



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

**THURSDAY 25 NOVEMBER 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, 28 October 2021 **(pages 1-6)**
- 2. Grant of a Provisional Premises Licence**
 - a. National Trust for Scotland, Newhailes Estate, Musselburgh **(pages 7-34)**
 - b. The Topsy Truffle, 59 High Street, Dunbar **(pages 35-58)**
- 3. Major Variation of a Premises Licence**
 - a. Hallhill Healthy Living Centre, Lochend Road, Dunbar **(pages 59-82)**
- 4. Transfer of a Premises Licence**
 - a. Shivedev Singh, The Scotsman, 179 North High Street, Fisherrow, Musselburgh **(pages 83-91)**

Carlo Grilli
Clerk of the Licensing Board
18 November 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**

**THURSDAY 28 OCTOBER 2021
ONLINE PLATFORM MEETING**

1

Board Members Present:

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

Depute Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Legal & Procurement

Attending:

Ms M Winter, Licensing Officer
Ms G Herkes, Licensing Officer
Mr R Fruzynski, Licensing Standards Officer
PC G Bairden, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

None

Declarations of Interest:

None

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.

The Convener began the meeting by paying tribute to Councillor Willie Innes, who had been a Member of the East Lothian Licensing Board and had passed away the previous weekend. He spoke of Councillor Innes' wit and wisdom, his guidance, and said he would be missed as a Member of the Licensing Board.

The Convener also noted his thanks for the work of Kirstie MacNeill, Clerk of the Licensing Board, who had recently retired.

1. MINUTES FOR APPROVAL
Licensing Board 26 August 2021

The minutes of the East Lothian Licensing Board meeting of 26 August 2021 were approved as a true record of the meeting.

2a. GRANT OF A PROVISIONAL PREMISES LICENCE
Monktonhall Service Station, Musselburgh Bypass, Musselburgh

The application sought a provisional premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO, or community council.

Mr Andrew Hunter, agent, was present to speak to the application, along with Mr Tamer Saoud of Motor Fuel Ltd.

Mr Hunter began his presentation by providing background information regarding Motor Fuel Ltd., who held a number of licences across the UK and also operated the service station at Dalrymple outside North Berwick. A national exercise to refurbish their Londis convenience stores was underway, and the Monktonhall Service Station was located in an area of new housing development. The store sought a licence to provide a relatively small offer of beers, wines, and spirits, and Mr Hunter noted that all due diligence relating to the sale of alcohol would be undertaken by the company as an experienced national operator. He made a submission as to why the site should not be considered an excluded premises in terms of Section 123(1) of the Licensing Scotland Act 2005, and referred to details contained within the Customer Profile Research Report submitted as supporting documentation. He highlighted information to confirm that the test for local reliance on the premises had been met, and pointed to a statistically significant proportion of persons shown to be materially disadvantaged in terms of convenience should the retail facilities for groceries or fuel no longer be provided by the premises. Mr Hunter provided a summary of the research methodology and highlighted answers to open-ended questions and reasons provided for customers being reliant on the premises. Mr Hunter also advised that the layout plan had changed, and therefore the display capacity of alcohol had reduced from 14.43sqm to 13.4sqm.

Mr Hunter responded to questions from Members, and provided further clarification regarding the legislative test being met and evidence provided within the market research report. He also confirmed that the alcohol display would remain in the same place as shown in the submitted plan, and advised that the total shelving had been moderately reduced.

PC Graeme Bairden advised that the initial police letter of representation had related to there being no supplementary information provided to evidence that the premises should not be regarded as an excluded premises, but was satisfied with the additional information provided. He advised that only two calls relating to shoplifting had been received by police in the previous 12 months, which demonstrated that the staff were being vigilant.

Rudi Fruzynski, Licensing Standards Officer (LSO), was happy with the presentation by Mr Hunter. He was also satisfied that mitigations in place, such as the positioning of the alcohol display and the CCTV provision, were appropriate.

The Convener called an adjournment to allow Board Members to discuss the application in private.

Upon their return, the Convener invited Board Members to give their decisions. Some Board Members raised concerns with the wording of the legislation, but all were comfortable that the submission had evidenced that the premises met the statutory exemption to excluded premises in terms of the legislation.

The Depute Clerk of the Board noted that a revised layout plan had not yet been provided to the Board. Members agreed that Mr Hunter could submit said plan in due course and this would be taken forward as a minor variation with delegated authority to the Clerk of the Licensing Board.

Decision

The Board unanimously granted the provisional premises licence.

2b. Musselburgh Service Station, 1 Edinburgh Road, Musselburgh

The application sought a provisional premises licence and had attracted no objections from the police, NHS, planning, the LSO, or community council. Five public objections had been received, which mainly related to antisocial behaviour and concerns regarding overprovision.

Mr Andrew Hunter, agent, was present to speak to the application, along with Mr Tamer Saoud of Motor Fuel Ltd.

Mr Hunter advised that the application was in similar terms to the previous application heard by the Board. He made a submission as to why this site should not be considered an excluded premises in terms of Section 123(1) of the Licensing Scotland Act 2005, and referred to details contained within the Customer Profile Research Report submitted as supporting documentation. He highlighted information to confirm that the test for local reliance on the premises had been met, and pointed to a statistically significant proportion of persons shown to be materially disadvantaged in terms of convenience should the retail facilities for groceries or fuel no longer be provided from the premises. Mr Hunter also advised that the layout plan had changed, and therefore the display capacity of alcohol had reduced from 13.57sqm to 12.54sqm. Mr Hunter then addressed the concerns of each of the public objections: he noted that the premises could not be the source of any alcohol-related littering or antisocial behaviour to date; highlighted that one objector raised concerns about antisocial behaviour, while another described the area as peaceful; he stated that any music within the premises would be played at a background level; and he also noted that there were no objections from other traders in terms of overprovision. Finally, he submitted that there was no evidential basis for the public concerns raised, and pointed to the lack of any police objection.

PC Graeme Bairden advised that his comments were similar to the previous application and was satisfied with the information provided by Mr Hunter. He noted six shoplifting incidents and two disturbances within the previous 12 months. He advised that youths gathered together in the area but that this was not directly attributable to the premises. He said that police would be able to deal with any issues on a case-by-case basis.

The LSO was satisfied that Mr Hunter had addressed the test in terms of the legislation. He noted that licensing objectives stated that availability would be considered within 800 yards of a premises, and advised that within this area there was situated an Aldi, Lidl, Iceland, and Home Bargains; it would be for the Board to determine whether this represented an overprovision. The LSO gave his support to the application.

Mr Hunter highlighted the small offer of alcohol from the Londis brand and the minimal likelihood of competing with surrounding retailers in terms of price due to the nature of the convenience offer.

The Convener then called a short adjournment to allow Members to discuss in private.

Upon their return, the Convener invited Board Members to give their decisions. All Members were minded to grant the provisional premises licence, and Councillor Bruce encouraged residents to bring any concerns to the Board going forward.

The Depute Clerk of the Board noted that a revised layout plan had not yet been provided to the Board. Members agreed that Mr Hunter could submit said plan in due course and this would be taken forward as a minor variation with delegated authority to the Clerk of the Licensing Board.

Decision

The Board unanimously granted the provisional premises licence.

Sederunt: Councillor Henderson left the meeting.

3. MAJOR VARIATION OF A PREMISES LICENCE Tantallon Golf Club, 32 Westgate, North Berwick

The application sought a major variation of the premises licence to provide off-sales. There were no objections from the police, NHS, planning, the public, the LSO, or community council.

Mr Andy Edwards, Club Secretary, was present to speak to the application. He advised that the clubhouse was accessible only to club members, of which there were 430 in total, as well as their guests. He advised that member cards were levied with money each year to spend on food and drink at the clubhouse to encourage socialisation with other members. With the closure of the clubhouse during the Covid-19 pandemic, it was proposed to give members the opportunity to spend the accumulated funds on cases of wine to be collected from the premises, hence the application to add off-sales. He provided information on the clubhouse's current operating hours, which were within Board policy, and said that hours may be reviewed coming into winter.

Mr Edwards answered questions from Members. He confirmed that the alcohol would be provided only on a collection basis, and would probably be restricted to two cases per member. Mr Edwards confirmed that full off-sales permission was sought rather than restricting the offer only to this scheme. Mr Edwards confirmed that members' guests could also purchase alcohol.

PC Bairden advised that Police Scotland held no objections to the plans and said the club caused no concerns.

The LSO was happy for the club to hold a generic off-sales licence, and commented that the premises was very well run.

The Convener invited all Members to give their decisions. Members commented on the premises being well run, and Councillors Bruce and McMillan encouraged the provision of locally-produced food and drink. All Members were minded to grant the major variation.

Decision

The Board unanimously granted the major variation of the premises licence to add off-sales.

