



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

**THURSDAY 25 JANUARY 2024 at 10.00am
VIA A DIGITAL PLATFORM**

Agenda of Business

Apologies

Declarations of Interest

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

- 1. Minutes for Approval**
Special Meeting of the East Lothian Licensing Board, 21 December 2023 **(pages 1-8)**
- 2. Variation of Provisional Licence**
Monktonhall Service Station, Old Craighall, Musselburgh **(pages 9-28)**
- 3. Extension of Provisional Licence**
Beer Zoo, 35 High Street, Dunbar **(pages 29-30)**
- 4. Provisional Licence**
The Wee Shop, 3 Blawearie Road, Tranent **(pages 31-54)**
- 5. Major Variation of Premises Licence**
Ravelstone House Hotel, 182 North High Street, Musselburgh **(pages 55-72)**
- 6. Full Premises Licence**
Tynninghame Country Store, Main Street, Tynninghame **(pages 73-228)**
- 7. Update on Review of Premises Licence**
The Folly Hotel, 1 Station Hill, North Berwick **(pages 229-232)**
- 8. Review of Personal Licence**
 - a. Damian Okragly **(pages 233-236)**
 - b. Kokulabavan Jeyerasa **(pages 237-297)**

Carlo Grilli
Clerk of the Licensing Board
18 January 2024



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

**THURSDAY 21 DECEMBER 2023
ONLINE PLATFORM MEETING**

1

Board Members Present:

Councillor L Bruce (Convener)
Councillor F Dugdale
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
PC L Wilson, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C Cassini
Councillor N Gilbert

Declarations of Interest:

None

**1. MINUTES FOR APPROVAL
23 November 2023**

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

**2. PREMISES LICENCE REVIEW
Nisa, Duns Road, Gifford**

The Licensing Standards Officer (LSO) had made an application in terms of Section 36(4) on the grounds specified in Section 36(3)(a) of the Licensing (Scotland) Act 2005 ('the Act') to the East Lothian Licensing Board to review the premises licence in respect of Nisa, Duns Road, Gifford. The application had been made on the 28 November 2023 and subsequently accepted by the Board. A report and accompanying documents had been submitted to the Board for consideration.

The licence holder, Kokulabavan Jeyarasa, was in attendance, and was supported by Mrs McCulloch.

Karen Harling, LSO, spoke to her report and submissions. Alongside the grounds specified in Section 36(3)(a) of the Act for a breach of premises licence conditions, the LSO also sought to add additional grounds specified in Section 36(z)(a), that Mr Jeyarasa was not a fit and proper person to hold a premises licence. She provided an overview of the circumstances and information on the breaches of licence conditions.

The LSO addressed the breach of premises licence mandatory condition 4 regarding the designated premises manager (DPM). She advised that the premises had previously been a Co-op, and a transfer of the premises licence to Mr Jeyarasa had been granted on 12 October 2021. The DPM at the time of the transfer, Carol Mackay, subsequently resigned from employment and her last working day had been 21 November 2021. The LSO reported there had been a failure to notify the Board within seven days that Mrs Mackay had left her position, as required by Section 54 of the Act. As such, all sales of alcohol from this point onwards breached mandatory condition 4, and it was not clear from that point who was managing the premises. She advised that Mr Jeyarasa had made an application to appoint himself as DPM on 22 February 2022 and was subsequently named on the licence. The LSO advised that East Lothian Licensing Board was not able to check whether a person was named as DPM on another premises licence outwith East Lothian. She advised that Mr Jeyarasa had been DPM at a premises in Dumfries since 14 November 2019, and was still the premises manager there. Therefore, there had been no DPM since Mrs Mackay left in November 2021 and selling alcohol had been a breach of mandatory condition 4 until appointment of the current premises manager, Sivapathham Suthkaran on 17 November 2023. This offence under the Act had been reported to Police Scotland, and local information indicated that alcohol had continually been available since Mr Jeyarasa took control of the shop.

The LSO advised that her involvement with the premises began due to non-payment of annual fees, which was a breach of mandatory condition 10. She had made numerous attempts to contact Mr Jeyarasa and had visited the premises to deliver a final request letter. She advised that the fee was subsequently paid by a male known as 'Ranjan' (later identified as Selvarasa Jeevakaran) in person at John Muir House. On her visit on 8 November, the LSO had found a male staff member alone in the shop who had been unable to speak English and had been unable to provide the premises licence or documents required under the Act. She reported that he seemed panicked and called Ranjan, whom he referred to as his boss. The LSO reported that Ranjan

said he was the manager of the shop and claimed to be Mr Jeyarasa, but had been unable to provide ID when requested. On this visit, the LSO found training records to be incomplete and unsigned, and reported that Ranjan's story about the whereabouts of Mr Jeyarasa changed several times. The LSO left the shop and issued a Section 14 compliance notice by email and post in relation to the breach of mandatory condition 6 for staff training.

The LSO explained that she then undertook a joint visit with PC Lee Wilson on 14 November, where Ranjan and the male she had met on her first visit were present. The LSO and PC Wilson found no valid training record for any staff member, and the Section 14 notice had not been complied with. She advised that PC Wilson spoke with Mr Jeyarasa on the phone, who said he had been in Sri Lanka, and that he lived in Dumfries but travelled to the premises on a regular basis. PC Wilson asked Mr Jeyarasa to instruct Ranjan to remove alcohol and cover displays until staff were trained, as Ranjan had not complied with this request previously. The LSO spoke with Mr Jeyarasa on the phone and he confirmed he had received the Section 14 notice but had not actioned anything. Mr Jeyarasa had confirmed one staff member did not speak English, and that Ranjan was his cousin and ran the shop. Mr Jeyarasa also confirmed that he lived in Dumfries but travelled to work at the premises five days each week, and said he had CCTV proof of this. He informed the LSO he would train all staff and demanded that the LSO visit the shop the following day at 8am. The LSO said she had questioned how Mr Jeyarasa would train the staff within such a short timescale and made clear that she would make an application to review the premises licence on the basis of non-compliance with the Section 14 notice.

The LSO advised that three new staff members had been present on a further visit on 16 November, two of whom claimed to have been trained within the last 48 hours. She reported that they had been able to answer questions about the training. She advised that Mr Jeyarasa appeared unfamiliar in the shop and storeroom and had been unable to provide CCTV evidence of working in the shop. She reported that ID documents were provided for four staff members she had not seen in the premises, and no ID documents were provided for the staff members she had found working previously. Mr Jeyarasa told the LSO that Ranjan required further training and that the first male she had found working in the premises had left. Mr Jeyarasa said that he would appoint Mr Suthkaran as DPM, and the LSO reported that Mr Suthkaran said travel from Kirkcaldy would be difficult. The LSO reported being told by five different staff members that they were living in the same house in Gifford, however, the details of who lived in the house changed. She had established that a private landlord owned the property and believed he had rented the property to a sole tenant, Mr Jeyarasa.

The LSO reported that a new member of staff was found to be working alone on an unannounced visit on 27 November. He was able to provide ID, but panicked and was unable to provide a training record. The staff member said he had worked in the shop for two days, and lived in Dumfries but was staying at the same address in Gifford given by other staff members. She recounted that Ranjan then attended the shop and provided a training record for the staff member. She reported that the staff member had been unable to say who had trained him and said he "had just signed the forms". The LSO described the state of disarray found in the stockroom, illustrated in photographs provided to Board Members, and as a result, contacted the Scottish Fire and Rescue Service to report safety concerns. It was on this visit that Ranjan's identity was established as being Selvarasa Jeevakaran. The LSO emailed Mr Jeyarasa with further concerns relating to staff training following this visit. She said that Mr Jeyarasa had claimed the disorder had been due to a delivery having just been made, but he had been unable to provide evidence of the delivery. He admitted that the new staff member had been poorly trained and undertook to retrain him.

The LSO advised that a further visit was conducted with PC Wilson on 6 December, where Mr Suthkaran was on the premises, along with Ranjan. On this visit, Ranjan produced a training record, could answer some basic questions on his training, and the stockroom was tidier. She noted that no layout plan was available in the premises and she had previously advised Mr Jeyarasa to apply to the Licensing Board for a copy. She reported that alcohol had once again been found on the floor of the shop on the visit on 27 November, and another Section 14 compliance notice had been issued for breach of mandatory condition 13.

The LSO gave her view that Mr Jeyarasa had handed full management and responsibility of the shop over to Ranjan, who was clearly not a responsible or fit person due to providing false information to officials, and by Mr Jeyarasa's own admission, required further training. She said that numerous staff had referred to Ranjan as being the boss. She could see no evidence of Mr Jeyarasa's input and thought he had not been present at the premises for some time. She thought Mr Suthkaran had been appointed as DPM in a hurry to appease officials and she doubted he would have continued involvement to fulfil his role as DPM. The LSO reported that locals commonly assumed that Ranjan was the boss of the premises and that the premises had changed hands into his control.

The LSO summarised that she was of the opinion that Mr Jeyarasa was not a fit and proper person to hold a premises licence and asked Members to consider whether they were of the same view. She referred to the multiple breaches of conditions and wider failings, and said that being a fit and proper person was also taken into account the character and nature of the individual. She noted that Mr Jeyarasa held premises licences in other areas and should be an experienced personal licence holder. She said he had completely failed in his responsibilities as a premises licence holder and had demonstrated disregard for the law and the regulated industry. She referred to opportunities given to Mr Jeyarasa to remedy breaches of the licence and his failure to act. She described Mr Jeyarasa as having no regard for preventing crime and disorder, as untrained staff who were unable to speak English would be unable to conduct conversations for age verification and make safe sales. She also noted that consultees had raised issues with: compliance in planning; maintenance of fire alarms systems and emergency lighting; non-registration with environmental health; and failure to register to sell tobacco and nicotine products. She also highlighted the requirement under Section 84 of the Act that a personal licence review hearing must be held should a personal licence holder be found to be acting in a manner inconsistent with the licensing objectives.

PC Wilson acknowledged that a full timeline had been provided by the LSO and provided the Board with his overall impressions based on his visits. He said he also questioned who was really in charge of the store, as Mr Jeyarasa was unlikely to be able to visit on a regular basis and appeared to be unfamiliar with the premises. Mr Jeyarasa had left control of the store with other members of staff, and staff referred to Mr Jeevakaran as being the boss. He found it hard to believe that the new DPM would agree to a commute from Kirkcaldy and agreed with the LSO's assessment that it was likely he had been appointed to appease officials. PC Wilson had spoken with his police counterpart in Dumfries who had confirmed that Mr Jeyarasa remained as DPM for a premises in the area at the same time as having applied for and held the role of DPM in Gifford. PC Wilson said this indicated a complete lack of knowledge or a blatant disregard for the law, and Police Scotland may look to progress this as part of an ongoing investigation. He felt the lack of appropriate management had been reflected in the poor staff training and document maintenance, where records were not properly signed, dated, and were all in different handwriting. He confirmed that staff he came across on visits had not been trained, which caused concern for their ability to reasonably sell alcohol. He felt that the staff member presented on the second visit appeared to be in place to appease officials, and the staff member had stated that he

would move to the address in Gifford. PC Wilson raised further concerns with poor housekeeping, non-payment of annual fees, storeroom issues, and the premises not being registered to sell tobacco. He said that staff providing false details raised questions over their honesty and integrity, and further called into question as to whether Mr Jeyarasa was a fit and proper person to hold a premises licence. PC Wilson said he had never seen such a catalogue of major concerns and commented that Mr Jeyarasa ought to be knowledgeable about the regulated industry. He felt that the various issues showed that Mr Jeyarasa had not taken responsibility and brought into question his ability to uphold licensing standards.

The Convener invited Mr Jeyarasa to respond to the points raised by the LSO and PC Wilson, but Mr Jeyarasa made no comment at this stage of the hearing.

Councillor McMillan asked about Mrs McCulloch's relationship to Mr Jeyarasa. Mrs McCulloch advised that she had worked for Mr Jeyarasa for several years and was providing support at the hearing to ensure Mr Jeyarasa understood the questioning.

Responding to further questions from Councillor McMillan, the LSO advised that she asked standard questions on any site visit and requested that documentation be produced, as specific signage and the premises licence must be displayed and available. She advised that it was an offence not to be able to produce this documentation when requested by the police or LSO. She reported that the premises was one of only a handful which had not paid their annual fees on time, and her first visit had been to deliver a letter to make clear that the premises would be called to a hearing should fees remain unpaid by the start of the following week. She reiterated that the sole member of staff in charge of the shop had panicked when officials had appeared and had struggled to speak English. She said she would expect a shop of this size to have more than one member of staff on duty, and commented that organisation seemed to have been very poor for a member of staff to be left in sole charge of the shop when they had only worked there for two days. She advised that this staff member had been unfamiliar with safety procedures and how to put off an alarm which had been sounding. She said that recruitment procedures were of concern, and said it was rare for staff to be able to relocate at short notice.

The LSO also commented that control of the store seemed to have been handed over to someone who was not fit to run the premises, and Mr Jeyarasa had little involvement. She described the messy and unsafe state of the storeroom on one of her visits, which Ranjan had sought to keep her from entering. She noted contradictions in the times Mr Jeyarasa and Ranjan had said the delivery had been made, and thought that more than one member of staff should have been on duty to tidy away a delivery swiftly. She highlighted a lack of clear instruction to staff members who were also inexperienced.

Councillor McMillan asked about the risks in the Gifford store. PC Wilson commented that overarching issues were of: disorganisation; a lack of supervision; the storeroom being in disarray; safety issues with fire exits being blocked; and serious issues with staff training. He said that issues were sometimes found on site visits but this premises had a far greater catalogue of issues than he had ever seen.

Responding to questions from Councillor McMillan, Mr Jeyarasa advised that one of the managers lived in Kirkcaldy but would move to Gifford, but in the meantime he was paying for his fuel costs for the manager's 45-minute commute. He said that there were now three or four members of staff working every day, and he would now work in the premises three or four days each week. He said staff were recruited through personal connections, and people sometimes came in to enquire about vacancies. He confirmed that Ranjan was his cousin.

The LSO raised concern that Mr Jeyarasa would be travelling to the premises and remaining as DPM elsewhere, as it was not possible under the Act to be the DPM at more than one premises. Mr Jeyarasa advised, with support of Mrs McCulloch, that he intended to visit the premises in Gifford three or four days each week but would remain DPM at the premises in Dumfries. Responding to a question from the Convener, Mrs McCulloch explained that Mr Jeyarasa would maintain contact with both premises because he worked long hours and travelled to various premises regularly.

