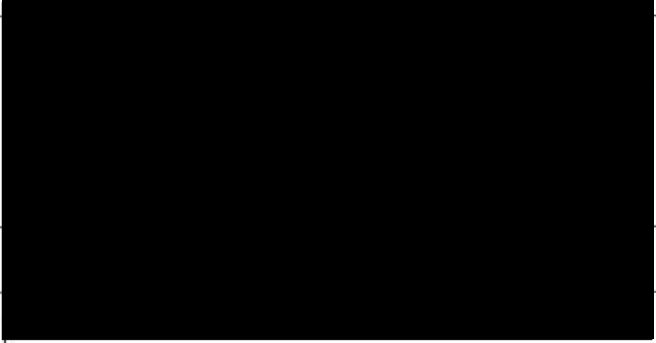
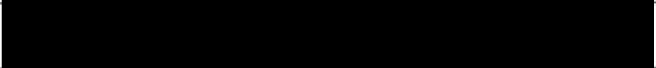

This objection/representation relates to the following Application:

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 Mrs X Miss Ms 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 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):-

:

(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 LICENSING BOARD

PC ENTS RF
ENV FIRE SQ
CC NEIGHBO
SITE NOM
19/5/21

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

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

5a

- 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)
NAME OF BUSINESS

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL010

2(b) Name and Address of Premises

Watchman Hotel
 East Links Road
 Gullane
 East Lothian

Post Code	EH31 2AF	Phone No.	01620 843288
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2(c) Full Name and Address of Current Licence Holder

Watchman Inns Ltd
 8 St Ann's Place
 Haddington
 East Lothian

Post Code	EH41 4BS	Phone No.	
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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

Not Applicable

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

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

To increase on sales hours on a Saturdays to 1am and on Sundays to 12 midnight

To introduce Seasonal Variation to cover General Extensions

To clarify that Accommodation and Restaurant Facilities can take place at anytime outwith licensed hours

To provide that Recorded Music, and Outdoor Drinking Facilities could take place outwith Core Hours and that Live Performances and Dance Facilities could take place at a function if during permitted extended hours ,

To add Indoor/Outdoor sports as an Activity as they may be provided by the Hotel and to add TV Sport as an Activity for Guests and Visitors

To provide that in general this is a Hotel and normal Hotel activities can take place anytime

To amend the rules on Children and Young Persons to differentiate Children and Young Persons staying as overnight guests, and those just visiting

To increase the on sale capacity to 180

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.

New Layout Plans will replace the current licensing plans, showing the changes in layout of the property in terms of relevant permissions obtained and the outside area

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

Provide details below of any other variation sought to the Premises Licence
(e.g. *Alteration to the description of the premises contained within the Premises Licence*)

To change the name of the Premises to the Watchman Hotel

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is **NO**, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (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 [redacted] is the best of my knowledge and belief;
and (b) the appropriate [redacted]

Signature

..... (See note 5 below)

Date

..... 18/5/21

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

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

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

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

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 premises are the former Mallard Hotel on East Links Road, Gullane, which had been operated by members of the same family for almost 60 years! The family decided to put it up for sale last year and it was acquired by a new Company formed by three local families. They wish to continue the superb reputation of the premises , but perhaps increase the facilities and modernize the Hotel without detracting from the character.

It is presently closed for a major refurbishment, hopefully opening in July. This is going through the Building Warrant/Completion Certificate process.

The Premises Manager is the previous Manager of Greywalls, who will add appropriate experience and knowledge of the Hotel and Hospitality business.

It is envisaged that the Hotel name will change to reflect the new ownership and management.

The Variation has been lodged after careful consideration of the current Operating Plan, and to reflect the changes in layout that are to take place.

Hours are increased simply to reflect the East Lothian Policy Hours, by one hour each on Saturdays and Sundays..

The Hotel may wish to take advantage of General Extensions such as the Festive period, and of course for major golfing events locally.

Food could be available to guests outwith core hours, such as breakfast and perhaps room service. Recorded Music and Outdoor Drinking facilities are, in a Hotel, likely to be available at times outwith the core licensing hours

TV Sport was not included as an Activity but of course TVs will be in the Bar and Lounge and sport will be watched as it will on the TVs in the bedrooms

Live performances and Dancing may take place in functions for instance which could , particularly at the Festive period, be during Extended Hours grants

The area set aside for guests and visitors outside has been increased, as shown on the Plan and hence the increase in capacity

(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) Bar and Restaurant facilities for Guests and Visitors. May be Room service too

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

b) The premises enjoy this, but the new owners may use it occasionally for the benefit of guests and visitors. A bottle of wine they particularly like for instance. Could be a packed lunch or tea! Envisage a lot of walkers staying in the Hotel, plus Golfers as well of course.

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:

All of these facilities have been provided by the Hotel during the period of the previous owners and our clients will continue these.

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:

Yes, again the intention will be to hold functions of all types, particularly for local people, but also for those travelling to Gullane for a break. The frequency is not known yet. After all no one has really been making bookings recently. By the time of the Board hearing our clients could give a better indication.

you can expand on your explanation here:

This is a Hotel so will operate 24 hours a day. Certain activities such as the provision of food, access to a TV , recorded music in certain areas and other activities which might in normal circumstances be available to Hotel Residents. I did expand on this in the introductory section as well.

Outside areas will be available for guests to sit prior to licensed hours. Other Activities would only be available if it was in conjunction with a grant of Extended Hours.

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:

We have just referred to certain normal Hotel Activities, that would be required by guests in a Hotel of this type. That could be facilities or services.

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

Baby Changing facilities will be available to Residents and Guests in the toilets in the public areas.

The owners wish to attract families so the restaurant will cater for the tastes of Children and Young Persons. The owners will learn what might be demanded as time goes on eg board games. There is a large outside area so there may be the opportunity for sporting facilities and activities for youngsters and adults in this.

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)

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

Recorded Music, Live Performances and Dance Facilities are in the Licence already. As to their frequency, Recorded Music will be available most of the time that the Reception is open for instance. The others relate to functions so similar response to the last question. Theatre Films and Gaming are not included.

Indoor/Outdoor Sports are being added as is TV Sport which should have been in the Licence already. As previously mentioned this will be for customers to watch in the bar or their Room.

Indoor/Outdoor sports could provide facilities that the Hotel might add, taking into account the larger outside area or indoor sports, perhaps for the amusement of Children.

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:

There was already outdoor drinking facilities in the Licence but this is being increased. It is felt that people value sitting outside far more now, and many will be happier to do so for a while. The areas are shown on the Layout Plan. The setting is so fantastic , looking over the Golf Course , that our clients wished to maximize this.

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

Not Applicable

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

Preventing Crime and Disorder:

We don't think the Mallard Hotel caused the Police, LSOs and Board any problems and that would be the intention of the new owners. No reason to think that will change. This is a large investment by local families who make up the Company and know the area. The usual precautions will be in place and appropriate staff training arranged timeously. Relationships with local police and with Rudi, your LSO will be arranged, and any concerns they have will be addressed. However all Licensees must be prepared for the unexpected and training will include advice on refusal of service too under agers and drunk persons, how to recognize these. Also how to deal with incidents, calling the police etc.

Securing Public Safety:

The Hotel is going through a major refurbishment and of course will require to satisfy Building Standards in respect of any safety issues.
So long as there are restrictions under Covid regulations they will adhere to this and encourage patrons to do likewise.
Over consumption of alcohol is relevant here, and again staff will have clear instructions as to how to avoid customers having too much so as to change their behavior in an unacceptable way.

Preventing Public Nuisance:

There are residential properties nearby. Noise from the hotel, such as music, and the noise from the outside area will be monitored with a view to avoiding any nuisance to local residents. Our clients are entirely sympathetic to their neighbours amenity and will work with them if any issues are raised.
When customers are leaving an event at the end of an evening they would be encouraged to leave quietly, taxis can be organized, and to respect the neighbours

Protecting and Improving Public Health:

Our clients wish to cater for the local community , including families, but generally a cross section including elderly, disabled and they wish the experience at the Hotel to be enjoyable whatever the circumstances.