4. Chief Constable's Report to the East Lothian Licensing Board, period 1 April 2020 – 31 March 2021

This report would be heard at the following meeting due to the presenter being called away on emergency police duties.

Decision

The East Lothian Licensing Board agreed to continue this item to the November meeting of the Board.

FESTIVE HOURS STATEMENT

The Depute Clerk of the Board read the festive hours statement on behalf of the East Lothian Licensing Board.

In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board had determined that it was appropriate to grant a general extension of licensed hours for the festive period. This extension would apply as follows:-

Christmas Eve - Friday 24 December 2021,
Christmas Day - Saturday 25 December 2021,
Boxing Day - Sunday 26 December 2021,
Hogmanay - Friday 31 December 2021 and
New Year's Day - Saturday 1 January 2022, (inclusive) and would allow an extension of the terminal hour for the sale of alcohol during that period until 2am.

This extension would only apply to on-sales and not to off-sales of alcohol.

There would be no general extensions outwith these days although any applications for extended hours outwith the general extension would be considered on a case-by-case basis. It should be noted that such applications require to be submitted no later than 2 December 2021.

There would be no need for licensees to apply for the general extension to 2am. On sales premises could utilise these hours to the extent they considered appropriate.

The Convener confirmed that this information would be communicated with licensees through the usual channels.

Signed

Councillor J McMillan
Convener of East Lothian Licensing Board

DRAFT



APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

2a

*Delete as appropriate

Question 1 – Name, address and postcode of premises to be licensed

Newhailes Estate, Mussleburgh

Question 2 – Particulars of applicant

2(a) Where applicant is an individual, provide full name, date & place of birth, 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.

The National Trust for Scotland Enterprises Ltd

Hermiston Quay, 5 Cutlins Road

Edinburgh, EH11 4DF

Company Registration Number - SC095585

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.*

Please see attached.

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

Question 3 – Previous applications

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

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

YES 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	DATE	COURT	OFFENCE	SENTENCE
None				

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES

Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5 – Description of premises

(where application is submitted by a members' club, please also complete question 6)

Cafe within grounds of Newhailes Estate set over two floors with an external courtyard and licensed lawn

in front of the Newhailes House.

Question 6 – To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?

YES NO

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

Signature Alison Smith - TLT Solicitors * (see note below)

Date 07.09.21

APPLICANT / AGENT (delete as appropriate)

Telephone number and email address of signatory 0333 006 1297

Alison.Smith@TLTsolicitors.com

I have enclosed the relevant documents with this application – please tick the relevant boxes

- Operating plan
- Layout plan (highlighting the area where alcohol is sold/consumed)
- Planning certificate
- Building standards certificate
- Food hygiene certificate

*** Data Protection Act 2018**

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

For use by the Licensing Board only 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)	

For use by the Licensing Board only If application is for a Premises Licence – Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

OPERATING PLAN – Newhailes

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>YES</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>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>	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	12MN

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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
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**If YES – provide details*

Extra hours to be added to the terminal hour as per Board guidelines.
Any additional hours granted by the Board for special occasions from time to time.

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>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
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) <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>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	YES	YES	YES

<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	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
<i>Outdoor drinking facilities</i>	YES	YES	YES
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
<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.

Activities listed above may take place prior to core hours but no alcohol will be sold outwith core hours.

Activities will not continue after core hours unless extended hours are in 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 premise will operate as an attraction and private hire event space with catering provision. Weddings, receptions and other celebrations will take place. Private, corporate, community and charity events may include fundraising (raffles, auctions and the like). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches.

Ceremonies, meetings, conferences and presentations may take place from time to time.

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
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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	YES
	*Delete as appropriate	

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

Children and young persons will be permitted access at management discretion

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

0-17 years.

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

All times.

6(e) Provide statement regarding the **PARTS** of the premises to which children and

young persons will be allowed entry

All public parts

Question 7

CAPACITY OF PREMISES

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

On sale:

550

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*

--

8(e) Personal licence

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature Alison Smith – TLT Solicitors..... * (see note below)

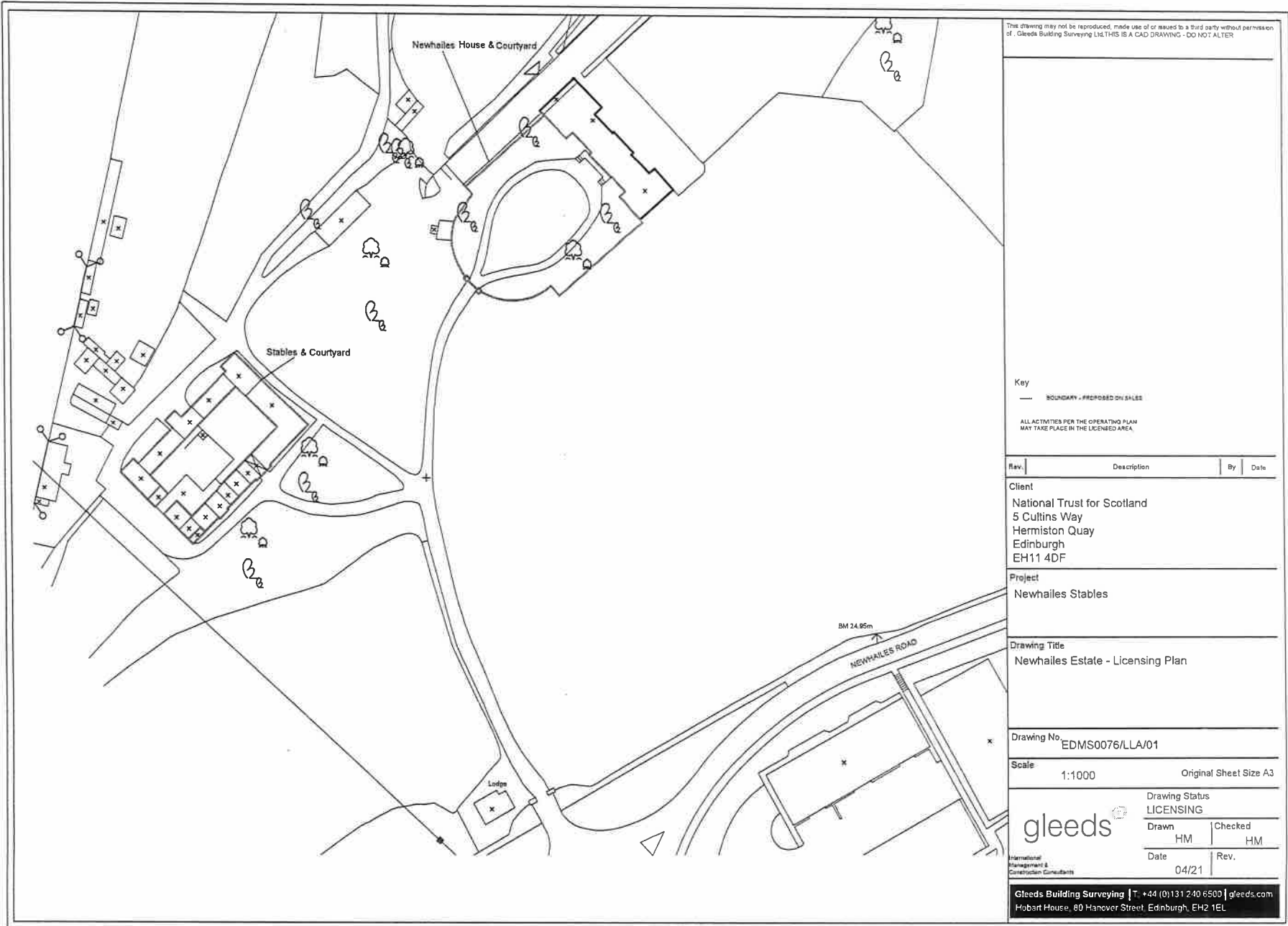
Date 22.07.21

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

Telephone number and email address of signatory 0333 006 1297 Alison.Smith@TLTsolicitors.com

*** Data Protection Act 1998**

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Key
 — BOUNDARY - PROPOSED ON SALES

ALL ACTIVITIES PER THE OPERATING PLAN MAY TAKE PLACE IN THE LICENSED AREA

Rev.	Description	By	Date
------	-------------	----	------

Client
 National Trust for Scotland
 5 Cultins Way
 Hermiston Quay
 Edinburgh
 EH11 4DF

