



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

**THURSDAY 23 NOVEMBER 2023 at 10.00am  
VIA A DIGITAL MEETING FACILITY**

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**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, 26 October 2023 (pages 1-14)
- 2. Provisional Licence**
  - a. Tiffin Box, 5 High Street, North Berwick (pages 15-44)
  - b. Garden City, 16 Kitchener Crescent, Longniddry (pages 45-72)
  - c. Pans Premier, Unit 3, Meadow House, Monks meadow, Prestonpans (pages 73-106)
- 3. Major Variation of Premises Licence**  
Nicholson News, 29a Links Road, Longniddry (pages 107-124)
- 4. Personal Licence**  
Samantha McLean (pages 125-132)
- 5. Review of Personal Licence**  
Damian Okragly (pages 133-136)
- 6. Non-Payment of Annual Fees**
  - a. Giancarlo's, 119 High Street, Tranent (pages 137-140)
  - b. Stodola, 109 High Street, Musselburgh (pages 141-146)
  - c. The Dragon Way, 27c Links Road, Port Seton (pages 147-150)
  - d. The Folly Hotel, 1 Station Hill, North Berwick (pages 151-154)
- 7. Chief Constable's Report to the East Lothian Licensing Board 2022-2023**  
(pages 155-170)

**Carlo Grilli**  
Clerk of the Licensing Board  
16 November 2023





**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

1

**THURSDAY 26 OCTOBER 2023  
ONLINE PLATFORM MEETING**

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**Board Members Present:**

Councillor C Cassini  
Councillor F Dugdale  
Councillor N Gilbert  
Councillor G McGuire  
Councillor J McMillan

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms G Herkes, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
Sgt G Wood, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor L Bruce

**Declarations of Interest:**

None

## **STATEMENT OF EXTENSION OF FESTIVE HOURS**

Councillor McMillan made a statement on behalf of the East Lothian Licensing Board:

In terms of Section 67 of the Licensing (Scotland) Act 2005 ‘the Act’, 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 – Sunday 24<sup>th</sup> December 2023,  
Christmas Day – Monday 25<sup>th</sup> December 2023,  
Boxing Day – Tuesday 26<sup>th</sup> December 2023,  
Hogmanay – Sunday 31<sup>st</sup> December 2023 and  
New Year’s Day – Monday 1<sup>st</sup> January 2024, (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 not later than 2<sup>nd</sup> December.

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.

### **1. MINUTES FOR APPROVAL 28 September 2023**

The minutes were approved as an accurate record of the meeting, subject to a correction to the list of attendees.

### **2. VARIATION OF PROVISIONAL LICENCE Wine Wednesdays, 8c Links Road, North Berwick**

The application sought to add online orders and deliveries to the provisional premises licence. The application had attracted no objections from the police, NHS, planning, the Licensing Standards Officer (LSO), public, or community council. The LSO had submitted a report including a recommended condition relating to the delivery of alcohol, noted below.

Catherine Boot, applicant, was present to speak to the application. She advised that the business had already undertaken home deliveries and online orders, but it had been brought to her attention that this had to be added to the licence. She said she had neglected to tick the correct box as part of the initial application.

PC Lee Wilson had no comments or objections to make on behalf of Police Scotland.

Karen Harling, LSO, had communicated with the applicant regularly in the previous year, and said the application before the Board was to make changes to online sales. She had recommended a condition to remain in line with the Act and Board policy, and otherwise was supportive of the changes.



Responding to a question from Councillor McMillan, the LSO advised that her recommendation related to ensuring age verification checks would be done to a suitable standard, and impressing upon courier services the importance of age verification and not leaving alcohol in a safe place or with someone under the age of 18. She added that the applicant had already been working from a deliveries policy, meaning that most of what had been recommended was already in place.

Councillor Gilbert formally proposed the LSO's recommendations relating to alcohol deliveries, and Councillor McGuire seconded this proposal.

The Convener moved to a roll call vote, subject to the LSO's recommendation, noted below, and the application was granted unanimously.

## **Decision**

The Board granted the major variation, subject to the following LSO recommendation:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol should be complied with.

### **3. MAJOR VARIATION OF PREMISES LICENCE**

#### **a. The Lobster Shack, North Harbour Walkway, North Berwick**

The application sought to vary the premises licence to extend trading for the whole year, and to make a change to the premises address. The application had attracted no objections from the police, NHS, planning, public, LSO, or community council.

Stirling Stewart, applicant, spoke to the application. He provided background information on The Lobster Shack, which had been established 11 years previously at North Berwick Harbour. He described the business as being popular with customers from the UK and abroad, and reported that it had featured in a Scotrail advertising campaign. He also described the direct route to market for local fishermen. Since demand had grown, he planned to open year-round instead of continuing with the established pattern of closing in September/October.

PC Wilson confirmed that Police Scotland had no objections to the major variation application.

The LSO had spoken with Mr Stewart and had visited the premises in relation to the application. She had raised an issue with the site notice, but this had been rectified, and she confirmed it had been displayed for the appropriate time. She had no complaints to make regarding operations at the premises, and had no objections or recommendations regarding proposed changes.

Responding to a question from Councillor Gilbert, Mr Stewart advised that the premises would not open in adverse weather if it would present any danger to customers and staff. The premises had been closed for three days over the previous weekend due to adverse weather. He advised that the premises had a significant online following and changes to opening hours would be advertised online.

Councillor Dugdale asked about environmental health's representation regarding the provision of water and drainage during the proposed extended trading time. Mr Stewart responded that there would be no change to the provision of water and drainage over

the winter months, and operation would continue similarly to that of the previous 11 years.

Councillor McGuire asked about heating of the seating areas. Mr Stewart referred to the plans submitted as part of the application, and highlighted the glass-fronted covered area as having electric heaters. He said this area was very sheltered, but he would advise customers bring a jacket on a cold day.

Councillor McMillan was minded to grant the application and knew that the premises was well managed. He noted that there were no objections, and he felt that the business added value to local tourism and food and drink offerings.

The Convener moved to a roll call vote, and Members unanimously voted to grant the major variation.

### **Decision**

The Board granted the major variation of the premises licence.

#### **b. Dunbar Garden Centre, Spott Road, North Berwick**

The application sought to vary the premises licence to add markets, inflatable courses, VR rides, and Santa's grottos as activities within and outwith core hours. The application had attracted no objections from the police, LSO, NHS, public, planning, or community council.

Ilmars Bogdanov was present to speak to the application. He outlined the proposed changes, which were to add Christmas markets, VR rides, entertainment for children, inflatable assault courses. He advised that multiple risk assessments had been put in place and it was hoped that the events would provide entertainment for the community.

PC Wilson confirmed that Police Scotland had no objections or adverse comments to make to the proposals.

The LSO had undertaken a full inspection of the premises and found it to be well run and compliant. She outlined the proposed changes, which she was supportive of. She understood alcohol service to be in the café area and away from the proposed activities.

Councillor McMillan had recently attended a concert at the garden centre and asked whether there would be a similar setup at the proposed events. Mr Bogdanov said that the garden centre would have to ensure a reasonable number of first aid-trained staff were available for assault courses, and further staff training was still to be undertaken. The next step in the plans would also involve building structures for the events. He said the changes were designed to attract the local community into the business. He said events would be similar in nature to the music festival, but work would be undertaken to make the surroundings more impressive and safer for participants.

Councillor Gilbert asked whether there were any problems with people taking alcohol from the café area to other parts of the garden centre. Mr Bogdanov said that staff strictly enforced the rule that alcohol must be consumed within the restaurant area, and there was no consumption in any other part of the garden centre. He said staff took this very seriously.

Councillor McGuire had found the garden centre an interesting and pleasant place to visit, with an excellent restaurant. He had been impressed by the Santa display, and he thought the changes to develop the garden centre's offer were positive. He wished the garden centre well and would support the application.

The Convener moved to a roll call vote, and Members unanimously voted to grant the major variation.

Councillor McMillan wished the garden centre well, and stressed the need to maintain good management, to restrict movement around the centre with alcohol, and to have well-trained staff. He complemented the garden centre on their customer care and knowledgeable staff.

## **Decision**

The Board granted the major variation of the premises licence.

### **d. Fisherrow Tap (formerly Hole in the Wa'), 170 New Street, Fisherrow, Musselburgh**

The application sought to vary the premises licence to include indoor and outdoor sports. The application had attracted no objections from the police, NHS, public, planning, or community council.

Stephen McGowan, agent, was present to speak to the application, and was accompanied by Scott Nicoll and Gary Monkton of the Fisherrow Tap. Mr McGowan advised that the rebranded premises had opened the previous week. There were seven people employed at the premises, and they were trading under the terms of their current licence. He advised that Mr Nicoll and Mr Monkton were experienced operators and had other bars, as well as a brewery in Dalkeith. He described the application's purpose as being to modernise the premises, make it more family-friendly, and to introduce bar meals. He highlighted that there had been no adverse comments to the application from any consultees.

PC Wilson confirmed that Police Scotland had no objections or adverse comments to make regarding the application.

The LSO said she had spoken with the new owners on the phone and online. She had also visited the premises and said it had undergone huge renovations. She had discussed operations with Mr Nicoll, and she agreed that the addition of a kitchen was very positive. She was aware that work was underway with environmental health, and had been pleased to be kept up to date on progress. She had discussed the child access policy with the owners and was more than comfortable with the arrangement where there was a door into the lounge bar and a different door into the main bar. She had no objections to any of the changes applied for, and wished Mr Nicholl and Mr Monkton well with their new venture.

Mr McGowan added that Marion Muir had visited the premises and signed off on behalf of environmental health.

Responding to a question from Councillor McMillan, Mr Nicholl said that the clientele in Fisherrow was different to their more central Edinburgh bar. He said that some old regulars of the Hole in the Wa' had come in, but the new operators had laid down the law to them.

Councillor McMillan commented that the Hole in the Wa' had been a legendary pub. He hoped the new operators would comply with all regulations and the premises would flourish.

The Convener moved to a roll call vote, and Members unanimously voted to grant the major variation.

### **Decision**

The Board granted the major variation of the premises licence.

#### **c. The Victoria Inn & Avenue Restaurant, 9 Court Street, Haddington**

The application sought to vary the premises licence to include indoor and outdoor sports. The application had attracted no objections from the police, NHS, public, planning, or community council. The LSO had submitted a letter of representation and made recommendations relating to children's access to the pool table.

Craig Douglas, tenant, and Paul Hastie were present to speak to the application. Mr Douglas hoped that the addition of a pool table to the operating plan would provide the possibility of turning the upstairs of the premises into a sporting venue, giving local hockey and football clubs a hub upstairs and keeping diners downstairs, thus making operation of the business easier for staff. Mr Douglas said he had not realised that pool tables were not part of the gaming licence.

PC Wilson confirmed that Police Scotland had no objections or adverse comments to make.

The LSO advised that the application had been made following a meeting with Mr Hastie, where it was established that indoor or outdoor sports were not stated on the premises licence. She confirmed that this was not linked to any entitlement for gaming machines on the premises. She asked the Board to refer to the statement of licensing policy regarding the access of children around the pool table, supervision of children under 12, and management of risk around staffing.

Councillor Gilbert asked how staff intended to supervise the pool table. Mr Douglas said that there was a bar upstairs and there would be always one or two members of staff upstairs on duty with a view of the pool table.

Responding to a question from Councillor McGuire, Mr Douglas said that he still intended that food would be served upstairs. He said the upstairs area was huge, so those playing pool would not be in the way of other customers.

Councillor McMillan asked about any potential changes to atmosphere, the access of children from the Lodge Street entry, and whether a written risk assessment had been produced. Mr Douglas responded that changes were being made to the menu and the direction the restaurant was going in. He advised that the pool table could also be used as a table or to display a continental breakfast, and was generally only used as a pool table for daytime trade. He advised that the annual fire safety risk assessment was being undertaken the following week and he could ask for a risk assessment for the pool table to be produced at the same time. He said that children often came in as part of sports groups with their parents, and reassured Members that staff would supervise if the responsible adult briefly left for a cigarette or bathroom break. He said that staff had undertaken first aid training, and there were only two more staff members to put through personal licence holder training. He said staff did sometimes ask whether

children were over the age of 12, but they had found that children who were younger than 12 generally wanted to stand outside or go to the park nearby. He also confirmed that there was no longer a gaming machine upstairs.

The Members agreed to have a short adjournment to discuss the application in private.

Upon their return, Councillor McMillan advised that Members were prepared to grant the major variation, but the licence would not be issued until such time as a written assessment for use of the pool table had been seen and approved. The risk assessment would then be reviewed and inspected regularly. Members also wanted Mr Douglas and Mr Hastie to consider that children up to the age of 11 would be fully supervised by an adult in pool table area. They also wanted the applicants to consider always having two members of staff on duty upstairs.

Mr Douglas responded that he could not afford to always have two members of staff in the upstairs area; this would not be financially viable if, for example, only two families were using the area. Councillor McMillan said that Members felt that it would be useful to have two members of staff to support one another if anything went wrong. Mr Douglas advised that the area was covered by two CCTV cameras, and if parents were at the pool table, their children would be no more than 1.5m from them.

Councillors McMillan and Gilbert asked about the supervision of children at busy times and the licensing objectives relating to protecting children and public health. Mr Douglas responded that there would be one member of staff upstairs and another downstairs, and reiterated that it would not be financially viable to have two members of staff upstairs and one downstairs. He said that upholding the licensing objectives should not change under these proposals.

Councillor McMillan suggested that a risk assessment could be undertaken which detailed there being only one member of staff in the upstairs area, and the applicants could seek advice from the LSO and police. The Board would then review the finalised risk assessment.

Carlo Grilli, Clerk of the Board, suggested that the full approval could be delegated to the Clerk of the Board, subject to the comments of Police Scotland and the LSO. As there was an inclination to grant, provided there was a suitable risk assessment in place which covered the management of the upstairs area, he suggested that the risk assessment could be presented to Members outwith a Board meeting. He asked whether the Board would be prepared to reduce the suggested condition of two members of staff covering the upstairs area down to one member of staff, provided a suitable risk assessment was in place. Councillor McMillan said that a comprehensive risk analysis would have to be presented to ensure the area would be operated properly, and asked for the applicants' thoughts on this proposal.

Mr Hastie agreed that two members of staff supervising the upstairs area would make the space unviable. He added that Mr Douglas upheld the licensing objectives and managed the space well. He said that although they would propose there be one person upstairs and one person downstairs, there was also often another member of staff floating between the two areas, and the kitchen was also staffed. He said the pool table was not a full-time fixture but provided the area with more functionality, and it did not operate as a pool table when the area was in operation as a restaurant.

Councillor McMillan said that the Board wanted to be helpful, but had identified some risks. He agreed with the plan for the written risk assessment to be presented to the Board outside of a formal meeting.

Councillor McMillan formally proposed the two conditions relating to the written risk assessment for use of the pool table and that children under 11 would be supervised by an adult. Councillor Gilbert formally seconded these proposals.

Councillor McMillan moved to a roll call vote on the application. Board Members unanimously agreed to grant the application, subject to the conditions proposed by Councillor McMillan.

The Board then agreed that Mr Douglas would come back to the Board with the written risk assessment before formal approval was issued. This would be inspected by the Clerk of the Board, in consultation with the Board, LSO, and police. Approval for the major variation would only be issued upon receipt and approval of the written risk assessment. Board Members unanimously agreed to this course of action by roll call vote.

Responding to a question to from Mr Douglas, Mr Grilli confirmed that the written risk assessment could be emailed in and would not have to wait until the next Licensing Board meeting.

