

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

East Lothian Council...
Licensing

- 4 AUG 2023

Received

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL215

2(b) Name and Address of Premises

Victoria Inn and Avenue Restaurant
9 Court Street
Haddington

Post Code EH41 3JD

Phone No. [REDACTED]

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

CALEDONIAN HERITABLE LTD
4 HOPE STREET
EDINBURGH

Post Code EH2 4DB

Phone No. [REDACTED]

3C

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

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 propose to amend Question 5a of the operating plan for Indoor/Outdoor Sports to Yes for columns 2 and 3.

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

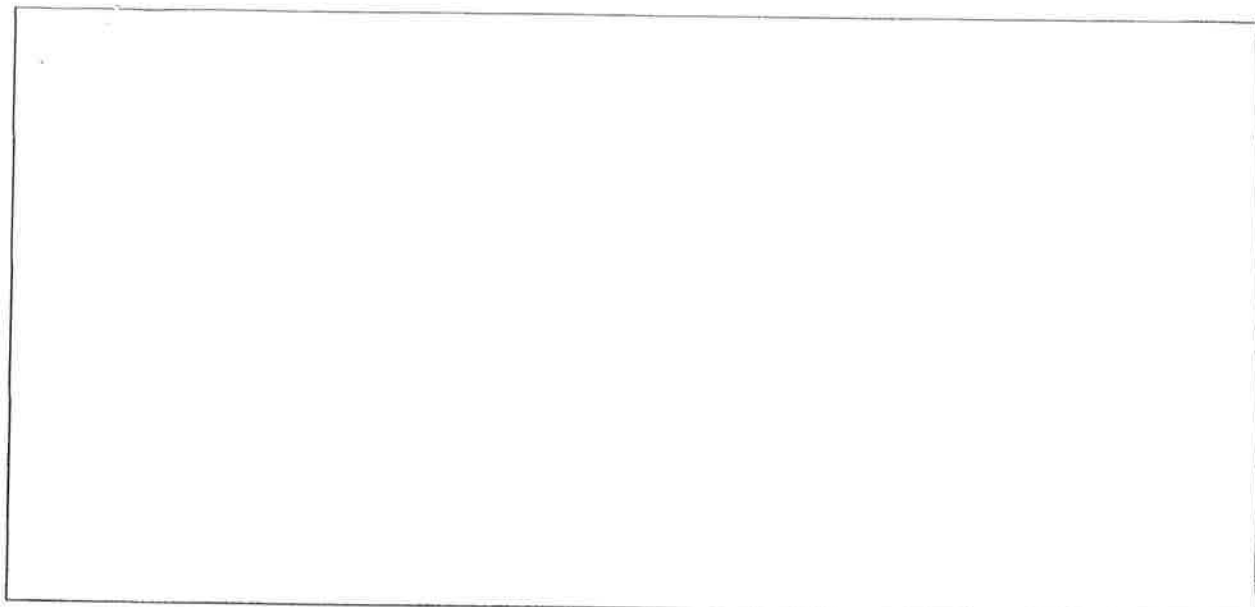
7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

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

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

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

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



SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

- YES NO

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

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

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

.....

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-

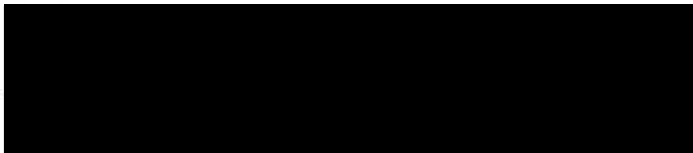
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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 £150 is enclosed.