Project
 Newhailes Stables

Drawing Title
 Newhailes Estate - Licensing Plan

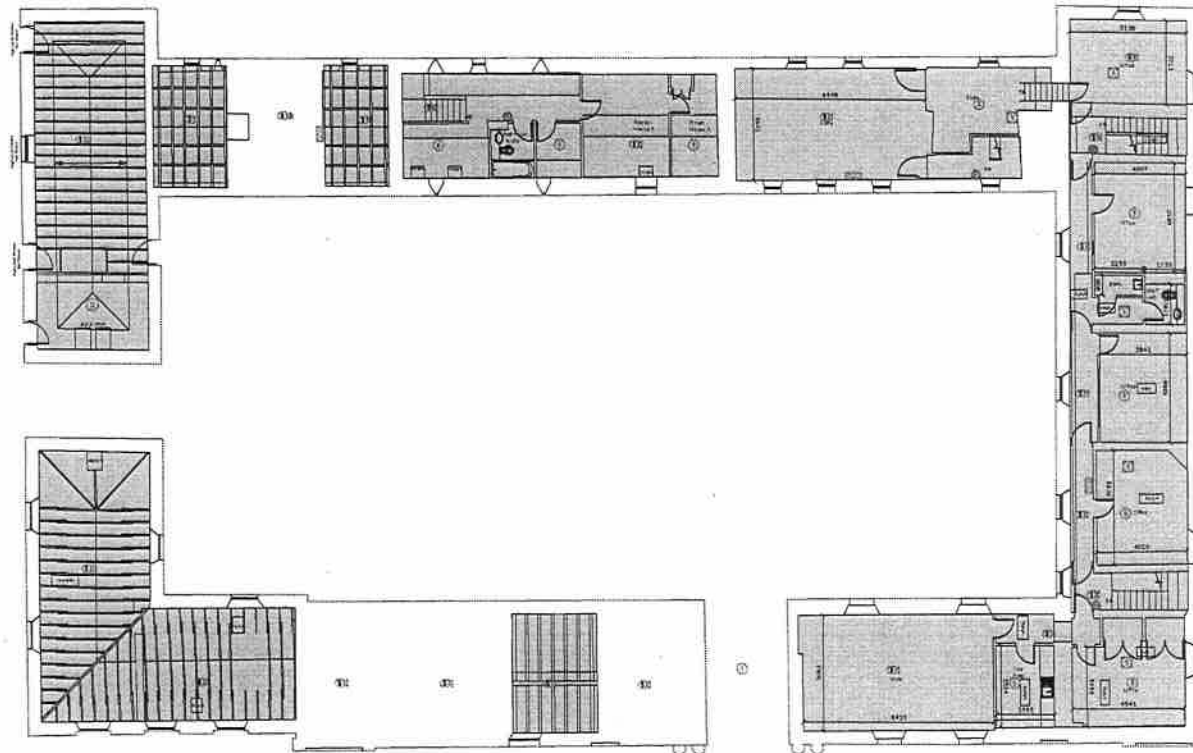
Drawing No. EDMS0076/LLA/01

Scale 1:1000 Original Sheet Size A3

Drawing Status LICENSING	
Drawn HM	Checked HM
Date 04/21	Rev.

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Key

- ① SMOKE DETECTOR
 - ② SMOKE DETECTOR IN VOID
 - ③ FIXED HEAT DETECTOR
 - ④ HEAT DETECTOR IN VOID
 - ⑤ COMBINED SMOKE DETECTOR & SOUNDER
 - ⑥ COMBINED HEAT DETECTOR & SOUNDER
 - ⑦ COMBINED SMOKE DETECTOR, SOUNDER & REASON
 - ⑧ COMBINED HEAT DETECTOR, SOUNDER & REASON
 - ⑨ BREAK GLASS CALL POINT
 - BUILDING BOUNDARY - PROPOSED ON SALES
 - NON-PUBLIC AREAS
- ALL ACTIVITIES PER THE OPERATING PLAN MAY TAKE PLACE IN THE LICENCED AREA.

Rev.	Description	By	Date
------	-------------	----	------

Client
 National Trust for Scotland
 5 Cultins Way
 Hermiston Quay
 Edinburgh
 EH11 4DF

Project
 Newhailes Stables

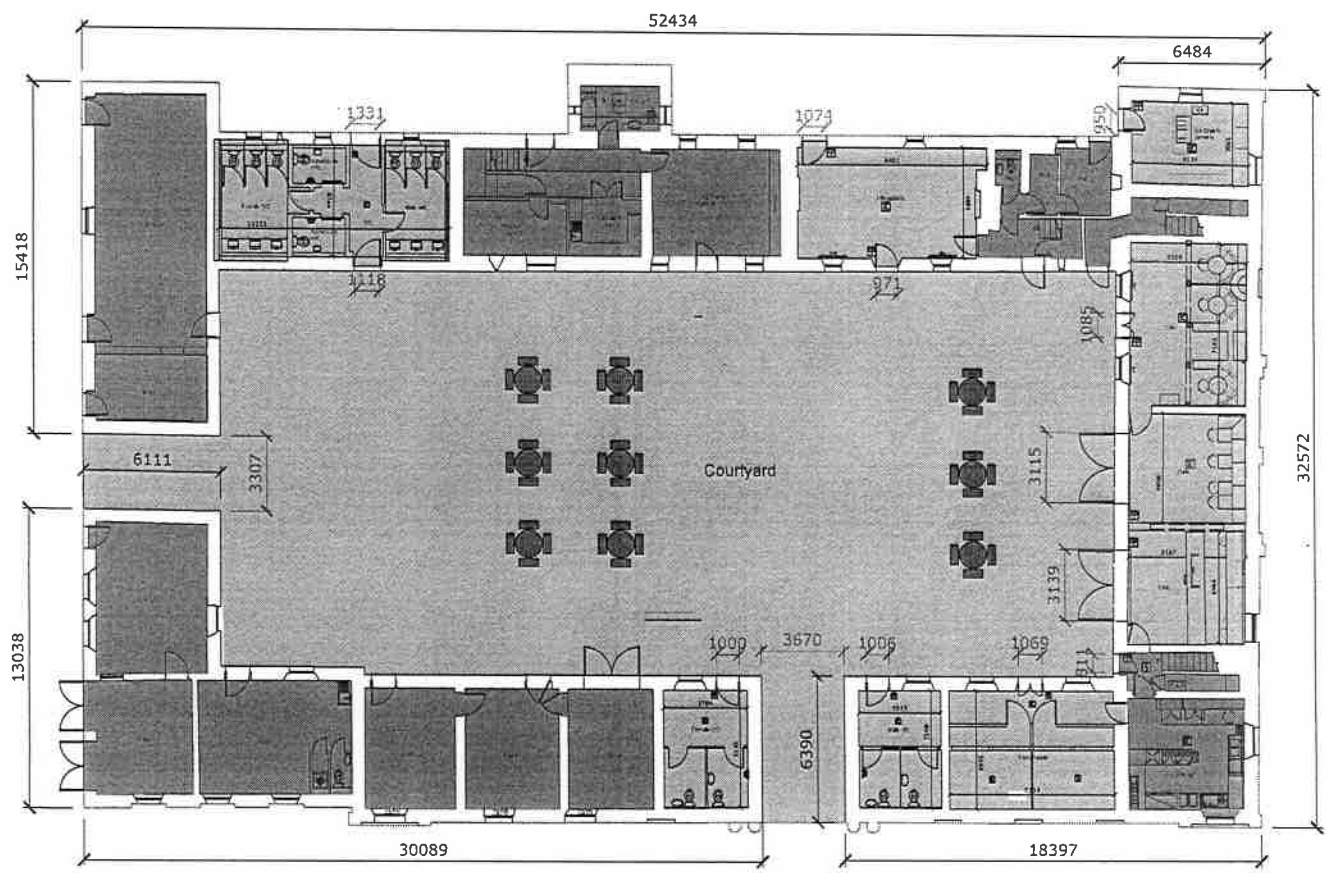
Drawing Title
 Newhailes Stables - Licensing Plan - First Floor

Drawing No.
 EDMS0076/LLA/03

Scale
 1:200 Original Sheet Size A3

		Drawing Status	
		LICENSING	
Drawn	Checked	HM	HM
Date	Rev.	04/21	

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WC PROVISION
 TOTAL MAX. OCCUPANCY FOR CAFE, ADMISSIONS & ICE CREAM SERVICE 111
 CURRENT WC PROVISION - 8X MALE WCL,
 5X FEMALE WCL,
 2X UNSEX ACCESSIBLE WCL.
 MAX. OCCUPANTS EXISTING PROVISION CAN CATER FOR - 400 MALE
 150 FEMALE
 Note: This excludes the unsex accessible WCL.

- Key**
- [S] WIRELESS SMOKER DETECTOR
 - [K] WIRELESS HEAT DETECTOR WITH SOUNDER AND STROKE
 - [K] WIRELESS HEAT DETECTOR
 - [M] WIRELESS MANUAL BREAK GLASS CALL POINT
 - [FAP] WIRELESS FIRE ALARM PANEL
 - [PA] PUBLIC AREAS - CHILDREN & YOUNG PERSONS ACCESS
 - [GFB] GROUND FLOOR BUILDING BOUNDARY - PROPOSED ON SALES
 - [NPA] NON-PUBLIC AREAS
 - [E] EXIT WIDTH
- ALL ACTIVITIES PER THE OPERATING PLAN MAY TAKE PLACE IN THE LICENSED AREA.