### **Decision**

The Board granted the major variation of the premises licence, subject to the following:

- A written risk assessment, together with written policies in relation to how the pool table would operate, would be sent to the Board for review. The risk assessment could be inspected by the LSO and by Police Scotland on request and would be regularly reviewed by the applicants.
- Children under 11 to be supervised by a responsible adult while in the bar/restaurant area on the first floor.
- Approval of the major variation would not be issued until such time as the written risk assessment had been received and approved by the Clerk of the Board, in consultation with the Board, LSO, and Police Scotland.

#### **4. PROVISIONAL LICENCE Premier Store, 90 High Street, Haddington**

The application sought a provisional premises licence. The application had attracted no objections from the police, NHS, public, planning, or community council. Three public objections had been received on the basis of over provision and the potential for increased antisocial behaviour. The LSO had submitted representation noting issue with the submitted layout plan, providing a list of licensed premises within an 800m radius, and recommending a condition relating to deliveries of alcohol.

Alistair Macdonald, agent, was present, accompanied by his clients, Sheree and Zain Shah. Mr Macdonald highlighted the huge increase in population in Haddington and concomitant increase in demand for facilities. He said that the town centre would expect a concentration of commercial premises to service this growing community. He noted that the area had not been identified as an area of overprovision, despite objectors making reference to overprovision. His clients had made improvements to the shop and wished to add alcohol as a facility for their customers. Mr Macdonald said that the shop had been largely a newsagents; the community had been keen to keep the newsagent aspect of the business, although he noted that newspapers were not profitable. He said his clients wanted to make a real success of the business, having

signed a 20-year lease, and one of the ways to make the business viable would be to sell alcohol. He reported that there was demand for alcohol sales from their regular customers. He noted that the three objections were all from those in the trade, and highlighted that Police Scotland had no issue with the application. He reported that Mr and Mrs Shah no longer intended to change the shop layout imminently; this had delayed the application for Section 50 certification from building standards and was the reason they had applied for occasional licences. They would now proceed with Section 50 applications from building standards and food and hygiene.

Mr Macdonald continued by saying that Mr and Mrs Shah had not experienced the issues described in the objections, which he felt had not painted a positive picture of Haddington town centre. He said Mr and Mrs Shah had felt very welcomed since opening, and did not think this would change if they began selling alcohol. He said Mr and Mrs Shah would have to be strict and cautious in selling alcohol, and had taken on board the issues raised within the objections. He said his clients had spent money acquiring the lease and could not afford to make mistakes. Mr Macdonald referred to the list of premises provided by the LSO, and commented on various nearby premises which he described as either having a different offer to that proposed by his clients, or as serving residents living in other parts of Haddington. He reiterated his earlier points on the population growth in Haddington and increased demand for competition. He felt that any suggestion that his clients' store selling alcohol would add to issues in the town centre was only speculation.

Mr Shivakumar, representing Haddington Wines and Whiskies, accompanied by Shanthy Shivakumar, representing Day-Today, spoke against the application. Mr Shivakumar welcomed Mr and Mrs Shah to the High Street. He referred to the two stores' very full refusal registers. He said that staff were scared due to the high crime rate in this area; he had had to provide local accommodation to staff who had been assaulted previously, or who had been harassed when getting on the bus at night. He stated that his objection was not due to the potential for competition with his two stores, but due to the high crime rate in the area and regular need to refuse sales of alcohol to young people. He said that staff faced particular pressure during school holidays, and some had resigned from their roles due to pressure faced at bus stops after refusing to sell alcohol to young people. He reiterated that the objection had not been made due to concern over competition.

Responding to questions from Councillor McGuire, Mr Macdonald said that there would be a significant impact on the business should they be unable to sell alcohol. Mr and Mrs Shah would retain the newsagent element of the business, but as newspapers were not profitable, they had to consider other ways of making the business work. Mr Macdonald said the Shahs were a young family and the store was their only source of income, and being licensed to sell alcohol would make a huge difference to the viability of the business. There had been no issues with the store's clientele, and they had not witnessed issues outside the store. Mrs Shah was a personal licence holder and understood her responsibilities. He said that it was important to the family for the business to operate well, and they understood that they may be tested, and procedures would have to be robust when selling alcohol. He said that if there was any doubt as to whether the customer was underage, his clients and their staff would refuse the sale. He said his clients understood that theft of alcohol was a serious problem and CCTV would cover the alcohol display area, and Mr and Mrs Shah would build up a good relationship with the police and LSO.

Councillor McMillan thought that some of the issues raised by objectors had been addressed by the problem solving partnership, and said that recent reports from the area suggested that incidents were decreasing. He said that if there was evidence to the contrary, then further consideration could be given to community policing and wardens. He felt that another well-managed shop would add security and value to the

area. Mr Shivakumar responded that CCTV had been installed to cover the pavement outside his stores, although they had been asked to remove the CCTV cover. He reported that nothing had changed under the community partnership, and there was clear evidence in his refusal file. He also had a record of many fake IDs. He reported that staff had been held ransom for the night after taking a young person's fake ID. There was also a bulk purchase file kept. He reiterated that the issue was not about competition, and he said he was happy to work with anyone to resolve these issues.

PC Wilson confirmed that Police Scotland had no objection to make to the application.

The LSO questioned why the application was for a provisional premises licence and not a full premises licence when the decision had been made not to change the layout of the store. She said that a new layout plan had been submitted. She highlighted the corner section display of alcohol in chiller units, and said the second alcohol display area was inaccessible to the public. She highlighted her recommended condition regarding deliveries. She also asked the applicants to communicate with her on deliveries and how they were dealing with the online platforms.

Responding to a question from Councillor McMillan, PC Wilson reported that he had had few or zero issues with licenced premises on Haddington High Street in the two months since taking up his post. Councillor McMillan commented that other antisocial behaviour issues may have been raised, and there may have been issues with people bringing alcohol from elsewhere. He acknowledged some of the challenges presented by the bus passes available to all young people.

Mr Macdonald responded to some of the LSO's points. He confirmed that although a refurbishment had been investigated, this was no longer planned, but a Section 50 certificate from building standards could not be obtained while this had been underway. He said that the licence could be finalised quickly as the other two Section 50 certificates could now be obtained. He noted that the objectors had said that they had no issue with the premises having a licence to sell alcohol, so their objections were only about the general crime in the area; Mr Macdonald said there was no evidence that the Premier Store having a premises licence would increase crime. He said that having another premises with CCTV cover, undertaking due diligence, and with robust procedures in place would have a positive effect on the area. He said the two shops should work together to pass problems onto one another, and said Mr and Mrs Shah would be happy to work with Mr and Mrs Shivakumar. He said his clients wished to contribute to the solution and reduction of the issues in the area. He said Mr and Mrs Shah would be robust, diligent, and would not let the Board down. Mr Shivakumar added that after a call was made, it sometimes took several days for police to attend their stores.

Mr Macdonald reassured Members that the layout plan complied with legislation. The chiller display area could be seen from the counter. Responding to a question from Councillor Dugdale, he advised that the area behind the counter would have spirits and high value products, and areas B and C on the plan would display wines and beers.

Mr Shah said he was aware of issues with crime and reported that his other business had suffered break-ins. He described the set-up with the tills in store, which automatically asked for age verification and kept electronic records. He said that a great deal of care would be taken around age verification, and records would be available for anyone to review.

Responding to a question from Councillor McMillan, Mr Shah agreed that having a relationship with the previous leaseholder was helping them learn the trade, and the previous owner worked in the store from 6am-10am. Mr Shah said he would join his



wife by training to hold a personal licence, and the previous owner could also undertake personal licence holder training should he wish to work longer hours.

The Members agreed to take a short adjournment to discuss the application in private.

Upon their return, Councillor McMillan referred to the situation in Haddington town centre and behaviour on the streets, and acknowledged the concerns of the three objectors who were all keen community activists. He said it was important to have a thriving town centre and to promote East Lothian food and drink, and to have 20-minute neighbourhoods and a good community and economy. He felt that many of the points being raised were being addressed elsewhere, and community wardens were working to reduce antisocial behaviour. He acknowledged some of the challenges brought about by free bus travel for young people. He felt that the sale of alcohol was not the problem, but the behaviour of those who bought it. He encouraged the community to report any issues. He felt that if the shop was managed well, complied with licensing issues and was aware of risks of the past, and played an active part with neighbours, this would lead to a strengthened system in reporting issues. He encouraged the shop owners to work with Police Scotland. He was minded to grant the application, subject to the LSO's recommended condition. Councillor Gilbert agreed with Councillor McMillan's comments. He emphasised that the business would be under the spotlight, and it would be important that all guidance was adhered to.

Councillor McGuire said he wanted to see a thriving and bustling town centre in Haddington, but could see there were problems in the town centre. He felt Mr and Mrs Shah's business could work in partnership with Mr and Mrs Shivakumar's businesses to help make a safer environment in their corner of the High Street. He said the Board had a responsibility to work with them to create and better, safer, and thriving community.

Councillor McMillan said that Mr and Mrs Shah should take example from Mr and Mrs Shivakumar in all they had done in supporting the community. He was shocked to hear of the abuse suffered by Mr and Mrs Shivakumar and their employees, and would take this back to community policing and the bus forum.

Councillor McMillan formally proposed the LSO's recommended condition relating to deliveries of alcohol, and this was seconded by Councillor McGuire.

The Convener moved to a roll call vote and Members unanimously agreed to grant the provisional licence.

## **Decision**

The Board granted the provisional licence, subject to the following condition:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol should be complied with.

## **5. OCCASIONAL LICENCES Premier Store, 90 High Street, Haddington**

The application sought occasional licences while the provisional premises licence was in place. The application had attracted no objections from the police or LSO.

It was acknowledged that these applications were made in similar terms to the provisional premises licence application at item 4. Mr Macdonald added that now his clients had decided that there would be no change to the layout of the store, applications could be made for the outstanding Section 50 certificates, and he did not expect that the business would have to operate under occasional licences for very long.

PC Wilson advised that Police Scotland had no objection to the applications.

The LSO encouraged that all members of staff be fully trained in the selling of alcohol; she could provide guidance regarding staff training and help to ensure that all procedures be in place. She would visit the premises in the following weeks.

Councillor McMillan said that the Board took working to the licensing objectives seriously. He encouraged the new owners to become part of the Haddington community and continue with their good record of customer service.

The Convener moved to a roll call vote and Members unanimously agreed to grant the occasional licences.

Mr Shah said he hoped the objectors would visit his store and that they could work together.

### **Decision**

The Board granted the occasional licences.

## **6. EAST Lothian LICENSING BOARD STATEMENT OF LICENSING POLICY (1<sup>ST</sup> NOVEMBER 2023 TO 31<sup>ST</sup> OCTOBER 2028)**

A report had been submitted by the Clerk of the Licensing Board to determine the Statement of Policy for East Lothian Licensing Board from November 2023 to November 2028, and to ask that the Board note the outcome of the consultation exercise and adopt the draft Statement of Licensing Policy as appended to the report.

Carlo Grilli, Clerk of the Board, presented the report. He advised that the current policy expired in November 2023 and there was a statutory requirement to put a new policy in place for the following five years. He said that in East Lothian's growing community, there was not currently evidence to bring forward a full overprovision statement, but said that overprovision could be dealt with on a case-by-case basis. He also thanked the Licensing Forum for their contributions.

Councillor McMillan thanked Mr Grilli for his work on the policy, and commented that the Board had been fully involved at all stages of consultation, comment, and review.

Councillor Cassini was impressed by the diligence with which the policy had been produced, and could find nothing in the policy to object to. Councillor McGuire congratulated officers for their work on the policy. Councillor Dugdale thanked officers and the Licensing Forum, and recommended that everyone read the policy to understand the work of the Licensing Board.

Councillor McMillan thanked Councillor Bruce for his work in leading the Board through the exercise, supported by fellow Members, the LSO and licensing team. He said the policy was essential reading for all working within the industry and reinforced the need

to meet the five licensing objectives, which were central to all work undertaken by the Board.

Councillor McMillan moved to a roll call vote and Members unanimously voted to note the outcome of the consultation and adopt the draft Statement of Licensing Policy for the period November 2023 to November 2028.

**Decision**

The Board noted the outcome of the consultation and adopted the draft Statement of Licensing Policy for the period November 2023 to November 2028.

Signed

.....

Councillor J McMillan  
Convener of East Lothian Licensing Board

DRAFT



FL396



# 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

Tiffin Box, 5 High Street, North Berwick, East Lothian, EH39 4HH

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**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.

Navtaj Singh Shetra

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

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

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

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**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.\*

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\* 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)

Hot food takeaway premises located on North Berwick High Street,

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in a ground floor unit.

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

Signature  \_\_\_\_\_ \* (see note below)

Date 25/9/21

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

Macdonald Licensing

21a Rutland Square

Telephone number and email address of signatory

Edinburgh, EH1 2BB

0131 229 6181

alistair@macdonaldlicensing.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.

<b>For use by the Licensing Board only Application checklist</b>	
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)	

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

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

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

Tiffin Box 5 High Street North Berwick EH39 4HH
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### Question 1

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

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

### Question 2

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

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



**Question 5**

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

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

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

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

This is a hot food takeaway business and therefore will remain open after 10pm, until at least 11pm, or later with the benefit of a Late Hours Catering Licence. Activities answered “yes” in column 4 may take place during that period, namely background music and the TV in the customer waiting area.

*5(f) any other activities*

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

This is a hot food takeaway, serving a variety of hot food for takeaway, collection and deliveries. Deliveries may include alcohol with food orders.

*5(g) Late night premises opening after 1.00am*

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

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

*\*Delete as appropriate*

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

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

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

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

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

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

**Question 7**

*CAPACITY OF PREMISES*

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

11.2 Square metres

**Question 8**

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

*Personal details*

8(a) *Name*

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address and telephone number*

8(e) *Personal licence*

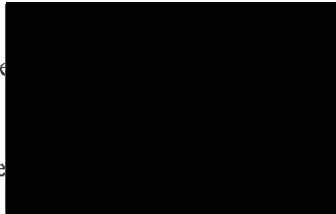
<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>



**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

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

Signature  ..... \* (see note below)

Date ..... 20/11/11

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

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, [alistair@macdonaldlicensing.com](mailto:alistair@macdonaldlicensing.com)

**\* Data Protection Act 1998**

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

## 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

This is a small hot food take-away, specialising in Indian meals, and located in a ground floor unit on the High Street, North Berwick, close to the junction with Quality Street .

The premises consist of a kitchen, and a large waiting area for customers.

The premises opened last year and would like to have the benefit of including alcohol with their take-aways or deliveries. Many customers have asked and they do lose business as a result of not having a Licence. We would make it clear that alcohol will only be sold with food. In other words they would refuse a customer who came in to try to buy alcohol on its own.

They do deliveries which are done by the staff. All staff involved in the sale or service of alcohol, including delivery drivers, will receive the mandatory two hours training, and part of that training would concentrate on deliveries, explain the law and also explain the conditions that might be added by the Licensing Board with regard to deliveries.

The proposed Manager is a chef and takes provide in their range and quality of meals, which include dishes including lamb, tuna, prawns and vegan meals. The alcohol would be of a variety to complement these meals.

(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) N/A

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

b) Alcohol with take-aways and deliveries. Alcohol would only be sold with a food order.

--	--

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

(extend the boxes below if you require additional space)

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

**Social Functions – Weddings; Birthdays; Retirements ; Other** - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each: N/A

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

There may be background music in the premises.

There is also a TV located within the customer waiting area, which customers can watch whilst they await their order. At times this may show sport, but they do not have Sky Sports or anything like that for instance. It would just be Match of the Day, or if there was any golf, tennis, rugby etc. on at the time.

**Outdoor Drinking Facilities** - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities: N/A

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

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

The premises will operate after 10 pm, when the Licence terminates. They may stay open until 11 pm, and if they decided to stay open later than that they would require a Late Hours Catering Licence.

The clients are aware of the fact that any orders for alcohol would have to be placed prior to 10 pm.