There will be customers staying in the Hotel, perhaps to play/watch golf. They might be walkers, birdwatchers or just enjoying this beautiful part of the Country. They want their visit to be a pleasant

experience and not spoilt by over consumption of alcohol by themselves or other customers.

It is hoped that local people will use it as a place to come to eat or just for a drink, but would not envisage it as being a destination for irresponsible drinkers

Covid regulations will apply

Protecting Children and Young Persons From Harm:

Children and Young Persons welcome with an adult as a resident or visitor. The Hotel will cater for their specific requirements in terms of food, and soft drinks at reasonable prices. It is hoped that if residents there may be TVs to watch and entertainment of other kinds provided-outside for instance. That will be an ongoing matter according to demand and experience.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

This was previously a Hotel that East Lothian was proud of and our clients wish to take that and enhance it. Local people who know the area and want to become an integral part of the community

A large investment is in hand to improve and protect the fabric of the property and the facilities for guests

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

Asking for support to the changes which will enhance the offering to locals and visitors. Delighted to respond to issues raised by the Police and LSOs and look forward to addressing the Board at the Hearing

[Redacted]

SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law (Conduct) Act 1967, section 4(2)(b))

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

Signature



Date

18.05.21

21a Rutland Square
Edinburgh
EH1 2BB

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

<p>The Watchman Hotel East Links Road Gullane East Lothian EH31 2AF</p>
--

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	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	1am
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	12 midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11am	10pm
<i>Tuesday</i>	11am	10pm
<i>Wednesday</i>	11am	10pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Would like to take advantage of General Extensions granted by the Board

Question 5

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

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

5(d) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	YES	YES	YES
5(e) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>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 PREMISES ARE A HOTEL AND THEREFORE CERTAIN ACTIVITIES WILL BE AVAILABLE UP TO 24 HOURS A DAY. THAT INCLUDES ACCOMMODATION, RESTAURANT FACILITIES WHICH COULD BE BREAKFASTS (POSSIBLY FOR NON-RESIDENTS AS WELL) LATER MEALS FOR GUESTS ARRIVING LATE AND ROOM SERVICE, ALL OF WHICH COULD INVOLVE ALCOHOL FOR GUESTS STAYING.

BACKGROUND MUSIC COULD BE PLAYED AT ANY TIME, IN RECEPTION FOR INSTANCE. LIVE MUSIC AND DANCE FACILITIES COULD BE AT FUNCTIONS DURING EXTENDED HOURS

INDOOR/OUTDOOR SPORTS COULD TAKE PLACE IF PROVIDED BY THE HOTEL,

TELEVISED SPORT COULD TAKE PLACE IN BEDROOMS AT ANY TIME AND IN PUBLIC AREAS IN THE HOTEL FOR GUESTS OUTWITH LICENSED HOURS

OUTDOOR DRINKING FACILITIES WOULD BE AVAILABLE FOR GUESTS OR VISITORS HAVING BREAKFASTS, COFFEES ETC PRIOR TO LICENSED HOURS COMMENCING

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.

THIS IS A HOTEL AND THEREFORE ACTIVITIES ASSOCIATED WITH A HOTEL WILL TAKE PLACE 24 HOURS A DAY.

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
--	----------------

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

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

CHILDREN AND YOUNG PERSONS ARE ALLOWED ENTRY ONLY WHEN ACCOMPANIED BY AN ADULT

CHILDREN AND YOUNG PERSON MAY BE GUESTS IN THE HOTEL, OR VISITING THE HOTEL FOR THE PURPOSE OF HAVING A MEAL IN THE RESTAURANT FOR INSTANCE. THEY MAY ALSO BE ATTENDING AN EVENT IN THE HOTEL

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

ANY AGE

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

NO RESTRICTION ON RESIDENT CHILDREN AND YOUNG PERSONS, BEING ON THE PREMISES, BUT THEY WILL REQUIRE TO VACATE THE BAR AND RESTAURANT BY 10PM

NON-RESIDENT CHILDREN AND YOUNG PERSONS WILL, SUBJECT TO THE AFTERMENTIONED EXCEPTION, REQUIRE TO VACATE THE PREMISES BY 10PM

CHILDREN AND YOUNG PERSONS MAY REMAIN UNTIL THE END OF A PRIVATE PRE-BOOKED FUNCTION .

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

ALL PUBLIC AREAS

Question 7

CAPACITY OF PREMISES

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

ON SALES 180

Question 8

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

Personal details

8(a) Name

Surajit Dasgupta

8(b) Date of birth

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>
31st May 2011 (Renewal submitted)	City of Edinburgh	324383

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The content of this declaration is true and correct to the best of my knowledge and belief.

Signature [Redacted] ... * (see note below)

Date 18/10/21

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.

General Notes
The particulars shown on this drawing are subject to verification on site.
Drawing suitable for scaling for Planning purposes. to scale@

A1



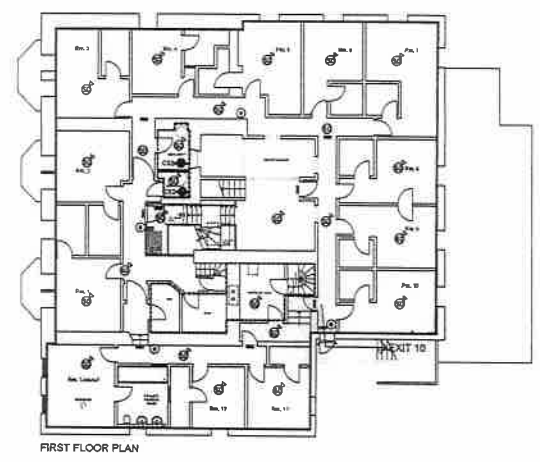
LOCATION PLAN 1:1250 SCALE



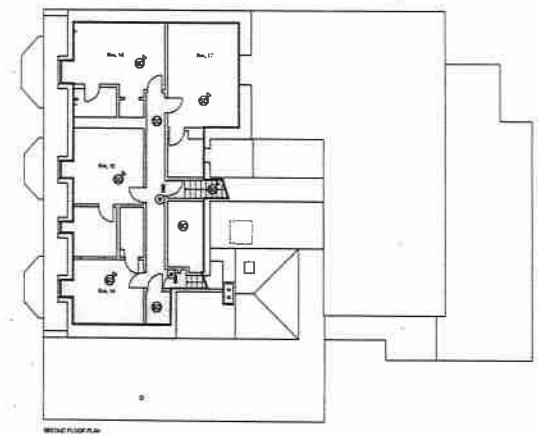
178

East Lothian Council
Licensing
19 MAY 2021
Received

date	description	revision	
	architecturejfltd 92 Pittencrieff Park, Gullane, East Lothian EH41 3HE t 01620 84 5655 e watchman@architecture.com		
	project The Watchman Hotel East Links Road Gullane for Watchman Inns Ltd		
	drawing Licensing Location Plan		
scale	date	drawn	approved
1:1250@A1	Apr 21	jf	
project no.	drawing no.	revision	
20:56	L(0)100	-	

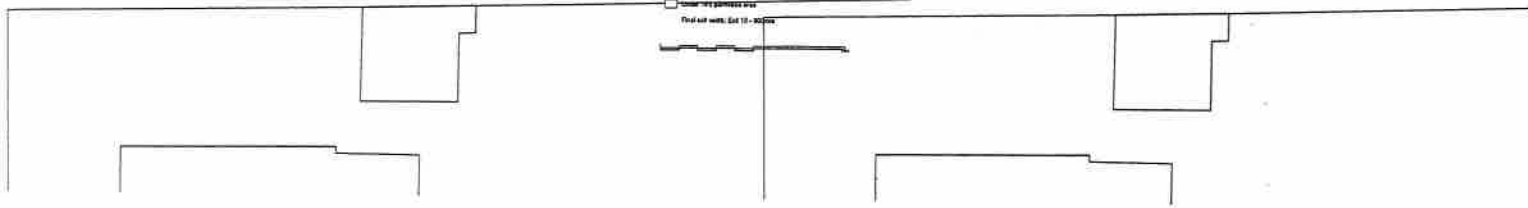


FIRST FLOOR PLAN



SECOND FLOOR PLAN

- LEGEND**
- ⊙ Smoke Detector
 - ⊙ Heat Detector / Alarm
 - ⊙ Call point
 - ▨ Coated Road
 - ▨ Limited Area
 - ▨ Children Exclusion Area
 - ▨ Restricted access signage
 - ▨ Disabled parking area
 - ⊙ Fire Alarm Control / Alarm
 - ⊙ Standstill/Brake
 - ▨ Fire Alarm Fire Minder
 - ⊙ C22
 - ⊙ Dry Powder extinguisher
 - ▨ Internal View General Smoke
- Final set with: E&H 17 - 20/21