Rev.	Description	By	Date

Client
 National Trust for Scotland
 5 Cultins Way
 Hermiston Quay
 Edinburgh
 EH11 4DF

Project
 Newhailes Stables

Drawing Title
 Newhailes Stables - Licensing Plan - Ground Floor

Drawing No.
 EDMS0076/LLA/02

Scale
 1:200 Original Sheet Size A3

Drawing Status	
LICENSING	
Drawn	Checked
HM	HM
Date	Rev.
04/21	

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 Hobart House, 80 Hanover Street, Edinburgh, EH2 1EL



**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:	The National Trust for Scotland Enterprises Ltd
NAME AND ADDRESS OF PREMISES:	Newhailes Estate, Musselburgh

SECTION 50 PLANNING CERTIFICATE

- I confirm that planning permission (ref:.....) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.
- I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

- I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.
- I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:		Date:	3 rd August 2021
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**Keith Dingwall
Service Manager, Planning**

SCHEDULE

Regulation 2

SCHEDULE 6

Regulation 7

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 level access to the GF of the premises but due to the historic nature of the building there are no lifts and thus no access for those with mobility issues beyond the GF.
- GF is fully accessible and has an accessible WC

Question 3

Facilities available

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

- A uni-sex wheelchair access WC, designed to meet the requirements of section 3.12.8 of the Building Standards, is located with other sanitary facilities on the ground floor.

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 welcome
- large print menus can be made available and/or staff can assist with reading

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 ...Alison Smith – TLT Solicitors.....* (See note below)

Date07.09.21.....

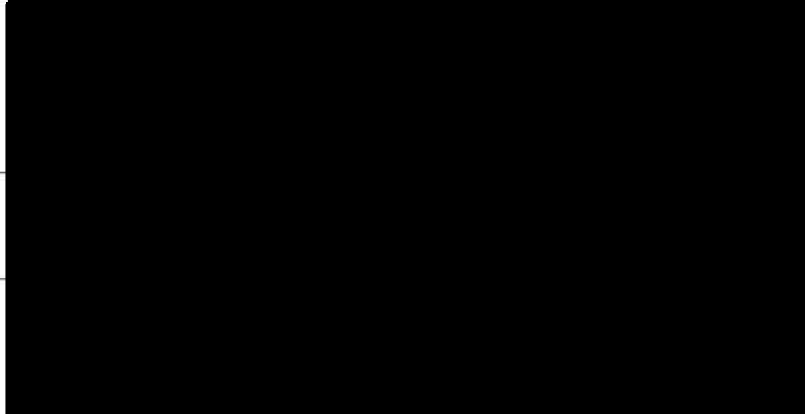
Capacity AGENT

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.

Name	Address	Place of Birth	DoB
Mr Mark Bishop			
Mrs Katerina Brown			
Mr Philip Long			

No convictions



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>Newhailes is a stunning estate, complete with a Palladian mansion, woodland walks and our recently renovated Stables Café, that has something for all the family to enjoy.</p> <p>The customer café within grounds of Newhailes Estate, set over two floors with an external courtyard and licensed lawn in front of Newhailes House.</p> <p>The café focuses on meals, snacks, teas and coffees for guests with ancillary alcohol.</p> <p>The café will also provide occasional catering for events on the Estate.</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) Licensed café with external areas.</p> <p>b) None</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;

Other than accommodation (there is none), we intend to use all of these facilities as and when required as per customer demand. There will be a seasonal element to the business.

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:

We intend to use all of these facilities as and when required as per customer demand. There will be a seasonal element to the business.

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:

With the exception of background music in the café the other activities will be infrequent and we intend to use all of these facilities as and when required as per customer demand.

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 intend to use all of these facilities as and when required (weather permitting) as per customer demand. The licensed lawn benefits from a PEL and may host occasional events.

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:

Activities listed above may take place prior to core hours but no alcohol will be sold outwith core hours. This will be prior to commencement for breakfasts, teas and coffees etc. Activities will not continue after core hours unless extended hours are in place.

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 premise will operate as an attraction and private hire event space with catering provision. Weddings, receptions and other celebrations will take place. Private, corporate, community and charity events may include fundraising (raffles, auctions and the like). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches. Ceremonies, meetings, conferences and presentations may take place from time to time.

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.

0-17 to be permitted at all times to all public areas (at management discretion) fully accessible baby change for parent to use is located on site.

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

(extend the boxes below if you require additional space)

<p>Preventing Crime and Disorder:</p> <p>This National Trust Property is located within large private grounds. Alcohol service is strictly controlled and very much ancillary to the use as a visitor attraction and café.</p>
<p>Securing Public Safety:</p> <p>Fully professional risk assessments in place along with accident and incident books which are available for inspection upon request</p>
<p>Preventing Public Nuisance:</p> <p>This National Trust Property is located within large private grounds and not immediate overlooked or abutted by neighbours. The potential for nuisance is very low.</p>
<p>Protecting and Improving Public Health:</p> <p>Alcohol is a small part of the offer. The grounds provide a family friendly environment to explore and the house presents significant cultural and historical importance.</p>
<p>Protecting Children and Young Persons From Harm:</p> <p>Challenge 25 is in place and fully training on Protecting Children and Young Persons From Harm is delivered.</p>

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

The National Trust champions a variety of creative events, including art workshops, open-air theatre and a monthly farmers' market.

The breathtaking grounds cater for tourist and locals and are home to an array of wildlife.

This family centric attraction includes a playpark (for ages 3–12) .

And after enjoying all that Newhailes House and Estate has to offer, the recently renovated Stables Café is an ideal place for a light meal or refreshment.

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

This premises is a jewel in the East Lothian Tourism Crown a 5 start visitor attraction.

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

Herkes, Gillian

From: Graeme Bairden <Graeme.Bairden@scotland.pnn.police.uk>
Sent: 27 October 2021 07:31
To: Licensing
Subject: CORE-DMS - DOCUMENT - #1019603
Attachments: PROV PREM LIC GRANT APP - OCT 2021.PDF

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

PROV PREM LIC GRANT APP - NEWHAILES HOUSE / ESTATE - MUSSELBURGH

No Police objections.

Graeme Bairden
Constable 4269 J
Licensing officer
Police Scotland - J Division- East Lothian

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: Rudi Fruzynski
Licensing Standards Officer

To: Carlo Grilli
Clerk to the Licensing Board

Date: 10 Nov. 2021

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

Newhailes House, Courtyard and lawn, Newhailes Estate, Musselburgh, East Lothian EH21 6RY

I refer to the above subject and can confirm that the applicant has fully liaised with the LSO who visited the premises on 10th November 2021 in relation to this application.

Licensing Standards has no objection to this application.

In recent months, a number of traders have sold alcohol to the public by way of occasional licences in respect of off-sales at open market stalls held in the courtyard without issue.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 1st November 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Newhailes Estate, Musselburgh

Application type: Provisional premises licence

There are no objections to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.

ELO 385



East Lothian Council
Licensing

7 OCT 2021

Received

PC
RF
AL
FRG
SW
XG141
T-S
NH!

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

LICENSING (SCOTLAND) ACT 2005, SECTION 20

2b

*Delete as appropriate

Question 1 - Name, address and postcode of premises to be licensed

'THE TIPSY TRUFFLE', 59 HIGH STREET, DUNBAR,
EAST LoTHIAN EH42 1EW

Question 2 - Particulars of applicant

2(a) Where applicant is an individual, provide full name, date & place of birth, home address including postcode, telephone number & email address.

JULIE WATT, [REDACTED]

[REDACTED]

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.

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.*

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

Question 3 – Previous applications

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

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

YES 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	DATE	COURT	OFFENCE	SENTENCE

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES

Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5 – Description of premises

(where application is submitted by a members' club, please also complete question 6)

Ground floor retail unit selling mainly chocolate
and gifts with small areas for liqueurs and speciality
alcohol. Staff and storage areas to rear. (see plan).

Question 6 – To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?