**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:

This is a standard take-away operation, selling hot food, hot and cold drinks, and perhaps a small amount of confectionary etc.

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

There is no restriction on Children and Young Persons, and they do not require to be accompanied by an adult, but if there was a Liquor Licence in place, our clients would operate a strict Age Verification Policy including Challenge 25. This would be included in Staff Training.

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

(extend the boxes below if you require additional space)

**Preventing Crime and Disorder:**

Our clients have not experienced issues of crime and disorder. The premises close before the bars and it is very seldom they have had customers in the past who they would have had to refuse alcohol to. Customers in general behave and if they are not behaving they would be told that they will not be served and asked to leave. The pavement is quite narrow outside so they do not like people waiting outside, particularly as there is plenty of space within the premises.

If there were any issues they would not hesitate in phoning the Police and passing over CCTV footage.

**Securing Public Safety:**

The safety of our clients' staff and customers are paramount. Nothing would take place that would infringe that. As explained there is a big area for waiting which can comfortably accommodate someone in a wheelchair as well for instance, as explained in the Disabled Access Statement. There is always a member of staff in the front area to keep an eye on things.

**Preventing Public Nuisance:**

As mentioned there will be background music. Generally the noise on the TV is not on. Neither of these should cause any problems to neighbours. They haven't up until now.

There is no reason for people to wait outside for their meal. They can do that inside where they can be monitored and controlled by our clients.

**Protecting and Improving Public Health:**

Our clients' Brother in Law was a Chef and so this take-away does not just provide normal meals, but special meals. This could be things like lamb chops, steak etc. and the alcohol would reflect that. There may be suggestions of types of wine that would go with the meals. That is the type of business that our clients are looking to promote and deal with by deliveries etc.

**Protecting Children and Young Persons From Harm:**

As explained before our clients will operate a strict Age Verification Policy/Challenge 25. Training will include guidance on suitable identification that can be accepted etc. Anyone challenged will have to provide ID or they will be refused. That would also apply in the case of deliveries as well. If there is not an adult there to accept the delivery, if it includes alcohol, it will be returned to the shop.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

Our clients would just like the opportunity of including alcohol so that people ordering either take-aways or deliveries can include this in their order. This would apply in particular to deliveries which they do lose business on at the moment.

The proposed Premises Manager will obtain a Personal Licence, and other staff will receive the mandatory staff training.

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

This take-away has attracted a growing business from locals, visitors and tourists. They are responsible operators and are fully aware that the granting of a Licence is a privilege. They would operate accordingly and would liaise with the Police and the Licensing Standards Officer in connection with any issues.

Having a Licence would be a privilege, which they would protect and deal with appropriately. Complying with the law and any Conditions added, with regard to Deliveries for instance.

They would ask the Board to support their venture and can assure the Board that they would not let them down if they were kind enough to grant this.


--

**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	25/9/23
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M MacDonald Chartered  
Solicitor  
EM1 2BB  
alistair@macdonaldchartered.com 0131 2296181

DISABLED ACCESS AND FACILITIES STATEMENT

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

**Question 1**

**Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
*Delete as appropriate		

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

**Question 2**

**Disabled access to, from and within the premises**

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

There is a small step at the entrance here and our clients are looking to introduce a portable ramp. Photo attached. Both doors can be opened when required

**Question 3**

**Facilities available**

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

Once inside there is plenty of space for turning etc and for waiting for a takeaway, after ordering.  
Staff will always be ready to assist, not only for customers with mobility issues but sight, hearing etc.



**Question 4**

**Other provisions**

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


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

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

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

Signature .....  ..... \* (see note below)

Date ..... 25/5/03 .....

Capacity ..... APPLICANT/AGENT

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

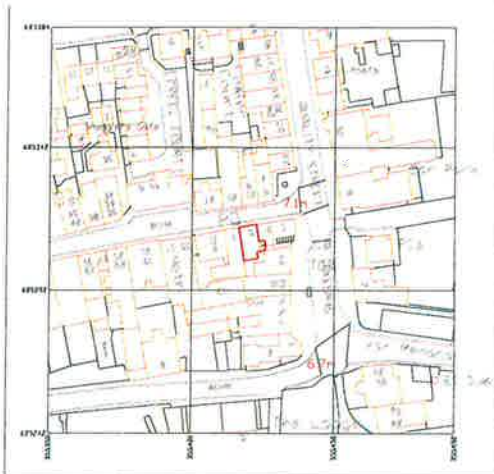
Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

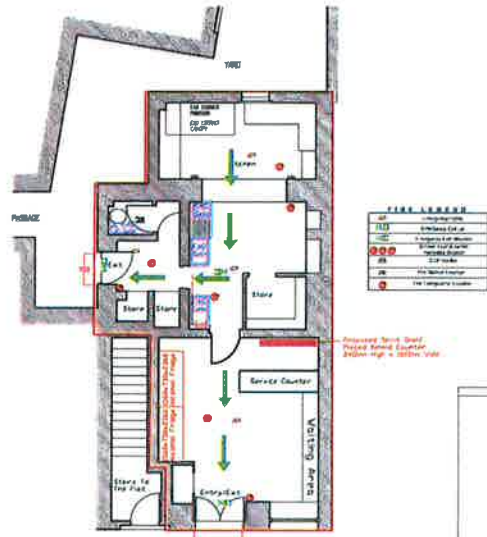
The information on this form may be held on an electronic public register which may be available to members of the public on request."





The Tiffin Box  
 5 High St  
 North Stroud  
 EH19 4JH  
 Total Site area shown marked in Red  
 Total Area approx 7361

Produced on 28 August 2023 from the Ordnance Survey National Geographic Database and interpolating surveyed elevation at 0.1m scale  
 The map shows the area bounded by 395290 643242 395412 649242 395350 649351 395350 649242  
 Crown copyright and database right. © 2023 OS 10001122. Supplied by name via finding os 10001122 to a licensed Ordnance Survey client 100 10031123  
 Data licence expires 08 August 2024. Urban data reference v26/7986173/1325915



Alcohol Licence Drawing  
 (Scale 1:100)

Notes

- Premises Floor Area/Licensed Area Outlined in Red  
 Total Approx Area 69m<sup>2</sup>
- Alcohol Fridge Show a Total 7.4m<sup>2</sup> of Display  
 Shelving containing Alcohol Display Total 3.8m<sup>2</sup>
- External Door Widths shown in Red
- Toiltes and Sinks shown in Blue



Information block containing project details, client information, and a logo for 'The Tiffin Box'.



# East Lothian Council

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

## SECTION 50 PLANNING CERTIFICATE

APPLICANT:	Navtaj Singh Shetra
NAME AND ADDRESS OF PREMISES:	Tiffin Box, 5 High Street, North Berwick, East Lothian, EH1 2BB

**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: 15/00487/P) 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:	24th August 2023
Keith Dingwall Service Manager, Planning			

02/10/2023

Your Ref: EL396  
Our Ref: 759943

The Clerk of the Licensing  
Board  
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 GRANT OF A  
PROVISIONAL PREMISES LICENCE  
TIFFIN BOX, 5 HIGH STREET, NORTH BERWICK, EAST LOTHIAN, EH39 4HH.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any 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



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:** 24<sup>th</sup> October 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

**PROVISIONAL PREMISES LICENCE APPLICATION**

**TIFFIN BOX, 5 HIGH STREET, NORTH BERWICK, EAST LoTHIAN EH39 4HH**

I refer to the above subject and can confirm the premises has been visited in relation to this application. The premises was closed however the site notice was displayed correctly.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

This type of licence is considered for premises that are yet to be, or in the course of being, constructed or converted for use as a licensed premises. On my visit and through local knowledge I could see that the premises is already fully operational and that not construction is planned. Any alterations will be to internal shelving or in inclusion of chillers.

I can confirm that the application is compliant with the act.

The off sales capacity applied for is 11.2 m<sup>2</sup>. Within an 800m radius there are 26 other premises as follows:

Nisa Local, High Street – Off sales only  
Co-op, High Street – Off sales only  
Rasul Bros, Lochbridge Road – Off sales only  
North Berwick Rugby Football Club, Dunbar Road – On and off sales  
Zitto Italian Wine Bar, Quality Street – On and off sales  
Herringbone, High Street – On and off sales  
Auld Hoose, Forth Street – On and off sales  
Ship Inn, Quality Street – On and off sales  
Golfer's Rest, High Street – On and off sales  
Locket Bros, High Street – On and off sales  
Scottish Seabird Centre – On and off sales  
The Puffin, High Street – On and Off sales  
Poonthia's, High Street – On and off sales  
No 12 Hotel and Bistro, Quality Street – On and off sales  
JP's Deli and Café, High Street – On and off sales

Rocketeer, Victoria Road – On and off sales  
Lobster Shack, Harbour Stance – On and off sales  
Cucina Amore, Quality Street – On and off sales  
North Berwick Diner and Fry, Quality Street – On sales only  
The Grange, High Street – On sales only  
Bella Italia, High Street – On sales only  
The Westgate Gallery, Westgate- On sales only  
Lucky House Cantonese Restaurant, High Street – On sales only  
Osteria, High Street - On sales only  
The Folly Hotel, Station Hill – On sales only  
County Hotel, High Street - closed

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 02 October 2023 14:25  
**To:** Licensing  
**Subject:** RE: Attached Image - EL396 - Tiffin Box

Hello,

Please note I have no comments or objections in relation to this objection.

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%7C4e55394ae4b0431cb29508dbc34b01b0%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638318499127780607%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=nKsHnj%2FYFaFSAYinSprgMuPinHb0TPkRoAWat3p3f%2Bc%3D&reserved=0>

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

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 26 September 2023 12:34  
**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>; torquill.cramer@firescotland.gov.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - EL396 - Tiffin Box

Hi

Provisional Licence application for Tiffin Box, 5 High Street, North Berwick for report/representation by 25th October 2023.

Gillian

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



## Licensing

---

**From:** Kathryn Smith [REDACTED]  
**Sent:** 05 October 2023 16:39  
**To:** Licensing  
**Subject:** RE: Attached Image - EL396 - Tiffin Box

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

**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.

Gillian

Thank you for the application for a provisional licence for Tiffin Box, 5 High Street, North Berwick.

I can confirm that North Berwick Community Council has no comment to make on the application.

Kind regards  
Kathryn

Kathryn E Smith  
Secretary NBCC

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

**From:** Licensing [mailto:licensing@eastlothian.gov.uk]  
**Sent:** 26 September 2023 12:34  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian'; Harling, Karen (Licensing); Environment Reception; Environmental Health/Trading Standards; torquil.cramer@firescotland.gov.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - EL396 - Tiffin Box

Hi

Provisional Licence application for Tiffin Box, 5 High Street, North Berwick for report/representation by 25th October 2023.

Gillian

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



EL395  
Reports 26/9



East Lothian Council  
Licensing  
25 SEP 2023  
Received

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

LICENSING (SCOTLAND) ACT 2005, SECTION 20

\*Delete as appropriate

# 2B

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

Garden City, 16 Kitchener Crescent, Longniddry, East Lothian, EH32 0LR

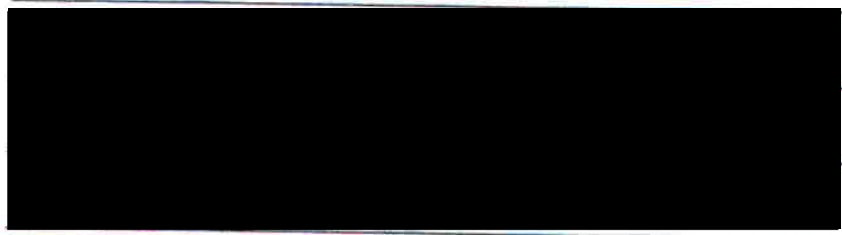
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**Question 2** - Particulars of applicant

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

Navtaj Singh Shetra



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

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

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

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**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.\*

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\* 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)

Retail premises located on Kitchener Crescent, at the corner with

Main Street, Longniddry.

**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 declaration are true to the best of my knowledge and belief.

Signature \_\_\_\_\_ \* (see note below)

Date 27/1/05

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

Macdonald Licensing

21a Rutland Square

Edinburgh, EH1 2BB

Telephone number and email address of signatory

0131 229 6181

alistair@macdonaldlicensing.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.

<b>For use by the Licensing Board only Application checklist</b>	
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)	

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

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



# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

Garden City 16 Kitchener Crescent Longniddry EH32 0LR
--

### Question 1

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

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

### Question 2

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

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

**Question 3**

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

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

**Question 4**

**SEASONAL VARIATIONS**

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

*\*If YES - provide details*

**Question 5**

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

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



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

This is a convenience store and therefore will open prior to licensed hours. In fact as the shop provides newspapers, rolls and hot snacks, it may open from 5am. Activities answered "yes" in column 4 may take place during that period.

5(f) any other activities

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

This is a convenience store providing a range of goods and services, including newspapers and magazines, hot and cold food to take away, general foodstuffs, confectionary, cigarettes and vapes, toiletries, pet food, household items and in general items that a local convenience store would sell, including specific requests from customers

Deliveries which may include alcohol.

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*
--	---------

\*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/NO*
	<i>*Delete as appropriate</i>	

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

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

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

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

**Question 7**

**CAPACITY OF PREMISES**

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

12.9 Square metres

**Question 8**

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

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address and telephone number

8(e) Personal licence

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 are true to the best of my knowledge and belief.

Signature ..... \* (see note below)

Date ..... 2/7/03

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

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

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

## Supplementary Application Information

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

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

### Business Profile

These are retail premises which have been taken over by our clients last year. The shop is located on the ground floor of premises at the corner of Kitchener Crescent and Main Street, Longniddry.

It sells a variety of goods and services as would be expected of a typical convenience store, including food stuffs, confectionary, stationery, pet foods, toiletries and general household goods. They also do some hot food, which is popular with passing trade.

Whilst the address is Kitchener Crescent, the shop does have a frontage onto the Main Road, and does attract business from passing trade. For instance there is a lot of building work going on at the area at the moment and a lot of the builders will stop here for their morning rolls etc. This is particularly the case because the shop opens at 5 am for newspapers, rolls etc.

It also has a local clientele which they would like to expand

(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) N/A

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

b) The premises would sell a range of beers, wines, spirits etc. for off sale consumption. Appropriate Staff Training. The Applicant has a Personal Licence and other staff will also attend a



	Training Course and apply for one.

**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:

Not Applicable

**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:

Not Applicable

**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:

May play background music, but at a level that would be expected in a shop.

**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:

Not Applicable

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

preventing harm to children and young persons:

Not Applicable

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

As explained the premises may open from 5am when the sale of hot and cold snacks plus the sale of goods and services other than the sale of alcohol may take place. Background music may be played during this period

**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:

Deliveries, which may include alcohol. Deliveries will be carried out according to the legislation and Conditions added to the Licence by the Board.

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

There is of course no restriction for Children and Young Persons in retail premises but Children , especially in groups, are monitored. Our clients will operate a strict Age Verification Policy, which will include training, concentrating on Challenge 25. They will display a Challenge 25 Notice. Staff will be trained in the type of ID they can accept, how to challenge and how to refuse. Also what might indicate that an adult customer is involved in an agency purchase, which would be refused and the adult barred from the shop.

Also the need to re-examine ID even if it has been exhibited before. Staff cannot take the word of a suspected under-ager that they have shown the ID before, perhaps to another member of staff

**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:**

Since our clients took over they have had no issues in this respect. A lot of their business is passing trade, who are travelling to work for instance or from work, back home. Their visit to the shop tends to be fairly quick, to pick up whatever it is they want and then to continue on their way.

The local business is growing and it is hoped will continue to do so but there have been no issues of any kind. If there was, and of course there are frequent references in the media to the abuse that shop keepers have to put up with, they would not hesitate to notify the Police and, if possible, provide CCTV footage.

