

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).

3D

(Provide Details) Change of name of premises.
.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL025

2(b) Name and Address of Premises

Hole in the Wa'
170 New Street
Fisherrow
Musselburgh
East Lothian

Post Code	EH21 6BZ	Phone No.	(0131) 665 6473
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2(c) Full Name and Address of Current Licence Holder

Excel Estates (Glasgow) Limited
115 Rimsdale Street
Glasgow

Post Code	G40 3DP	Phone No.	
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SECTION 3: NATURE OF VARIATION

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

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

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

N/A

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)

Q2 – To amend the on sales hours to 11.00 – 23.00 Monday to Wednesday, 11.00 – 01.00 Thursday to Saturday and 11.00 – 00.00 Sunday.

Q5 – To add Bar Meals as an activity within and outwith core hours

- To add receptions, club meetings and recorded music outwith core hours.

Q5 – To add wording to read “The premises may open prior to core hours for the service of breakfasts, teas and coffees. Receptions may take place outwith core hours if we are catering for a funeral, christening etc but no alcohol will be sold outwith core hours. Recorded background music may be played outwith core hours for the benefit of staff and customers. Televised sport – there may be certain key sporting events which are televised outwith the core licensed hours – alcohol will not be sold without the benefit of an extended hours application.

Q6(a) – Amend to “YES.”

Q6(b) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”

Q6(c) – Add wording to read “0-17 years”

Q6(d) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”

Q6(e) – Add wording to read “Children and young persons will be permitted in the lounge bar area, and excluded from the public bar.”

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.

N/A

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

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

- To change the name of the premises to "Fisherrow Tap."
- To amend the description of the premises to read "The premises is a 2-storey end of terrace building located on New Street just off town centre. The public house consists of public bar, male and female toilets, storeroom, lounge area with a raised area and male and female toilets. Cellar is in the basement. The premises sells a range of alcoholic and non-alcoholic beverages and a range of hot and cold bar meals and snacks."

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) **Can be sent under a separate cover if required.**
-

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 – Nicola Smith – TLT Solicitors

..... (See note 5 below)

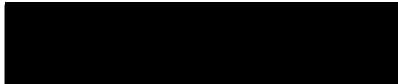
Date - 14 July 2023

.....

Capacity: AGENT

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

TLT LLP
Cadworks, Floor 9
41 West Campbell Street
Glasgow
G2 6SE



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>

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	01.00
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	00.00

Question 3

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

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

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
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**If YES – provide details*

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

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	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	NO

<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<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</i> <i>facilities</i>	NO	NO	NO
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.

Bar Meals - The premises may open prior to core hours for the service of breakfasts, teas and coffees.

Receptions may take place outwith core hours if we are catering for a funeral, christening etc but no alcohol will be sold outwith core hours.

Recorded background music may be played outwith core hours for the benefit of staff and customers.

Televised sport – there may be certain key sporting events which are televised outwith the core licensed hours – alcohol will not be sold without the benefit of an extended hours application.

5(f) any other activities

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

We may provide a range of activities 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
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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 on the premises until 8pm 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 permitted on the premises until 8pm when 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 persons will be permitted in the lounge bar area, and excluded from the public bar.

Question 7

CAPACITY OF PREMISES

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

On sales - 100

Question 8

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

Personal details

8(a) *Name*

Lyndsay Douglas

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
28 May 2015	East Lothian Licensing Board	EL1180

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 – Nicola Smith – TLT Solicitors

Date – 14 July 2023

Capacity - AGENT

Telephone number and email address of signatory –

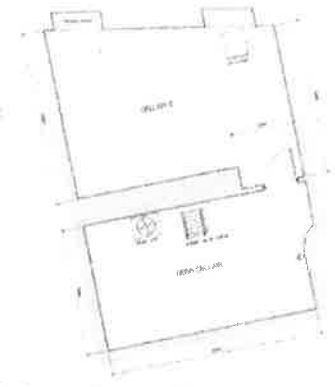


*** Data Protection Act 1998**

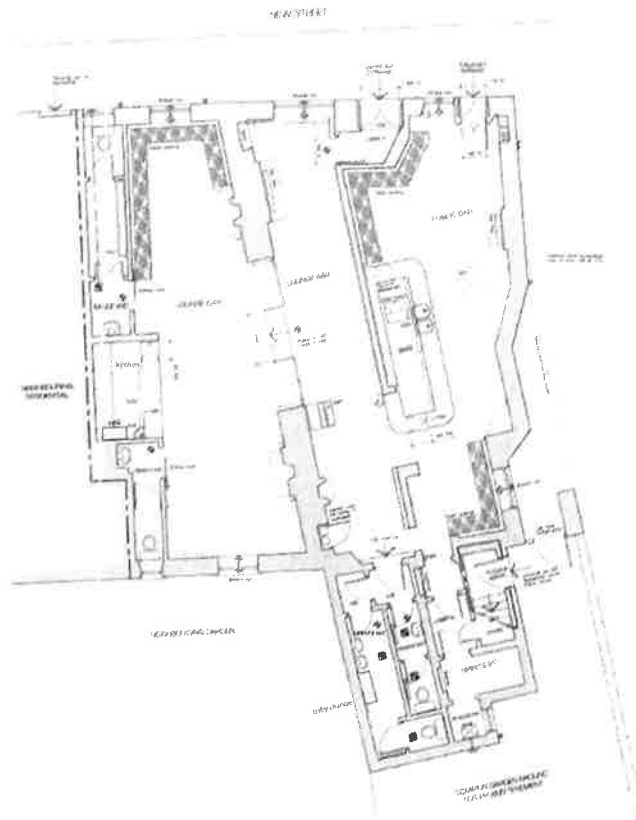
The information on this form may be held on an electronic public register which may be available to members of the public on request.