YES NO

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

Signature  _____ * (see note below)

Date 07/10/21 _____

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

Telephone number and email address of signatory TEL: 


I have enclosed the relevant documents with this application – please tick the relevant boxes

- Operating plan
- Layout plan (highlighting the area where alcohol is sold/consumed)
- Planning certificate
- Building standards certificate
- Food hygiene certificate

(PREMISES UNDER CONSTRUCTION)

*** Data Protection Act 2018**

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

For use by the Licensing Board only 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)	

For use by the Licensing Board only If application is for a Premises Licence – Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

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

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

Name and Address of Premises 'THE TIPSY TRUFFLE'

59 HIGH STREET, DUNBAR, EAST LOTHIAN

Post Code EH42 1EW

- 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

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

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	N/A	
Tuesday	N/A	
Wednesday	N/A	
Thursday	N/A	
Friday	N/A	
Saturday	N/A	
Sunday	N/A	

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10 AM	6 PM
Tuesday	10 AM	6 PM
Wednesday	10 AM	6 PM
Thursday	10 AM	6 PM
Friday	10 AM	6 PM
Saturday	10 AM	6 PM
Sunday	12.30 PM	5 PM.

Herkes, Gillian

From: Winter, Maree
Sent: 10 November 2021 09:58
To: Herkes, Gillian
Subject: FW: The Tippy Truffle, 59 High St Dunbar, Licence

Hi Gillian,

Can you run this off for me please and put in with the board papers.

Maree.

From: Julie Watt [REDACTED]
Sent: 10 November 2021 09:57
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: The Tippy Truffle, 59 High St Dunbar, Licence

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.

Hi Maree

Further to our conversation this morning, I'd be grateful if you could add these points to my application.

1. I would like to set up a website with an Internet shop to include some of the speciality alcohol sold in shop.
2. In the future I would like to offer local deliveries of chocolate and alcohol (eg hampers).
3. Occasionally offer late night shopping nights (eg Christmas) until 7 30pm.

Many thanks
Julie Watt

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

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

ACTIVITY	ACTIVITY PROVIDED? YES / NO	To be provided during core licenced hours. Please confirm YES / NO	Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO
----------	--------------------------------	---	--

5a. Accommodation	NO	N/A	N/A
Conference facilities	NO	N/A	N/A
Restaurant facilities	NO	N/A	N/A
Bar meals	NO	N/A	N/A

Social functions including:

5b. Weddings, funerals, birthdays, retirements etc.	NO	N/A	N/A
Club or other group meetings etc.	NO	N/A	N/A

Entertainment, including:

5c. Recorded music – see 5(g)	NO	N/A	N/A
Live performances – see 5(g)	NO	N/A	N/A
Dance facilities	NO	N/A	N/A
Theatre	NO	N/A	N/A
Films	NO	N/A	N/A
Gaming	NO	N/A	N/A
Indoor/outdoor sports	NO	N/A	N/A
Televised sport	NO	N/A	N/A

5d. Outdoor drinking facilities	NO	N/A	N/A
--	----	-----	-----

5e. Adult Entertainment	NO	N/A	N/A
--------------------------------	----	-----	-----

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

[Empty rectangular box for providing further details]

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

I WILL BE SELLING ARTISAN CHOCOLATE AND GIFTS IN A RETAIL UNIT ON DUNBAR HIGH STREET. TO COMPLEMENT THIS I WISH TO SELL CHOCOLATE LIQUEURS AND OTHER SMALL-BATCH, ARTISAN ALCOHOLIC BEVERAGES. SOLELY FOR CONSUMPTION OFF PREMISES.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

YES NO

When fully occupied, are there likely to be more customers standing than seated?

YES NO

6. ON-SALES ONLY – CHILDREN AND YOUNG PERSONS

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry? YES NO

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

7. CAPACITY OF PREMISES

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

SMALL RETAIL UNIT ~ 15-20 PERSONS MAX
2 m²

8. PREMISES MANAGER

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

Full Name _____

Date of birth _____

Contact address _____

_____ Post Code _____

Tel. No. _____ Email address _____

Personal licence

Date of issue _____

Name of Licensing Board issuing _____

Reference no. of personal licence _____

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

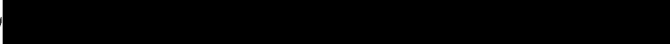
If signing on behalf of the applicant please state in what capacity.

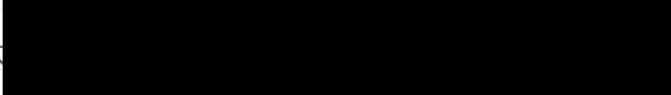
The contents of this operating plan are true to the best of my knowledge and belief

Signature  _____ (* see note below)

Date 6/10/21 _____

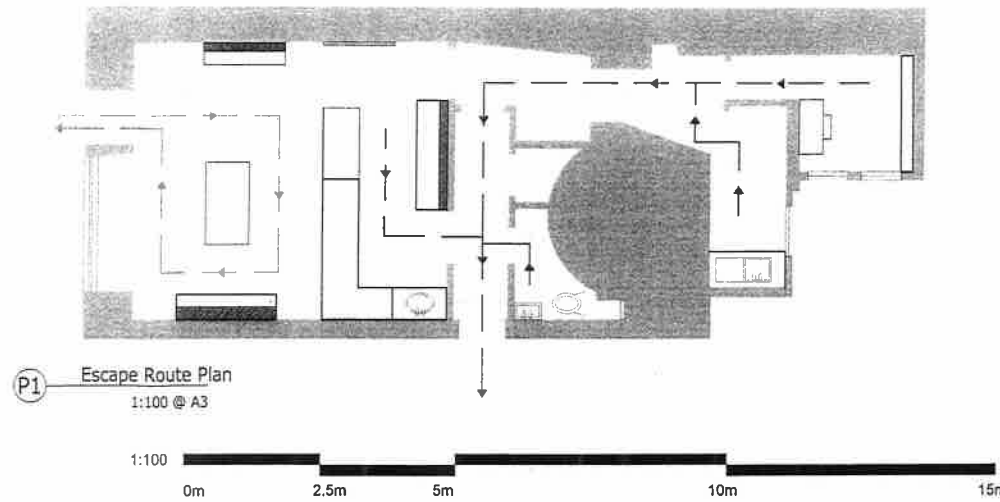
Capacity APPLICANT / ~~AGENT~~ (delete as appropriate)

Tel. No. of signatory  _____

Email address  _____

*** Data Protection Act 2018**

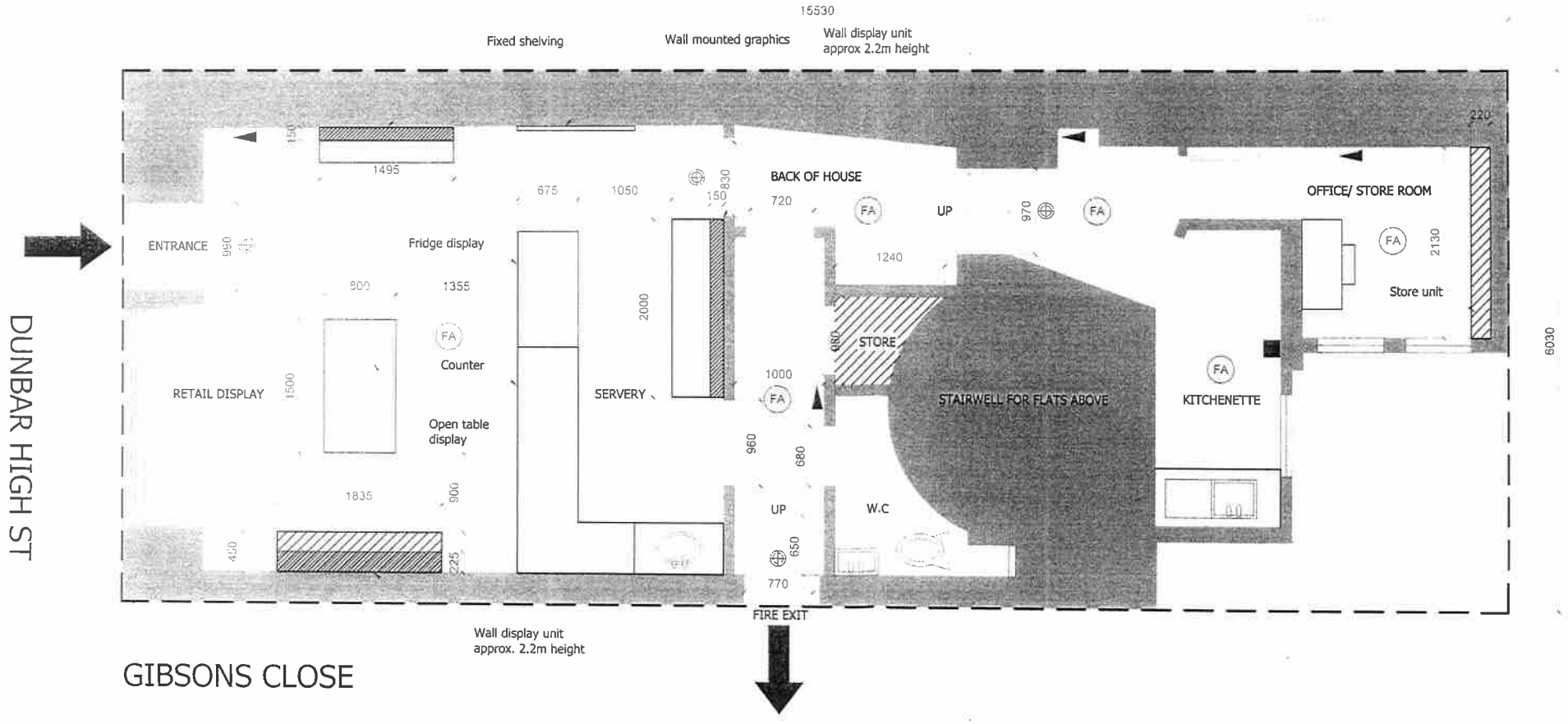
The information on this form may be held on an electronic public register which may be available to members of the public on request.