East Lothian Council
Licensing
19 MAY 2021
Received

Client	Watchman
Project	The Watchman Hotel
Address	East Links Road Gullane for Watchman Inns Ltd
Scale	1:100 @ A0
Date	17/05/2021
Drawn by	Architecture Ltd
Checked by	
Project No.	1100@A0_040521
Time	20:56
Version	L(0)02

31/05/2021

Your Ref: EL010

Our Ref: 41193/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
MALLARD HOTEL
MALLARD HOTEL, EAST LINKS ROAD, GULLANE, EAST LOTHIAN, EH31
2AF.**

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

- The increase of sales hours on a Saturday to 1am and on Sundays to 12 midnight.
- The introduction of seasonal variations to cover general extensions.
- The provision that recorded music and outdoor drinking facilities could take place out with core hours and that live performances and dance facilities could take place at a function during permitted extended hours.
- The increase of the on sales capacity to 180 patrons.
- The change of name of the premises to Watchman Hotel

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

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

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 27 May 2021

**Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION**

Watchman Hotel, East Links Road, Gullane, East Lothian EH31 2AF

I can confirm that Licensing Standards has visited the Watchman Hotel, which is currently undergoing extensive renovation work, and has assessed the application for a major variation in terms of the Act and the Board's statement of licensing policy.

The proposed change of name of the hotel is not questioned.

The proposed increase in hours to 01.00 on Saturdays and 24.00 on Sundays is within policy.

The premises provide hotel accommodation and restaurant facilities for guests and the operation of such, outwith licensed hours, is not contested. Normal hotel activities can take place at anytime.

There is no objection to the inclusion of televised sport facilities to the operating plan.

Recorded music within the premises, and the use of the outdoor drinking areas prior to licensed hours is not contested. However, the following conditions are suggested in relation to use of the outdoor drinking areas to protect neighbouring residents from disturbance and nuisance:

1. That the terminal hour in relation to the outdoor drinking areas should be no later than 22.00 hours each night.
2. That there should be no amplified entertainment in the outdoor areas.
3. Staff should frequently monitor the outdoor drinking areas.

Licensing Standards does not object to the proposed increase in capacity from 150 to 180.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

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

Date: 28th May 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Watchman (Former Mallard Hotel), East Links Road, Gullane
Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for, and as detailed in the application forms, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

However, I can confirm that there are no records of a grant of planning permission for the use of a beer garden/external drinking area within the grounds of the premise. I would advise that a planning application is sought for the change of use of any area of land that is to be used as a beer garden/external drinking area.

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

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

- 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)

East Lothian Council
Licensing

21 APR 2021

Received

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL100

2(b) Name and Address of Premises

Winton Castle
Pencaitland
East Lothian

Post Code EH34 5AT

Phone No. 01875 340 222

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

The Winton Trust
Winton Castle
Winton Estate
East Lothian

Post Code EH34 5AT

Phone No. 01875 304 222

SECTION 3: NATURE OF VARIATION

5b

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

We are not seeking to alter the Condition(s) of our existing Premises Licence.

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)

We are not seeking to alter the information contained within the Operating Plan of the Premises Licence. We are only altering the Layout Plan and area of the Premises Licence.

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.

The current plan which was approved on 12th July 2020 included a Licensed Marquee area. We are now seeking to extend the Licenced space to include The Potting Shed (0.015ha)
This space is located in our Walled Garden (.67ha) less than 50m from the Castle itself.
Please see the attached Plans for reference
This application seeks to maintain all the features of the original Premises Licence and extend the footprint area of our existing plan to encompass a new ancillary building referred to as The Potting Shed.
This will serve as an ancillary space for meetings, small parties, celebrations and private entertainment.

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

Provide details below of any other variation sought to the Premises Licence
(e.g. *Alteration to the description of the premises contained within the Premises Licence*)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is **NO**, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£200**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£220** (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

16 April 2021

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

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

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

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

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

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.

<p>Business Profile Please describe your business offering.</p> <p>Winton Castle is set in over 2,000 acres of land in the village of Pencaitland. The Castle is both a hospitality venue, and home to Sir Francis Ogilvy and Family. The Large detached stone built house is over 500 years old and is available for exclusive use. There are only areas of the premises licensed to sell alcohol, namely the basement and first floor, together with the garden area to the left of the premises. The castle has dining areas, reception areas, kitchens, toilets, offices, car parking and croquet lawn which occasionally houses a temporary marquee, which is used for weddings and other corporate and private events. In addition, this license will extend to the Walled Garden space and Potting Shed as outlined in the attached plan</p>	
<p>On/Off Consumption</p>	
<p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p>	<p>a) To purchase alcohol exclusively in conjunction with our events, e.g. Wedding ceremonies, parties and celebrations.</p>
<p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>b) To supply alcohol for consumption on our grounds and at our self-catering properties located on our estate.</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>The Castle does not operate as restaurant or offer bar meals. All catering is supplied by the estate and takes the form of main meals and canapés. Fully catered accommodation is offered on an exclusive use basis only within the castle.</p>
--

<p>There are several other smaller self-catering properties on the estate which do not form part of this application.</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>The estate host between 20-30 Weddings per year, varying in size and scale, form small occasions with up to 12 people to larger celebrations of around 200 people.</p> <p>Corporate hospitality varies in size and frequency form small business meetings of around 10 people to large corporate away days of up to 100 people. The volume of this business varies year on year but rarely exceeds 100 events in one year.</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>Live performances - social and business events may have live bands/musicians/entertainments/djs, as required by customers, and may start or end out with the core hours, but not before 10.00 hours and not after 11.00 hours</p>
<p>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:</p> <p>The gardens are used by customers as needed as ancillary facilities to the premises for food, drink and meeting places and for such related activities such as photo shoots for parties & weddings, but not before 0800 hours and not after 2300 hours.</p>
<p>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:</p> <p>N/A</p>
<p>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:</p> <p>N/A</p>
<p>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</p>

frequency of such events:

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.

children and young persons will be allowed entry to both the house and the garden areas only when accompanied by an adult

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:

Winton Castle has its own team of trained individuals who work as serving staff during all our events.

They have all undertaken the mandatory 2 hours of alcohol awareness training in addition to other on the job training.

All events are managed by a Duty Manager, who is present at all times.

Securing Public Safety:

Whilst the venue is isolated from populated areas we ensure that adequate transportation is available at the end of all our events.

Our team are trained to look out for and take action where individuals are considered to be attempting to consume too much alcohol.

Preventing Public Nuisance:

Whilst the venue is isolated from populated areas we ensure that adequate transportation is available at the end of all our events.

Team members are onsite overnight.

Protecting and Improving Public Health:

We have a challenge 25 policy in operation.

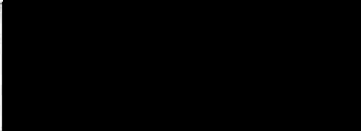
We do not offer any promotional deals and all alcohol is purchased on a pre-paid arrangement or sold over our bar.

Protecting Children and Young Persons From Harm:

All children are accompanied at all times.