Following further discussion, Mr Jeyarasa said that he had been unaware that he could not act as DPM at more than one premises. Councillor McGuire felt that this failure to familiarise himself with the regulations showed Mr Jeyarasa's lack of acceptance of responsibility. Mr Jeyarasa, with support from Mrs McCulloch, stated that it had not been due to a lack of responsibility, but rather a lack of knowledge.

The LSO highlighted that Mr Jeyarasa was an experienced operator and held four premises licences across the country. She advised that information about it not being legal to be the DPM at more than one premises was contained within the personal licence holder course which Mr Jeyarasa had completed.

Responding to a question from Councillor Dugdale about the licensing objective of protecting children and young people from harm, the LSO highlighted serious issues with leaving someone who was not trained in charge of the shop. If they could not speak English, this caused further concern as they would be unable to ask the appropriate questions to undertake age verification, and she highlighted that there were false IDs circulating. She stated that if a sole member of staff was in the shop and they were not trained, then alcohol should not be sold or on display.

In response to questions from Councillor McMillan, Mr Jeyarasa confirmed that he now understood that he could not act as DPM at more than one premises. The Convener stated that the onus was with the licence holder to make the Licensing Board aware of any change of DPM, and said it was not possible for the Board to check whether a DPM was also acting as DPM elsewhere. Mr Grilli, Clerk of the Board, advised that part of the checks relied on Police Scotland's database. PC Wilson advised that this issue had not been picked up in Mr Jeyarasa's case and would be taken forward as a learning point. Mr Grilli confirmed that Mr Jeyarasa had been named as DPM at his premises in Dumfries and Galloway prior to making his application to become DPM in Gifford. As the Dumfries and Galloway role was confirmed prior to the Gifford role, under the legislation, Mr Jeyarasa was never DPM in Gifford, and therefore all sales of alcohol on the premises had taken place illegally over the past two years. PC Wilson advised that this was being investigated by Police Scotland.

[REDACTED]

[REDACTED]

The Convener called an adjournment to allow Members to discuss the matter in private session.

Upon their return, the Convener thanked the LSO and PC Wilson for their work in bringing this matter to the Board. He commented that operation of the premises had fallen short of the standard demanded by the Board including: there being no DPM in place; breaches of licensing conditions and food and hygiene standards; a lack of proper training; an inability to operate effectively within the licensed industry; and alcohol display outside of permitted areas. He commented that all five of the licensing objectives had not been upheld following breaches of licensing conditions. Due to the obvious mismanagement of the premises, he said it was clear that Mr Jeyarasa had not been acting as a fit and proper person, and, as such, the Convener formally proposed that the premises licence be revoked and that no further sales of alcohol would take place. He also proposed that Mr Jeyarasa's personal licence be reviewed at the January Board meeting, and that the licensing team write to the Licensing Boards of Fife, East Ayrshire, and Dumfries and Galloway to make them aware of the outcome of the premises licence review hearing. Councillor McGuire formally seconded these proposals, and Members unanimously supported the proposals in a roll call vote.

Mr Grilli advised that a statement of reasons could be prepared if Mr Jeyarasa requested a copy. He confirmed that the decision of the Board was to revoke the premises licence with immediate effect and thus the premises must cease all sales of alcohol immediately.

PC Wilson and the Convener sought confirmation that Mr Jeyarasa had understood the outcome of the hearing and was aware that checks would be carried out on the premises. Mr Jeyarasa confirmed that he understood the decision of the Board.

Decision

The Board agreed:

- that the premises licence for Nisa, Duns Road, Gifford would be revoked and no further sales of alcohol may take place;
- that Kokulabavan Jeyarasa's personal licence would be reviewed at the January meeting of the Board; and
- that the licensing team would write to the Licensing Boards of Fife, East Ayrshire, and Dumfries and Galloway to make them aware of the outcome of the premises licence review hearing.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board



East Lothian Council
Licensing

24 OCT 2023
Received

APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

2

LICENSING (SCOTLAND) ACT 2005, SECTION 29

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

1. TYPE OF VARIATION

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

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

(Provide Details)

Add to the description at the end of the first paragraph "the premises will also include two adjacent food retail units (from which no alcohol is sold)"

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0381

2(b) Name and Address of Premises Monktonhall Service Station, Musselburgh Bypass

Musselburgh

Post Code EH21 8RE Tel. No. 0131 202 2831

Email

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

Motor Fuel Limited, 10 Bricket Road, St Albans,

Post Code AL1 3JX

Tel. No. C/o agent Email address andrew.hunter@harpermacleod.co.uk

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)**

In paragraph 5(f), add the words "the premises may offer delivery of groceries, including alcohol".
In paragraph 7 of the operating plan, change the off sales capacity to 24.04875m²"

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.

The premises layout (as originally proposed) is undergoing a further renovation to incorporate two additional food retailers, separate from the petrol forecourt retail shop. In addition, the forecourt shop which is operated by the applicants shall increase in footprint from the original proposal from 108m² to 121m²

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)

Emailed application - original application to be returned by post

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that

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

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

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 26/10/2023

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

If agent, please provide details

Full name Harper Macleod LLP

Address 45 Gordon Street, Glasgow

Post Code G1 3PE

Tel. No. 07884 112175 Email address andrew.hunter@harpermacleod.co.uk

Note 1

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

Note 2

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

Note 3

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

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

Note 4

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

Note 5: Data Protection Act 2018

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

CONTACT US

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

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

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

OPERATING PLAN

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

Question 1

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

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

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

Day	ON Consumption	
	Opening time	Terminal hour
<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

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

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/NO*</i>
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**If YES – provide details*

Question 5

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

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

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

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

The premises may play background music in the retail areas of the store. The premises are open on a 24 hours basis. The retail shop is accessible between 05:00hours and 23:00 hours each day and therefore music may be played out with core licensing hours. The premises can use of a night pay window during the hours of 23:00 hours and 05:00 hours if required.

5(f) any other activities

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

The premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt. The premises may offer delivery of groceries, including alcohol

5(g) Late night premises opening after 1.00am – N/A

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

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

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS - N/A

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

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

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

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

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

Question 7

CAPACITY OF PREMISES

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

Off sales display: 24.04875 m ²
--

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

Signature



*(see note below)

Date 26/10/2023

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

Telephone number and email address of signatory

Agent: Harper Macleod LLP, 45 Gordon Street, Glasgow, G1 3PE
Tel: 0141 227 9388 Email: andrew.hunter@harpermacleod.co.uk

*** Data Protection Act 1998**

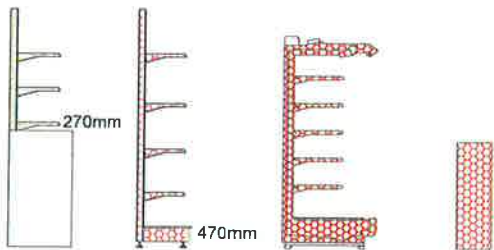
The information on this form may be held on an electronic public register which may be available to members of the public on request.

Profile 1
Wall Shelving

Profile 2
Wall Shelving

Profile 3
Chill

Profile 4
Bulkstacks



Fire Exit



Toilet Area



Display Area of Alcohol (Inaccessible)



Display Area of Alcohol (Accessible)

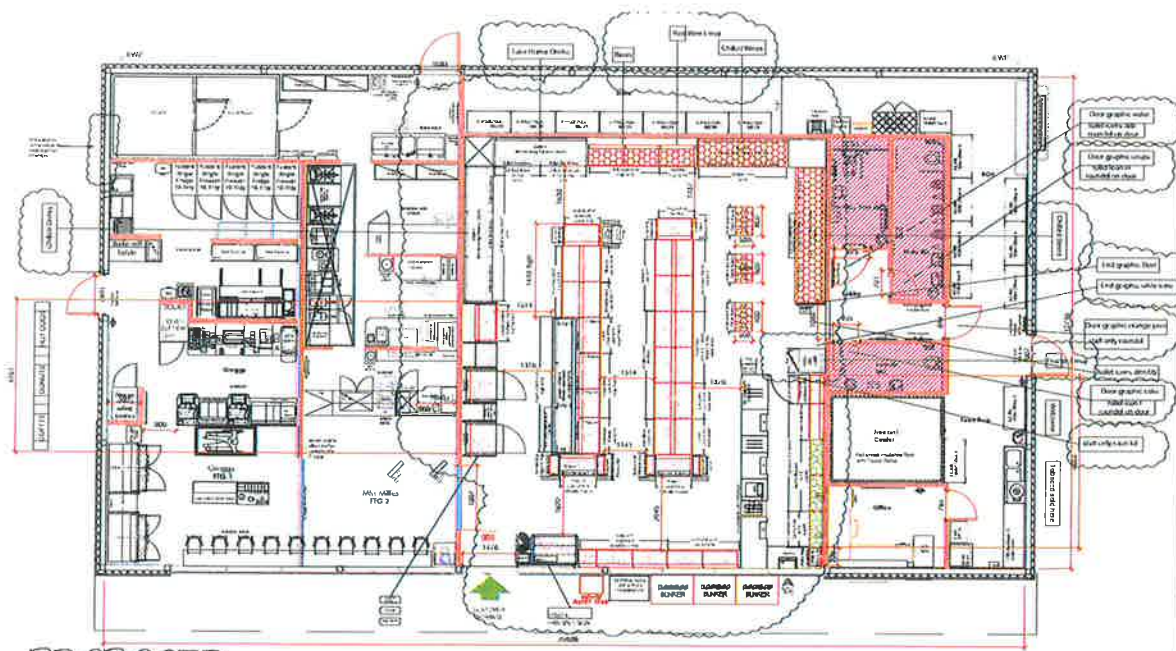
Total Display Area of Alcohol (Inaccessible)
Wall Shelf Width:-
3.0m(L) x 1.1m(h) = 3.3m²

Total Display Area of Alcohol (Accessible)
Wall Shelf Width:-
3.0m(L) x 1.8m(h) = 5.4m²

Chill Shelf Width:-
6.25m(L) x 1.995m(h) = 12.46875m²

Bulkstacks:-
0.8m(w) x 1.2m(h) x 3 = 2.88m²

Total Display Shelving -
Total = 24.04875m²



PROPOSED

Londis MONKTONHALL

EXISTING/PROPOSED

ADDRESS	BP SERVICE STATION MUSSELBURGH BY PASS MUSSELBURGH LOTHIAN SCOTLAND
PROJECT NAME	DEVELOPMENT
FORMAT	TRANSIENT
STORE NUMBER	FSS12
DRAWN BY	CL
SCALE	1:100 @ A3
DATE	06/06/2013
REVISION	N/A

NOTES:

NO	DATE	DESCRIPTION
1	06/06/2013	ISSUED FOR PERMIT
2	06/06/2013	ISSUED FOR TENDER
3	06/06/2013	ISSUED FOR CONSTRUCTION
4	06/06/2013	ISSUED FOR AS-BUILT

Vertex Vertex Drawing
Based on:
Rev N License MFG Booker MONKTONHALL
Musselburgh By Pass Musselburgh PROPOSED REV N
EH21 6RE

THESE DRAWINGS ARE THE PROPERTY OF THE DRAWING OFFICE AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE DRAWING OFFICE. THE DRAWING OFFICE ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE OF ANY KIND ARISING FROM THE USE OF THESE DRAWINGS. THE DRAWING OFFICE IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DELAYS CAUSED BY ANY OTHER PARTY. THE DRAWING OFFICE IS NOT RESPONSIBLE FOR ANY CHANGES TO THE DRAWINGS MADE BY ANY OTHER PARTY. THE DRAWING OFFICE IS NOT RESPONSIBLE FOR ANY COSTS INCURRED BY ANY OTHER PARTY. THE DRAWING OFFICE IS NOT RESPONSIBLE FOR ANY DELAYS TO THE PROJECT CAUSED BY ANY OTHER PARTY. THE DRAWING OFFICE IS NOT RESPONSIBLE FOR ANY DELAYS TO THE PROJECT CAUSED BY ANY OTHER PARTY. THE DRAWING OFFICE IS NOT RESPONSIBLE FOR ANY DELAYS TO THE PROJECT CAUSED BY ANY OTHER PARTY.

BOOKER RETAIL PARTNERS
BUDDENS LONERS HOUSE, WIDEWATER PLACE,
WIDENHALL ROAD, HARFIELD WOOD, ESK
LEITH
0800 294 0764

BOOKER
RETAIL PARTNERS

28/11/2023

Your Ref: Monktonhall
Our Ref: 772599

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



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MONKTONHALL SERVICE STATION, B6415 (11) FROM OLD CRAIGHALL,
OLD CRAIGHALL, MUSSELBURGH, EAST LOTHIAN, EH21 8RE.**

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

- **Adding to the description: “the premises will also include two adjacent food retail units (from which no alcohol is sold).**
- **In paragraph 5(f) adding “the premises may offer delivery of groceries, including alcohol”**
- **In paragraph 7 changing the off sales capacity to 24.04875m²**
- **A variation to the layout plan to incorporate 2 additional food retailers as well as an increase in the forecourt shops footprint from 108m² to 121m².**

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

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

OFFICIAL

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: 4th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE MAJOR VARIATION

MONKTONHALL SERVICE STATION, MUSSELBURGH BYPASS, MUSSELBURGH, EAST LoTHIAN EH21 8RE

As the site is currently under construction, I have not yet been able to visit. I plan on visiting the premises once construction is complete.

The changes applied for are:

- To make an addition to the premises description
- To change the premises layout
- To increase the off sales capacity
- To add deliveries of groceries and alcohol as an activity

The application is compliant with the Act.

The off sales capacity applied for is 24.04875m². Within an 800m radius there is one other premises which is The Musselburgh Golf Club which provides on sales only.

I recommend the board considers the following condition:

- 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.

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 22 November 2023 13:00
To: Licensing
Subject: RE: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]

Hello,

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

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 08 November 2023 14:44
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Licensing Standards Officer <Iso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; 'licensing@nhslothian.scot.nhs.uk' <licensing@nhslothian.scot.nhs.uk>; [REDACTED]

Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]

Importance: High

Good Afternoon

Please find attached application for Variation to Provisional licence for Monktonhall Service Station, Musselburgh for report/representation by 7th December, 2023.