All work to comply with British Standards and relevant parts of "The Building Standards Regulations 1990" or equivalent national regulations. Notwithstanding all of the above, all electrical work must comply with current I.E.E. regulations or equivalent. The contractor will be held responsible for the structural integrity of all fittings and fixtures supplied. Samples of all finishes must be provided by contractors for approval by client prior to construction.

Dimensions must be checked by contractors and setting out drawings based on site dimensions must be approved by client prior to construction. Any variations between stated dimensions and site dimensions should be reported to the designer prior to work being executed.

- Notes**
- Key:**
- Open alcohol display approx. 2.5sqm
 - Lockable alcohol storage approx. 6.5sqm
 - Fire Exit
 - Boundary
 - Visitor escape route
 - Staff escape route
 - Fire/ smoke alarm
 - Fire Extinguisher: Foam
 - Fire Blanket
 - Emergency lighting



Revision	Description	Date
CONCEPT		
Client		
JULIE_WATT		
Job		
TIPSY_TRUFFLE_DUNBAR		
Description		
GENERAL_ARRANGEMENT PLAN		
Scale	Date	Drawn/Checked
1:100 @ A3	12/09/2021	LJ/JW
Project No.	Drawing No.	Revision
-	100	-



East Lothian Council

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

SECTION 50 PLANNING CERTIFICATE

APPLICANT:	Ms Julie Watt
NAME AND ADDRESS OF PREMISES:	'The Tippy Truffle', 59 High Street, Dunbar, EH42 1EW

SECTION 50 PLANNING CERTIFICATE

I confirm that planning permission (ref:.....) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.

I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:		Date:	29 th September 2021
---------	--	-------	---------------------------------

Keith Dingwall
Service Manager, Planning

Herkes, Gillian

From: Graeme Bairden <Graeme.Bairden@scotland.pnn.police.uk>
Sent: 19 October 2021 13:28
To: Licensing
Subject: CORE-DMS - DOCUMENT - #1017354
Attachments: PROV PREM LIC GRANT APP - OCT 2021.PDF

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

Good afternoon

Tipsy Truffle- Prov prem lic grant.

No Police objections.

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

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: Rudi Fruzynski
Licensing Standards Officer

To: Carlo Grilli
Clerk to the Licensing Board

Date: 10 Nov. 2021

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

The Topsy Truffle, 59 High Street, Dunbar, East Lothian EH42 1EW

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

Licensing Standards has no objection to this application.

R. Fruzynski
Licensing Standards Officer

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.

Hi Maree

This was discussed at Dunbar Community Council last night. Members are happy to support the application. It was felt that it would add to the offering on Dunbar High Street. Also that it would bring the former TSB Bank back into positive use.

Jacquie Bell
Secretary
DCC

On Thu, 14 Oct 2021 at 15:57, Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

Hi,

Please find attached provisional premise licence application for a chocolate gift shop with liqueurs and specialised alcohol off sales.

Could I please have your comments by 9th November.

Kind regards

Maree

Winter, Maree

From: Slight, Lynn
Sent: 18 October 2021 13:31
To: Licensing
Subject: Re: provisional premise licence application - The Topsy Truffle, 59 High Street, Dunbar

No objections to this application subject to standard conditions.

Regards

Lynn Slight Ch.EHO MREHIS
Senior Environmental Health Officer
East Lothian Council

On 14 Oct 2021, at 16:02, Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> wrote:

From: Winter, Maree <mwinter@eastlothian.gov.uk>

Sent: 14 October 2021 15:58

To: Lothian Scot Borders Licensing East Mid Lothian

<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]

Subject: provisional premise licence application - The Topsy Truffle, 59 High Street, Dunbar
Hi,

Please find attached provisional premise licence application for a chocolate gift shop with liqueurs and specialised alcohol off sales.

Could I please have your comments by 9th November.

Kind regards

Maree

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:

Haddington: EH41 3HA

01620 827867

mwinter@eastlothian.gov.uk

<image001.png>

<Provisional Premise licence application - The Topsy Truffle Dunbar.pdf>

Winter, Maree

From: Trading Standards
Sent: 28 October 2021 09:35
To: Winter, Maree
Subject: RE: provisional premise licence application - The Topsy Truffle, 59 High Street, Dunbar

No objections from TS

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 14 October 2021 15:58
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Subject: provisional premise licence application - The Topsy Truffle, 59 High Street, Dunbar

Hi,

Please find attached provisional premise licence application for a chocolate gift shop with liqueurs and specialised alcohol off sales.

Could I please have your comments by 9th November.

Kind regards
Maree

Maree Winter

**Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867
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: 22nd October 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Topsy Truffle, 59 High Street, Dunbar

Application type: Provisional premises licence

There are no objections to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.

PL
EL
CC
SC
24
FR

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)

3

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

East Lothian Council
Licensing

7 OCT 2021

2(a) Licence Number of Premises


EL504	Received
-------	----------

2(b) Name and Address of Premises

Hallhill Sports Centre Kellie Road Dunbar	
---	--

Post Code	EH42 1RF	Phone No.	01368864011
-----------	----------	-----------	-------------

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

Robert John Peters 	
---	--

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

We would request to change the ON consumption on a Sunday from 12.30 to 11.00 this would allow customers watching live television sport that starts before 12.30 to have an alcoholic drink.

We would also request permission to operate off sales from 11.00 – 22.00 Monday – Sunday

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 would request to change the on consumption on a Sunday from 12.30 to 11.00 this would allow customers watching live television sport that starts before 12.30 to have an alcoholic drink.

We would also request permission to operate off sales from 11.00 – 22.00 Monday – Sunday

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 seek to extend the lounge/social space within the facility as the use of the facility has grown with the towns expansion.

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*)

We would request that the premises name would change from Hallhill Healthy Living Centre to Hallhill Sports Centre.

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

Does the appropriate Premises Licence accompany this application?

- YES NO

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

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

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

SECTION 5: FEE PAYABLE

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

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ is enclosed.

Signature



..... (See note 5 below)

Date

7th OCT 2021

Capacity: APPLICANT Facility Manager

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

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

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

FOR OFFICE USE ONLY

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Hallhill Healthy Living Centre Kellie Road Dunbar EH42 1RF

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	01.00
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	Midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

Any extensions the board may allow over the festive period.

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 To be provided during core licensed hours – please confirm <i>YES/NO</i>	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<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>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<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>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<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>	YES	YES	YES
<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

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

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

Many of our groups start before core hours and we supply hot and cold food along with hot and cold non-alcoholic refreshments.

For the avoidance of doubt no alcohol will be served before core opening times.

Tv's may also be switched on at this time.

Live performances – It would be unlikely that live performances would start before 11am but there may be the odd occasion where a group may request this.

Outdoor drinking area may be used for the consumption of non-alcoholic drinks and food before core opening times.

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 facility hosts the annual Dunbar Pipe Band and Highland Games

Various clubs use the facility for fundraising and social events.

Quiz nights

Race nights

Presentation nights

Dances

Toddler Group

Room lets for various community groups.

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?	NO
When fully occupied, are there likely to be more customers standing than seated?	NO
*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 are allowed entry at all times other than those stated in question 6 (d)

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

Families, Children from birth to eighteen years are encouraged to take part in sport and other activities within the centre.

This happens in a friendly environment with a mix of all age groups from the community.

This interaction in turns helps improve the social cohesion within our community

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

Unaccompanied children are not allowed in the lounge/social space after 7pm unless they are attending a club or group event after which they must leave the premises. Children under the age of 18 are not allowed on the premises after 10pm unless they are attending a community or private function and they are accompanied by an adult.

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

Children and young people have access to all areas of the facility with the exception of 1.5 meters from the bar area.

Question 7

CAPACITY OF PREMISES

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

350

Question 8

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

Personal details

8(a) Name

Robert John Peters

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>
5 TH June 2019	East Lothian	EL504

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 *7th OCT 2021*

Capacity *MANAGER* 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.