There is CCTV throughout the shop, for the protection of staff and customers.

**Securing Public Safety:**

The safety of our clients' customers and staff is paramount. In relation to the previous section, in any incidents of aggression, staff will be told not to put themselves at risk and their first priority must be their safety, and the safety of other customers.

The premises are set out in a way that they hope will be safe to customers, although a refitting of the premises would be envisaged in the next year or so.

**Preventing Public Nuisance:**

It may be that background music will be played in the premises but this would be at a very low level.

This is a main road, and a lot of the trade is from passing motorists who will park on the road. It is hoped that they will do so in a responsible manner – they certainly seem to do so at the moment. It is not anticipated that the grant of a Licence would increase this, as the busiest time is actually first thing in the morning, before the Licence would be in effect. Nevertheless our clients are opened to comments or suggestions by neighbours as to how any issues could be minimised.

**Protecting and Improving Public Health:**

Again our clients as responsible operators, are aware of concerns expressed by the Government, and Licensing Boards and other organisations about the irresponsible and over consumption of alcohol in Scotland. This could also apply to drugs for instance as well, to which our clients will have a zero tolerance policy. They will not hesitate to refuse any customers who they consider it is inappropriate to sell alcohol to. This will be done in a polite and friendly manner, but once a decision is made they will firmly stick to that.

Going forward our clients wish to increase the local business, and that is why they would like to offer deliveries for instance, but if they are to become a greater part of the local community, it is essential that they are seen to be responsible retailers, whose priority is the health and welfare of their customers.

**Protecting Children and Young Persons From Harm:**

As explained there is no restriction on Children and Young Persons but a strict Age Verification Policy/Challenge 25 will be enforced. A Refusal Book will be introduced.

This Policy will apply not only to alcohol but to other age related products such as cigarettes, vapes etc.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

Our client and his family are enthusiastic entrepreneurs who have taken over this business and hope to expand into other businesses as well.

Whilst the business is successful, many of the items that they sell, such as newspapers etc., have a very low profit margin. They are losing a lot of business particularly local business, from customers who come in and ask if they are licensed. When they advise that they are not then the customer leaves and goes to a nearby supermarket for instance, so they lose the whole order. That is the reason they are requesting this.

They are aware of their responsibilities and will be at pains to ensure to the Board that they will not let them down, should the Licence be granted.

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

As explained, our clients are enthusiastic about operating a businesses in East Lothian, of which this one was the first. They want to provide a high standard operation and to have a good relationship with the Police, your Licensing Standards Officers and the Board. And indeed the local community Any concerns expressed by neighbours or customers would be addressed immediately.

They would ask the Board to support this Application and to allow them to operate with a Licence on the assurance that they will do so in compliance with the law, the Licence and any Conditions added to the Licence by the Board

**SIGNATURE AND DECLARATION BY APPLICANT**

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

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

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

Signature		Date	
-----------	--	------	--





# East Lothian Council

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

## SECTION 50 PLANNING CERTIFICATE

<b>APPLICANT:</b>	Navtaj Singh Shetra
<b>NAME AND ADDRESS OF PREMISES:</b>	16 Kitchener Crescent, Longniddry, East Lothian, EH32 0LR

**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**

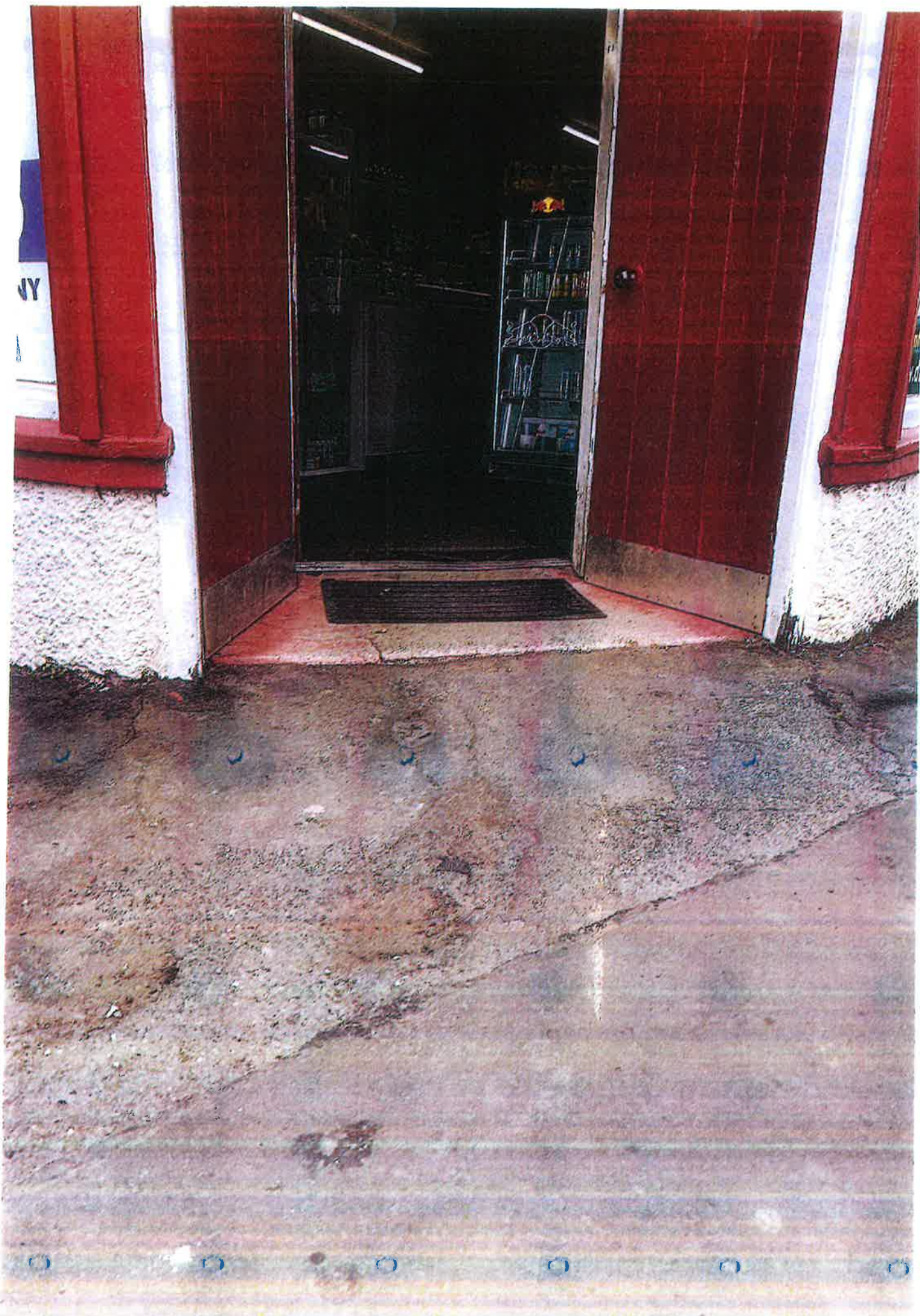
I confirm that planning permission (ref: 15/00487/P) has been obtained in respect of the construction or conversion of the subject premises.

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:	24th August 2023
Keith Dingwall Service Manager, Planning			







“SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

**Question 1**

**Disabled access and facilities**

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

Access by customers in wheelchairs is possible here. A photo of the entrance is attached. It is a little bit uneven, which our clients will look at resolving. Assistance can always be provided of course.

**Question 3**

**Facilities available**

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

Once inside, the shop is quite tight (it is due to be refurbished in the next year or two) and assistance would be required to access certain products, which staff would be delighted to do.



**Question 4**

**Other provisions**

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

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

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

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

Signature ..... \* (see note below)

Date ..... 25/9/17

Capacity ..... APPLICANT/AGENT

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

\* Data Protection Act 1998

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



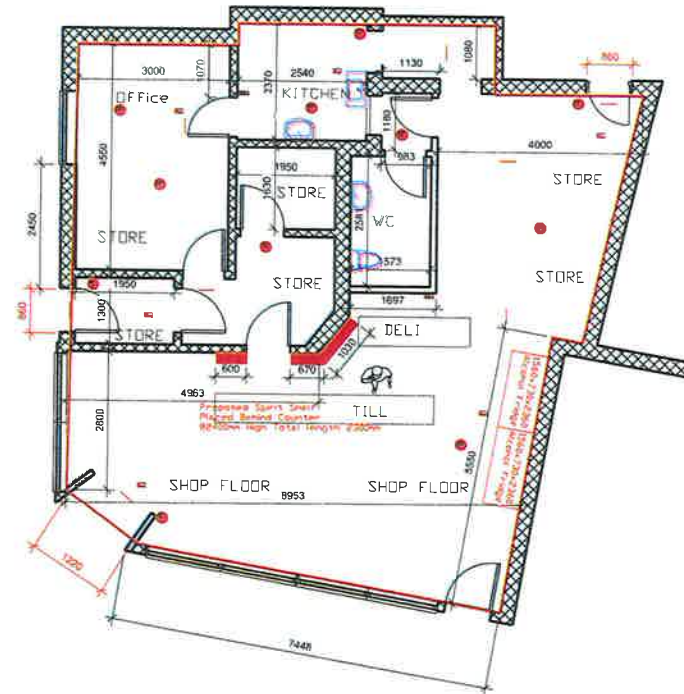
Garden City  
16 Kitchener Crescent  
Longniddry  
EH32 0LR  
Total Site area shown marked in Red  
Total Area approx 224m<sup>2</sup>



Produced on 08 August 2023 from the Ordnance Survey National Geographic Database and incorporating surveyor revision available at this date.  
This map shows the area bounded by 344402, 676176, 344624, 676175, 344624, 676318, 344462, 676318, 344462, 676175.  
Crown copyright and database rights 2023 OS 100004125. Supplied by copia ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (OS 100054125).  
Data licence expires 08 August 2024. Unique plan reference: v2z/1996175/1129936



(Scale 1:1250)



FIRE LEGEND	
	Emergency Lights
	Emergency Exit Door
	Emergency Exit Direction
	Smoke Head & Carbon Monoxide Detector
	CO2 Monitor
	Fire Alarm Location
	Fire Compartment Location

Alcohol Licence Drawing  
(Scale 1:100)

Notes

Premises Floor Area/Licenced Area Outlined in Red  
Total Approx Area 104m<sup>2</sup>

Alcohol Fridge Show a Total 7.4m<sup>2</sup> of Display  
Shelving containing Alcohol Display Total 5.5m<sup>2</sup>

External Door Widths shown in Red

Toilets and Sinks shown in Blue

REV	DESCRIPTION	BY	DATE
1	Issue for Planning	FT	08/08/23

Building Manual	
	FT Consulting Engineers 15 Green Aisle Park North Ayr Road G78 3JH 01856 898 022 ft@ftconsulting.co.uk
Falcon Shop Physothera Ltd.	
FT Consulting	
Garden City, 16 Kitchener Crescent Longniddry EH32 0LR	
Alcohol Licence Application	
Drawn by	FT
Checked by	FT
Scale	1:100
Sheet	1 of 1

02/10/2023

Your Ref: EL395  
Our Ref: 759892

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



**POLICE  
SCOTLAND**

Keeping people safe

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 GRANT OF A  
PROVISIONAL PREMISES LICENCE  
GARDEN CITY, 16 KITCHENER CRESCENT, LONGNIDDRY, EAST LOTHIAN,  
EH32 0LR.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any 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



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: 24<sup>th</sup> October 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

**PROVISIONAL PREMISES LICENCE APPLICATION**

**GARDEN CITY, 16 KITCHERNER CRESCENT, LONGNIDDRY, EAST LoTHIAN EH32 0LR**

I refer to the above subject and can confirm that I have visited the premises in relation to this application. The site notice was correctly displayed at the time of my visit.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

This type of licence is considered for premises that are yet to be, or in the course of being, constructed or converted for use as a licensed premises. On my visit the premises was fully operational as a convenience store and as far as I am aware there are no structural alterations planned.

I can confirm that the application is compliant with the act.

The off sales capacity applied for is 12.9 m<sup>2</sup>. Within an 800m radius there are 4 other premises as follows:

Co-op , Elcho Road – Off sales Only  
Nicholson News, Links Road – Off sales only  
Longniddry Inn, Main Street – On sales and off sales  
Longniddry Royal British Legion – On sales and off sales

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

## Herkes, Gillian

---

**From:** Robertson, Scott  
**Sent:** 02 October 2023 14:22  
**To:** Herkes, Gillian; Licensing  
**Subject:** RE: Attached Image - Provisional Licence Application - EL395 Garden City, 16 Kitchener Crescent, Longniddry

Hello,

Please note I have no comments or objections in relation to this 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%7Cgherkes%40eastlothian.gov.uk%7C069deef390534a4580da08dbc34a8f7e%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638318497219425712%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=bPZNRyykUBqEJDQDo8BG307mR419Blwu5GvKHYGT3aQ%3D&reserved=0>

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

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 26 September 2023 11:18  
**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; longniddrycommunitycouncil@gmail.com  
**Subject:** FW: Attached Image - Provisional Licence Application - EL395 Garden City, 16 Kitchener Crescent, Longniddry

Hi All

Please find attached Provisional Licence application for 16 Kitchener Crescent, Longniddry for report/representation by 25th October, 2023.

Gillian

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



EL394



East Lothian Council  
Licensing  
12 SEP 2023  
Received

# APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE\*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

\*Delete as appropriate

2C

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

Pans Premier, Unit 3, Meadow House,

Monks Meadow, Prestonpans, EH32 9SY

**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.

Maya Rai Ltd., Company No. SC770322

9 Monks Meadow, Prestonpans, EH32 9GP

**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.\*

Vaidota Rai, [REDACTED]

\* 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)

Shop on the ground floor in newly built house with two commercial units besides and flats

---

above, with car park for customers and residents. The shop is in residential area with no

---

other shop in close proximity. It is a mini market selling groceries, drinks and household

---

essential items. Alcoholic drinks for off sale only.

**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 Vaidota Rai [REDACTED] \* (see note below)

Date 11/09/2023

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

Telephone number and email address of signatory [REDACTED]

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.