Kind regards

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

Licensing

From: Douglas, Andrew
Sent: 09 November 2023 12:51
To: Licensing
Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]
Attachments: Payment Authentication Receipt - DO NOT REPLY TO THIS E-MAIL; MONKTONHALL LICENSING LAYOUT - REVN(25313800.1).pdf; Major_Variation_application - Monktonhall(25313788.1).pdf; Draft Variation Operating Plan - Monktonhall(25313773.1).doc
Importance: High

No objs, std conditions

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 09 November 2023 12:33
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]
Importance: High

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 08 November 2023 14:44
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Licensing Standards Officer <Iso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; 'licensing@nhslothian.scot.nhs.uk' <licensing@nhslothian.scot.nhs.uk>;
Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]
Importance: High

Good Afternoon

Please find attached application for Variation to Provisional licence for Monktonhall Service Station, Musselburgh for report/representation by 7th December, 2023.

Kind regards

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



Fiona and Dominic Holt
Northern Hobby Ltd T/A Beer Zoo
fiona@beerzoo.co.uk



3

To:
The Clerk to the Licensing Board
1st Floor John Muir House
Haddington
EH41 3HA
24 December 2023

Dear Sir or Madam

I am writing with regards to the provisional license for Beer Zoo, 35 High Street, Dunbar, EH42 1EW, which is due to expire on 23rd January 2024. We would like to request a six-month extension to this provisional license.

The conversion of the premises to satisfy Building Standards has been delayed beyond our control.

Following our provisional license being granted in 2020, we quickly got a section 50 food hygiene certificate and Fire safety certificate in place. When we applied for a Section 50 Building Standards document, we discovered that the previous tenants, who had an expired Building Warrant in place, had begun the work, but not completed it. Although we were aware of the expired building warrant on 35 High Street Dunbar when we took on the lease, we did not anticipate it to be a barrier to obtaining Building Standards Section 50 paperwork because the work that had been started by the previous tenants was just the addition of an easily removable, non-load-bearing stud wall.

We received an email from Frank Fairgrieve on 17th February 2020 advising us that he was unable to issue a section 50 certificate until any warrantable works have been signed off with a completion certificate. There was then a lengthy interruption during the Covid 19 lockdown.

We reinstated the warrant in our name and simplified the design significantly. This was not straight forward because the previous tenants had not left any information or plans for us. Subsequently because of the post lockdown surge in house sales and renovations, we had a great deal of difficulty finding a tradesperson prepared to take on such a small job. We hired workers and were left cold on four occasions, and it has been a long and frustrating process.

We finally completed work at the start of December. Donald Miller is scheduled to visit on 9th January. This couldn't happen sooner because of Christmas. If he is satisfied with the work completed, he will issue a completion certificate, and we will apply for a section 50 certificate again.

We are concurrently applying for a minor variation to this license because the layout now includes a toilet beside the staff kitchen. There is no change to the operating plan, alcohol display and sales areas.

Subsequently, although it is our intention to confirm our premises license before it expires, we believe it would be sensible to have a contingency in place and would be very grateful for your sympathy and support in this matter.

Yours faithfully,



Fiona Holt, Director

EL39A



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

LICENSING (SCOTLAND) ACT 2005, SECTION 20

*Delete as appropriate

4

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

The WEE SHOP, 3A BLAWERRIE ROAD, TRANENT, EH33 2BG

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.

NA

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

NA

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

DKK EXCHANGE SIGRE LIMITED

13779846

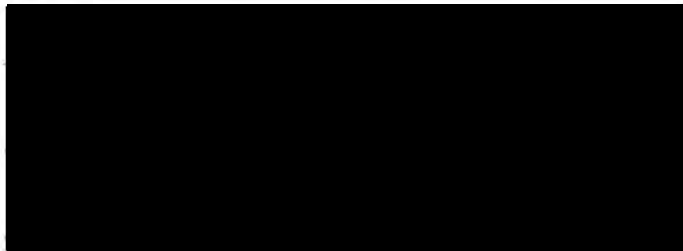
1 EXCHANGE ROAD, RISCA, NEWPORT, NP11 6GP

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

NA

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.*

DEEPAK KUMAR



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

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)

DETACHED SINGLE STOREY PREMISES OFF BLANEARIE ST. ADJACENT TO THE SWUNG CLUBS

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?

NA

YES NO



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 EXCHANGE STORE

3a BLAWEARIE ROAD, TRANENT,

Post Code EH33 2BG

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

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

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

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10.00 AM	10.00 PM
Tuesday	10.00 AM	10.00 PM
Wednesday	10.00 AM	10.00 PM
Thursday	10.00 AM	10.00 PM
Friday	10.00 AM	10.00 PM
Saturday	10.00 AM	10.00 PM
Sunday	10.00 AM	10.00 PM



DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

Signature  * (see note below)

Date 31/10/2023

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

*BRIAN M-MAHAN
M-MAHAN CONSULTANCY*

Telephone number and email address of signatory 



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 *N/A*
- Food hygiene certificate *N/A*

*** 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.

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 N/A

Question 4 – Previous convictions

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

YES NO

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

NAME	DATE	COURT	OFFENCE	SENTENCE
None				

(i) 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.



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

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

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

Social functions including:

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

Entertainment, including:

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

5d. Outdoor drinking facilities	NO	NO	NO
---------------------------------	----	----	----

5e. Adult Entertainment	NO	NO	NO
-------------------------	----	----	----



4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

^If YES – provide details



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

Sale of food & non food as expected in a convenience store.
Lottery
Paypoint
Sale of hot food

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 NA

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

YES NO NA



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

LOW LEVEL BACKGROUND MUSIC WHEN THE SHOP IS OCCUPIED



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? NA YES NO

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

NA

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

NA

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

NA

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

NA



7. CAPACITY OF PREMISES

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

729m²

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 _____

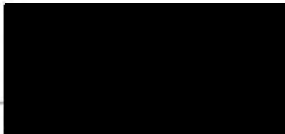
Reference no. of personal licence _____



DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

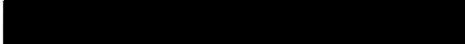
If signing on behalf of the applicant please state in what capacity.

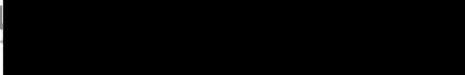
The contents of this operating plan are true to the best of my knowledge and belief

Signature  BRIAN McMAHON (* see note below)

Date 13/10/2023

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.



THE WISE SHOP
3a BIAWEARIE RD
TRANENT
EH 33 2BG



SCHEDULE 6 Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

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.

THE PREMISES IS SINGLE-STREET ACCESS ON FLAT TO SHOP DOORS / FLOOR.

3. FACILITIES AVAILABLE

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

BAGS PACKED

SMALL SHOP - ASSISTANTS WELCOMING A HELP WITH GOODS ON HIGHER SHELVES

4. OTHER PROVISIONS

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

ASSISTANCE DOGS WELCOME



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.

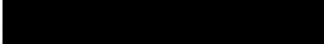
Signature  _____ * (see note below)

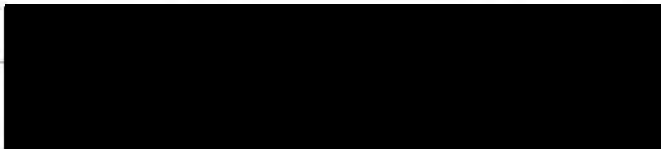
Date 31/10/2023 _____

Capacity _____

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

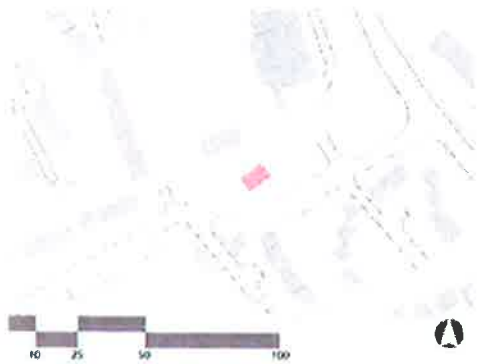
*BILIAN M'ATHEN
M'ATHEN CONSULTANCY*

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.



Tranent Shop

Drawing L001
 Revision B
 Drawn SM
 Date October 2023

Status Licensing

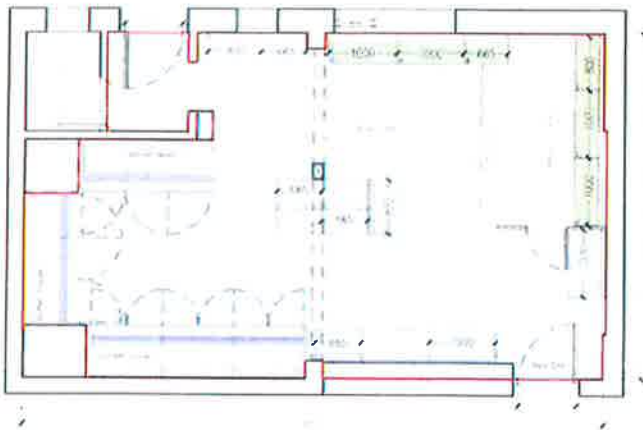
Scale Site 1:1250 at A3
 Plan 1:150 at A3

Address 3A Blawearie Road
 Tranent
 EH33 2BG

Note Do not scale from drawing.
 Plan Dimensions in mm.
 Site In red.
 Site scale bar in metres.

Alcohol 7.29m²

- A 2000mm(w) x 1700mm(h) = 3.4m²
- B 665 mm(w) x 800 mm (h) = 0.53m²
- C 2800mm(w) x 1200mm(h) = 3.36m²



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

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:	DKK Exchange Store Limited – Deepak Kumar
NAME AND ADDRESS OF PREMISES:	The Wee Shop, 3A Blawearie Road, Tranent, EH33 2BG

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.

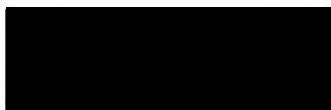
I confirm that planning permission is not required.

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:	30th October 2023
Keith Dingwall Service Manager, Planning			

28/11/2023

Your Ref: EL397
Our Ref: 772982

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

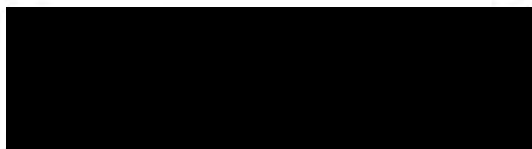
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
THE WEE SHOP
3 BLAWEARIE ROAD, TRANENT, EAST LOTHIAN, EH33 2BG.**

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: 1st December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

THE WEE SHOP, 3A BLAWEARIE ROAD, TRANENT, EAST LoTHIAN EH

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

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 constructed and in operation. Having spoken with the applicant I understand that the counter and shelving is to be moved as per the layout plan. Currently the layout is different to the plan submitted.

Currently the premises is only open from 5am-3pm. It is planned should a licence is granted to sell alcohol the premises will operate until 10pm.

I can confirm that the application is compliant with the Act. There is however on discrepancy with the premises name. On the application it is "The Wee Shop" however on the operating plan it is "Exchange Store". I recommend the applicant clarify what the premises name will be.

The off sales capacity applied for is 7.29 m². Within an 800m radius there are 12 other premises as follows:

- Co-op, Brotherstone's Way South – Off sales only
- Day to Day, Bridge Street – Off sales only
- Tranent Super Store, Bridge Street – Off sales only
- Asda, High Street – Off sales only
- Mini Market, New row – Off sales only
- Premier Store, Muirpark Drive – Off sales only
- Aldi, Haddigton Road – Off sales Only
- Whispers, High Street – On and off sales
- Tranent Arms, Bridge Street – On and off sales

- Ross High Rugby Football Club, Blawearie Road– On sales only
- The Brig Inn, Bridge Street – On and Off sales
- Thomson’s of Tranent, Winton Place – Provisional, operating on occasional licences

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: 15 November 2023 15:07
To: Licensing
Subject: RE: Attached Image - Provisional Licence for The Wee Shop, 3a Blawearie Road, Tranent, EH33 2BG

Hello,

Please note i have no comments or objections to make 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%7Clicensing%40eastlothian.gov.uk%7C2ee04c3c534a43f7180a08dbe5ec7cd1%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638356576124252544%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=wYvQsGVb4B7iK5V4L%2BDiolqCe0ustt1eikRkhs4CLW8%3D&reserved=0>

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

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 09 November 2023 15:32
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Licensing Standards Officer <Iso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; licensing@nhslothian.scot.nhs.uk; tecc.secretary@aol.co.uk
Subject: FW: Attached Image - Provisional Licence for The Wee Shop, 3a Blawearie Road, Tranent, EH33 2BG

Hi

Please find application for Provisional licence for the above premises for report/representation by 7th December, 2023.

Kind regards

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

Licensing

From: Johnson, Darren
Sent: 14 November 2023 10:20
To: Licensing
Subject: FW: Attached Image - Provisional Licence for The Wee Shop, 3a Blawearie Road, Tranent, EH33 2BG
Attachments: Herkes_Gillian_XVF20528_FIREBIRD_4884_001.pdf

Hi

No objections.

Darren

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 09 November 2023 16:44
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>; Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Attached Image - Provisional Licence for The Wee Shop, 3a Blawearie Road, Tranent, EH33 2BG

Andrew, Darren, hope I am correct in forwarding this to you both. If not please let me know and I'll redirect accordingly.

Regards

Helen
EHTS Mailbox

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

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 09 November 2023 15:32
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; licensing@nhslothian.scot.nhs.uk; tecc.secretary@aol.co.uk
Subject: FW: Attached Image - Provisional Licence for The Wee Shop, 3a Blawearie Road, Tranent, EH33 2BG

Hi

Please find application for Provisional licence for the above premises for report/representation by 7th December, 2023.

Kind regards

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

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

5

(Provide Details) Update description of premises

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL029

2(b) Name and Address of Premises

Ravelstone House Hotel
182 North High Street
Fisherrow
Musselburgh

Post Code EH21 6BH

Phone No.

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

Greene King Brewing & Retailing Ltd
Westgate Brewery
Bury St Edmonds
Suffolk

Post Code IP33 1QT

Phone No.

SECTION 3: NATURE OF VARIATION

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

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

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

Amend Local Condition 1 to now read: 'In the interests of public safety, unsupervised children must be excluded from an area of 1.5 metres from any bar servery in the premises.'

Delete Local Conditions 2, 3 and 4.

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

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

Q5 – Add the following activities outwith core hours – restaurant, bar meals, dance facilities and outdoor drinking.

Q5 – Add the following activities during and outwith core hours – theatre and films.

Q5f) – Add the following wording – 'The premises function room may cater for children's and family parties where appropriate activities such as inflatables or similar facilities and party games may be offered on a risk assessed basis. The outside licensed space including car park may be used on an infrequent basis for annual gala events/charity fetes, and during such times additional activities may be provided such as funfair activities/amusements, inflatables and market stalls.'

Q6b) – Amend the wording as follows – 'Children will be admitted when accompanied. Young persons will be admitted when unaccompanied for the purpose of consuming a meal or attending a function.'