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

<p>Additional Information:</p> <p>Since November 2009, Winton Estate has held a License to Sell alcohol. We consider ourselves to be highly responsible operators, operating for over 10 years without incident.</p> <p>We are seeking to extend our existing license to encompass a new smaller outdoor venue, The Potting Shed, which will be used for smaller events and breakout space for larger ceremonies.</p>
<p>Supporting Comments: i.e. reasons why the Board should support your application.</p>

<p>SIGNATURE AND DECLARATION BY APPLICANT</p> <p>IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</p> <p>(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))</p> <p>The contents of this Application are true to the best of my knowledge and belief.</p>			
Signature		Date	16 April 2021

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Winton Castle Pencaitland East Lothian EH34 5AT
--

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	Midnight
<i>Tuesday</i>	11:00	Midnight
<i>Wednesday</i>	11:00	Midnight
<i>Thursday</i>	11:00	Midnight
<i>Friday</i>	11:00	Midnight
<i>Saturday</i>	11:00	Midnight
<i>Sunday</i>	12:30	Midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	12:30	22:00

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

N/A

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	YES	N/A	N/A
Conference facilities	YES	YES	YES
Restaurant facilities	NO	NO	NO
Bar meals	NO	NO	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
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	NO
Live performances – see 5(g)	YES	YES	YES
Dance facilities	YES	YES	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	YES	YES	YES

<i>Televised sport</i>	NO	NO	NO
<i>5(d) 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>Outdoor drinking facilities</i>	YES	YES	YES
<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.

ACCOMMODATION - IS ONLY AVAILABLE ON AN EXCLUSIVE USE BASIS ONLY AND DOES NOT FORM PART OF THE PREMISES LICENCE

CONFERENCE FACILITIES - MAY START OR END OUTWITH THE CORE HOURS BUT NOT BEFORE 08.00 HOURS AND NOT LATER THAN 23.00 HOURS.

RECEPTIONS INCLUDING: WEDDINGS, OR EXCLUSIVE USE FUNCTIONS MAY START OR END OUTWITH THE CORE HOURS BUT NOT BEFORE 0800 HOURS AND NOT LATER THAN 2400 HOURS.

CLUB OR GROUP MEETINGS - MAY START OR END OUTWITH THE CORE HOURS BUT NOT BEFORE 0800 HOURS AND NOT LATER THAN 2300 HOURS

LIVE PERFORMANCES - SOCIAL AND BUSINESS EVENTS MAY HAVE LIVE BANDS/MUSICIANS/ENTERTAINMENTS/DJS, AS REQUIRED BY CUSTOMERS, AND MAY START OR END OUTWITH THE CORE HOURS, BUT NOT BEFORE 10.00 HOURS AND NOT AFTER 11.00 HOURS

OUTDOOR DRINKING FACILITY - THE GARDEN AREA IS USED BY CUSTOMERS AS NEEDED AS ANCILLARY FACILITIES TO THE PREMISES FOR FOOD, DRINK AND MEETING PLACES AND FOR SUCH RELATED ACTIVITIES SUCH AS PHOTO SHOOTS FOR PARTIES & WEDDINGS, BUT NOT BEFORE 0800 HOURS AND NOT AFTER 2300 HOURS

5(f) any other activities

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

<p>EXCLUSIVE USE OF PREMISES</p> <p>OUTDOOR COUNTRY PURSUITS</p> <p>WEDDINGS</p> <p>CORPORATE EVENTS</p> <p>N.B. WHERE ACTIVITIES ARE TO BE CARRIED OUT OUTWITH CORE HOURS, AND ALCOHOL IS TO BE PROVIDED, AN EXTENDED HOURS APPLICATION WILL BE SOUGHT.</p>
--

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>N/A</i>
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>N/A</i>
<i>*Delete as appropriate</i>	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

CHILDREN AND YOUNG PERSONS WILL BE ALLOWED ENTRY TO BOTH THE HOUSE AND THE GARDEN AREAS ONLY WHEN ACCOMPANIED BY AN ADULT

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

CHILDREN - BIRTH TO 15 YEAR OLD
YOUNG PERSONS - 16 AND 17 YEAR OLD

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

CHILDREN AND YOUNG PERSONS WILL BE ALLOWED ACCESS AT ALL TIMES TO THE PREMISES WHEN IT IS BEING USED FOR EXCLUSIVE USE.

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 HAVE ACCESS TO THE PUBLIC AREAS ON THE GROUND FLOOR, THE BASEMENT GAMES ROOM, TOILETS AND TO THE GARDEN AREA OF THE PREMISES.

Question 7

CAPACITY OF PREMISES

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

ON SALES - 218

Question 8

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

Personal details

8(a) Name

FRANCIS GILBERT ARTHUR OGILVY

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>
26 November 2020	East Lothian Licensing Board	EL1701

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 [Redacted] * (see note below)

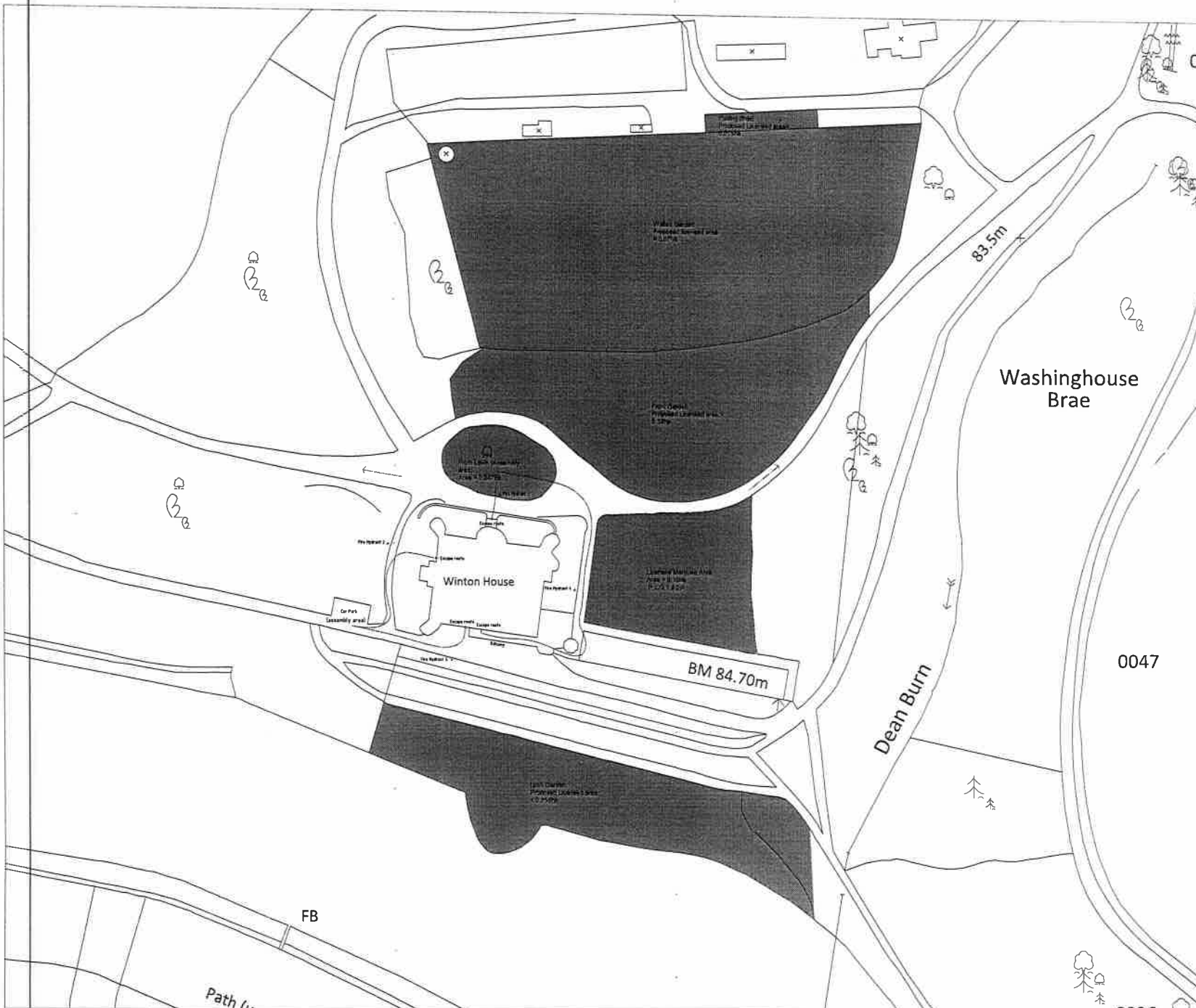
Date ...16 April 2021.....