<b>For use by the Licensing Board only Application checklist</b>	
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)	

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

<b>For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required</b>	
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** \_\_\_\_\_ **Pans Premier**  
\_\_\_\_\_  
Unit 3, Meadow House, Monks Meadow, Prestonpans  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Post Code** \_\_\_\_\_ **EH32 9SY**

- 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	n/a
Tuesday	n/a	n/a
Wednesday	n/a	n/a
Thursday	n/a	n/a
Friday	n/a	n/a
Saturday	n/a	n/a
Sunday	n/a	n/a

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10am	9pm
Tuesday	10am	9pm
Wednesday	10am	9pm
Thursday	10am	9pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	8pm

#### 4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES  NO

\*If YES – provide details

N/a



**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
----------	--------------------------------	---	--

<b>5a.</b>	Accommodation	No	N/A	N/A
	Conference facilities	No	No	No
	Restaurant facilities	No	No	No
	Bar meals	No	No	No

Social functions including:

<b>5b.</b>	Weddings, funerals, birthdays, retirements etc.	No	No	No
	Club or other group meetings etc.	No	No	No

Entertainment, including:

<b>5c.</b>	Recorded music – see 5(g)	No	No	No
	Live performances – see 5(g)	No	No	No
	Dance facilities	No	No	No
	Theatre	No	No	No
	Films	No	No	No
	Gaming	No	No	No
	Indoor/outdoor sports	No	No	No
	Televised sport	No	No	No

<b>5d.</b>	Outdoor drinking facilities	No	No	No
------------	-----------------------------	----	----	----

<b>5e.</b>	Adult Entertainment	No	No	No
------------	---------------------	----	----	----



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

N/a



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

WE HOME DELIVERIES

**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?**

Off sales - 26.4 square metres

---

---

**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 11/09/2023

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

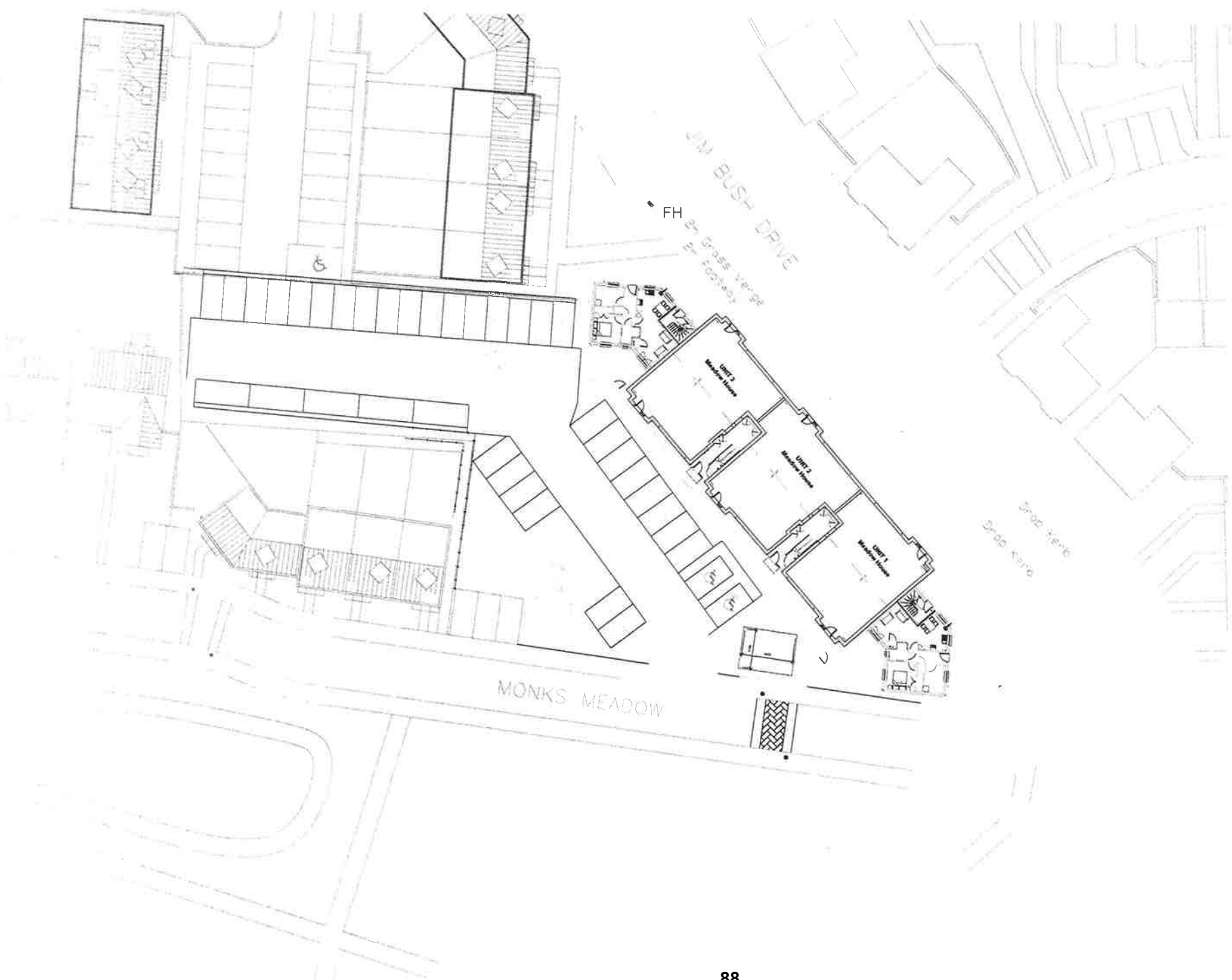
Tel. No. of signatory \_\_\_\_\_

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.





- NOTES:
1. Do not scale this drawing. Use figures dimensions only. All site dimensions and levels to be checked on site by contractor prior to ordering of materials.
  2. Site Levels based on survey information supplied by others. Existing levels to be confirmed by contractor prior to commencement of works on site.



Rev	Description	Date
 <b>MACKIE RAMSAY TAYLOR ARCHITECTS</b>		
47 Victoria Street, Aberdeen, AB10 1QA T : (01224) 639295 F : (01224) 637956 E: mail@mrtarchitects.com W: www.mrtarchitects.com		
<b>Project</b> Development for LAR Retail Units		
<b>Location</b> Units 2 & 3, Meadow House, Monks Meadow, Prestonpans, EH32 9SY		
<b>Drawing</b> Site Plan		
<b>Scale</b> 1:200 @ A1		
<b>Sheet</b> BUILDING WARRANT		
<b>Date</b> Aug '23		<b>Drawn By</b> AP



**East Lothian Council**

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

**SECTION 50  
PLANNING CERTIFICATE**

<b>APPLICANT:</b>	Vaidota Rai
<b>NAME AND ADDRESS OF PREMISES:</b>	Pans Premier, Unit 3, Meadow House, Monks Meadow, Prestonpans

**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: 15/00487/P) 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:	10th August 2023
---------	---	-------	------------------

Keith Dingwall  
Service Manager, Planning



SCHEDULE 6 Regulation 7

# DISABLED ACCESS AND FACILITIES STATEMENT

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

## 1. DISABLED ACCESS AND FACILITIES

1(a). Is there disabled access to the premises YES  NO

1(b). Do you have facilities for those with a disability YES  NO

1(c). Do you have any other provisions available to aid the use of the premises by disabled people YES  NO

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

## 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 are two allocated disabled parking spaces outside premises, as well as lowered curbs along the pathways to get to the premises for wheel chair users. The shop floor is in one level for easy move around with wide enough spaces between the shelving units. At the present there is manually operated entry/exit door to/from premises, this is planned to be replaced with an easy access automatic door before start of trading. The signage of Assistant dogs welcome and others will be displayed too.



### **3. FACILITIES AVAILABLE**

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

N/a

### **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 and guide dogs welcome signs. Large and clear signs of display.

## DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature \_\_\_\_\_  \_\_\_\_\_ \* (see note below)

Date \_\_\_\_\_ 11/09/2023 \_\_\_\_\_

Capacity \_\_\_\_\_

APPLICANT/AGENT (delete as appropriate)

Tel. no. of signatory \_\_\_\_\_  \_\_\_\_\_

Email \_\_\_\_\_  \_\_\_\_\_

\* **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.



## **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

Convenience store, based in residential area in a newly built premises with the flats above, offers a wide variety of groceries (including foods, soft and alcoholic beverages, household essential items) for the local residents and visitors for off sales only, and possibly deliveries.

**ON CONSUMPTION**

- (a) Please describe the type of business you intend to operate in respect of On consumption.

n/a

**OFF CONSUMPTION**

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

The alcoholic drinks are to be sold for off consumption and deliveries.

**CLARIFICATION IS REQUIRED IN RELATION TO THE CONTENT OF YOUR PROPOSED OPERATING PLAN**

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

n/a

**Social Functions** – Weddings; Birthdays; Retirements ; Other:  
If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

n/a

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

n/a

**Outdoor Drinking Facilities** – If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

n/a

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

n/a

**Activities Outwith Licensed Core Hours** – In your Operating Plan, at 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:

n/a

**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:

n/a

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

n/a

## 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

[https://www.eastlothian.gov.uk/downloads/file/27884/statement\\_of\\_licensing\\_policy\\_2018-2023](https://www.eastlothian.gov.uk/downloads/file/27884/statement_of_licensing_policy_2018-2023)

### **Preventing Crime and Disorder**

Challenge 25 checks.

Keeping the record of sales refusal book.

Keeping the record and maintain an incident book.

Installing and maintaining a CCTV in and around the premises.

Providing well lit outdoor area.

Ensuring regular provision and maintenance of litter bins.

Keeping communication with the Police if anti-social, violent or criminal incidents occur.

Accepting of proof of age card schemes to prevent underage alcohol purchase.

### **Securing Public Safety:**

Perform regular fire risk assessments of the premises.

Installing and maintaining of CCTV in and around the premises.

Maintain clean and tidy premises; clear, easy to move around aisles; broken glass, spillages or any litter to be cleaned straight away, including outdoor pathways.

Well lit outdoor area.

Keeping reduced operating hours during the weekdays.

Ensuring effective and responsible management of the premises at all times.



**Preventing Public Nuisance:**

- Litter and waste management program in place.
- Keeping reduced operating hours during the weekdays.
- Using safe recyclable materials and disposables for self-service soft drinks units.
- Installing and maintaining of CCTV in and around the premises.
- Providing training and supervision of staff to prevent incidents and public nuisance.

**Protecting and Improving Public Health:**

- Displaying guidance discouraging over consumption of alcohol and promoting moderate drinking along with awareness of units of alcohol.
- Informing customers of choice in relation to the strength of alcoholic drinks.
- Having wide range of low alcohol or alcohol free drinks available to purchase.
- Complying with the law on alcohol pricing and irresponsible drinks promotions.
- Providing training to staff, involved in sale of alcohol, including delivery staff.
- Challenge 25 checks.
- Accepting of proof of age card schemes to prevent underage alcohol purchase.
- Keeping and maintaining the record of alcohol delivery.

**Protecting Children and Young Persons From Harm:**

- Complying with all the legislation in relation to children and young persons, including not selling, or allowing the sale for consumption of alcohol to children and young persons.
- Providing instruction, training and supervision of staff in accordance with recognised standards.
- Separating alcohol display from confectionary and other goods likely to be of interest to children and young persons.
- Providing training of staff, involved in sale of alcohol, including delivery staff.
- Challenge 25 checks.
- Accepting of proof of age card schemes to prevent underage alcohol purchase.
- Keeping and maintaining the record of alcohol delivery.
- Putting measures in place to ensure that children are not exposed to strong language, violence or disorder.

## APPLICATION SUPPORTING COMMENTS

### Additional Information

As a director of a new business and a personal licence holder myself, having studied and passed full training course recently, I have full understanding how vital it is to ensure that the Licensing objectives are complied with. My main focus of attention is going to be on having a training policy in place for staff involved in sale of alcohol as well as maintaining staff training record as I believe fully trained and well informed responsible staff is the core strength of the business in relation with compliance of the Licensing objectives and all the legislation related to children and young persons.

### Supporting Comments

i.e. reasons why the Board should support your application.

I have full commitment to ensure that five Licensing objectives are complied with and I am ready to cooperate and except any recommendations and guidance from East Lothian Licensing Board.

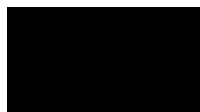
## SIGNATURE AND DECLARATION BY APPLICANT

### 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.

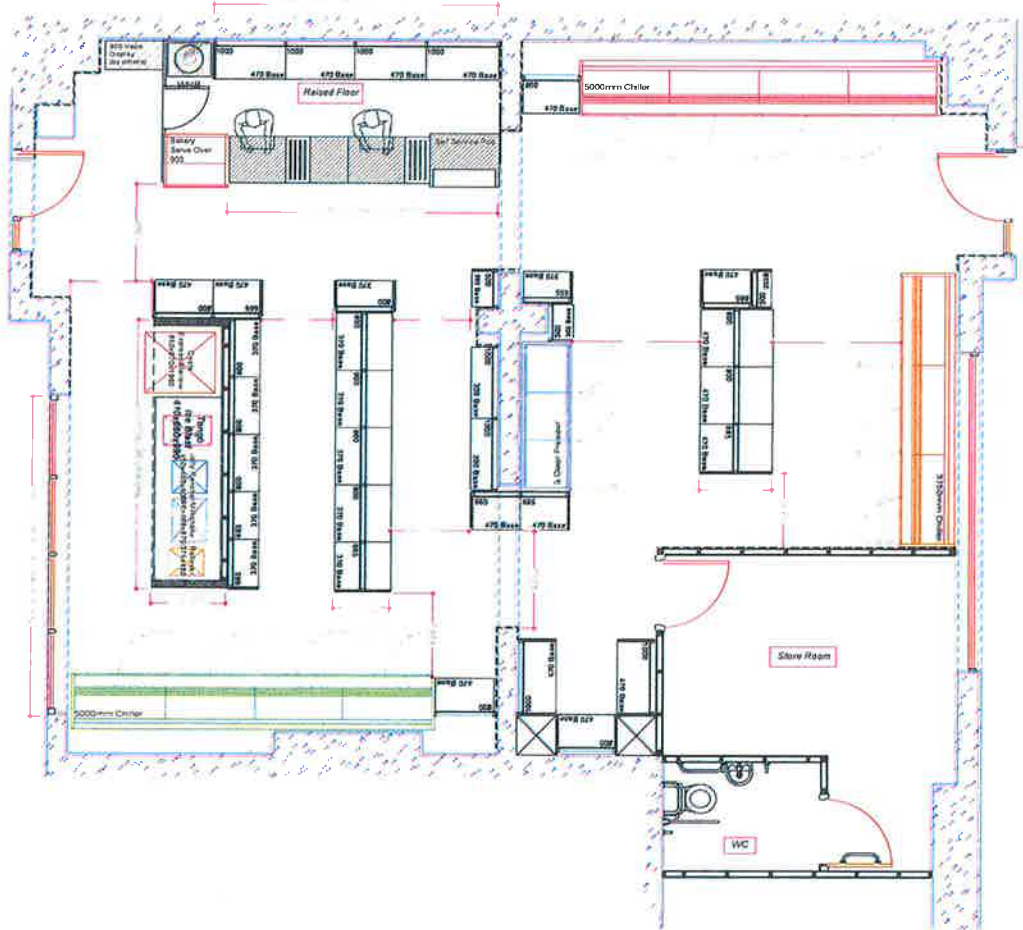
Signature



Date

12/09/2023

# Meadow House, Prestonpans - RevE1



Legislation: Approved Document A2 (2013) Part 1  
 Approved Document B2 (2013) Part 1  
 Approved Document C2 (2013) Part 1  
 Approved Document E2 (2013) Part 1  
 Approved Document F2 (2013) Part 1  
 Approved Document G2 (2013) Part 1  
 Approved Document H2 (2013) Part 1  
 Approved Document J2 (2013) Part 1  
 Approved Document K2 (2013) Part 1  
 Approved Document L2 (2013) Part 1  
 Approved Document M2 (2013) Part 1  
 Approved Document N2 (2013) Part 1  
 Approved Document P2 (2013) Part 1  
 Approved Document Q2 (2013) Part 1  
 Approved Document R2 (2013) Part 1  
 Approved Document S2 (2013) Part 1  
 Approved Document T2 (2013) Part 1  
 Approved Document U2 (2013) Part 1  
 Approved Document V2 (2013) Part 1  
 Approved Document W2 (2013) Part 1  
 Approved Document X2 (2013) Part 1  
 Approved Document Y2 (2013) Part 1  
 Approved Document Z2 (2013) Part 1

REV	DATE	BY
0.1	10/10/20	SM
0.2	10/10/20	SM
0.3	10/10/20	SM
0.4	10/10/20	SM
0.5	10/10/20	SM
0.6	10/10/20	SM
0.7	10/10/20	SM
0.8	10/10/20	SM
0.9	10/10/20	SM
1.0	10/10/20	SM
1.1	10/10/20	SM
1.2	10/10/20	SM
1.3	10/10/20	SM
1.4	10/10/20	SM
1.5	10/10/20	SM
1.6	10/10/20	SM
1.7	10/10/20	SM
1.8	10/10/20	SM
1.9	10/10/20	SM
2.0	10/10/20	SM

EXISTING

PROPOSED

SERVICES

CELLARS

ATTN:

REAR AREA

ELEVATION

Drawings title:  
 Project:  
 Address:  
 3 Meadow House  
 Prestonpans  
 EH22 3JY

SYMS PRKMDPNSP REVE01 PNY E 1

1:50  
 DATE: 4th October 2020  
 DRAWN BY: S. Morgan

**nabcco**  
**scotland**

11 Langlands Place  
 Kelvin South Business Park,  
 East Kilbride  
 G75 5JF  
 T: +44 (0)1753 822369  
 F: +44 (0)1753 822368

26/09/2023

Your Ref:

Our Ref: 758728

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



**POLICE  
SCOTLAND**

Keeping people safe

Local Area Commander  
The Lothians and Scottish Borders Division  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE

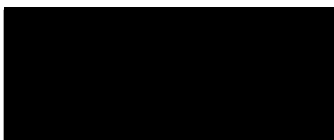
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PREMISES LICENCE  
PANS PREMIER, UNIT 3, MEADOW HOUSE, MONKS MEADOW,  
PRESTONPANS, EH32 9SY.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any 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



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

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

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**Date:** 28<sup>th</sup> September 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

**PROVISIONAL PREMISES LICENCE APPLICATION**

**PANS PREMIER, UNIT 3, MEADOW HOUSE, MONKS MEADOW, PRESTONPANS, EAST LoTHIAN EH32 9SY**

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

This type of licence is considered for premises as per Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

On my visit the premises was newly constructed and in the process of being converted into a shop. It had not yet been fitted and was not operational. The site notice was clearly displayed on the front door.