Q6d) – Amend the wording as follows – 'Children and young persons will be admitted until 10pm for the purpose of consuming a meal or until the end of the function they are attending.'

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

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

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

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

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

Amend the description of premises as follows:

Two storey stand along property with car parking.

The ground floor consists of lounge bar, restaurant, function suite, private dining room, male and female toilets, kitchen, dry store, boiler room, cellarage, two further stores and office. There are external areas to the front and side of the property for drinking and smoking. On the first floor there are 7 bedrooms.

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £200 is enclosed.

Signature *Alison Smith*

..... (See note 5 below)

Date 11.10.23

.....

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

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

0333 006 1297

Alison.Smith@TLT.com

.....

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

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

OPERATING PLAN

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

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11AM	11PM
<i>Tuesday</i>	11AM	11PM
<i>Wednesday</i>	11AM	11PM
<i>Thursday</i>	11AM	1AM
<i>Friday</i>	11AM	1AM
<i>Saturday</i>	11AM	1AM
<i>Sunday</i>	11AM	12MN

Question 3

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

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

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

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

Question 5

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

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

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

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

Accommodation – accommodation by its very nature would continue outwith core hours and would include the provision of breakfast outwith core hours.

Conference facilities – we have the facility in our function room to offer meeting and conference facilities. These traditionally take place during standard office hours and therefore would precede commencement of normal licensing hours.

Receptions – we have the facility to offer a wide range of reception facility. This may include funeral purveys that require to be on the premises from 9am.

Club Meetings – we have the facility within our premises to host local community meetings. This may include events that require to be available on the premises from 9am e.g. golf days.

Recorded music – may be played outwith core hours during receptions or during breakfast service.

Televised sport – we anticipate that certain major sporting events e.g. Olympics and Football World Cup may be televised outwith core hours and we would wish to be on the premises at these times.

No alcohol will be sold outwith core hours unless an extended hours application is in place.

5(f) any other activities

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

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

The premises function room may cater for children's and family parties where appropriate activities such as inflatables or similar facilities and party games may be offered on a risk assessed basis.

The outside licensed space including car park may be used on an infrequent basis for annual gala events/charity fetes, and during such times additional activities may be provided such as funfair activities/amusements, inflatables, and market stalls.

5(g) Late night premises opening after 1.00am

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

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children will be admitted when accompanied. Young persons will be admitted when unaccompanied for the purpose of consuming a meal or attending a function.
--

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

0-17 years.

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

Children and young persons will be admitted until 10pm for the purpose of consuming a meal or until the end of the function they are attending.

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

Children and young persons will be admitted to all public areas with the exception of the dedicated smoking area to the front of the premises.

Question 7

CAPACITY OF PREMISES

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

On sales - 653

Question 8

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

Personal details

8(a) *Name*

Dean Ivinson

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
16.04.19	East Lothian Licensing Board	EL1575

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature ...*Alison Smith*..... * (see note below)

Date 11.10.23

Capacity Agent

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

15/11/2023

Your Ref: EL029

Our Ref: 774034

The Clerk of the Licensing
Committee
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 VARIATION OF A PREMISES LICENCE
RAVELSTON HOUSE HOTEL
182 NORTH HIGH STREET, FISHERROW, MUSSELBURGH, EAST LOTHIAN,
EH21 6BH.**

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

Variation to the Premises Licence:

- Amend Local condition 1 to now read: 'In the interests of public safety, unsupervised children must be excluded from an area of 1.5 metres from any bar servery in the premises.'

- Delete Local Conditions 2, 3 and 4

Variation to the Operating Plan:

- Q5 – Add the following activities outwith core hours – restaurant, bar meals, dance facilities and outdoor drinking.

- Q5 – Add the following activities during and outwith core hours – theatre and films

- Q5f – Add the following wording – 'The premises function room may cater

OFFICIAL

for children's and family parties where appropriate activities such as inflatables or similar facilities and party games may be offered on a risk assessed basis. The outside licence space including car park may be used on an infrequent basis for annual gala events / charity fetes, and during such times additional activities may be provided such as funfair activities / amusements, inflatables and market stalls.'

- Q6b – Amend the wording as follows – 'Children will be admitted when accompanied. Young persons will be admitted when unaccompanied for the purpose of consuming a meal or attending a function.'

- Q6d – Amend the wording as follows – 'Children and young persons will be admitted until 10pm for the purpose of consuming a meal or until the end of the function they are attending.'

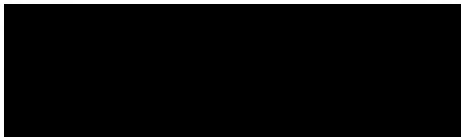
Other Variation:

- Amend the description of the premises.

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

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

Yours faithfully



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: 11th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

RAVELSTONE HOUSE HOTEL, 182 NORTH HIGH STREET, MUSSELBURGH, EAST LoTHIAN
EH21 6BH

I can confirm that the applicant and premises have been visited in relation to this variation application. I met with the premises manager Mr Dean Ivinson where the premises were found to be well managed and compliant with the Act.

I first visited the premises in October 2022 where a major variation application was discussed with Mr Ivinson in relation to some of the activities at the premises.

In July 2023 I received a complaint in relation to an outdoor event held at the premises. The event was a charity fundraiser held outdoors in the car park which included funfair rides, live music and market stalls/traders. The complaint was about the volume of noise from the event. It was the only complaint that I received. This prompted a conversation between Greene King and myself for the need to apply for a major variation to the premises licence so that operations were compliant.

The changes applied for are:

- To change the local condition from "In the interests of public safety children must be excluded from an area of 1.5 metres from any bar servery in the premises" to "In the interests of public safety unsupervised children must be excluded from an area of 1.5 metres from any bar servery in the premises".
- To delete local conditions 2,3 and 4.
- To add the following activities outwith core hours – restaurant, bar meals, dance facilities and outdoor drinking.
- To add the following activities within and outwith core hours – theatre and films.
- To add the following to additional activities in Q5(f) – The premises function room may cater for children's and family parties where appropriate activities such as inflatables or similar facilities and party games may be offered on a risk assessed basis. The outside licensed space including the car park may be used on an infrequent basis for annual gala events/charity fetes, and during such times

additional activities may be provided such as funfair activities/amusements, inflatables and market stalls.

- To amend children and young person access to “Children will be admitted when accompanied. Young persons will be admitted when unaccompanied for the purpose of consuming a meal or attending a function”.
- To amend the times children and young persons are permitted to – “Children and young persons will be admitted until 10pm for the purpose of consuming a meal or until the end of the function they are attending”.
- To amend the description of the premises

I recommend the Board in determining the application considers the below conditions:

- 1) Barriers are used at the entrances and exits to the car park whilst an outdoor event is ongoing to clearly delineate the licensed area.
- 2) SIA trained staff are used at entrances and exits to the premises for the duration of events held in the carpark and outside area.
- 3) During events in the outside area and carpark, plastic glasses are used and there is no use of glasses or glass bottles.
- 4) Use of the outside drinking area is to cease by 10pm.

In summary, the proposed changes are supported.

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 22 November 2023 15:19
To: Licensing
Subject: RE: Major Variation - Ravelstone Hotel, Musselburgh

Hello,

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

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington
EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 14 November 2023 11:25
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer
<lso@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' <licensing@nhslothian.scot.nhs.uk>; [REDACTED]
Subject: Major Variation - Ravelstone Hotel, Musselburgh

Hi

Please find attached Major Variation for the above premises for report/representation by 13th December, 2023.

Kind regards

Gillian

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

Licensing

From: Elisa [REDACTED]
Sent: 11 December 2023 20:15
To: Licensing
Subject: Ravelstone House Hotel ref CG/mjw/EN/L/L1

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Mrs M Alongi
[REDACTED]

Dear Mr Grilli,

I write with great concern over the planning application for Ravelstone House Hotel, Musselburgh. In my opinion there is currently no control over the events already going ahead, the idea of increasing these sounds exceptionally distressing.

Firstly, during the summer period events such as Musselburgh Festival, Ladies Day, Sporting events etc massively impacts my mental health. It causes me great anxiety and distress due to concerning levels of anti-social behaviour from large gatherings of youths. I DREAD these events every year, as they are getting bigger and bigger with no safeguarding or consideration for residents. During these events I am scared in my own home, as children have vandalised my garden, I have received verbal abuse from children/adults who are customers of the Ravelstone. This year it went on till 10.30pm, which I have on camera footage of.

Furthermore, these events always overspill into our private residence area for example children destroying our gardens, male adults urinating in our shared residential area, Ravelstone customers parking in our spaces due to their own car park area being turned into a funfair. Loud music is often playing, to the point I cannot hear my own TV.

Once the Ravelstone closes its doors after such big events, they appear to show no accountability or responsibility for the intoxicated individuals they have put out onto our streets. This always results in the Police being called due to violence and fighting. Glass bottles will be smashed during these incidents which again is left for myself other residence to clean up.

I strongly object to this application and put my faith in your hands to see the negative impact it will have on my mental health and residential area.

I have the right to live in peace and feel safe within my own home and community.

Kind Regards
Mrs M Alongi



PREMISES LICENCE

LICENSING (SCOTLAND) ACT 2005, SECTION 20

6

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

Tynningame Country Store Main Street, Tynningame, Dunbar EH42 1XL

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.

Tynningame Country Store Ltd The Smithy, Main Street, Tynningame, East Lothian, EH42 1XL

Company Number SC192927

~~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.*

Mr.

David Wakefield

Lily Valentine Wakefield

Lyndon John Russel Wakefield,

* 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 N/A

Question 4 - Previous convictions

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

YES NO

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

NAME	DATE	COURT	OFFENCE	SENTENCE
NONE				

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

DESCRIPTION OF PREMISES

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

Question 5 - Description of premises

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

Café premises located in a mixed domestic and retail area of Haddington

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



Date 10 October 2023

AGENT

Telephone number and email address of signatory kgatherum@gilsongray.co.uk
01224 011704

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.

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 _____

Tynninghame Country Store Main Street, Tynninghame, Dunbar
Post Code E H 4 2 1 X L

- 1(a) Will alcohol be sold for consumption solely ON the premises? YES
- 1(b) Will alcohol be sold for consumption solely OFF the premises? NO
- 1(c) Will alcohol be sold for consumption both ON and OFF the premises? NO

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

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	11am	10pm
Tuesday	11am	10pm
Wednesday	11am	10pm
Thursday	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	10pm

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

DAY	OFF 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

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

The premises will operate in accordance with the festive hours set under East Lothian Council Licensing Board's festive hours policy

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

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

5a.	Accommodation	N/A	N/A	N/A
	Conference facilities	N	N	N
	Restaurant facilities	Y	Y	Y
	Bar meals	N	N	N

Social functions including:

5b.	Weddings, funerals, birthdays, retirements etc.	Y	Y	Y
	Club or other group meetings etc.	Y	Y	Y

Entertainment, including:

5c.	Recorded music – see 5(g)	Y	Y	Y
	Live performances – see 5(g)	N	N	N
	Dance facilities	N	N	N
	Theatre	N	N	N
	Films	N	N	N
	Gaming	N	N	N
	Indoor/outdoor sports	N	N	N
	Televised sport	N	N	N

5d.	Outdoor drinking facilities	Y	Y	Y
-----	-----------------------------	---	---	---

5e.	Adult Entertainment	N	N	N
-----	---------------------	---	---	---

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

The premises may be open early for breakfast, snacks and non-alcoholic beverages but no alcohol will be sold out with the core hours or any extension therefore. Recorded Music may be played when the premises is open early. Social functions may be catered for out with licensed hours but no alcohol will be served. The outdoor area will be open for breakfasts prior to the licensed hours but will not be available for use after the terminal hour.

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

The premises will be open early for breakfast, snacks and non-alcoholic beverages but no alcohol will be sold out with the core hours or any extension therefore.

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

Children and Young Persons will be allowed access during core hours or for the duration of a function.

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

0-17 years

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

11am to 10pm

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

All public parts

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
*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.

Ground floor premises located in a residential area of East Lothian. Entrance to the premises would be accessible to majority of wheelchair users.

Question 3

Facilities available

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

Disabled toilet available for use.

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.

Large menus, assistance dogs are welcome and staff accommodating to visually impaired customers.

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

Date 19 October 2023

Capacity AGENT

Telephone number and email address of signatory C/o kgatherum@gilsongray.co.uk 01224 011704

*** 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.”

7. CAPACITY OF PREMISES

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

30 persons

66 outside

8. PREMISES MANAGER

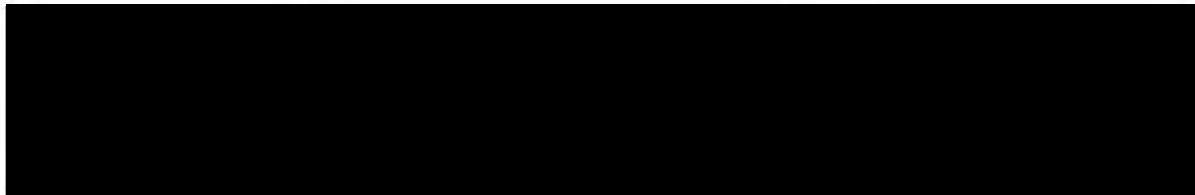
(NOTE: not required where application is for grant of provisional premises licence)

Full Name Lyndon John Russell Wakefield

Date of birth



Contact address



Personal licence

Date of issue 18th December 2022

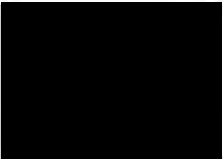
Name of Licensing Board issuing East Lothian Licensing Board

Reference no. of personal licence EL1950

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  AGENT

Tel. No. of signatory 01224 011704

Email address Kgatherum@gilsonrgray.co.uk

*** 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.

PERSONAL LICENCE

The holder of this licence is qualified and permitted to sell alcohol under the terms of the Licensing (Scotland) Act 2005

Licence number

EL1950

Name and Address of Licence Holder

Lyndon John Russell Wakefield

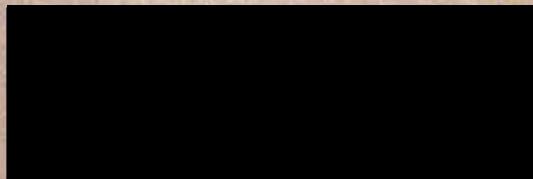


Name of Issuing Licensing Authority

East Lothian Licensing Board

Expiry Date

19 December 2032



.....
Clerk to the Licensing Board

**LICENSING (SCOTLAND) ACT 2005
BUILDING (SCOTLAND) ACTS 2003**

**SECTION 50
BUILDING STANDARDS CERTIFICATE**

Section 50 Application No: 23/00002/S50

Applicant: Tynninghame Country Stores Ltd, The Smithy, Main Street, Tynninghame, EH42 1XL

Agent: Gilson Gray LLP, Per Fraser Baxter, 160 West George Street Glasgow, G2 2HG

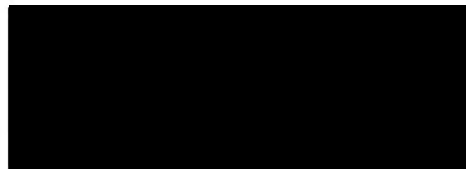
Premises Address: Tynninghame Smithy, Main Street, Tynninghame, East Linton Dunbar, East Lothian, EH42 1XL

Proposed Use of Premises: Licensed Café / Wine Café

I confirm that the premises subject to the license application comply in terms of the Building (Scotland) Act 2003, as such, there is no requirement for a building warrant for the above proposals and consequently no requirement for a completion certificate or permission for temporary occupation or use certificate.
Therefore, I have no objections to the Premises License.