Capacity *Applicant*..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory . [Redacted]

* 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.



Fire Warning System to comply with BS 5839:Part 1:2002

Emergency Lighting system to comply with BS 5266:Part 1: 2005.(Category Maintained 120).

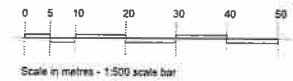
Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000

All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002

The Applicant must ensure that the upholstered furniture satisfies the Cigarette and Match ignitability test specified in British Standard 5852: 2006

A Certificate of Compliance to the afore mentioned British Standards should be issued by a competent person and forwarded to the Fire and Rescue Service prior to or on the date of final inspection of the premises.

© Copyright of Ogilvy Chalmers
 Drawings to be read & fully understood before work commences. IF IN DOUBT ASK. DO NOT SCALE. Use finished dimensions only.
 All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Ogilvy Chalmers



201

Project	Winton Castle Pensilwardie, East Lothian; EH34 5AT The Winton Trust		
Plan	Licensing Plan 2020		
Scale	1:500 @ A1		
Date	10/20	Project Reference	101 /
Drawn	10/20	Check	01 /



26/04/2021

Your Ref: EL100

Our Ref: 407615/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
WINTON CASTLE
PENCAITLAND ROAD, PENCAITLAND, EAST LoTHIAN, EH34 5AT.**

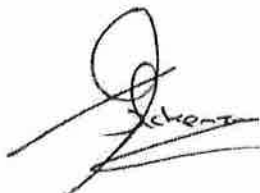
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the addition of the building named "The Potting shed" to the operating licensed area of the premises.

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
Chief Superintendent

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

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 26 April 2021 11:30
To: Licensing
Subject: RE: Winton Castle & Potting Shed licencing forms

I have no objection to this variation.

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

01620827363

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

From: Licensing
Sent: 21 April 2021 14:17
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; secretary@pencaitland.org; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; licensing@nhslothian.scot.nhs.uk
Subject: FW: Winton Castle & Potting Shed licencing forms

Hi all

Please find attached Major Variation for Winton Castle & Potting Shed. Can I please have reports by 12th May, 2021.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 3rd May 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Winton Castle, Pencaitland

Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for, and as detailed in the application forms, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Co-op, 41 Links Road,
Port Seton.



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

5c

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

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

- 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)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL065

2(b) Name and Address of Premises Co-op, 41 Links Road

Port Seton, Prestonpans, East Lothian

Post Code EH32 0DZ

Tel. No. 0141 333 0636 (AGENT)

Email info@mshblicensing.com (AGENT)

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

Co-operative Group Food Limited

1 Angel Square

Manchester

Post Code M60 0AG

Tel. No. 0141 333 0636 (AGENT)

Email address info@mshblicensing.com (AGENT)

3. NATURE OF VARIATION

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

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

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

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

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

Amend the box underneath activities to read: Recorded background music may be played within and outwith core hours.

Amend the box at Q5(f) to read: The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

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

A copy 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)

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)

All our staff are currently working remotely due to the ongoing
lockdown restrictions, and therefore have extremely limited access
to any original documents.

5. FEE PAYABLE

Information on fees can be found at
https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 23rd March 2021

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

If agent, please provide details

Full name Eilidh McGuire

Address Hill Brown Licensing, The Forsyth Building, 5 Renfield Street

Glasgow

Post Code G2 5EZ

Tel. No. 0141 333 0636

Email address 0141 333 0636

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 2018

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

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued

OPERATING PLAN

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	N	N/A	N/A
Conference facilities	N	N	N
Restaurant facilities	N	N	N
Bar meals	N	N	N
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.	N	N	N
Club or other group meetings etc.	N	N	N
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)	Y	Y	Y
Live performances – see 5(g)	N	N	N
Dance facilities	N	N	N
Theatre	N	N	N

<i>Films</i>	N	N	N
<i>Gaming</i>	N	N	N
<i>Indoor/outdoor sports</i>	N	N	N
<i>Televised sport</i>	N	N	N
5(d) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	N	N	N
5(e) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>	N	N	N

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

RECORDED BACKGROUND MUSIC MAY BE PLAYED WITHIN AND OUTWITH CORE HOURS.

5(f) any other activities

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

THE SALE OF FOOD, NON-FOOD ITEMS AND OTHER HOUSEHOLD GOODS, AND THE PROVISION OF ANCILLARY CUSTOMER SERVICES WITHIN AND OUTWITH LICENSED HOURS. HOME DELIVERIES MAY BE PROVIDED TO CUSTOMERS. ALCOHOL WILL ONLY BE DELIVERED IN TERMS OF AND IN COMPLIANCE WITH THE RELEVANT PROVISIONS OF THE LICENSING (SCOTLAND) ACT 2005.

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?	N/A
---	-----

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	N/A
	*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

N/A

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

N/A

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

N/A

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

N/A

Question 7

CAPACITY OF PREMISES

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

OFFSALES – 42.765M2 M2

Question 8

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

Personal details

8(a) *Name*

GILLIAN CLARK

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
16 JUNE 2020	MIDLOTHIAN COUNCIL	MID1368

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 *Eilidh M. McGuire* * (see note below)

EILIDH MCGUIRE, Hill Brown Licensing, The Forsyth Building, 5 Renfield Street, Glasgow G2 5EZ

Date23RD MARCH 2021.....

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

Telephone number and email address of signatory0141 333 0636 / info@mshblicensing.com

*** Data Protection Act 1998**

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

21/04/2021

Your Ref: EL065

Our Ref: 406702/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
CO-OP
41 LINKS ROAD, PORT SETON, EAST LOTHIAN, EH32 0DZ.**

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 a change in the Operating Plan, namely;

*“The sale of food, non-food and other household items and the provision of ancillary customer services within and out with licensed hours.
Home deliveries may be provided to customers.
Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.”*

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

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

Winter, Maree

From: Fruzynski, Rudi
Sent: 27 May 2021 13:10
To: Winter, Maree
Subject: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186) - Major Variation

I have no objection to this Major Variation to add deliveries to the operating plan.

The applicant should ensure that records are kept in accordance with Section 119 of the Licensing (Scotland) Act 2005 and the relevant conditions of Section 32 of the Board's statement of licensing policy.

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

01620827363

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

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 19 May 2021 12:54
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; torquil.cramer@firescotland.gov.uk; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186)

Dear all,

Please find attached major variation for home deliveries for the Co-op, 32 Hopetoun Drive, Haddington. Could you please let me have any objections/representations you want to make by Friday 11th June.

Kind regards
Maree

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

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 23rd April 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Co-operative Food, 41 Links Road, Port Seton

Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for, and as detailed in the application forms, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

CO-OP - HAND.
32 HOPE TOWN DRIVE

PC KF EM
FIRE NHS
EMTS CC
SQ
NELYN BODD
19/5/21



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

5d

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

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

- 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)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0186

2(b) Name and Address of Premises Co-op, 32 Hopetoun Drive

Haddington, East Lothian

Post Code EH41 3AT Tel. No. 0141 336 0636 (AGENT)

Email info@mshblicensing.com (AGENT)

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

The Co-operative Group Food Limited

1 Angel Square

Manchester Post Code M60 0AG

Tel. No. 0141 336 0636 (AGENT) Email address info@mshblicensing.com (AGENT)

3. NATURE OF VARIATION

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

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

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

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

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

Amend the box at Q5(f) to read: The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

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

A copy 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.

[Empty box for providing details 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)

[Empty box for providing details of any other variation sought to the Premises Licence.]

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)

All of our staff are working remotely due to the ongoing public health restrictions, and as such
have extremely limited access to any original documents.