I can confirm that the application is compliant with the Act.

The off sales capacity applied for is 26.4 m<sup>2</sup>. Within 800m from the premises there are 12 other premises as follows:

- Premier Store, High Street - off sales only
- Fair Price Food Store, High Street – off sales only
- Scotmid, High Street – off sales only
- Day-Today, Redburn Road – off sales only
- Scotmid, Redburn Road – off sales only
- The Gothenburg, High Street – on sales and off sales
- Railway Tavern, High Street – on sales and off sales
- Castle Park Bowling Club, West Loan – on sales and off sales
- Musselburgh Miners Charitable Society, Prestongrange Road – on sales and off sales
- Prestonpans Royal British Legion, rope Walk – on sales and off sales
- Preston Lodge RFC, Bankfoot – on sales and off sales
- Lodge Thorntree 1038, High Street – on sales only

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 27 September 2023 11:49  
**To:** Licensing  
**Subject:** RE: Provisional Licence Application = Pans Premier

Hello,

Please note I have no comment or objections to this provisional licence.

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](http://www.eastlothian.gov.uk)

---

**From:** Licensing <[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)>  
**Sent:** 22 September 2023 08:09  
**To:** Lothian and Borders Police ([lothianscotborderslicensingeastmid@scotland.pnn.police.uk](mailto:lothianscotborderslicensingeastmid@scotland.pnn.police.uk))  
<[lothianscotborderslicensingeastmid@scotland.pnn.police.uk](mailto:lothianscotborderslicensingeastmid@scotland.pnn.police.uk)>; Fire ([torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk))  
<[torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk)>; Environment Reception <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>; Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>; Harling, Karen (Licensing) <[kharling1@eastlothian.gov.uk](mailto:kharling1@eastlothian.gov.uk)>;  
[secretary@prestonpanscommunitycouncil.org](mailto:secretary@prestonpanscommunitycouncil.org); [licensing@nhslothian.scot.nhs.uk](mailto:licensing@nhslothian.scot.nhs.uk)  
**Subject:** Provisional Licence Application = Pans Premier

Hi

Please find attached Provisional Application for Pan Premier for report/representation by 20<sup>th</sup> October 2023.

Regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

\*My working days are Monday, Tuesday, Thursday and Friday

NHS Coronavirus Information

**Keep using  
Covid sense**



[gov.scot/coronavirus](http://gov.scot/coronavirus)









# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

3

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

## 1. TYPE OF VARIATION

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

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

(Provide Details)

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**2. PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises** EL0190

**2(b) Name and Address of Premises** Nicholson News (Keystore)

29A Links Road, Longniddry, East Lothian

Post Code EH32 0NH Tel. No. \_\_\_\_\_

Email \_\_\_\_\_

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

LM Property Scotland Ltd

1a Torphichen Street, Edinburgh

\_\_\_\_\_ Post Code EH3 8HX

Luciano Crolla XXXXXXXXXX

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

**3. NATURE OF VARIATION**

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

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

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

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

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

To increase licensed hours to 10pm each day.

To add Recorded Music and Deliveries as Activities.

To provide that the premises are a convenience store which opens from (7am). Activities including the sale of goods and services, other than alcohol, will take place from that time.

To increase the capacity to 11.02m2.

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

A copy of the proposed Layout Plan must accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

To substitute a new Layout Plan to show the change of layout and increase in alcohol display.

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

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

**4. LICENCE TO BE AMENDED (See note 3 below)**

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

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

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**5. FEE PAYABLE**

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2)

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

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200.00 is enclosed



(ii) the proposed Operating Plan is enclosed



(iii) the proposed Layout Plan is



(iv) the Premises Licence is enclosed



Signature \_\_\_\_\_ (See note 5 overleaf)

Date 27/9/07

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

**If agent, please provide details**

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.com

**Note 1**

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

**Note 2**

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

**Note 3**

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

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

**Note 4**

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

**Note 5: Data Protection Act 2018**

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

**CONTACT US**

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

Phone: 01620 827217 / 827867 / 820114

Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

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

East Lothian Council Licensing Board

## EAST LoTHIAN LICENSING BOARD

### OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

Nicholson News (Keystore) 29A Link: Road, Longniddry East Lothian EH32 0NH
---

**Question 1**

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

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

**Question 2**

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

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

**Question 3**

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

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

**Question 4**

*SEASONAL VARIATIONS*

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

*\*If YES – provide details*

--



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

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

The premises are a convenience store which opens from (7am). Activities including the sale of goods and services, other than alcohol, will take place from that time.

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.

Deliveries (which may include alcohol).

5(g) Late night premises opening after 1.00am

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

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

*\*Delete as appropriate*

**Question 5**

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

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

**Question 7**

*CAPACITY OF PREMISES*

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

Off Sales – 11.02m<sup>2</sup>

**Question 8**

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

*Personal details*

8(a) *Name*

Mohtasim Nazir

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
3 January 2023	East Lothian Licensing Board	EL1955

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

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

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

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

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

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

The contents ..... best of my knowledge and belief.

Signature ..... (see note below)

Date ..... 20/9/13

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

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

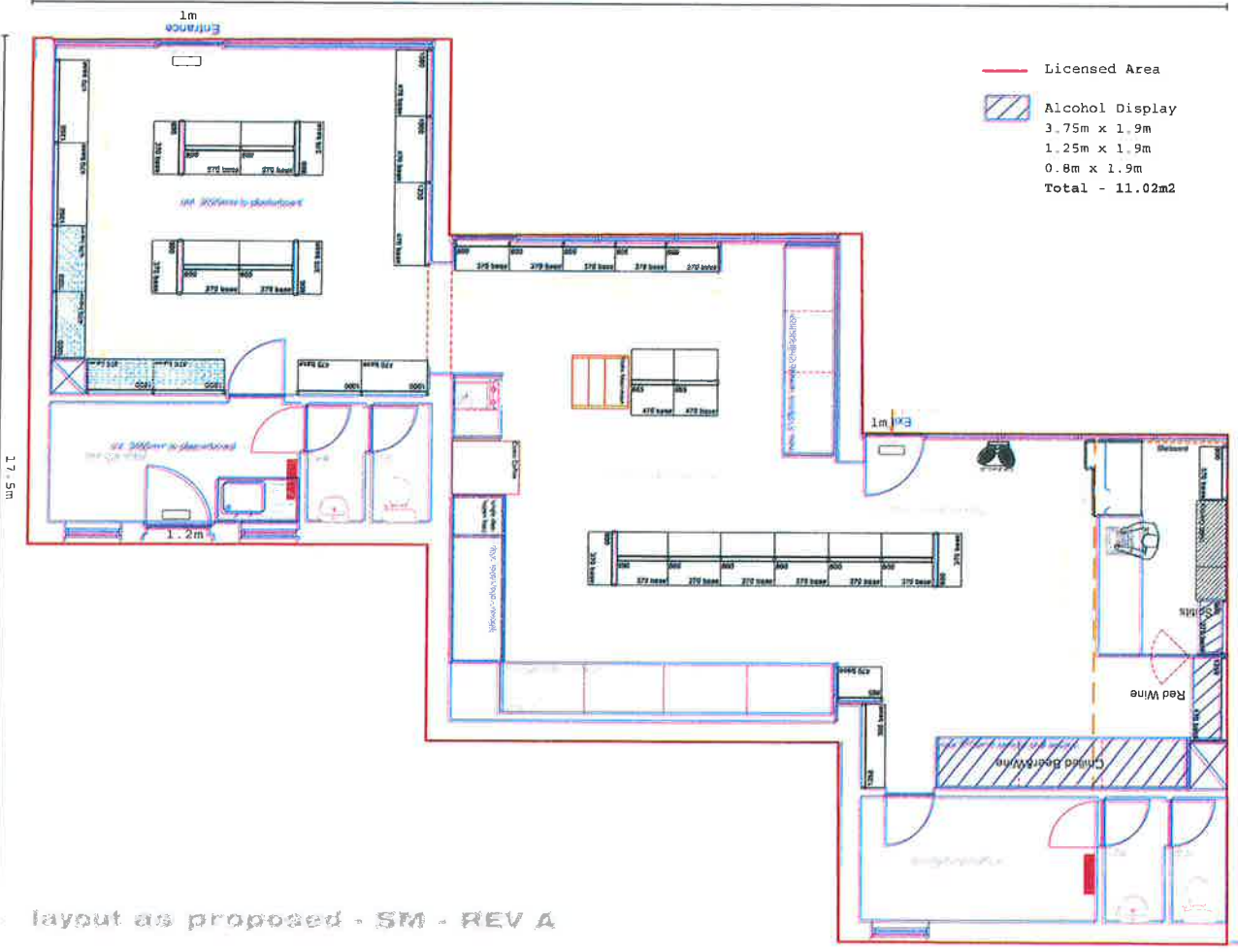
Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

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

23m



napcco  
scotland

layout as proposed - SM - REV A

28/09/2023

Your Ref:

Our Ref: 760319



**POLICE  
SCOTLAND**

Keeping people safe

Local Area 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,

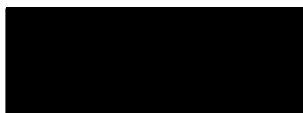
**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
NICHOLSON NEWS KEYSTORE, 30 LINKS ROAD, LONGNIDDY, EAST  
LOTHIAN, ASST LOTHIAN, EH32 0NH.**

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 variation to the existing operating plan (to include increasing the licensed hours to 10pm each day, to add recorded music and deliveries as activities, to provide that the premises are a convenience store which opens from 7am. Activities including the sale of goods and services, other than alcohol, will take place from that time. A change in the layout plan to increase the capacity to 11.02m<sup>2</sup>, the new layout plan will show the change of layout and increase in alcohol display, all ancillary changes. In terms of Section 29(6) this request can be considered a variation.

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

Yours faithfully



Catriona Paton

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

**Clerk to the Licensing Board**

---

**Date:** 6<sup>th</sup> October 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

**PREMISES LICENCE MAJOR VARIATION**

**NICHOLSON NEWS, 29A LINKS ROAD, LOGNIDDRY, EAST LoTHIAN EH32 0HN**

I can confirm that the applicant and premises have been visited in relation to this variation application. On my visit it was discovered that the layout of the premises had been changed. I spoke with Mr Mohtasim Nazir who has now been appointed premises manager. I detailed that if the capacity had increased a major variation would need to be submitted for the current layout to remain. Guidance was given during this visit on missing signage and staff training.

The changes applied for are:

- To change the off sales hours to 10pm each day
- To add recorded music within and outwith core hours
- To add deliveries
- To add the operation of the premises as a convenience store from 7am
- A change to the layout plan resulting in an increase of capacity to 11.02m<sup>2</sup>

The new hours applied for are consistent with the Act and Board policy. I have no concerns in relation to the addition of the recorded music and operations of the premises.

In relation to deliveries, I recommend the following condition be considered:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

The new layout plan is compliant with the Act and I can confirm reflects what is in the premises. The previous capacity was 8m<sup>2</sup> therefore an increase of 3.02m<sup>2</sup> is requested.



The following premises are within an 800m of Nicholson News:

- Co-op, Elcho Road – Off sales only
- Longniddry Inn, Main Street – On and off sales
- Longniddry Golf Club, Links Road – On and off sales
- Longniddry Royal British Legion, Links Road – On and off sales

Licensing Standards Officer

## Herkes, Gillian

---

**From:** Robertson, Scott  
**Sent:** 04 October 2023 15:16  
**To:** Herkes, Gillian  
**Cc:** Licensing  
**Subject:** RE: 29a Links Road, Longniddry

Hello,

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

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](http://www.eastlothian.gov.uk)

**From:** Herkes, Gillian <[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)>  
**Sent:** 28 September 2023 08:20  
**To:** 'licensing@nhslothian.scot.nhs.uk' <[licensing@nhslothian.scot.nhs.uk](mailto:licensing@nhslothian.scot.nhs.uk)>;  
'longniddrycommunitycouncil@gmail.com' <[longniddrycommunitycouncil@gmail.com](mailto:longniddrycommunitycouncil@gmail.com)>; Harling, Karen (Licensing)  
<[kharling1@eastlothian.gov.uk](mailto:kharling1@eastlothian.gov.uk)>; 'Lothian Scot Borders Licensing East Mid Lothian'  
<[LothianScotBordersLicensingEastMid@Scotland.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.police.uk)>; Environment Reception  
<[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>; Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>;  
'torquil.cramer@firescotland.gov.uk' <[torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk)>  
**Subject:** FW: 29a Links Road, Longniddry  
**Importance:** High

Good Morning

Please find attached Major Variation for 29a Links Road, Longniddry for report/representation by 25<sup>th</sup> October, 2023.