Drwg No.	Rev.	Description.	Source.
		Licensing drawings	

Signed:



Date: 20.11.2023

Frank Fairgrieve
Building Standards Team Manager

Contact Details: **Address:** Building Standards, Engineering Services & Building Standards, East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA

Tel No: 01620 827 216

Email: buildingstandards@eastlothian.gov.uk
[Marked for the attention of Frank Fairgrieve]

Issued To: Gilson Gray LLP, Per Fraser Baxter, 160 West George Street Glasgow, G2 2HG

Copied To: Licensing, East Lothian Council, John Muir House, Haddington

Our ref: MM/JD
Your ref: 18/00015/COM
Direct Line: 01620 827234
Fax Number: 01620 827918
E Mail: ehs@eastlothian.gov.uk

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827
Fax 01620 824295

03 July 2023

Fraser Baxter/Joanna Miller
Gilson Gray LLP
160 West George Street
Glasgow
G2 2HG

Dear Sir and Madam

**THE LICENSING (FOOD HYGIENE REQUIREMENTS) (SCOTLAND) ORDER 2011
Tynninghame Country Store, Main Street, Tynninghame, East Lothian, EH42 1XL**

I hereby certify, in terms of Section 50 of the Licensing (Scotland) Act 2005, that the premises operated by Tynninghame Country Store Ltd trading as Tynninghame Country Store, Main Street, Tynninghame, East Lothian, EH42 1XL does comply with the relevant requirements of the retained EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 (S.S.I. 2006/3)

Yours faithfully,



Marion Muir
Food and Safety Officer
cc Licensing Board

Invoice for £129 will be issued by our Finance Department

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

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:	Tynninghame Country Store Ltd
NAME AND ADDRESS OF PREMISES:	Tynninghame Country Store Ltd, The Smithy, Main Street, Tynninghame, EH42 1XL

SECTION 50 PLANNING CERTIFICATE

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


I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

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

I confirm that planning permission is not required.

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

Signed:		Date:	3 rd August 2023
Keith Dingwall Service Manager, Planning			

Boundary wall

Storage Shed

Refuse Area/Bins

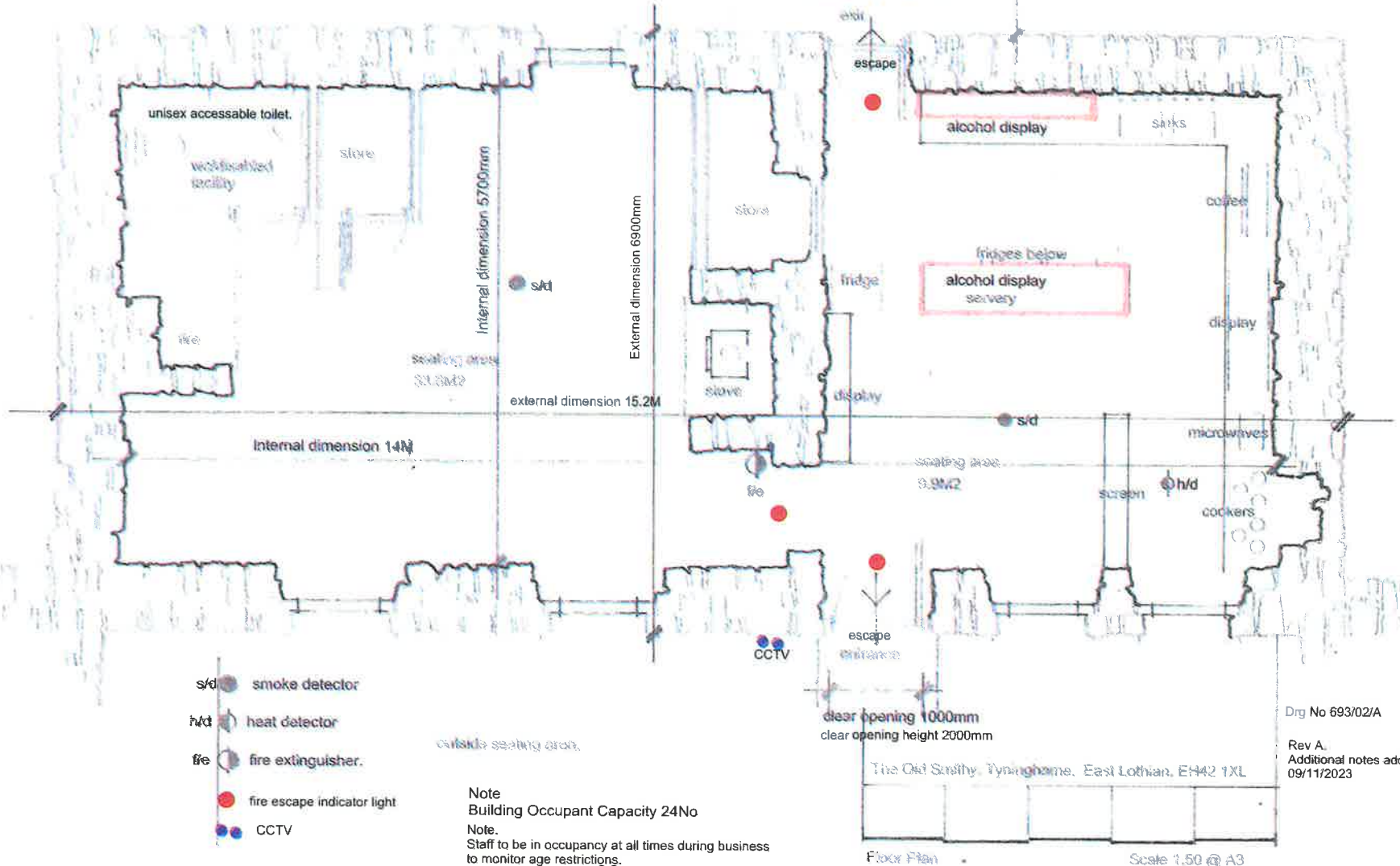
Staff parking

note.

"Children and young persons will have access to all public areas of the premises. Activities narrated in the operating plan will take place throughout the premises. Any information contained in the plan which goes beyond that required by the regulations to the Licencing (Scotland) Act 2005, as amended, is for information only and does not form part of the material information contained on the plan."

dimension 3300mm

clear opening 900mm
clear opening height 2000mm



- s/d smoke detector
- h/d heat detector
- f/e fire extinguisher.
- fire escape indicator light
- CCTV

outside seating area.

Note
Building Occupant Capacity 24No

Note.
Staff to be in occupancy at all times during business to monitor age restrictions.

clear opening 1000mm
clear opening height 2000mm

The Old Sniffly, Tynninghame, East Lothian, EH42 1XL

Floor Plan

Scale 1:50 @ A3

Drg No 693/02/A

Rev A.
Additional notes added
09/11/2023



note.
Tables and chairs timber construction.

Total No of tables 14No
Total Seats 66No

Note: "Children and young persons will have access to all public areas of the premises. Activities narrated in the operating plan will take place throughout the premises. any information contained in the plan which goes beyond that required by the regulations to the Licencing (Scotland) Act 2005, as amended is for information only and does not form any part of the material information contained on the plan"



Note. Occupant Capacity including outside seating area. = 94.

Note. Internal Area Occupant Capacity 28
External area Occupant Capacity 66

Total Occupant Capacity 94No

note. Beer garden has unrestricted escape access full length to Main Street in event of fire.

red line indicates extent of licensed area, 198.5M²

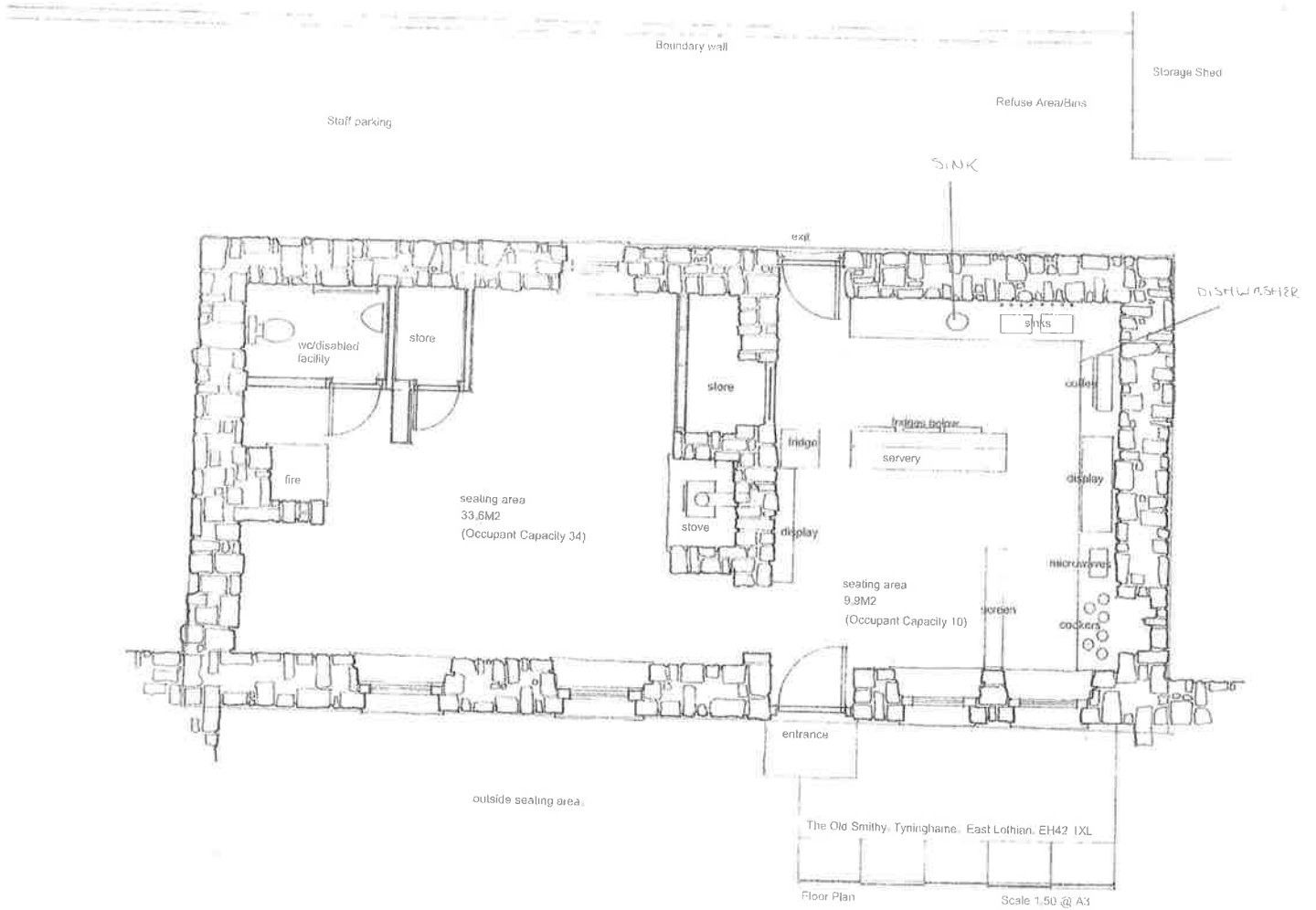
access to main street

Dwg No 693/01/B

rev A
amended 01/09/2023

rev B
notes added 09/11/2023

The City of Glasgow Council		Notes
1	10	
The City of Glasgow Council		Scale 1:200 @ A3



Licensing

From: Lee Wilson-2 <Lee.Wilson2@scotland.police.uk>
Sent: 04 December 2023 12:13
To: Licensing
Subject: EL0398 - PREM LIC - TYNINGHAM COUNTRY STORE
Attachments: LIC06 PREMISES - NO CONVICTIONS - TYNINGHAM COUNTRY STORE.RTF

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

Good Afternoon,

No police objections.

Regards,
Lee

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 30th November 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE APPLICATION

TYNINGHAME COUNTRY STORE, MAIN STREET, TYNINGHAME, DUNBAR, EAST LoTHIAN, EH42 1XL

I refer to the above subject and can confirm that the applicant's agent, Ms Gatherum, has liaised with me in relation to this application.

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

On Wednesday 29th November 2023, I visited the premises and spoke with the proposed premises manager Lyndon Wakefield. I viewed the premises, which is consistent with the layout plan provided, and we discussed the proposed operations. I understand it is intended that the premises will trade until 5pm daily as it already does as a café and that hours beyond this will only be used for functions or bookings on an ad hoc basis.

The licensed area contains an outside gravelled area, where there are multiple chairs and tables designed for patrons to sit at for lunch, teas, coffees, and cakes. All orders are taken at the counter and delivered by table service.

In relation to the outside area, I recommend the following condition(s) be considered:

1. The outside area must be clearly delineated to ensure patrons stay within the licensed area whilst consuming alcohol.
2. No public entertainment, amplified music, amplified vocals or live music played in the outdoor area to ensure the use does not cause nuisance to neighbouring residential properties.
3. The use of the outdoor area will cease by 8.00pm.

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

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 29 November 2023 14:44
To: Licensing
Subject: RE: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence

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%7Clicensing%40eastlothian.gov.uk%7C606f5219333a47867a8c08dbf0e99ff7%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638368658418872520%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=iE4UR6z4Wvbebs%2BKQ0IXADcek2mBfgChwbJuoKXWtdo%3D&reserved=0>

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

From: Licensing <licensing@eastlothian.gov.uk>

Sent: 28 November 2023 12:57

To: Licensing Standards Officer <lso@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'; dunpendercc@gmail.com

Subject: FW: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence

Further to my email below, when the above premises applied for a Provisional licence they have now received Section 50's from Building Standards, Planning and Food and Safety, so now wish to apply for the full premises licence. Can I please have report/representation by 27th December, 2023.