Signature



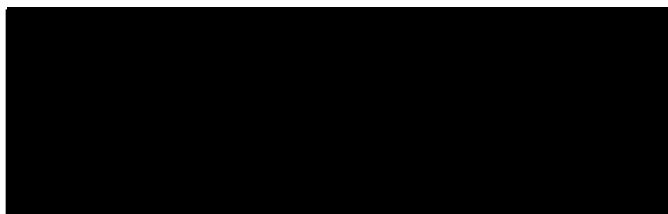
..... (See note 5 below)

Date

28/07/23

Capacity: APPLICANT / AGENT

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)

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> | 10.00am | 12 midnight |
| <i>Tuesday</i> | 10.00am | 12 midnight |
| <i>Wednesday</i> | 10.00am | 12 midnight |
| <i>Thursday</i> | 10.00am | 1.00am |
| <i>Friday</i> | 10.00am | 1.00am |
| <i>Saturday</i> | 10.00am | 1.00am |
| <i>Sunday</i> | 11.00am | 12 midnight |

Question 3

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

| Day | OFF Consumption | |
|------------------|------------------------|----------------------|
| | Opening time | Terminal hour |
| <i>Monday</i> | 10.00am | 10.00pm |
| <i>Tuesday</i> | 10.00am | 10.00pm |
| <i>Wednesday</i> | 10.00am | 10.00pm |
| <i>Thursday</i> | 10.00am | 10.00pm |
| <i>Friday</i> | 10.00am | 10.00pm |
| <i>Saturday</i> | 10.00am | 10.00pm |
| <i>Sunday</i> | 11.00am | 10.00pm |

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

We may wish to reduce our core hours during off tourist season, and we would seek to take advantage of any extended period of trading granted by the Board for significant local/national events e.g. festive period and bank holidays.

Question 5

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

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

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

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

Accommodation may be available 365 days of the year. A full or continental breakfast may be served to all guests, as well as full service meals are available during normal operating hours in the lounge bar.

Bar Meals – we may offer breakfast outwith core hours commencing from 7am.

Receptions – We have the facility in our restaurant to offer a wide range of reception facility. This may include funeral pruveys that require alcohol on the premises from 10am subject to an expediently processed extended hours application being granted.

Club Meetings – We have the facility in our restaurant to host local community meetings. This may include events that require alcohol to be available on the premises from 9am e.g. golf day, subject to an extended hours application being granted.

Recorded music – accompany any private function, business or breakfast.

Live performances may be available to customers outwith core hours booking restaurant for a private party.

Televised Sport – we anticipate that certain key sporting events i.e. Olympics, football World Cup, may be televised outwith the core licensing hours and we would wish to provide alcohol for sale on the premises at these events, subject to an extended hours application being granted.

5(f) any other activities

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

We may provide a range of activities during core hours such as quiz nights, dominoes, charity nights, or similar, social activities appropriate to the target market.

5(g) Late night premises opening after 1.00am

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

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

| | |
|------------------------|--|
| *Delete as appropriate | |
|------------------------|--|

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and young persons will be admitted only when accompanied by an adult.

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*

Children and young persons will be admitted until 10pm in the lounge bar, or until close of business if in the restaurant.

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

Children and young persons will be admitted to all public areas, they will not be permitted to sit or stand within 1.5m of the bar counter.

Question 7

CAPACITY OF PREMISES

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

On sales - 167

Question 8

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

Personal details

8(a) Name

Craig Douglas

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> |
|----------------------|--|--|
| Aug 18 | Edinburgh | 389996 |

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.

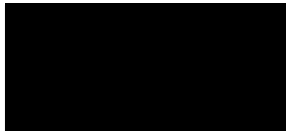
Signature * (see note below)

Date

CapacityAPPLICANT

Telephone number and email address of signatory

Nyssa Barron, Caledonian Heritable Ltd



*** Data Protection Act 1998**

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

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 07 August 2023 09:37
To: Licensing
Subject: VARIATION TO OPERATING PLAN - VICTORIA INN, HADDINGTON - ADD
INDOOR/OUTDOOR SPORTS
Attachments: HERKES_ GILLIAN_QXM04806_FIREBIRD_4618_001.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.

Hi all,
No Police objection
Our ref - 745839

Regards
Iain

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 6th October 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

THE VICTORIA INN AND AVENUE RESTAURANT, 9 COURT STREET, HADDINGTON, EAST LoTHIAN EH41 3JD

I can confirm that I have spoken with Paul Hastie from Caledonian Heritable Ltd and Craig Douglas Premises Manager in relation to this variation application. I have also conducted a visit at the premises, where the site notice for the variation was displayed and visible.