Kind regards

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114  
[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)

Chased Police  
20/10

FL2102  
PC/KH/10/11

SCHEDULE 2

Application for a personal licence  
FIRST APPLICATION/~~RENEWAL APPLICATION~~ (delete as appropriate)

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

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

<b>1. YOUR PERSONAL DETAILS.</b> If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1.	
Title (delete as appropriate); Mr <del>Mr</del> Mrs Miss Ms Other (please state)	
Surname	MCLEAN
Maiden Name	GILLAN
Forenames	SAMANTHA
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
Address where you normally reside (We will use this to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post Town	Post Code
[REDACTED]	
Telephone numbers	
Daytime	
Evening	
Mobile	[REDACTED]
Fax number	
E-mail address (if you would prefer us to correspond with you by e-mail)	
[REDACTED]	
Address for correspondence associated with this application (if different to the address above) Alliance Property Holdings Limited McColl's Licensing Department Hilmore House Gain Lane	
Post Town	Post Code
BRADFORD	BD3 7DL

4

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


<b>3. FIRST APPLICANTS ONLY</b>		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
Note: You may only hold one personal licence at a time	<b>Please tick</b>	
<b>Do you currently hold a personal licence?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Do you currently have any outstanding application for a personal licence, with this or any other Licensing Board?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Has any personal licence held by you been forfeited in the last 5 years?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Licensing Board</b>	N/A	
<b>Licence Number</b>	N/A	
<b>Date of issue</b>	N/A	
<b>Date of expiry</b>	N/A	
<b>Any further details</b>	N/A	

<b>4. RENEWAL ONLY</b>		
This section should be completed only if you are applying for a renewal of your existing licence.		
Your personal licence must accompany your application for renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below		
<b>Details of current personal licence</b>		
<b>Licensing Board</b>	N/A	
<b>Licence Number</b>	N/A	
<b>Date of issue</b>	N/A	
<b>Date of expiry</b>	N/A	
<b>Any further details</b>	N/A	
If you cannot provide your personal licence, please provide a statement explaining why		
N/A		

<b>Other personal licence</b>		
Note: You may only hold one personal licence at a time	<b>Please tick</b>	
<b>I confirm that I do not hold any other personal licenses other than the one submitted for renewal</b>	Yes N/A	No N/A

<b>5. CHECKLIST</b>	
I have	<b>Please tick yes</b>
<ul style="list-style-type: none"> <li>Enclosed two photographs of myself, one which is endorsed as a true likeness of me by a person of standing in the community</li> </ul>	✓
<ul style="list-style-type: none"> <li>Enclosed a copy of any licence qualification I hold</li> </ul>	✓
<ul style="list-style-type: none"> <li>Enclosed my current provisional licence (renewal only)</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Made or enclosed a payment of the fee for the application</li> </ul>	✓

<b>6. PREVIOUS CONVICTIONS</b>			
You must provide details below of any convictions for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4			
Offence	Court	Date	Penalty
RACIAL	TENBURGH	2018	£300

<b>7. DECLARATIONS</b>			
<b>The contents of this application are true to the best of my knowledge and belief</b>			
Signature (read note 5)		Date	26/9/23

PLEASE NOTE - 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))



Replacement

This is to certify that

**Samantha McLean**

has been awarded the

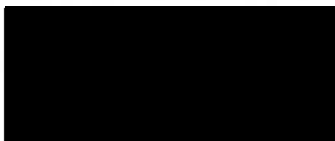
**Scottish Certificate for Personal Licence Holders at SCQF Level 6**

Qualification No: R650 04

Date Achieved: 30 September 2021



Accreditation



Paul Eeles  
Chief Executive  
BIIAB Qualifications Limited



Learner Number: AB373646 | Certificate Number: 65524416-01-P18A

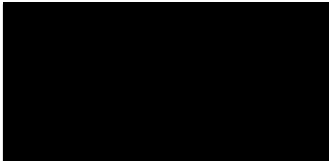
Our Reference: CG/gh/EN/L/PL  
Your Reference:



Date: 7 November 2023

**Private & Confidential**

Samantha McLean



Carlo Grilli  
CLERK OF THE LICENSING BOARD

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

Dear Madam

**Licensing (Scotland) Act 2005  
Grant of Personal Licence**

I enclose a copy of a letter of 23<sup>rd</sup> October 2023, received from Police Scotland asking East Lothian Licensing Board to consider whether there are grounds for finding that you were convicted of relevant offence(s).

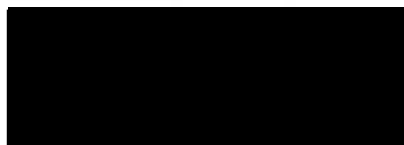
The decision is delegated to the Clerk of the Licensing Board, due to the time constraints stated in the legislation. You will be required to attend the Licensing Board Hearing which will take place at 10am on Thursday 23<sup>rd</sup> November 2023, where you will be given the opportunity to speak to your representation/objection. The Licensing Board will now be conducted as a hybrid meeting – meaning you can attend in person or join online. The in-person meeting will be held at Council Chambers, The Town House, Court Street, Haddington, EH41 3ED. Please be aware that the public items will be recorded and be made available online at <https://eastlothian.public-i.tv/core/portal/webcasts>.

To participate in the online meeting, you must use one of the following options:

The latest version of Google Chrome or Microsoft Edge as your browser or  
The Connect Remote app for iOS or Android or  
Join by telephone

If you wish to attend, please contact [cmttelicboard@eastlothian.gov.uk](mailto:cmttelicboard@eastlothian.gov.uk) to confirm your attendance, at which point you will be offered a link to join the meeting.

Yours faithfully



Carlo Grilli  
Clerk to the Licensing Board

**Direct Dial: 01620 827664**  
**Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)**

eastlothian.gov.uk

23/10/2023

Your Ref: EL2102  
Our Ref: 764277

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



**POLICE  
SCOTLAND**

Keeping people safe

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 GRANT OF A  
PERSONAL LICENCE  
SAMANTHA MCLEAN, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(a) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has not been convicted of any relevant offence.

Under Section 73(5) of the Licensing (Scotland) Act 2005 I can confirm that, as highlighted by the applicant in their application form, they were convicted of the following offence which is relevant to the Board's consideration of the application.

Date	Court	Crime/Offence	Disposal
[REDACTED]			

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

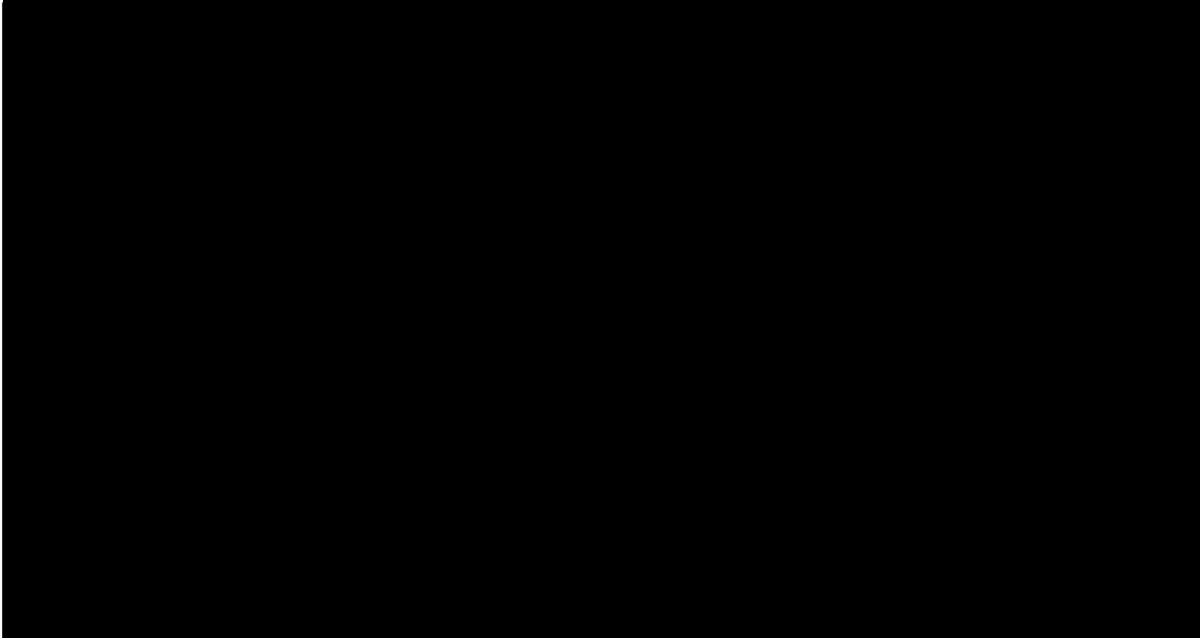


**OFFICIAL**

**\*\*\*RESTRICTED\*\*\***

**FOR ATTENTION OF THE EAST LoTHIAN LICENCING BOARD ONLY**

**Redacted version of court report**



**\*\*\*RESTRICTED\*\*\***

**FOR ATTENTION OF THE EAST LoTHIAN LICENCING BOARD ONLY**



12/09/2023

Your Ref: D.OKRAGLY

Our Ref: 197623

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



**POLICE  
SCOTLAND**

Keeping people safe

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

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

5

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - PERSONAL LICENCE HOLDER DUTY  
TO NOTIFY LICENSING BOARD OF CONVICTIONS  
DAMIAN OKRAGLY.**

I refer to the above and your correspondence. In terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that DAMIAN OKRAGLY has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
[REDACTED]			

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

Yours faithfully



Catriona Paton  
Chief Superintendent

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

Our Reference: CG/gh/EN/L/PL  
Your Reference:



Date: 7 November 2023

**Private & Confidential**

Damian Okragly



Carlo Grilli  
CLERK OF THE LICENSING BOARD

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

Dear Sir

**Licensing (Scotland) Act 2005  
Review of Personal Licence**

I enclose a copy of a letter of 12 September 2023, received from Police Scotland asking East Lothian Licensing Board to consider whether there are grounds for finding that you were convicted of relevant offence(s).

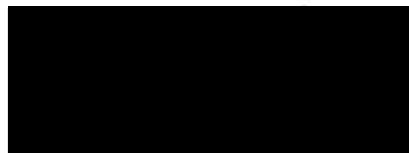
The decision is delegated to the Clerk of the Licensing Board, due to the time constraints stated in the legislation. You will be required to attend the Licensing Board Hearing which will take place at 10am on Thursday 23rd November 2023, where you will be given the opportunity to speak to your representation/objection. The Licensing Board will now be conducted as a hybrid meeting – meaning you can attend in person or join online. The in-person meeting will be held at Council Chambers, The Town House, Court Street, Haddington, EH41 3ED. Please be aware that the public items will be recorded and be made available online at <https://eastlothian.public-i.tv/core/portal/webcasts>.

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- The Connect Remote app for iOS or Android or
- Join by telephone

If you wish to attend, please contact [cmttelicboard@eastlothian.gov.uk](mailto:cmttelicboard@eastlothian.gov.uk) to confirm your attendance, at which point you will be offered a link to join the meeting.

Yours faithfully



Carlo Grilli  
Clerk to the Licensing Board

**Direct Dial: 01620 827664**  
**Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)**

[eastlothian.gov.uk](http://eastlothian.gov.uk)



# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

---

Date: 13<sup>th</sup> November 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

GIANCARLO'S, 119 HIGH STEET, TRANENT, EAST LoTHIAN EH33 1LW

6A

On 8<sup>th</sup> November 2023, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

## **Premises Licence Review**

**Giancarlo's  
119 High Street, Tranent, East Lothian EH33 1LW**

### **Licensing Board November 2023**

#### **Licensing Standards Officer's Report**

In 2015 Pacitti Ltd was granted a Premises Licence in respect of the above restaurant.

On 31<sup>st</sup> July 2023 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2023. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 9<sup>th</sup> October and 2<sup>nd</sup> November 2023, the Clerk to the Board sent additional letters of reminder to the premises address and licensing agent. No response was received.

On 10<sup>th</sup> October 2023 the Licensing Standards officer hand delivered and additional letter of reminder to the premises. The premises was closed and the letter was posted through the door.

The premises have been closed since May 2023 and there has been no contact from the premises licence holder in over a year.

By the time of the Licensing Board meeting, on 27th October 2023, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 2<sup>nd</sup> November 2023, the Clerk to the Board sent another letter of reminder to the premises licence holder's address. No response was received.

On 8<sup>th</sup> November 2023, the Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 23<sup>rd</sup> November 2023 to explain the reason for the stated breach of licence.

By 13th November 2023, no payment had been received from the licensee.

Since 2015 the premises licence annual fee has been paid on the following dates:

22/10/2015  
27/10/2016  
17/11/2017  
15/11/2018  
30/09/2019  
05/10/2020



22/10/2021

02/11/2022

Only once in 8 years has the fee been paid on time prior to 1<sup>st</sup> October.

### **Licensing Board's Powers on Review**

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Licensing Standards Officer



# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

---

**Date:** 13<sup>th</sup> November 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

STODOLA, 109 HIGH STEET, MUSSELBURGH, EAST LoTHIAN EH21 7DA

**6B**

On 8<sup>th</sup> November 2023, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

## **Premises Licence Review**

**Stodola**  
**109 High Street, Musselburgh, East Lothian EH21 7DA**

### **Licensing Board November 2023**

#### **Licensing Standards Officer's Report**

In 2021 MJJ Foods Ltd was granted a Premises Licence in respect of the above supermarket.

On 31<sup>st</sup> July 2023 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2023. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 9<sup>th</sup> October and 2<sup>nd</sup> November 2023, the Clerk to the Board sent additional letters of reminder to the premises address. No response was received.

On 10<sup>th</sup> October 2023, the Licensing Standards officer hand delivered an additional letter of reminder to the premises. The premises was closed, and the letter was posted through the door. The inside of the premises had been completely stripped of produce and shelving with only a fixed counter remaining and a refrigeration unit remaining (see photos a-c attached). A call was made to the premises licence holder mobile number given on the premises licence application and there was no answer.

Social media and reviews online of the premises established that the premises sometime between June and August 2023. There has been no contact from the premises licence holder in over a year.

By the time of the Licensing Board meeting, on 27th October 2023, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 2<sup>nd</sup> November 2023, the Clerk to the Board sent another letter of reminder to the premises licence holder's address. No response was received.

On 8<sup>th</sup> November 2023, the Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 23<sup>rd</sup> November 2023 to explain the reason for the stated breach of licence.

By 13th November 2023, no payment had been received from the licensee.

Since 2021 the premises licence annual fee has been paid on the following dates:

06/10/2021

11/11/2022

The fee has never been paid on time by 1<sup>st</sup> October.

### **Licensing Board's Powers On Review**

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Licensing Standards Officer

Photos a-c– Stodola, 109 High Street, Musselburgh

Photo a



Photo b



Photo c







# EAST LOTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

---

**Date:** 13<sup>th</sup> November 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

DRAGON WAY, 27C LINKS ROAD, PORT SETON, EAST LOTHIAN EH32 0DU

6C

On 8<sup>th</sup> November 2023, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

## **Premises Licence Review**

**Dragon Way  
27C Links Road, Port Seton, East Lothian EH32 0DU**

### **Licensing Board November 2023**

#### **Licensing Standards Officer's Report**

In 2009 Yuen On Yip was granted a Premises Licence in respect of the above restaurant and take away on conversion from the 1976 Act.

The premises manager named on the licence is Shu Keung Yip.

On 9<sup>th</sup> December 2021, Shu Keung Yip's personal licence was revoked as the mandatory training requirements had not been completed. There has been no application to appoint a new premises manager. As a result, there should have been no sales of alcohol at the premises since Dec 2021. Should any sales of alcohol have occurred or continue this would be a breach of the premises licence condition and offence under the Licensing (Scotland) Act 2005.

Therefore, the sale of alcohol should not have taken place at the premises for the last 2 years.

On 31<sup>st</sup> July 2023 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2023. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 9<sup>th</sup> October and 2<sup>nd</sup> November 2023, the Clerk to the Board sent additional letters of reminder to the premises address. No response was received.

By the time of the Licensing Board meeting, on 27<sup>th</sup> October 2023, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 2<sup>nd</sup> November 2023, the Clerk to the Board sent another letter of reminder to the premises licence holder's address. No response was received. This letter was hand delivered by the LSO to the premises address and the premises licence holder address.

On 8<sup>th</sup> November 2023, the Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 23<sup>rd</sup> November 2023 to explain the reason for the stated breach of licence.

By 13<sup>th</sup> November 2023, no payment had been received from the licensee.

Since 2018 the premises licence annual fee has been paid on the following dates:

06/11/2018

12/09/2019  
22/09/2020  
06/10/2021  
11/11/2022 (late fee)

On investigation it appears that the premises is operating as a takeaway under the name “Kong’s Kitchen by Dragon Way”, however no alcohol advertised for sale on the menu displayed.

### **Licensing Board's Powers on Review**

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Licensing Standards Officer



# **EAST LOTHIAN COUNCIL**

## **Licensing Standards**

**From: Licensing Standards Officer**

**To: C. Grilli  
Clerk to the Licensing Board**

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**Date: 13<sup>th</sup> November 2023**

**Subject: LICENSING (SCOTLAND) ACT 2005**

**PREMISES LICENCE REVIEW**

**THE FOLLY HOTEL, 1 STATION HILL, NORTH BWERICK, EAST LOTHIAN EH39 4AN**

**6D**

On 8<sup>th</sup> November 2023, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

## **Premises Licence Review**

**The Folly Hotel  
1 Station Hill, North Berwick, East Lothian, EH39 4AN**

### **Licensing Board November 2023**

#### **Licensing Standards Officer's Report**

In 2019 The Wise Folly Ltd was transferred the Premises Licence in respect of the above hotel.