Regards

Gillian

Gillian Herkes

Licensing Officer

Democratic & Licensing Services

John Muir House

Haddington

East Lothian Council

01620 820114

gherkes@eastlothian.gov.uk

Licensing

From: Muir, Marion
Sent: 06 December 2023 16:24
To: Licensing
Cc: Licensing Standards Officer; 'torquil.cramer@firescotland.gov.uk'
Subject: FW: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence
Attachments: Application for Full Premises Licence - EL0398.pdf; Tynninghame Country Store Amended Layout plan received from Agent August 2023.pdf

Gillian

I would advise that Business compliance-Environmental Health has no objections to this application in principle but I have attached for information a plan of the kitchen received earlier this year as part of the Section 50 application process which more clearly shows the handwash unit (identified as sink on the August document) together with the sinks and dishwasher.

If further information is required, please get in touch.

Best regards

Marion

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

From: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Sent: 28 November 2023 14:14
To: Gunning, Laura <lgunning@eastlothian.gov.uk>; Muir, Marion <mmuir@eastlothian.gov.uk>
Subject: FW: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence

Marion/Laura,

I have a feeling one of you was dealing with this?

Thanks

Andrew

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 28 November 2023 12:57
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence

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

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 28 November 2023 12:57
To: Licensing Standards Officer <iso@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'; dunpenderccc@gmail.com
Subject: FW: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence

Licensing

From: [REDACTED]
Sent: 08 December 2023 11:54
To: Licensing; Licensing Standards Officer
Cc: 'Judith Priest'; Environment Reception; Environmental Health/Trading Standards; torquil.cramer@firescotland.gov.uk; 'licensing@nhslothian.scot.nhs.uk'
Subject: RE: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence

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

Dear Gillian,

Last night the Dunpender Community Council discussed this application for an alcohol license. Opinion within Tynninghame seems fairly evenly divided on the matter, but a primary concern of objectors is the possibility of café opening hours being extended into the evening. This would extend the presence of customers, the demand on parking spaces and, inevitably, considerably increase noise in the centre of the village. We therefore agreed that the Community Council would only approve the licence on condition that it is within the café's current opening hours, i.e. up until 4.30 pm. Dave Wakefield has stated publicly that he does not plan to extend his opening hours, despite the application for a license until 10 pm, so this should not restrict his business plan.

Best wishes,

Daniel Wight

(Tynninghame representative on Dunpender Community Council)

From: Licensing <licensing@eastlothian.gov.uk>
Subject: FW: Attached Image - Tynninghame Country Store Ltd, MainStreet, Tynninghame - Full Premise Licence
Date: 28 November 2023 at 12:56:36 GMT
To: Licensing Standards Officer <iso@eastlothian.gov.uk>, "Environment Reception" <environment@eastlothian.gov.uk>, "Environmental Health/Trading Standards" <ehts@eastlothian.gov.uk>, "torquil.cramer@firescotland.gov.uk" <torquil.cramer@firescotland.gov.uk>, "licensing@nhslothian.scot.nhs.uk" <licensing@nhslothian.scot.nhs.uk>, "dunpendercc@gmail.com" <dunpendercc@gmail.com>

Further to my email below, when the above premises applied for a Provisional licence they have now received Section 50's from Building Standards, Planning and Food and Safety, so now wish to apply for the full premises licence. Can I please have report/representation by 27th December, 2023.

Regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services

LICENSING (SCOTLAND) ACT 2005, SECTION 22

NOTICE OF OBJECTION

To:

The Clerk to the Licensing Board, East Lothian Council
Licensing, Administration and Democratic Services
John Muir House, Haddington
East Lothian, EH41 3HA

SECTION 1- APPLICATION DETAILS

This objection relates to the following Application:

Applicant's name: Lyndon Wakefield
Name and address of premises: Tynningame Country Store, Main Street, Tynningame,
DUNBAR, East Lothian, EH42 1XL
This Application is for: Premises License

SECTION 2 – OBJECTOR DETAILS

Objector's name Rosie Dodd

Objector's address: 

PART A – OBJECTION

I object to a premises licence being granted to the above on the following grounds:

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

Objective	Explanation
Preventing crime and disorder	Granting an alcohol licence to the Village Café in Tynningame poses a potential risk to the prevention of crime and disorder. The consumption of alcohol, especially in larger quantities and within extended hours, may contribute to an increase in disorderly behaviour, altercations, and disturbances. This could strain the resources of local law enforcement and compromise the overall safety and tranquillity of the community. As no police are stationed here, this will not be monitored and could have a detrimental impact on the lives' of residents. By denying the alcohol licence, the village can better maintain a peaceful atmosphere and discourage activities that may lead to criminal behaviour.
Securing public safety	The proposed alcohol licence raises concerns about public safety in Tynningame. Extended hours for alcohol service may lead to patrons leaving the premises in an inebriated state, increasing the likelihood of accidents and incidents on the streets. Securing public safety is paramount, and allowing the Village Café to operate as a restaurant and bar with an alcohol licence could potentially compromise the well-being of residents and visitors alike. Denying the licence would contribute to a safer environment for everyone in the village.

Preventing a public nuisance	The introduction of alcohol sales until 10 pm will contribute to a public nuisance, particularly in terms of noise, disturbances, and increased traffic in the area. Residents value the peaceful and quiet nature of Tynninghame, and the addition of a bar setting could disrupt the harmony of the community. This will go against the whole ethos of the village as a peaceful and tranquil village. There are two pubs in East Linton. There is no need for one in the village. This could result in residents leaving. By preventing the grant of an alcohol licence, the village can avoid unnecessary disturbances and nuisances, preserving the quality of life for its residents.
Protecting and improving public health	The sale of alcohol, particularly within the proposed hours, has implications for public health. Excessive alcohol consumption can lead to various health issues, both physical and mental. Furthermore, the potential for alcohol-related incidents may place an additional burden on healthcare services in the area. Denying the alcohol licence aligns with the objective of protecting and improving public health by mitigating the potential negative health impacts associated with increased alcohol availability and consumption.
Protecting children and young persons from harm	Granting an alcohol licence to the Village Café may expose children and young persons to an environment that is not conducive to their well-being. The transition from a café to a restaurant and bar setting could attract a clientele that is less family-friendly. This, coupled with the potential for increased noise and disturbances, creates an atmosphere that may not be suitable for children. By denying the alcohol licence, the village can uphold its commitment to protecting the younger members of the community from harm and maintaining a family-friendly environment.

(e) The premises are unsuitable for use for the sale of alcohol having regard to

- (i) the nature of the activities proposed to be carried out on the premises
- (ii) the location, character and condition of the premises
- (iii) the persons likely to frequent the premises

Please explain why:

My objections have all been listed in the boxes above and should be considered as explanation to the above points here in section (e).

PART C- ADDITIONAL INFORMATION

I believe that granting such a licence would have detrimental effects on the community and is not in line with the principles of maintaining a conservation village.

The Village Café in Tynninghame is already contributing to issues related to parking and privacy due to the high volume of visitors it attracts. Allowing the café to transition into a restaurant and bar by obtaining an alcohol licence would likely exacerbate these problems. Increased footfall from individuals seeking alcoholic beverages could lead to further congestion and intrusions on the privacy of local residents.

Tynninghame prides itself on being a conservation village, and the introduction of a restaurant and bar atmosphere contradicts the core ideals of maintaining the historic and cultural integrity of

uch a community. The ambiance and character of a conservation village are at risk when commercial establishments deviate from their original purpose, and the proposed alcohol licence would undoubtedly contribute to this departure.

Granting an alcohol licence may pose risks to public health and community welfare. The potential for an increase in disorderly conduct, public disturbances, and noise pollution could compromise the safety and well-being of residents. Additionally, the sale of alcohol could attract a different demographic, potentially leading to an environment that is less family-friendly and safe for children and young persons.

In light of the Licensing Objectives set forth in the Licensing Act 2003, I firmly believe that the proposed alcohol licence for the Village Café does not serve the best interests of Tynningham. The objections raised herein are grounded in the need to prevent crime and disorder, secure public safety, prevent a public nuisance, protect and improve public health, and safeguard children and young persons from harm.

I kindly request that you carefully consider these objections when reviewing the application for the alcohol licence. I trust that the Licensing Authority will prioritize the well-being and values of the Tynningham community in reaching a decision on this matter.

I have read and understood the attached privacy notice attached to this online form

My signature

A solid black rectangular box used to redact the signature of the person submitting the objections.

Date

20 December 2023

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:
(please tick the appropriate box)

YES Objection

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or**
- (b) Make representations to the Board concerning the application**

- **If you are OBJECTING, please complete Part A of this form.**
- **If you are MAKING REPRESENTATIONS, please complete Part B of this form.**
- **All parties should complete Sections 1, 2 and Part C of this form.**

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:**This objection relates to the following Application:**


Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	David Wakefield / Lyndon Wakefield	
Name & Address of premises:	Tynningame Café and Country Store Ltd Main Street Tynningame EH42 1XL	
This Application is for	• Premises Licence	Yes
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

THIS IS AN OBJECTION

Individual Title	Mr
Surname	White
First Name(s)	Arthur
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~— The premises are excluded premises.~~

(b) ~~— The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	All of the concerns expressed below have the potential to increase crime and disorder in the village, especially as alcohol consumption brings with it acknowledged concerns about the effects of alcohol

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	<p>There is only a very limited bus service to / from Tynninghame. Selling alcoholic drinks adds to the potential for accidents as people coming to the café almost all drive or use a bicycle. Driving or using a bicycle after drinking any alcohol is a potential safety concern</p> <p>There is a general risk to public safety if large numbers of people (up to 94) are coming to café events, weddings, parties, etc, where there is no designated café parking, only very limited off-street parking, which is also used by residents.</p> <p>There is no street lighting or safe crossing places - a particular concern at night on a 30mph road</p>

<u>Objective</u>	<u>Explanation</u>

<p>Preventing public nuisance</p> <p><u>IMPORTANT NOTE</u></p> <p><i>This application is for the sale of on-premises alcohol from 11.00am – 10.00pm, 7 days a week</i></p> <p><i>However, the owner of the cafe has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted as it stands, he could legally open to serve alcohol until 10.00pm.</i></p> <p><i>We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol</i></p>	<p>We have always had cordial relationships with the cafe owner and staff, however the impact on us in our house and for adjacent properties, is potentially very negative should this application be approved</p> <p>Our house faces [REDACTED] with a small buffer of around 2 metres. Food and drink (non-alcoholic) are served daily between 9.00am – 5.00pm.</p> <p>The café courtyard is in shared ownership between the cafe (central area) and our property and the [REDACTED] edges adjacent to the building facades).</p> <p>Activities in the courtyard space directly impact each property in this space</p> <p>If this licence is approved, the cafe could be open for 11 hours a day to serve alcohol, 7 days a week, well into the evening for up to 94 people (Operating Plan states the capacity of the premises to be 66 people in the courtyard outside space / 28 people inside the café = 94 total)</p> <p>Tynninghame is a quiet village in a conservation area</p> <p>Potential noise and disruption from people drinking alcohol during the day and into the late evening, would be a significant public nuisance for our property and other adjacent properties in particular, but also generally for villagers in this small community, especially as the planned use of the cafe is for larger social gatherings with food and alcohol to take place (weddings, funerals, christenings etc).</p> <p>At times, the cafe would effectively become an events venue rather than a daytime village cafe, with recorded music adding to the potential noise disturbance</p> <p>The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified</p> <p>This proposal would introduce activity, noise and disturbance much greater than the cafe's current operation, along with intrusive lighting (in the evenings) which will cause a loss of residential amenity, including privacy for our and our adjacent properties in particular. It represents overdevelopment of this site</p> <p>There is no designated café parking, only very limited off-street parking. This often causes a problem for residents who cannot find a place to park their own cars and has sometimes caused cafe visitors to park inappropriately on the private access lanes around The Green, etc. Opening during the evenings as well as the day, will compound this existing problem</p>
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<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	The café only has one toilet – this for up to 94 potential alcohol drinking customers at any time
<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	The lack of designated, safe parking. Risk of children running into the 30 mph road which is totally unlit with no safe crossing places and in a dark-sky setting

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) ~~the persons likely to frequent the premises~~

Please explain why :

(i)

Changing the cafe to include the sale of alcohol is a major change of venue style, which is at variance with the location, character and appearance of this quiet village

This application is seeking permission to serve alcohol into the late evening (10pm), including catering for events (weddings, christenings, funerals, etc).

This is a very different venue model to the current daytime 'lunch, coffee and cake' village café one. It will introduce a density of activity and disturbance which will negatively impact on the character and appearance of the village

The courtyard, which as the applicant states has capacity for 66 people, could come to resemble a noisy town centre 'beer garden', which is totally out of character with this quiet village

(ii)

Tynninghame is a small, rural, quiet conservation village with a dark-sky setting. Its conservation area status seeks to protect the village against changes unless they preserve and /or enhance its character and appearance

The cafe and courtyard occupy a visually prominent and central location, sitting at the heart of the village. The operation of the cafe therefore has a significant impact on the village's character and appearance and its impact on residents

The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified

The village has a dark-sky character within its unique rural setting - there is no communal street lighting (streetlights, etc). Evening use would require lighting up the outside courtyard, and potentially access to it, from across the village to ensure safe movement. This would impact negatively on the character and appearance of the village

This application is for the sale of on-premises alcohol from 11.00am – 10.00pm.

However, the owner of the premises has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted, he could legally open to serve alcohol until 10.00pm. We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol.

There is a very significant mismatch between what the owner is saying now to local people, and what the actual alcohol premises licence is requesting

.....
.....

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

(e) — Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of —

(i) — licensed premises, or

(ii) — licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature

[Redacted Signature]

Date

19.12.2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or**
- (b) Make representations to the Board concerning the application**
 - If you are **OBJECTING**, please complete Part A of this form.
 - If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
 - **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)		
Name & Address of premises:	Tynninghame country Storr Smithy Café Main St Tynninghame	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

Individual Title	Mr x Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	GUNSTONE
First Name(s)	Chris
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- the Licensing Board has refused a premises licence application in respect the premises less than a year before this application - Section 25(2)
- Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more - Section 64(2) or
- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, o Section 65(3) or both - .