LOCATION PLAN



BASEMENT FLOOR PLAN



GREENUP FLOOR PLAN



12/10/2023

Your Ref: FISHERROW TAP
(HOLE IN THE WA)
Our Ref: 763167

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



Catriona Paton
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
FISHERROW TAP (HOLE IN THE WA), 170 NEW STREET, FISHERROW,
MUSSELBURGH, EAST LOTHIAN, EH21 6BZ.**

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:

- **To amend the on sales hours to 11.00 – 23.00 Monday to Wednesday, 11.00**
- **01.00 Thursday to Saturday and 11.00 – 00.00 Sunday.**
- **To add Bar Meals as an activity within and outwith core hours**
- **To add receptions, club meetings and recorded music outwith core hours.**
- **To add wording to read “The premises may open prior to core hours for the service of breakfasts, teas and coffees. Receptions may take place outwith core hours if we are catering for a funeral, christening etc but no alcohol will be sold outwith core hours. Recorded background music may be played outwith core hours for the benefit of staff and customers. Televised sport – there may be certain key sporting events which are televised outwith the core licensed hours – alcohol will not be sold without the benefit of an extended hours application.**

OFFICIAL

Q6(a) – Amend to “YES.”

Q6(b) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”

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Q6(d) – Add wording to read “Children and young persons will be permitted on the premises until 8pm when accompanied by an adult.”

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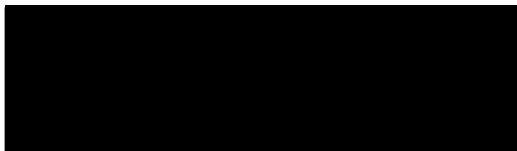
- To change the name of the premises to “Fisherrow Tap.”

- To amend the description of the premises to read “The premises is a 2-storey end of terrace building located on New Street just off town centre. The public house consists of public bar, male and female toilets, storeroom, lounge area with a raised area and male and female toilets. Cellar is in the basement. The premises sells a range of alcoholic and non-alcoholic beverages and a range of hot and cold bar meals and snacks.”

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

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

Yours faithfully



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 5th October 2023

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION
FISHERROW TAP, 170 NEW STREET, MUSSELBURGH, EAST LoTHIAN EH21 6BZ**

I can confirm the premises have been visited in relation to this variation application and I have spoken with the applicant's agent Mr Stephen McGowan and the tenant Mr Gary Munkton in relation to the proposed operations at the premises.

The changes applied for are:

- To change the on sales licensed hours
- To add bar meals as an activity within and out with core hours
- To add receptions, club meetings, and recorded music outwith core hours
- To allow children access as detailed on the application and operating plan.
- To change the premises name
- To change the description of the premises

The proposed on sale hours are within Board policy.

On visiting the premise, viewing the new layout and proposed new operations, including the provision of bar meals, I have no objection or recommendations in relation to the changes.

Licensing Standards Officer

Licensing

From: Gunning, Laura
Sent: 31 July 2023 16:34
To: Herkes, Gillian; Licensing
Cc: Douglas, Andrew
Subject: RE: Major Variation for Hole in the Wa, Musselburgh

Good afternoon

There is insufficient information here to allow for Environmental Health to comment. We would seek details on the proposed food activities (for example frying) and a proposed kitchen layout plan.

Kind regards,
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



REHIS
Chartered Environmental Health Officer
2023

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 25 July 2023 11:15
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; [REDACTED]
Subject: Major Variation for Hole in the Wa, Musselburgh

Hi

Please find attached Major Variation for Hole in the Wa, Musselburgh. Can I please have your report/comments by 22nd August, 2023.

Kind regards

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

Licensing

From: Robertson, Scott
Sent: 26 July 2023 13:43
To: Licensing
Subject: RE: Major Variation for Hole in the Wa, Musselburgh

Hello,

Please note I have no comments or objections in relation to the major variation application at Hole in the Wa.

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 www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 25 July 2023 11:15
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; [REDACTED]
Subject: Major Variation for Hole in the Wa, Musselburgh

Hi

Please find attached Major Variation for Hole in the Wa, Musselburgh. Can I please have your report/comments by 22nd August, 2023.

Kind regards

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