At this time Gareth Lancefield Cotton was appointed premises manager.

On 18<sup>th</sup> November 2021 Gareth Cotton was appointed premises manager at a premises in the Highlands. No notification was given to the Licensing Board of this however police have confirmed his appointment at another premises.

On 27<sup>th</sup> October 2022, an email was received from Mr Cotton to remove the current premises manager as they were moving to the Highlands. It is unclear who Mr Cotton was referring to in this email if it was himself or another person. No application to appoint a new premises manager was received at this time or has been since.

As a result, there should have been no sales of alcohol at the premises since Nov 2021. Should any sales of alcohol have occurred or continue this would be a breach of the premises licence condition and offence under the Licensing (Scotland) Act 2005.

Therefore, the sale of alcohol should not have taken place at the premises for the last 2 years.

On 31<sup>st</sup> July 2023 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1<sup>st</sup> October 2023. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 9<sup>th</sup> October and 2<sup>nd</sup> November 2023, the Clerk to the Board sent additional letters of reminder to the premises address and licensing agent. No response was received.

On 10<sup>th</sup> October 2023 the Licensing Standards officer hand delivered an additional letter of reminder to the premises. The premises was closed and the letter was posted through the door. There was a notice on the door (see photo a). The sign detailed that the hotel is running a self check in due to a staff shortage. It directs guests to a side door with 6 lock boxes and to look at booking instructions sent online for room number and box code.

It appears that the hotel is unmanned, and guests reside at the premises without staff there. This is concerning in relation to all the licensing objectives and the control the licence holder has over the operations and behaviour at a licensed premises.

By the time of the Licensing Board meeting, on 27th October 2023, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 2<sup>nd</sup> November 2023, the Clerk to the Board sent another letter of reminder to the premises licence holder's address. No response was received.

On 8<sup>th</sup> November 2023, the Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 23<sup>rd</sup> November 2023 to explain the reason for the stated breach of licence.

By 13th November 2023, no payment had been received from the licensee.

Since 2019 the premises licence annual fee has been paid on the following dates:

27/09/2019

15/09/2020

29/09/2021

29/09/2022

#### **Licensing Board's Powers on Review**

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Licensing Standards Officer

The Folly Hotel

Photo A





# East Lothian Licensing Report 2022-2023



7



**POLICE**  
**SCOTLAND**  
Keeping people safe

## **Foreword**

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

**Sir Iain Livingstone QPM**

Chief Constable

Police Service of Scotland

### **Police Scotland Licensing Overview –**

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2022/2023, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

## **LICENSING BOARD AREA**

The Licensing Board area is policed by Lothians & Scottish Borders (J) Division. Chief Superintendent Catriona Paton is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Jocelyn O'Conner is based at Haddington. She is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector O'Conner is supported by Inspector Dougie Wardell, who is also based at Haddington. The East Lothian Licensing Boards are predominantly attended by Inspector Dougie Wardell and PC Graeme Bairden/PC Cammy Tait.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector John McEwan and Sergeant Rachel Stark.

The local liquor Licensing Department is based at Dunbar Police Station. This consists of one police officer, initially PC Graeme Bairden then PC Cammy Tait, supported by administration staff based at Dalkeith Police Station and West Lothian Civic Centre.

## **Local Policing Priorities**

Following our public consultation process, the policing priorities for J Division, as set out in our Local Policing Plan are as follows;

- Protecting the most Vulnerable People
- Reducing Violence & Antisocial Behavior
- Reducing Acquisitive Crime
- Improving Road Safety
- Tackling Serious and Organised Crime

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In response to the local policing priorities, J divisions will continue to work in partnership with partner agencies to reduce alcohol related criminality and continue to develop night time economy plans with licensed premises. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

**Description of Board Area**

There are currently:

- 86 'on sales' only premises,
- 72 'off sales' only premises, and
- 127 combined on/off sales premises

Giving a total of 285 premises in East Lothian licensed to sell alcohol. This is a decrease of 2 premises, due to the reduction in on sales premises and a slight increase in off sales premises, since the last reporting year.

**OPERATION OF THE LICENSING (SCOTLAND) ACT 2005**

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In East Lothian, there were 145 recorded incidents in licensed premises between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023, this figure shows a decrease from 243 incident in the previous year.

On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0200.

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The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour occurring on our streets and within our homes. In addition, alcohol is also known to lower inhibitions which can have an impact on people's lives.

We continue to ensure there is a concerted focus on the issues surrounding the sale and supply of alcohol within our communities and work together in partnership with Licensed Premises and other agencies to promote responsible trading practices, ultimately keeping people safe.

### **The intervention Process**

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established intervention process. Incidents connected to premises are identified by licensing officers who evaluate the Licensing Objectives to determine if any have been compromised.

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:



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Police Intervention Categories		Number this reporting Year
<b>RED</b>	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.	1
<b>AMBER</b>	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.	0
<b>GREEN</b>	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.	0
<b>NO ACTION</b>	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	0

Over the last calendar year there has been one premises in East Lothian which has been classed as 'Problematic'. After review by the board, this premises had their license revoked.

#### Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. During the reporting year no premises or events were found to be operating unlicensed.

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**Applications for premises licence**

Over the reporting year, there were 4 Provisional Premises Licences granted, a decrease of 17 from last year. Some of these applications were for home delivery of alcohol gift packages.

**Section 36 – Application for Review of Licence**

Police Scotland only seek review of a premises licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

In this reporting year there was 1 review applications of this type submitted, however this was submitted by East Lothian Council. As a result the premises was closed and the license was revoked.

**Section 63 – Sale or Supply out with licensed hours**

Officers in East Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local officers continue to make pro-active visits to licensed premises, particularly at weekends, to ensure premises are being managed appropriately. The police Innkeeper IT solution can be accessed by police control staff and officers alike, twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and night time economy dispersal details continue to assist in reducing offending of this nature. In this reporting year, there has been no licence holders reported for this type of offence.

**Section 72 – Personal Licence Applications**

There were 158 applications made for the grant or renewal of personal licences during this reporting year in East Lothian. This is an increase of 27 on the previous year's applications.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 permitting



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the Chief Constable to request refusal for the purposes of 'any' Licensing Objective has widened the scope for making appropriate representations to the Board. During this reporting year there has been 4 representation of this type made to the Licensing Board.

**Section 84 (84A) – Personal Licence Reviews**

Police Licensing Officers are responsible for monitoring the conduct of personal licence holders. Again, the amendment to legislation has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There were no Personal Licence Review requested by Police Scotland in this reporting year, however there was one review brought to the board by East Lothian Council. The female involved had her license revoked.

**Section 94 – Exclusion Orders**

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises, a request for an Exclusion Order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction', and can exclude a person from specific licensed premises for between three months and up to two years. The Police Licensing Officer proactively drives the request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian. There were no exclusion orders during the dates reported.

**Section 97 – Closure Orders**

There were no closure orders used within East Lothian during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

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### Violence and ASB Data

A total of 1050 acts of violence\* were recorded within East Lothian for the period from 1st April 2022 to 31st March 2023. This equated to seven attempted murders, 32 serious assaults, 12 robberies and 999 common assaults which includes 67 assaults on Police Officers and 10 assaults on Retail Workers. This represents an increase of 143 crimes (15.8%) from the 2021-22 levels of violence and remains higher than pre-pandemic levels. It should also be noted that there was one recorded crime of drugging during 2022-23, although not included in the violence statistics above it is relevant due to being alcohol related. The split between locations of crimes shows that approximately 52.8% occurred within public space versus 47.2% occurring within private space locations. A total of 23 crimes of violence were recorded for licensed premises within East Lothian during 2022-23 compared to 21 reports in 2021-22. It was also noted that 32 crimes were committed within supermarkets licensed to sell alcohol with eight such crimes being “alcohol” related. It should be noted however that six of those crimes were all related to one single incident and therefore have contributed to the apparent increase. The table below depicts the overall crimes of violence by section for the past three years for comparison.

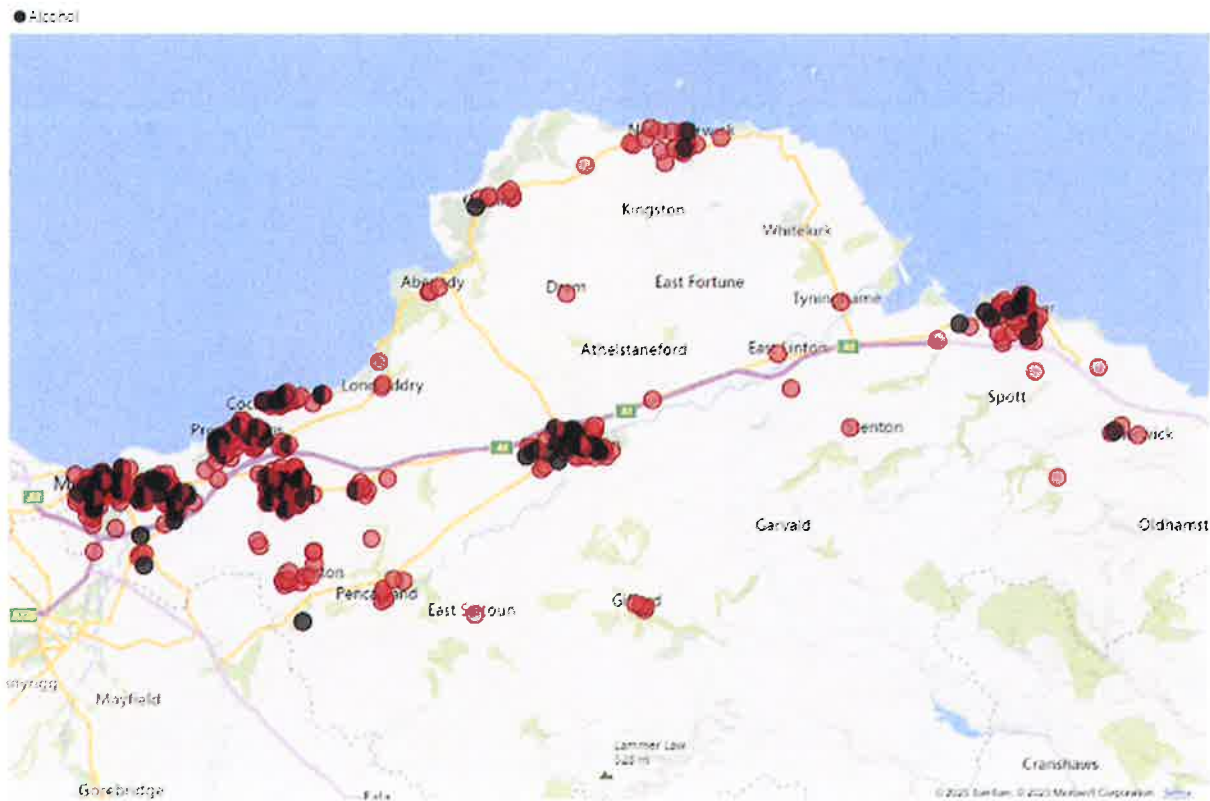
Section	2020-21	2021-22	2022-23	Change from previous year
Dunbar	80	88	100	+13.6%
Haddington	84	129	149	+15.5%
Musselburgh	223	308	327	+6.2%
North Berwick	51	36	58	+61.1%
Prestonpans	153	149	181	+21.5%
Tranent	175	197	220	+11.7%

### Violence Data Where Alcohol Is A Factor

Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 1050 recorded crimes of violence for the 2022-23 period, a total of 195 (18.6%) had the alcohol marker attached to the crime report. Of that total, 56.4% were in

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private locations leaving 43.6% of acts of violence in a public space where alcohol featured. The following map has been produced indicating the locations of public space violence where alcohol is a factor. The black dots indicate alcohol related violence, while the red dots are the other violent crimes where no such aggravator has been added.



The areas of Musselburgh Town Centre, Haddington, Tranent, Wallyford, Prestonpans and Dunbar have the highest number of alcohol-related violent crimes, as shown on the map above.

**Public Space Violence**

The following map indicates the main locations for crimes of public space violence within East Lothian in relation to the location details specified on each crime report for an act of violence recorded during 2022-23. The proportion of public space violence crimes was 52.8%, which is a slight reduction from the 2021-22 figure of

53.7%, however caution should be noted when comparing statistics with pandemic years.



### **Antisocial Behaviour**

A total of 5197 calls relating to ASB have been recorded during 2022-23 within the East Lothian area. This represents an increase of 246 calls (5.0%) from the 4951 recorded in 2021-22. The following map indicates the main locations for incidents of ASB.



## **PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE**

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Officers continue to routinely proactively visit premises licensed for 'off-sales' to ensure that they are aware of their responsibilities under the 2005 Act, and in particular in the run up to and during school holidays or local events.

Likewise, officers will continue to routinely proactively visit premises licensed for 'on-sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

There is two school link officer and six Community Beat Officers based in East Lothian and they are seen as one of the main links between Police and children and young persons in the area. The local licensing officer continues to work alongside these officers to provide education and support to students around the dangers of alcohol not only to their own health but also the impact on the community.



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**TACKLING SERIOUS AND ORGANISED CRIME**

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG's pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

**Examples of Serious and Organised Crime (SAOC) Activity in the Board area –**

Over the past year, the Police Licensing Officer has scrutinised and interrogated licence applications to identify where Serious and Organised Crime Groups (SOCGs) may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing. Unfortunately a number of SOCGs already have a foothold in licensed premises, making it challenging to object to these applications as more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are 'tenants', who neither hold the premises licence or the Designated Premises Manager position and therefore are not 'relevant' persons.

The Police Licensing Officer continues to monitor the persons connected to licensed premises in Midlothian, who are known to have links to SOCGs.

All opportunity is taken to disrupt the running of these licensed premises with the assistance of the National Intervention Unit. Multi-Agency Proactive visits are

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conducted with key partners in an effort to put the pressure on these operators, in an effort to disrupt their activity and cease from trading.

## **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

### **Proxy Campaign – It'll Cost You**

A 'National Proxy Purchase Campaign' was launched in May 2022 and ran until August 2022. Police and partners engaged with premises to raise awareness of the issue of adults buying alcohol for children and young people. This was aimed at providing education, support and advice to premises, as well as using local and social media to highlight the impacts of it to communities, in an effort to reduce proxy purchases in the division as a whole.

Local Licensing Officers & Community Officers visited on and off sale premises, to hand out campaign materials, mark pavements with campaign slogan, raise the public's knowledge and awareness, as well as taking the opportunity to speak with staff providing guidance and advice, in an effort to reduce the number of proxy sales in East Lothian. This campaign is scheduled to take place again in May/June 2023.

### **East Lothian Community Action Team (ELCAT)**

East Lothian have an ELCAT made up of 1 sergeant and 6 PC's. 2 of these officers are funded by East Lothian Council. They work towards six point Key Performance Indicators which they focus on and feedback directly to the Local Area Commander & East Lothian Council. Two of these indicators are linked with Licensing. They are -

1. Youth Engagement: actively engage with youths and foster a positive image of the police and their local communities. Act as primary first responders to youth calls, disrupt antisocial behaviour and enforce appropriate legislation firmly but fairly. Maximise alcohol seizures. Engage with partners and CBO colleagues to identify appropriate support and diversionary activities.
4. Licensed Premises: monitor licensed premises activity and act as first responders to antisocial behaviour related incidents whenever possible.

### **Bystander Training**

Bystander training is an opportunity to engage with licensees, to deliver a national training package to licence premise staff, with a view to education, to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption. The training is currently being reviewed and updated by The Violence Prevention and Licensing Co-ordination Unit. We will then look at training officers across the Division for local delivery thereafter.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2023/2024.