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

	<u>Objective</u>	<u>Explanation</u>
	Protecting children and young persons from harm	
	<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <p>(i) the nature of the activities proposed to be carried on in the subject premises,</p> <p>(ii) the location, character and condition of the premises, and</p> <p>(iii) the persons likely to frequent the premises.</p> <p>Please explain why :</p> <p>.....</p> <p>.....</p>	
	<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <p>(i) licensed premises, or</p> <p>(ii) licensed premises of the same or similar description as the subject premises,</p> <p>Please explain why:</p> <p>.....</p> <p>.....</p>	

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	<p>I have no objection to serving alcohol during current working hours</p>
<p>As to modifications which should be made to the Operating Plan</p>	<p>Parking – there is already some congestion in parking along Main St. Increasing the outside seating may cause increased congestion which would be detrimental to the character of the village and potentially increase danger for children and old people crossing the road.</p> <p>There is no street lighting so serving alcohol till 10pm could cause danger to children and elderly crossing the road.</p> <p>Serving alcohol in the courtyard after 6pm seems out of character with a conservation village.</p> <p>Playing music in the courtyard seems out of character of a conservation village at any time.</p> <p>The Village Hall only allows a maximum of 2 evening functions such as weddings or parties per month out of concern for local residents. This has been a long standing tradition.</p>


<p>As to conditions which should be imposed.</p>	<p>I would recommend that no increase in outside seating. Alcohol licensing should be till 5pm. No music to be played in the courtyard.</p>
<p>Other representations</p>	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature	
Date	3 January 2024 (unfortunately the original form I submitted on 23 rd Dec 23 was blank due to technical error)

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application MUST
READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete Part A of this form.
- If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

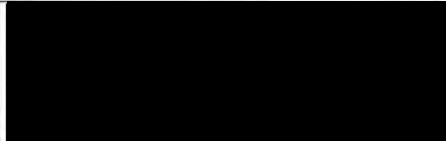
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	Tynningame Country Store David Wakefield, Lyndon Wakefield	
Name & Address of premises:	Tynningame Smithy Main Street Tynningame EH42 1XL	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

Individual Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Stobart
First Name(s)	George Alastair
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) The application must be refused where:-

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) — or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

<u>Objective</u>	<u>Explanation</u>
------------------	--------------------

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

	<p>Preventing crime and disorder</p>	<p>A licenced premises with alcohol stored is a very attractive target for the unscrupulous. I would be concerned that as we are a dark village criminals may see it as an easy target not on their radar before.</p>	
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>	

	<p>Securing public safety</p>	<p>The cafe is already a busy place and we have a 30mph speed limit. As there are no barriers to the road side, there is a far greater chance that with alcohol being served people will be less attentive to the traffic, lulled by the tranquil surroundings and step into the path of a vehicle. It is a fact that adults are less attentive to children where alcohol is consumed and so they would be at greater risk.</p> <p>There is no clear exit away from the building, and the large number of tables make it very difficult to negotiate. And this is set to increase. There is only really the front door as an exit from the building – the back door is behind a counter with a narrow area for the staff, and has a large fridge next to it which makes it difficult to access in the event of a fire.</p> <p>The bus service is not frequent and there is no local taxi service. People will come to the cafe in cars and on bikes. There is no parking for the cafe other than on the road and the village is already under huge pressure from the patrons as it stands. There are many instances of inconsiderate parking, and this can only increase if the cafe seeks to attract more customers. Customers, when asked to move their cars from blocking driveways for example, have already become abusive and aggressive. Alcohol can be a significant factor in vocal confrontations turning into physical ones.</p>	
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	<u>Objective</u>	<u>Explanation</u>	
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	<p>Preventing public nuisance</p>	<p>This is a dark village with no street lights. The events that the applicant seeks to host will require lighting outside and the intention to have recorded music will be a significant nuisance to residents. The applicant also seeks to extend his events to 10pm. This is the last time at which alcohol can be served. If people then choose to stay in what is called the “beer garden” rather than the courtyard to finish their drinks, this will be more than a nuisance.</p>
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>

<p>Protecting and improving public health</p>	<p>The area outside the premises is extremely uneven and to the road side potholed. Once alcohol is consumed there will be a greater chance of accidents.</p> <p>With the potential of congestion and inconsiderate parking, there is a very real danger that emergency vehicles may not be able to access residential properties easily, increasing the risk of harm or death due to delay.</p> <p>Alcohol consumption is already a great concern in Scotland. The cafe already has a busy customer base without it, and selling alcohol would seem to be contrary to the concerns.</p>
<p><u>Objective</u></p>	<p><u>Explanation</u></p>

	Protecting children and young persons from harm	<p>Many parents and grandparents bring their children to the cafe. They play on the seesaw and the tree adjacent. The increase in traffic will make it more likely that a child could be struck by a car, and again with the decrease in attention due to alcohol consumption it becomes a real worry.</p> <p>There is also not enough room inside to keep children away from alcohol. And the request for more tables makes this even more of an issue.</p>
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- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why:

- (i) The current menu and the proposed change to a restaurant as stated in the application is a very different business model. The cafe also currently shuts at 4pm and will if the licence is granted, be able to serve until 10pm. There is also the intention to host weddings, funerals and christenings. These events and the opening hours will significantly disrupt the peace and unspoilt atmosphere that residents and visitors to the village enjoy.
- (ii) the cafe is unsuitable for the business model the applicant is putting forward. This is a small and historic building with no kitchen facilities as one would expect in a restaurant. At the moment there is the facility to heat up sausage rolls, make bacon rolls and keep soup hot – the soup is made across the road and carried to the cafe every day. It is flanked by two residential properties for whom the cafe is already a significant nuisance as it has increased its seating by a large number and seeks to increase further.
- (ii) The patrons are at the moment mainly families with children, retired people, couples and cyclists. They enjoy a coffee and cake in a quiet setting. This will inevitably change once the cafe is more of a restaurant serving alcohol. The customers will change too, with the atmosphere becoming more that of a pub with a beer garden as marked in the application operational plan.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

It would be a great shame to destroy the atmosphere of this historic village for the sake of a commercial activity which is already thriving it seems.

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature

[REDACTED]

Date

21/12/2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

LICENSING (SCOTLAND) ACT 2005, section 22

NOTICE of OBJECTION

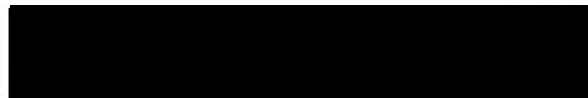
FAO : Clerk to the Licensing Board, East Lothian Council, Licensing, Administration & Democratic Services, John Muir House, Haddington.

SECTION 1 Application Details

Applicant's Name:	Tynningame Country Stores
Name & Address of Premises	The Tynningame Smithy/Coffee Shop Main St, Tynningame , EH42 1XL
Application For	Premises Licence
Application No	ELO398

SECTION 2 Objector Details

As an Individual Ms Jennifer Vernon



PART A - OBJECTION

*Please note that I have organised my objections below according to (but not necessarily in the order of) the subsections of the form ie those not listed below may be considered as deleted.

(d) The premises are unsuitable for use for the sale of alcohol having regard to:

- Location

i) The premises are located in Tynningame, a small, rural village, designated as a Conservation Area, and based on Main Street (B1407) – a through road between East Linton and the A198. With the exception of the premises (and the Village Hall opposite, which is a registered charity), Main Street is a **wholly residential** area comprising less than 35 households. The foregoing is not accurately reflected in the application (when I last viewed it 13th Dec) which states *café premises located in a mixed domestic and retail area of Haddington*

ii) Tynningame, itself, sits within a wider rural environment and, as such, is at some distance from the customer base of the proposed alcohol-licensed service: travel is and will be

necessary for the majority of customers. Given the relatively limited local bus service this will inevitably lead to a reliance on transport by car etc both to and from the premises. Winding country roads and blind spots - combined with the already considerable local concern in relation to lack of adherence to speed limits in the area - seem an unlikely and unsuitable location in which to introduce the sale of alcohol.

- Character and condition of the premises

i) **The premises do not include car parking facilities.** Incoming 'traffic' is and will continue to be reliant on street car parking and, as such, in competition with not only local residents with no private parking but also trades working in residential premises and persons making use of the Village Hall resource. Not all respond with responsibility in these circumstances and parking in and across private drives, on grassed areas and private access tracks is far from uncommon. Vehicles also 'loiter' in the hope of a place becoming available and in so doing impede the general flow of traffic, as well as access to and from private drives. This is a non - sustainable situation in the current café model far less the proposed operating plan and extended hours.

ii) External area

- As reflected in the applicant's operating plan, the premises take the form of two parts: an internal and an external area, the former being considerably smaller than the latter. There can be little doubt that a major contributory factor to the success of the current business – a coffee shop/café - is the existence of the external area – a south-facing sun-trap enclosed on three sides. The operating plan fails to reflect the fact that the two longer sides of that area are B Listed **residential** properties (The Old Post Office & The Smithy House) both being in private ownership and having windows down – and upstairs facing on to the courtyard area. Even with windows firmly closed and double glazing the noise generated by café customers is highly intrusive and distracting and represents a loss of amenity for these properties. The introduction of alcohol sale in this area during the current café hours is likely to serve to only aggravate that situation further. The prospect of extended hours as per the application is unimaginable: persistent movement and noise from 8.30am Deliveries and setting up to 11.00pm clearing up & closing down 7 days a week and 51 weeks of the year. (See also below p3 '*The nature of the activities proposed*')

- The fourth side of this external area is both poorly defined in the operating plan and lacking in clear delineation on the ground. For example, the drawing contained in the plan suggests the boundary of the proposed licensed area extends in a straight line between the corners of both The Smithy House and The Old Post Office. At the time of writing, a bicycle rack extends beyond this, as do 2 tables (each capable of seating a min of 4) and beyond that again, a children's see-saw. This open access approach means that children - including pre-school children are tempted to wander beyond ie towards the road and other adjacent areas of the village not only without supervision but also beyond the vision of the 'accompanying' responsible adult/s. I, myself, have witnessed numerous 'near misses' in this respect given the proximity of the road, its 30mph speed limit and its use by large vehicles, including buses and tractors towing heavy agricultural machinery. The availability

of alcohol **at any time of the day** in this situation will only serve to heighten the 'inattention' of adults, thus increasing the likelihood of putting children at risk of serious injury/harm. Some of the application's stated 66 seating capacity for that area needs to include, at a minimum, a physical border on that side, and ideally also an enclosed children's play area.

- The nature of the activities proposed to be carried on in the subject premises

(i) General lack of clarity re the intended use of the premises during the core licenced hours applied for.

See below (ii), (iii) ... etc and Part C (pp4-5)

(ii) Restaurant facilities – inappropriate to existing residential location/lack of parking facilities and noise disturbance to immediate neighbours. Lack of clarity re whether confined to internal or external area or applies to both. Lack of street lighting

(iii) Weddings/funerals/birthdays/retirals – as in (ii) above. In addition, provision for this activity is already available in the Village Hall and I am unaware there is any evidence to suggest demand beyond that currently offered at these premises. This is particularly so given the limited internal capacity of the premises seeking alcohol licence

(iv) Clubs or other group activities – see (ii) and (iii) above

(v) Recorded music

I object to this at any point in the proposed daily licensed period (11.00am – 10.00pm) as it is totally alien to the intrinsic character of the location of the premises (see earlier). Furthermore, if introduced to the external area, it would represent a considerable further intrusion on the privacy and amenity of several neighbouring residential properties.

(vi) Outdoor drinking facility

- Any extension to the current operating hours of the existing external area of the premises would represent a considerable challenge to the existing conservation status of the village - the quiet, peaceful evenings of our village gone.

- The capacity, layout and location of this outdoor area relative to the capacity, layout and location of the premises overall pose significant management issues not addressed in the licensing application.

- See also **External area** (p2)

(c) Granting the application would be inconsistent with one or more of the licencing objectives

-Preventing crime & disorder

Increased risk of drink driving, drunkenness on and around premises, anti-social behaviour and public disorder and litter. The storage of alcohol at the premises increases the likelihood of attempted burglary – and given the absence of street lighting, the heightened possibility of break-ins to residential property, damage to cars etc

-Securing public safety

The absence of street lighting combined with uneven ground -to both the fore of the premises and the surrounding area - represent a hazard to safe entry and exit from the premises – and an impediment to emergency evacuation.

The absence of street lighting will likewise constrain the process of clearing litter from the surrounding area, the likelihood being a prolongation of this period (and continued late night disturbance) or litter (broadly defined) persisting to the following day.

-Preventing public nuisance

If granted, this application will result in increased movement, noise and traffic likely **to give** rise to public nuisance, not prevent it.

The premises currently welcomes dogs. Should this welcome be extended into the later hours of the proposed licensed period, barking and animal body fluids will be additional sources of public nuisance

The fact that the premises has only 1 toilet for a capacity of 98 highlights the potential for public nuisance of a certain kind off and beyond the premises themselves!

-Protecting & improving public health

Lack of suitable alternative toilet provision in the event of a breakdown of the one toilet available

Lack of a designated on premises smoking area

-Protecting children & young persons from harm

See p2 (ii) External area, point 2

PART C Additional Information/Supporting Documents

General lack of clarity

- I have viewed this application twice at the Council Offices and subsequently telephoned (20th Dec) to inquire whether any additions/changes had been made (negative response): I still have no clear idea of what a typical day will be should this application be granted. This is

very important to me: with the sole exception of the kitchen, the whole length of my house, including my front door, is only 7feet from the boundary of the external area of the premises, this being not only the larger part of the premises (capacity stated as 66) but also that part through which all customers must pass to both enter and exit the internal area (capacity stated as 28).

- This lack of clarity has been compounded by the fact that alongside the public notification of the application on the current café door is a similar sized notice stating the following:

Dear Friends, Neighbours and to those who it may concern.

We have made applications for a limited liquor licence for the coffee shop. This is with approval of the Haddington Estate.

Our operating plan submitted with the application states that we have no intention of extending existing hours which ensures the coffee shop is closed by 5.00 daily

We only intend to sell a very limited range of products, ancillary to the food, ie a glass of prosecco with an afternoon tea or mulled wine in winter.

It is signed by one of the Directors of the business making the application.

The content of the above notice is at clear odds with any version of the application form (operating plan included) I have been shown by ELC staff: the application seeks licensing core hours on a daily basis of 11.00am -10.00 pm (terminal hour).

-In an effort to reconcile this mismatch, I have looked at the guidance for applicants on the ELC website where it is stated that local policy **requires** applicants to complete a Supplementary Application Information form. I have asked members of the Licensing Team whether this has been submitted & they have replied negatively, adding also that it is **not a requirement of the application**. This latter view has been supported by email from the Clerk to the Licensing Board.