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:
Various organizations and clubs use our meeting rooms for meetings and other activities.
Dunbar Quilters, Headway, Girl Guides, Dunbar Pigeon Club, Sporting Memories, Dunbar Life Boat

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:

We have in the past held wedding receptions but these have been few.

Our hall is available for hire during the day for children's parties and at night for adults but we do not do 18th birthday parties.

The hall is also available for club and other functions.

We would not anticipate any more than twenty functions per year.

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:

Live performances would be very limited. Televised sport would mainly be at weekends when any major events are on i.e. Six Nations Rugby

Dunbar film club use the facility once per month for the purpose of showing films to their members and guests.

Dance facilities are used by Dunbar School of Dance six days per week.

Outdoor Drinking Facilities - The outside area will mainly be used by families due to its proximity to the children's play park allowing parents to relax while the children are in full view. There will however be times when the area is used by customers attending sporting events this would normally be on a Saturday.

The outside area would be open from 09.00 until 21.00

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.

Situated in the heart of Dunbar Hallhill provides both sport and leisure facility's to our clubs, facility users and their guests. Our aim is to provide first class facilities in a safe environment for all to enjoy.

(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)
The business will operate serving a full bar service along with hot and cold non alcoholic beverages.

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

B) This will be available to people who wish to purchase alcohol and take home with them when leaving the premises. No delivery will be available.

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:

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:

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 is available in both our disabled toilets.

Most children will be accompanied by an adult or be attending an organized group activity and will be supervised.

Children that are not accompanied or attending a class will be permitted to use the facility lounge and toilets but must leave the premises before 7pm.

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 staff will be trained by a personal license holder and will demonstrate an understanding of the 5 licensing objectives. They will ask for ID and proof of age where there is reasonable doubt and we will operate challenge 25

All incidents and must be reported to the supervisor and refusals logged in the refusal log book.

Securing Public Safety:

All risk assessments will be in place to protect those using the facility. We will operate within the licensed hours and all staff will be fully trained in working procedures. First aid facilities will be available there is also access to two defibrillators on site.

A well maintained cctv system is in operation inside and outside the building.

Preventing Public Nuisance:

Staff are trained in the management of those entering or leaving the building to prevent incidents of public nuisance. Signage is also placed at the exit doors reminding customers to leave quietly and respect our neighbours.

A policy will be in place to control numbers attending functions and to prevent disorder and over consumption of alcohol .

No 18th Birthday parties will be permitted.

Protecting and Improving Public Health:

All correct signage will be displayed within the premises and all staff will be trained in public health. Staff will also be trained on the MUP and guidelines for alcohol consumption

Staff will be instructed of the policy for any customers that they feel have consumed to much alcohol and a clear understanding that it is illegal to sell alcohol to someone who appears to have consumed to much alcohol. All instances should be reported immediately.

Protecting Children and Young Persons From Harm:

All staff will be trained in protecting young persons, most children will be accompanied by and adult. Children can use all areas of the facility except within 1.5 meters from the bar server. High chairs and children's menus will be available at all times.

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.
As the town of Dunbar has grown over the twenty years the facility has been open so has the need for a larger social space within the facility. We are proud of our reputation of being one of the best sporting/community places in Scotland and this addition can only enhance this.
I would encourage the board to support this application.

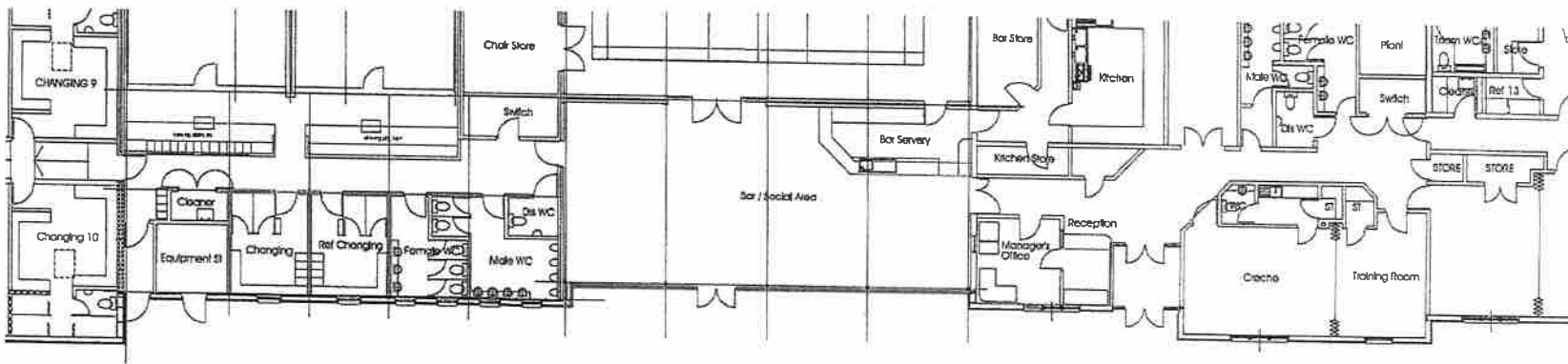
SIGNATURE AND DECLARATION BY APPLICANT

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

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

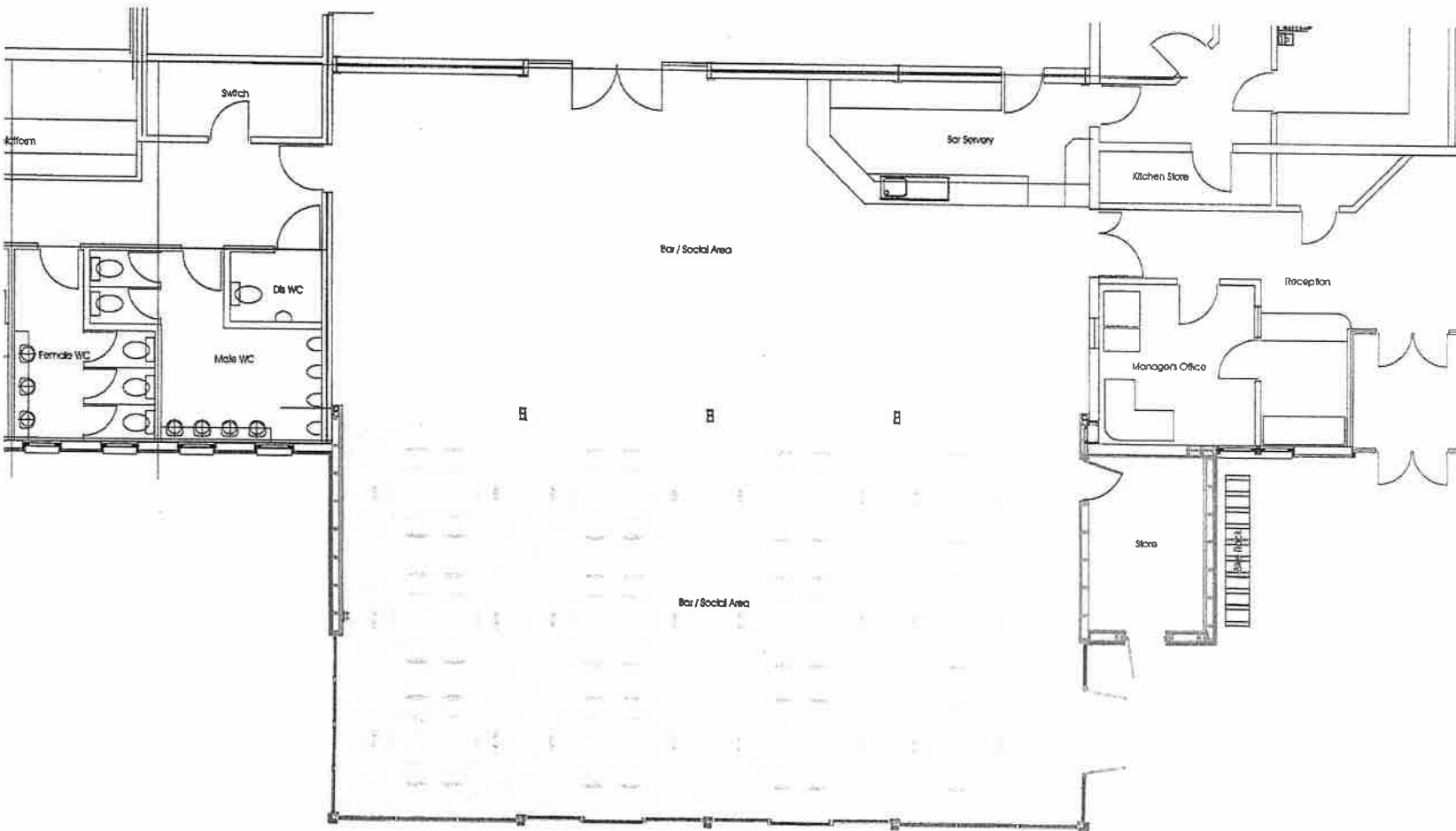
The contents of this Application are true to the best of my knowledge and belief.