5. FEE PAYABLE

Information on fees can be found at
https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 18th May 2021

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

If agent, please provide details

Full name Eilidh McGuire

Address Hill Brown Licensing, The Forsyth Building, 5 Renfield Street

Glasgow

Post Code G2 5EZ

Tel. No. 0141 336 0636

Email address info@mshblicensing.com

Note 1

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

Note 2

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

Note 3

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

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

Note 4

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

Note 5: Data Protection Act 2018

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

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued

OPERATING PLAN

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

Question 4

SEASONAL VARIATIONS

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

**If YES -- provide details*

N/A

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	NO	NO	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	NO	NO	NO
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO

<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
5(d) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	NO	NO	NO
5(e) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>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.

Recorded background music may be played within and outwith core hours.

5(f) any other activities

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

The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

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?	N/A
---	-----

When fully occupied, are there likely to be more customers standing than seated?	N/A
*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	N/A
	*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

N/A

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

N/A

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

N/A

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

N/A

Question 7

CAPACITY OF PREMISES

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

OFFSALES – MAIN ALCOHOL DISPLAY AREA: 22.735M2

Question 8

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

Personal details

8(a) Name

DAVID MACLEOD

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
10 FEBRUARY 2011	SCOTTISH BORDERS COUNCIL	SB/LIQ/9708

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this operating plan are true to the best of my knowledge and belief.

Signature * (see note below)

Date

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.

Herkes, Gillian

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 24 May 2021 10:57
To: Licensing
Subject: RE: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186) [OFFICIAL]
Attachments: LIC38 Premises variation - no adverse comment CO-OP HADDINGTON.rtf

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 morning

No Police objections. Relevant letter attached.

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



From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 19 May 2021 12:54
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; 'Licensing@nhslothian.scot.nhs.uk'; torquil.cramer@firescotland.gov.uk; Environmental Health/Trading Standards; Environment Reception; Grant, Shona; [REDACTED]
Subject: FW: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186)

Dear all,

24/05/2021

Your Ref: EL0186

Our Ref: 411185/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
CO-OP HADDINGTON
32 HOPETOUN DRIVE, HADDINGTON, EAST LOTHIAN, EH41 3AT.**

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 the sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and out with licensed hours. Home deliveries may be provided to customers.

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

Winter, Maree

From: Fruzynski, Rudi
Sent: 27 May 2021 13:10
To: Winter, Maree
Subject: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186) - Major Variation

I have no objection to this Major Variation to add deliveries to the operating plan.

The applicant should ensure that records are kept in accordance with Section 119 of the Licensing (Scotland) Act 2005 and the relevant conditions of Section 32 of the Board's statement of licensing policy.

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

01620827363

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

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 19 May 2021 12:54
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; torquil.cramer@firescotland.gov.uk; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186)

Dear all,

Please find attached major variation for home deliveries for the Co-op, 32 Hopetoun Drive, Haddington. Could you please let me have any objections/representations you want to make by Friday 11th June.

Kind regards
Maree

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

EAST LOTHIAN COUNCIL

Internal Memorandum

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

Date: 28th May 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Co-Op, 32 Hopetoun Drive, Haddington

Application type: Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Herkes, Gillian

From: Douglas, Andrew
Sent: 20 May 2021 07:56
To: Licensing
Subject: FW: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186)
Attachments: Co-op Haddington - Major Var App (Home Deliveries).pdf; Operating Plan - Co-op Haddington.doc

I have no objections to the granting of this licence, subject to the standard conditions.

Andrew

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 19 May 2021 13:29
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186)

Karen Baikie | Business Support Administrator | Council Support | East Lothian Council | John Muir House | Brewery Park | Haddington | East Lothian EH41 3HA
Direct Dial 01620 828755, ext 6755 | kbaikie@eastlothian.gov.uk
www.eastlothian.gov.uk

* As a result of the coronavirus outbreak, I am working from home and therefore, only contactable via email at this time*

Thank you for your email. East Lothian Council is currently concentrating on maintaining essential services. This may mean a delay in responding if your enquiry is not considered urgent. Our website provides up-to-date information and guidance www.eastlothian.gov.uk
Thank you for your understanding.

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 19 May 2021 12:54
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; torquil.cramer@firescotland.gov.uk; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Co-op, 32 Hopetoun Drive, Haddington, East Lothian, EH41 3AT (Licence No. EL0186)

Dear all,

Please find attached major variation for home deliveries for the Co-op, 32 Hopetoun Drive, Haddington. Could you please let me have any objections/representations you want to make by Friday 11th June.

Kind regards
Maree

PC
RF
CW
TS
S.G
FIRE
CC

EAST LOTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

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

5e

- 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)

East Lothian Council
Licensing

22 APR 2021

Received

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0246

2(b) Name and Address of Premises

[Redacted box for name and address]

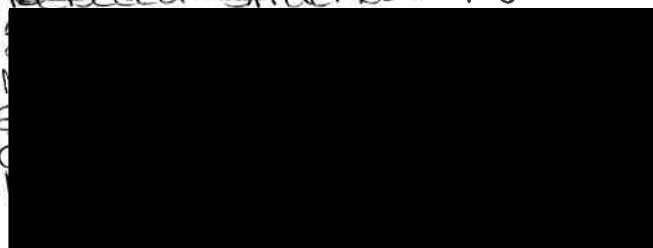
Macmerry Miners Welfare & Social Club
13a Main Road
Macmerry
EH33 1PB
01875 610 381
macmerryminerswelfare@gmail.com

Post Code | Phone No.

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

[Redacted box for name and address]

Rebecca Strachan AS ABOVE



Post Code | 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

Allow sale of alcohol outdoors within our grounds. (2(1))
Local conditions - no. 10
Could this be amended to 'a committee member' rather than 'personal licence holder'. Our personal licence holder is a committee member and not a paid member of staff. This would be a big commitment to volunteer at every private function.
All other conditions to remain the same.

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)

1) Change to restaurant and bar meals. (@5a) This may be something we hope to provide to the community in the future due to COVID restrictions which may be ongoing.
Change outdoor drinking facilities (@5d)
All other information to remain the same.

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.

We are requesting an outdoors alcohol licence for the consumption of alcohol within the area (highlighted in green) on the layout plan. This grass area is within our fenced/walled boundary and can be closed to the general public access by our 2 gates. We would provide tables with benches for patrons.

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)

NO changes other than to receive an outdoors alcohol licence. We would request the hours for the consumption of alcohol outdoors to be 12pm - 9pm Monday - Sunday.

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is **NO**, please provide an explanation.

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

The licence has not yet been issued by the Board

The licence has already been returned to the Board in respect of an earlier application for variation or transfer

Other (provide details)

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£200**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£220** (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

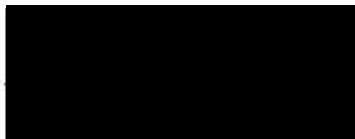
Application for Variation followed by Application for Transfer of Premises Licence

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

19/4/21

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

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

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

East Lothian Licensing Board Phone: 01620 827217 / 827867 / 820114

Licensing Office

Fax: 01620 827253

John Muir House

Email: licensing@eastlothian.gov.uk

Haddington, East Lothian

EH41 3HA

FOR OFFICE USE ONLY

Received & Receipt No. System Updated Licence Issued

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Maomery Miners Welfare & Social Club 13a Main Road Maomery EH33 1PB
--

Question 1

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

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

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	12 Midnight
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>		12 Midnight

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11.00	22.00
Tuesday	11.00	22.00
Wednesday	11.00	22.00
Thursday	11.00	22.00
Friday	11.00	22.00
Saturday	11.00	22.00
Sunday	12.30	22.00

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES NO*
---	--------------------

*If YES – provide details

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours - please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	Yes	Yes	Yes
Restaurant facilities	Yes	Yes	Yes
Bar meals	Yes	Yes	Yes
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	Yes	Yes	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	Yes	Yes	Yes
Theatre	Yes	Yes	Yes
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 hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	Yes	Yes	NO
5(e) Activity	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
Adult entertainment	NO	NO	NO

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

Same as current operating plan.

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.