The premises have been in the control of the current tenant and premises manager, Craig Douglas from February 2020.

In June 2023, during a visit to the premises it came to my attention that a pool table was in use at the premises. I established that the operating plan did not allow indoor/outdoor sports for this activity. In order for the premises to comply with the premises licence, I asked for the use of the pool table to cease and a major variation submitted for consideration by the Board.

The change applied for is:

- To add indoor/outdoor sports during core hours

No layout plan has been submitted with the application indicating the location of the pool table. When I visited, the pool table was situated in the restaurant area on the first floor in the middle of the floor with tables and chairs set up for dining surrounding it.

As per the operating plan

“Children and young persons will be admitted to all public areas. They will not be permitted to sit or stand within 1.5 meters of the bar counter”

Careful management of this area will be required to avoid any contact with those sitting around the table when it is in use. The use of the pool table could be a potential hazard to children who are in the area. It

is of note that there is also a category C gaming machine at the entrance to the bar on the ground floor and also on the first floor.

The area that the pool table is proposed, is used as a restaurant area, and also hosts sports clubs meeting and after match catering.

I refer the Board to Section 15.3 of The Statement of Licensing Policy below:

15.3 The Board will not normally grant a premises licence in respect of children's access where:

- children under the age of 12 have unsupervised access to pool tables, dart boards or areas where category C or above gaming machines are located.

I would recommend that in order to uphold the licensing objective of protecting children and young persons from harm that access to this area by children and young persons is considered.

The addition of the pool table has the potential to change the atmosphere and character of the premises potentially creating an unsuitable atmosphere for children. This is something that the premises licence holder and premises manager should monitor and manage carefully, considering when it is suitable for the pool table to be in use.

I direct the Board members to the suggested control measure below contained in the Board's Statement of Licensing Policy:

exclusion of children from areas in which gambling is taking place such as casino, poker or race nights and areas where category C or above gaming machines are available for use.

In relation to terms on which children and young person are allowed on the premises, the operating plan states – Children and young persons will be admitted only when accompanied by an adult.

It is my recommendation that the Board considers children and young person access in the premises given the proposed changes. Should the board be minded to grant the application I suggest the Board considers the below:

Either:

Children (0-11) are supervised by a responsible adult whilst in the bar/restaurant area on the ground floor and first floor where the category C gaming machines and pool table are located.

Or

Children (0-11) are excluded from the bar/restaurant area on the first floor where the category C gaming machine and pool table are located.

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 15 August 2023 08:31
To: Licensing
Subject: RE: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Hello,

Please note I have no comments or objections in relation to this major variation application.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at
<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7C149c4f9c49db4249212908db9d619971%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638276814720874130%7CUnknown%7CTWFpbGZsb3d8eyJWl%7CjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=TkGumnBn7iHaxf4WVrlqxMwjK8r9I6QcYDlxL8Sf61c%3D&reserved=0>

-----Original Message-----

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 04 August 2023 13:00
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; all@haddingtoncc.org.uk
Subject: FW: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Hi All

Please find attached Major Variation for Victoria Inn and Avenue Restaurant to add Indoor and Outdoors Sports to operating plan. Can I please have your comments/observations by 1st September, 2023.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Herkes, Gillian

From: Gunning, Laura
Sent: 04 August 2023 14:33
To: Herkes, Gillian
Cc: Licensing
Subject: RE: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Good afternoon,

No objection from EH subject to standard conditions

Thanks,
Laura

Laura Gunning
Senior Environmental Health Officer
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA
Tel: 01620 827296 Email lgunning@eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 04 August 2023 14:23
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>
Subject: FW: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

-----Original Message-----

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 04 August 2023 13:00
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; all@haddingtoncc.org.uk
Subject: FW: Attached Image - Major Variation - Victoria Inn and Avenue Restaurant - EL215

Hi All

Please find attached Major Variation for Victoria Inn and Avenue Restaurant to add Indoor and Outdoors Sports to operating plan. Can I please have your comments/observations by 1st September, 2023.

Kind regards

Gillian

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