Signature		Date	7th Oct 2021
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 All dimensions are to the face of the work unless otherwise stated.

Part Existing Ground Floor Layout
 Scale 1:100



Proposed Ground Floor Layout
 Scale 1:50

Building Consultants
 Architectural Services
 Building Services
 Planning Permission

blueprint
 Dalmation House
 Spott Road
 Dunbar
 EH42 1LE
 Tel: 01348 845761
 info@blueprintdunbar.co.uk
 www.blueprintdunbar.co.uk

Hallhill Healthy Living Centre, Dunbar,
 East Lothian.

Extension & Alterations to Sports Centre.

Existing & Proposed Layout Plans.

Drawn by: Jemma Macdonald	Checked by: Mark Gilchrist	Scale: 1:100, 1:50	Date: August 2019	Sheet No: All	Project Name: PLANNING
23038-pl-03					

22/10/2021

Your Ref: EL504

Our Ref: 592130/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
HALLHILL HEALTHY LIVING CENTRE, LOCHEND ROAD, DUNBAR, EAST
LOTHIAN, EH42 1RF.**

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 of premises name to Hallhill Sports Centre.
- Request to operate off sales from 11.00hrs to 22.00hrs Monday to Sunday.
- The increase in capacity of patrons (in the area to be extended) from 60 to 120.

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

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

Herkes, Gillian

From: Winter, Maree
Sent: 28 October 2021 13:52
To: Herkes, Gillian
Subject: FW: Major variation - Hallhill, Dunbar.pdf

From: Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>
Sent: 08 October 2021 14:20
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: RE: Major variation - Hallhill, Dunbar.pdf

I have assessed this application and gone and visited the premises in relation to viewing the location and size of the proposed extended outdoor area. I am satisfied that all is within the Licensing Board's policy and have no objection to the change of name of the premises, the addition of off-sales or the addition of the outdoor area.

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: 08 October 2021 11:03
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>;

Subject: Major variation - Hallhill, Dunbar.pdf

Hi,

Please find attached major variation for Hallhill, Dunbar. Could I please have any representations/objections by 8th November 2021.

Kind regards

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.

Hallhill Centre.

Just to note that this application has resulted in many discussions at the Community Council, 3 members of DCC are Directors of DCDC which owns the building whose licensee has put forward the application. There was some view that the application should have come from the owner of the premises (DCDC) rather than the licensee.

Cllr Hampshire had noted that the change of name was historic - the change was just a formality and a tidying up. There was no objection to that.

What was of concern was the request for a premises license for off sales. Cllr Hampshire had suggested that this was needed for those in the community to take home a bottle of wine after a match. DCC members had questioned the need for this as there were many community facilities to buy alcohol close to the sports centre.

DCC member also expressing a concern about young people being in the vicinity of the facility/ Thus a significant members of DCC espresing a concern and asking members of the Licensing Board to consider further this request.

A full discussion would be beneficial as to why this requirement for an off sales facility is justifiedJacquie Bell

Secretary
Dunbar CC

On Fri, 8 Oct 2021 at 11:02, Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

HI,

Please find attached major variation for Hallhill, Dunbar. Could I please have any representations/objections by 8th November 2021.

Kind regards

Maree

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:

Haddington: EH41 3HA

01620 827867

mwinter@eastlothian.gov.uk

Winter, Maree

From: Douglas, Andrew
Sent: 11 October 2021 08:37
To: Licensing
Subject: FW: Major variation - Hallhill, Dunbar.pdf
Attachments: Major variation - Hallhill, Dunbar.pdf

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

Thanks

Andrew

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 11 October 2021 08:30
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Major variation - Hallhill, Dunbar.pdf

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 08 October 2021 11:03
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>;

Subject: Major variation - Hallhill, Dunbar.pdf

Hi,

Please find attached major variation for Hallhill, Dunbar. Could I please have any representations/objections by 8th November 2021.

Kind regards
Maree

Maree Winter

**Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867
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: 20th October 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Hallhill Sports Centre, Kellie Road, Dunbar

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.



LICENSING (SCOTLAND) ACT 2005, SECTION 34(1)

APPLICATION FOR TRANSFER OF PREMISES LICENCE BY PERSON OTHER THAN THE LICENCE HOLDER

4

This application should only be completed by the
Applicant Transferee or their Agent.

Please complete all sections of the application form.

1. PREMISES LICENCE DETAILS

1(a) Licence Number of Premises ELO337

1(b) Name and Address of Premises The Scotsman 179a Musselburgh EH21 6AN

EH21 6AN
Post Code

Tel. No. [REDACTED]

Email address [REDACTED]

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

Zohaib Malik

[REDACTED]
Post Code

Tel. No. [REDACTED]

Email address [REDACTED]

2. TRANSFEREE INFORMATION

Where the transferee is an individual complete part 2(a) only

2(a) If transferee is individual

Full name Shivedev Singh

Address

Post Code

Tel. No.

Email address

Place of birth

Date of birth

Where the transferee is a partnership, company or club/other body please complete part **2(b)**, **2(c)** or **2(d)** respectively. If the transferee is a partnership, company or club/other body then part **2(e)** must also be completed.

2(b) If transferee is a Partnership

Full name

Address

Post Code

Tel. No.

Email address

2(c) If transferee is a Company

Full name

Company Registration No.

Address of registered office

Post Code

Tel. No.

Email address

2(d) If transferee is a Club or other Body

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

2(e) Where transferee is a partnership, company or club/other body please provide the names, home addresses, dates and places of birth of all connected persons as defined by Section 147(3) of the Licensing (Scotland) Act 2005.

(Continue on a separate page if necessary)

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

Place of birth _____ Date of birth _____

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

Place of birth _____ Date of birth _____

3. DETAILS OF CONVICTIONS FOR RELEVANT OR FOREIGN OFFENCES

In respect of the proposed transferee or any connected person please provide details below of any convictions for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974.

NAME & POSITION	DATE OF SENTENCE	COURT	OFFENCE	PENALTY

(Use separate sheet if necessary)

4. REASON FOR APPLICATION

In terms of Section 34(3) of the Licensing (Scotland) Act 2005 please confirm the reason why the application for transfer has not been lodged by the Premises Licence Holder.

The Premises Licence Holder, being an individual has-

- Died
- Become incapable within the meaning of Section 1(6) of the Adults with Incapacity (Scotland) Act 2000

The Premises Licence Holder being an individual, partnership, company or club/ other body has -

- Become insolvent or been dissolved
- Transferred to another person (by sale or otherwise) the business carried out in the licensed premises to which the licence relates

Please provide documentary evidence of your capacity to apply for this transfer. (e.g. copy of power of attorney, confirmation of appointment by the court as executor, concluded missives, lease, etc)

5. LICENCE TO BE AMENDED (See note 1 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) _____

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 is enclosed. (See note 2 below)

Signature  _____ (See note 3 below)

Date 08/10 /2021 _____

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

To Whom It May Concern

Date: 08/10/2021

I Zohab Malik T/A North News at 179 North High Street, Musselburgh, EH21 6AN, Premises Licence Number ELO337, confirm that the business situated at above mentioned address is going to be taken over by Shivedev Singh, [REDACTED] on the completion of all the financial agreements.

So, I consent to commence the transfer of Premises Licence No. ELO337 on to the proposed new owner as mentioned above.

Yours faithfully,

[REDACTED]
Zohab Malik

14/10/2021

Your Ref: EL0337

Our Ref: 592181/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 TRANSFER
OF A PREMISES LICENCE ON APPLICATION OF PERSON OTHER THAN
LICENCE HOLDER**

NORTH NEWS

**179 NORTH HIGH STREET, FISHERROW, MUSSELBURGH, EAST LoTHIAN,
EH21 6AN.**


APPLICANT – SHIVEDEV SINGH [REDACTED]
[REDACTED]

I refer to the above application and in terms of Section 33(6)(b)(i) of the
Licensing (Scotland) Act 2005, I have to advise you that the applicant Shivedev
Singh has been convicted or charged with the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
[REDACTED]			

[REDACTED]

OFFICIAL

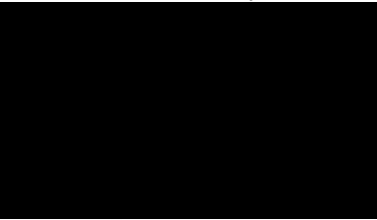


It is the opinion of Police Scotland that due to the above the application to transfer the license of the premises to Shivedev Singh be refused.

Further, in terms of Section 33(6)(a)(ii) of the Licensing (Scotland) Act 2005, I have to advise you that no connected person has been convicted of any relevant offence.

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

Yours faithfully



John McKenzie
Chief Superintendent

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