Same as current operating plan

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO* N/A
---	----------------

When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
--	---------

*Delete as appropriate	N/A
------------------------	-----

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/ NO *
	<i>*Delete as appropriate</i>	

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

Same as current operating plan .

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

Children of all ages .

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

Children are allowed on the premises at all times when adhering to our policy .

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

All public areas

Question 7

CAPACITY OF PREMISES

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

On Sales - 250

Question 8

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

Personal details

8(a) Name

Rebecca Strachan

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted contact address]

8(d) Email address and telephone number

[Redacted email address and telephone number]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
30 October 2020	East Lothian Licensing Board	EL1693

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 . [Redacted] * (see note below)

Date ... 19.14.21

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

Telephone number and email address of signatory .. [Redacted]

*** 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.

<p>Business Profile Please describe your business offering.</p> <p>Marmery Miners runs as a social club and Charitable Society. We aim to provide space and facilities to the local community to meet various needs. Many groups and organisations use our building and a number of fundraising events are also held here. We also have subcommittees who run social activities and recreation. We have a bar which serves alcohol and other drinks. We also have a kitchen area with the potential to serve meals and bar snacks (as has been done in the past.) The club is run by a committee and we also have paid staff who work in the bar and community volunteers who help with various aspects of the running and upkeep of the building.</p> <p>(extend this box if you require additional space)</p>	
<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) Alcohol will be available in our bar and lounge area. During private functions the bar in the hall will also be in use.</p> <p>b) N/A</p>

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

(extend the boxes below if you require additional space)

To what extent do you intend to use any of the following: Accommodation; Conference

Facilities; Restaurant Facilities; Bar Meals:

Our main hall, lounge and cafe are used by various local groups and businesses e.g. fitness classes, over 50's club, line dancers. The community can also hire these areas for private functions and parties. We have a kitchen which is only used for food preparation for funerals and by individuals to store food for parties. We prepare a Christmas meal for senior citizens too. The committee would like to serve food/meals/smacks in the future as we continue to apply for funding to make improvements to the building and facilities. We feel this is something the village lacks.

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:

Individuals can hire our spaces for all types of social functions. The committee also host various fundraising events and entertainment (e.g. bands). The local gals committee have various childrens discos and fundraising nights for adults too. All social events are usually at weekends, some during the day and some in the evenings. Our hall holds 120 people, lounge 60.

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:

We have a juke box and many of our groups/classes also use recorded music. Parties/discos/fundraisers usually include singers, bands or DJ's providing music. In the bar we have a 'fruit machine and pool table. The local pool league and domino league use our facilities. Fitness classes and dancing are held in our main hall for various ages. TV's in the lounge and bar show live sports games. Most music would be at weekends.

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 would like to serve alcohol at tables with benches in our outside garden at the front of the building. This area is fully enclosed by fences/walls with access

through 2 gates. One on the main road side and one towards the carpark. We would request permission to use this area between the hours of 11am and 9pm Monday - Sunday.

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

N/A

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

Various groups within the community use our facilities; Gala fund raising, over 50's club, line dancers, country dancers, fitness classes, Accordion club, community cafe, local elections (ELC), Domino / pool league, history club. We also provide space / facilities for various parties and social events. The committee also provide entertainment eg singers / bands.

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:

Other events may occur dependent on community needs.

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.

Children & young people are allowed access when under the supervision of parents or a responsible adult (eg dance class teacher or party children). Children also attend our community cafe with parents on a Friday.

We have baby changing facilities located in our disabled toilet. (changing bed, bin, extra nappies/wipes).

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:

CCTV is in operation throughout the building and in the carpark. Challenge 25 checks are made and outcomes recorded where necessary. Security is booked (SIA) for 18th and 21st birthday parties and a guest list is submitted by the hosts. We have a drugs policy put in place. A committee member is present at private functions. We have a visitors sign in book. Incidents are recorded.

Securing Public Safety:

Regular fire safety checks are made by CHRS. We have first aid facilities in various locations and a first aider on the premises at functions. CCTV is installed. We have various policies in place that staff are aware of. We inform the police in advanced of bookings for 18th / 21st birthday parties and hire SIA staff.

Preventing Public Nuisance:

Visitors are required to sign in. Use of CCTV. Staff have appropriate training in managing conflict. Staff ensure customers have left the grounds in a safe and controlled way. They will phone taxis for those in need. Recycling bins and general waste bins are located in the carpark. Our garden and carpark area are enclosed, no customers should be out on the street.

Protecting and Improving Public Health:

Appropriate signage is on show regarding alcohol consumption. We provide non-alcoholic drinks and soft drinks. Dried snacks are available. We do not use drink promotions.

Protecting Children and Young Persons From Harm:

Children should always be accompanied by an adult while on the premises. Children should leave the bar and lounge area by 9pm. They are only permitted to

Stay after this time when at a private function.
Challenge 25 checks are made and records kept.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

Due to COVID19 restrictions and health and safety measures we feel it would be safer to encourage customers to be outdoors as much as possible and spread them across a larger area to support social distancing. The growing community and lack of cafes/restaurants has encouraged the committee to utilise our kitchen area and bar to allow us to serve meals in the near future.

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

Macmerry Miners club is the hub of the community and is used for the majority of community activities. The village hall is currently closed so this space is no longer available. We would like to encourage the use of our facilities, especially with the housing construction which will increase community numbers. We have a lovely, well kept garden area which we feel is wasted. Allowing customers to socialise outside may encourage others to see what we have to offer.

SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature



Date

19/4/21

10/05/2021

Your Ref: EL0246

Our Ref: 407938/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
MACMERRY MINERS WELFARE & SOCIAL CLUB TRANENT
MACMERRY MINERS WELFARE, MAIN ROAD, MACMERRY, EAST LOTHIAN,
EH33 1PB.**

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

The variation requested consists of

- The addition of outdoor seating to the North of the premises.
- The addition of restaurant and bar meals.
- A request not to have a personal license holder at private events.

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

In terms of Section 22(1)(a) of the same Act, I make the following objections-

Historically this premises has been the subject of considerable Police intervention in regards to Anti-Social behaviour and incidents of violence. The premises was issued a written warning from the board on 24/05/2018.

OFFICIAL

- The area defined in the plan provided highlights an extensive area to the North of the premises. This area is bound by a low fence and beyond this is the main footpath and roadway through the village. Directly opposite and to the East and West of this area there are residential properties.

In the application the seating area has not been defined in terms of numbers of tables or patrons.

Whilst it is appreciated that residential premises can reasonably expect some degree of noise from traffic and day to day life in the village, the associated noise and potential for anti-social behaviour within a large area such as this where patrons are consuming alcohol outdoors cannot be discounted.

- The application states that the premises can currently hold a total of 180 patrons. This is a significant amount of customers and would require resource intensive stewarding to a very high standard. To add an as yet to be defined additional number of patrons outdoors would be a further commitment in regards to the supervision of patrons and it is unknown as to whether or not current committee members and staff would be able to cope adequately with the increase in numbers.

In light of the above, the request to have conditions changed to not having a personal license holder present when a private function is ongoing is not acceptable. The premises has a significant history of anti-social behaviour mainly in relation to 18th and 21st birthday parties and has conditions placed on it as follows;

*Conditions attached at the Licensing Board Hearing on 22/02/2018 CCTV to be installed in and outside the premises to the satisfaction of the Police (implemented within 3 months). SIA stewards at all 18th & 21st parties (with effect from 9th March 2018). Written policies in relation dispersal of premises, drug misuse and search policies (with effect from 9th March 2018). **Personal License Holder present at all private functions (with effect from 9th March 2018).***

Events such as these require professional leadership. The license holder is the person who must be present in order to ensure the running of events is carried out in a safe and controlled environment and ensure that all staff present are fully trained and entirely clear on what is expected of them.

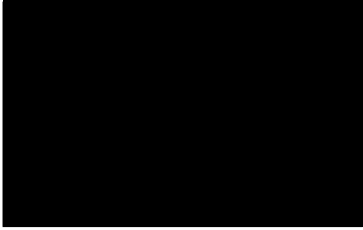
In reference to the above and in terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation to the outdoor seating area and the non-attendance of a Premises license holder at events should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder
- securing public safety
- preventing public nuisance

OFFICIAL

This objection is submitted for your attention in considering this application.

Yours faithfully



John McKenzie
Chief Superintendent

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

EAST LoTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: R. Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 25 May 2021

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION

MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB, 13 MAIN ROAD, MACMERRY, EAST LoTHIAN EH33 1PB

Macmerry Miners Welfare Social Club changed to an open licence in 2012. This means that no signing in procedures are required and that the premises must have a designated premises manager, who is the holder of a current Personal Licence.

The premises licence provides for both on and off consumption. The indoor capacity of the club is 250 persons.

This application requests the following additions to facilities and amendments to conditions:

1. To add an outdoor drinking area on the north side of the premises. Currently the area in question is laid out as a grass area bounded by some flower borders and a waist high metal fence. Access to the area is via two gates. No outdoor capacity has been shown for this area.
2. It is proposed that restaurant and bar meal facilities be included in the operating plan. In the past, food for functions was prepared off the premises and brought in for self-service style buffets.
3. A request is made to remove the condition in the existing licence requiring a Personal Licence Holder to be present at 18th and 21st birthday parties and all other private functions. It is stated that events and functions are run by a volunteer committee and that having a Personal Licence Holder on duty at all events is too onerous.

In relation to point 1 above, I have attached a photograph of the proposed area to assist Board members determine this request. Should this facility be granted, I would ask that the following conditions be attached:

- a The beer garden area must be supervised by staff on a regular basis and covered by CCTV maintained to a standard approved by Police Scotland.
- b There will be no vertical drinking facilities in the outside area. All patrons must be seated.
- c All drinks to be served in the beer garden to be in approved plastic containers.
- d There should be no amplified entertainment in the outside drinking area to prevent disturbance to any neighbouring residential properties.
- e The outdoor area must be closed by no later than 21.00 each day.

With regard to point 2 above, I have no objection to meal facilities being granted.

Point 3 is not supported by Licensing Standards. The condition was called for by Board members following two reviews in 2012 and again in 2018 that the club was not properly managing events and functions leading to frequent breaches of the licensing objectives of disturbance, nuisance and crime and disorder. The poor management of 18th and 21st birthday parties was a significant factor in these reviews. During consultation through the review process it became clear that the club allowed individuals and parties to book functions and relied on the organisers to maintain control. It was also apparent that bar staff were often reluctant to intervene when issues arose and as such the Board imposed conditions that SIA authorised door staff be employed for birthday parties, and to ensure that the management take responsibility for bookings, that the presence of a Personal Licence Holder was made a mandatory requirement for all private events and functions.

Since the imposition of these conditions there have been no complaints received by the LSO. Indeed the employment of Lynsey MacDonald as DPM, around the period of the last review, made a significant difference to the running of the premises until it closed under the temporary coronavirus lockdown in March 2020. I am aware that the DPM has recently changed to a club office bearer in order that it could re-open after 17th May 2021 when restrictions were lifted on inside opening, and allowing consumption of alcohol indoors.

This report is submitted for the information of Licensing Board members.

R. Fruzynski
Licensing Standards Officer

Photograph of the Garden at Macmerry Miners Welfare Social Club



copy.

Our Reference: KMacN/mjw/EN/L/MF

Date: 1st June 2021



MHH Partnership
2 & 5 Blackshill Farm
Moscow
Galston
KA4 8PP

Kirstie MacNeill
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

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Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(a)
NOTIFICATION OF REVIEW HEARING – NON PAYMENT OF ANNUAL FEE
MAITLANDFIELD HOUSE HOTEL, 24 SIDEGATE, HADDINGTON, EH41 4BZ**

The Licensing Board has requested a review of the Premises Licence noted above, The Clerk to the Licensing Board, has resolved to hold a review hearing, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, namely that one or more of the conditions to which the premises licence is subject has been breached. The Review Hearing will be heard at the next meeting of the Licensing Board to be held by teleconference on Thursday 24th June 2021.

You are entitled to attend the hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to me by email in advance of the hearing.

The Licensing Board has asked Mr Rudi Fruzynski, Licensing Standards Officer, to prepare a report into this matter for their consideration at the Hearing. Mr Fruzynski may contact you and any information you can give him will be taken into account when he prepares his report.

An agenda and details of the remote connect meeting will be sent to you in due course.

Yours sincerely

Kirstie MacNeill
Clerk to the Licensing Board

c.c. Stacey-Marie McWaters, Maitlandfield House Hotel, 24 Sidegate, Haddington, EH41 4BZ
Rudi Fruzynski, LSO, John Muir House, Haddington, EH41 3HA.

Direct Dial : 01620 827867 (Maree Winter)

E-mail : licensing@eastlothian.gov.uk

EAST LoTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 1st June 2021

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – NON PAYMENT OF ANNUAL FEES
MIATLANDFIELD HOUSE HOTEL, 24 SIDEGAIT, HADDINGTON, EAST
LoTHIAN EH41 4BZ

On 22nd April 2021, I received intimation in terms of Section 38(3)(a) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Premises Licence Review

PREMISES NAME

Maitlandfield House Hotel, 24 Sidegait, Haddington, East Lothian
EH41 4BZ

Licensing Board June 2021

Licensing Standards Officer's Report

In 2009 a Premises Licence was granted in respect of the above hotel. The Licence was transferred to MHH Partnership on 9th February 2017. The current Designated Premises Manager is Stacey McWaters.

On 1st August 2020 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2020. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 10th September 2020, the Clerk to the Board sent an additional letter of reminder to the premises address. This letter indicated that a system of staged payments could be arranged. No response was received.

On 5th October 2020, the Clerk to the Board sent a final reminder to the premises address. This letter again emphasised that should the premises have difficulty in paying, due to financial issues as a result of the restrictions imposed to combat the Covid pandemic, that contact should be made with the Licensing Office to arrange a payment schedule. It was also stated that if no such arrangements were made the Board would have no alternative but to call a review hearing.

Following the letter of October 2020, Sheila Fitzpatrick, Licensing Team Leader had a lengthy telephone discussion with Mr McWaters when it was pointed out there would not be a reduction in the annual fee. Mr McWaters eventually agreed to contact the licensing team to arrange payment (possibly in instalments). No further contact was received from either of the McWaters regarding payment.

On 10th December 2020 the Licensing Standards Officer called in at the Hotel and spoke with Stacey McWaters concerning payment of the annual fee. She indicated that business had been severely limited due to the pandemic restrictions and that finance was tight. She stated that the annual fee would be paid and was advised to contact the Licensing Office to confirm how to

make full payment or arrange a staged settlement. No such contact was received by the Licensing Office.

By the time of the Licensing Board meeting, on 22nd April 2021, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place at the next Board meeting unless payment was made beforehand.

On 29th April 2021 the Licensing Standards called at the premises and met with David and Stacey McWaters. Mr McWaters stated that the premises had paid the annual fee in respect of 2019-2020, but had only been able to open for 6 months due to the pandemic (see attached spreadsheet). He was of the opinion that he had only had 6 months out of the period and had been unable to trade for the rest of the period, and therefore not received the service capability out of the fee paid. He quoted Aberdeen City's approach to the situation which apparently was to reduce the annual fees charged for the following period.

By 1st June 2021, no payment had been received from the licensee.

Since the transfer of the Premises Licence in 2017 the annual fee has been paid on the following dates:

02/10/2017

01/10/2018

02/10/2019

Licensing Board's Powers On Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

R. Fruzynski

Licensing Standards Officer

Licensing year:

<u>2019</u>			<u>2020</u>								
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Open	Open	Open	Open	Open	Open	Closed	Closed	Closed	Closed	Closed	Closed
						No Alch	No Alch	No Alch	No Alch	No Alch	No Alch
			<u>2021</u>								
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Closed	Closed	Closed	Closed	Closed	Closed	Ph open	17th Due				
No Alch	No Alch	No Alch	No Alch	No Alch	No Alch	No Alch					
			<u>2022</u>								
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May				