Should this application be approved, the implications for myself **and** my property are considerable and likewise will fundamentally alter the nature and character of this historical East Lothian village. May I therefore respectfully suggest that pending any final decision on the application:

- A request is extended to the applicant (Tynninghame Country Stores) for the submission of a more detailed application in line with the Guidance available to all applicants applying within East Lothian.
- The public retain the right to comment on any such re- submitted application
- Given the less than usual location and configuration of the premises for which a licence is sought, Licensing Board members give consideration to the possibility of undertaking a site visit for the purpose of informing subsequent discussion and deliberation of the application, amended or otherwise.

I have read and understood the attached privacy notice

[REDACTED]

26th December 2023

LICENSING (SCOTLAND) ACT 2005, SECTION 22

NOTICE OF OBJECTION

To:

The Clerk to the Licensing Board, East Lothian Council
Licensing, Administration and Democratic Services
John Muir House, Haddington
East Lothian, EH41 3HA

East Lothian Council
Licensing

21 DEC 2023

Received

SECTION 1- APPLICATION DETAILS

This objection relates to the following Application:

Applicant's name: Lyndon Wakefield
Name and address of premises: Tynningame Country Store, Main Street, Tynningame,
DUNBAR, East Lothian, EH42 1XL
This Application is for: Premises License

SECTION 2 – OBJECTOR DETAILS

Objector's name Mrs Sara Dodd
Objector's address: 

PART A – OBJECTION

I object to a premises licence being granted to the above on the following grounds:

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

Objective	Explanation
Preventing crime and disorder	<p>Tynningame is a low or no-crime rate area. This is because there is no reason for non-residents to come to the village after 4pm unless visiting friends, family or attending an event at the village hall. The extension of hours and inclusion of full licensing until 10pm, 7 days a week, that the café has applied for would encourage outsiders to be and stay around the village longer, potentially drinking, and could result in crime and disorder. This is contrary to the ELLB's Statement of Policy to make East Lothian a safe place to live in.</p> <p>We have no byelaws in Tynningame that would prevent people from taking their drinks to public spaces. Café customers often use our public (and private) spaces to picnic and consume their purchases from the café, especially when all the café tables are full. With no police presence to enforce laws, people will potentially drink and carry on anywhere they choose.</p> <p>The ELLB statement of licensing policy indicates that owners might have to provide lighting and bins to mitigate against this, all of which is contrary to our</p>

	<p>conservation status, impacting directly on the quality of life and amenity of the village.</p>
<p>Securing public safety</p>	<p>The age, design and layout of the café building are limited in scope and scale. There is only one designated escape route, a narrow space difficult for a person in a wheelchair to navigate, which passes close to a working fireplace.</p> <p>The courtyard is equally difficult to navigate with moveable chairs and benches. If all 94 seats (inside and out) are in use, the occupancy of the building and courtyard is beyond capacity to ensure safety for café-goers and the adjacent residents. (The café is regularly overbooked in the spring and summer with a queue of 10-20 people waiting in the courtyard for seats and takeaways.) Two large picnic tables seating 8 each have been placed beyond the indicated limits of the proposed licensed area indicated in the layout plans, as well as bike racks. These encroach on a public footpath and emergency vehicle access lane; they also block access to the bordering residents' homes. These tables should not be placed there - they do not fit the conservation aesthetic of the village (any other homeowner has to meet strict standards)) and only increase the number of people at the café. Currently all furniture is left in situ in the courtyard overnight, which is unsafe and unsightly.</p> <p>The extension of hours of operation from 9:30 am – 10pm would create huge impact on the village residents and visitors in a number of ways outlined in this objection.</p>
<p>Preventing a public nuisance</p>	<p>Licensing these premises would have an adverse impact on the whole community.</p> <p>The courtyard where it is proposed to serve food and alcohol, host weddings, funerals, receptions, et al, and have music playing, is bordered by two homes with permanent residents. Noise cannot be contained within a courtyard space, and groups of people drinking and eating until late, potentially with amplified music playing, would be audible to all. There is no way sound-proofing or sound limiting can be implemented.</p> <p>The adjacent residents have already felt the impact of the expansion of the café and this extension to hours, with increased volume of and noise of people it would create a difficult, if not untenable, situation for them. It's not equitable to allow the commercial interests of one family to ruin the living environment, and amenity not to mention property values of others in the village. This is unacceptable change to the current residents of Tynninghame.</p> <p>There is limited public transport to and from Tynninghame. Buses run only every 2 hours in each direction and do not operate after 9:30 at night. This would encourage people to drive or walk/bicycle, but with no street lighting, this can be extremely dangerous. The location encourages use of private cars (there is no local taxi service) and equally there is no drop off area. There is no police presence in this area at all, except for emergencies.</p>
<p>Protecting and improving public health</p>	<p>There is only one toilet and the application is proposing seating for 94 people in total. This encourages people to find other places to relieve themselves, and there are no public facilities in the village. At times when the café is totally full, people have resorted to using the public outdoor spaces which are areas the children play in.</p>

	Loud noise and music would be detrimental to the nearby and residents. Many of the residents of Tynninghame are over 65, and several suffer from disabilities and illness. The impact of a full restaurant operation would be detrimental to their health in terms of volume of noise, anti-social behaviour, ability to park by their own homes and the stress caused by people entering their gardens or open areas in front of and around their homes. This is already a cause for concern.
Protecting children and young persons from harm	Families with children regularly frequent the café – which is generally safe during daylight hours. The interior of the building however is small, enclosed and unsuitable for families with several children. Many families therefore choose to sit outside, but this means that children are often unsupervised and left to run across or up the road, climb the neighbouring' resident's tree, and use scooters or bicycles on the small green at front of the café. The fact that huge farm vehicles pass at speed and it is impossible to see between the tightly parked cars creates equal safety issues. Patrons must cross the street to get to the café which can be dangerous when there are too many cars and people about.

(e) The premises are unsuitable for use for the sale of alcohol having regard to

- (i) the nature of the activities proposed to be carried out on the premises
- (ii) the location, character and condition of the premises
- (iii) the persons likely to frequent the premises

Please explain why:

My objections have all been listed in the boxes above and should be considered as explanation to the above points here in section (e).

PART C- ADDITIONAL INFORMATION

My deepest concerns with this application for a full license is that it also registers a change of use from café to restaurant with extended hours to 10pm– none of which is sympathetic to our village life, and would cause aggravation, anger, disruption and accidents.

Tynninghame is much loved historic hamlet of residential houses located in rural agricultural countryside, bordered by fields, woodlands and riverside. It was designated a conservation village in 1969 and has maintained its beauty and tranquillity in a tight-knit setting of houses and cottages laid out around public greens and open fields. The character of the village is peaceful and quiet with dark skies at night and virtually no traffic after 5pm. The only other building that serves the public is our village hall (operated as a charity) that serves local and county residents for weddings, workshops, fairs and gatherings. The café sits in the centre of the village and attracts families, beach walkers and bicyclists for coffee, light snacks and afternoon tea.

However, over the past 5 years, the café has expanded the number of tables, chairs, benches and bike racks, spilling out onto historic green to the front, with café goers intruding on residents gardens and private areas. The number of people visiting the café daily in summer exceeds the number of residents and there is often a queue of people ordering takeaways. This additional influx has seen a corresponding number of cars both driving through and parking all along the main street. Visitors now regularly park their cars in front of residents' driveways, at the end of the village on the main B1407, or dangerously close to the intersection with the A198. When there is

an event at the Village Hall there is there is insufficient parking for visitors, residents, and those attending the events and because the café has only one toilet, café visitors pee in behind the hall, by drying greens and along footpaths, the cricket pitch and football pitch where local children play. The premises, specifically the outdoor area – which is owned by the Haddington family and not the café - is not a safe place for children to play High-sided farm vehicles speed down the main street at 40-50 mph throughout the day and evening – this is the principal farm road for all neighbouring farmers - yet café goes allow children and dogs to play along the roadside, dangerously close to traffic. There are also many grounds for concerns on fire escape routes in and outside the café.


The cafe has recently been granted an occasional license (with no public consultation) and it looks from planning applications (again put forward with no public consultation) that they are intending to run a bar and restaurant. The audience the café has said they will be attracting is those wanting a 'Prosecco Teas' – this is an entirely new customer base (no residents, bicyclists, walkers or families have expressed an interest in this). But the application in front of ELLB s for a full alcohol licence from 11am – 10pm.

This change of use – from a café serving coffee/tea, cakes and light lunches from 10am -4pm – to a Wine café or Restaurant will cause huge disruption to residents' life here. The application seeks to sell alcohol up to 10pm (which means people could leave well after 11pm) with the majority of seating (66 places) outside. This will mean late night noise and revelry (the application also indicates music could be played) potentially disorderly conduct, increased traffic (there is no public transport after 9:30pm, so patrons will require cars or taxis). This adds up to creating a public nuisance and immense irritation for all the residents of the village.

This goes entirely against the grain of the village, against the wishes of the former Earl of Haddington (who would not allow alcohol in any public space in the village) only benefit the café owners – no one else, and certainly not the majority of residents in this small village. This change of use is detrimental to the conservation status we cherish and the reasons we chose to live here - imposing an unwelcome and influx of drinkers, cars, and noise – IS NOT WHAT A CONSERVATION VILLAGE SHOULD BE!

I have read and understood the attached privacy notice attached to this online form

My signature



Date

20 December 2023

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

East Lothian Council
Licensing

21 DEC 2023

Received

Section 1 – Application Details:

This objection/representation relates to the following Application:

<p>Applicant's name (if known) (This is the name of the applicant in respect of the licensed premises referred to in the application)</p>	<p>TYNINGHAME COUNTRY STORES LTD THE SMITHY, MAIN STREET, TYNINGHAME EH42 1XL</p>	
<p>Name & Address of premises</p>	<p>TYNINGHAME SMITHY, MAIN STREET, TYNINGHAME, EAST LINTON, DUNBAR EH42 1XL</p>	
<p>This Application is for</p>	<ul style="list-style-type: none"> • Premises Licence 	<p style="text-align: center;">✓</p>
	<ul style="list-style-type: none"> • Provisional Premises Licence 	
	<ul style="list-style-type: none"> • Variation of an existing Premises Licence 	
	<ul style="list-style-type: none"> • Occasional Licence 	
<p>Application Number (if known)</p>		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN INDIVIDUAL

Individual Title Mr Mrs Miss Ms Other _____ delete/complete as appropriate

Surname CARMICHAEL

First Name(s) MASTAIR

Address (including postcode):
[Redacted]

(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title Mr Mrs Miss Ms Other _____ delete/complete as appropriate

Surname

First Name(s)

Address of person lodging objection/ representation on behalf of organization (including postcode):

Name of Organisation:

Nature of Organisation e.g. resident's association, ward councilor, trade association

Address of Organisation (including postcode):

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

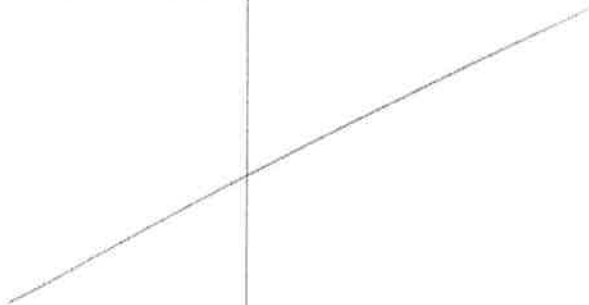
~~(a) The premises are excluded premises.~~

- (b) The application must be refused where:-
- the Licensing Board has refused a premises licence application in premises less than a year before this application - Section 25(2)
 - Granting the application would have the effect of allowing alcohol to be consumed on the premises during a continuous period of 24 hours or more - Section 25(2)
 - Granting the application would have the effect of allowing alcohol to be consumed on the premises before 10am, after 10pm, or on a Sunday - Section 25(2)

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	
<u>Objective</u>	<u>Explanation</u>
Securing public safety	HIGH RISK OF INJURY TO PEDESTRIANS DUE TO PROXIMITY OF NARROW ROADS.

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	THERE IS ALREADY AN OCCASIONAL PROBLEM DUE TO PATRONS PARKING ON PRIVATE GROUND, AND WITH LITTERING.
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	
<u>Objective</u>	<u>Explanation</u>

Protecting children and young persons from harm

CHILDREN ARE ALREADY ENCOURAGED TO PLAY JUST A FEW STEPS FROM THE ROAD DUE TO THE PROVISION OF A SEE-SAW. MORE OUTSIDE SEATING FOR MORE CUSTOMERS INCREASES THE RISK OF ACCIDENT

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to—
- (i) the nature of the activities proposed to be carried on in the subject
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why:

.....

.....

- (e) Granting the application would result in overprovision of licensed premises regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the s premises,

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application

The Clerk to the Licensing Board
John Muir House
Haddington
EH41 3HA

East Lothian Council
Licensing
21 DEC 2023
Received

20th December 2023

Dear Sir

Applicant: Tynninghame Country Store Ltd
Premises: Tynninghame Country Store, Main Street, Tynninghame

We wish to lodge objection to the proposed hours of opening for on sales at the premises referred to as Tynninghame Country Store. The proposed times extend from 11am until 10pm seven days a week. Supply of alcohol to patrons until 10pm will cause a public nuisance and create a danger to public safety.

Public Nuisance

The premises are situated in a quiet residential community. The premises presently close each day at 5pm. The proposal for hours of opening to 10pm each day will create noise, both from patrons themselves, and from their vehicles leaving at closing time. There is no bus service in Tynninghame at that time of night. The application refers to the use of "recorded music" and to "outdoor drinking facilities". These activities will clearly give rise to public nuisance. There is seating for 60 people approximately outside, and 30 approximately inside the premises. 90 people leaving the premises at the proposed closing time would create a quite unreasonable public nuisance. In any event, the applicant has indicated to residents in the village that the premises will continue to close at 5pm each day. If that is, in fact, the position then there is no reason for the Application to seek the extended hours until 10pm. Any on sales liquor licence should be restricted to the hours of 11am to 5pm each day.

Public Safety

The outdoor drinking facilities extends to an area bordering the public roadway, Main Street. The village has no street lighting and is dark after sunset. There is clearly a serious issue in relation to public safety with customers (and their children) frequenting outside premises so close to a public roadway, and especially when arriving at and departing from the premises in the hours of darkness. They will require to cross the public roadway to reach their cars as there is no car park for the premises and there are no designated car parking spaces in the village. As stated before there is no public transport servicing the village at the proposed closing time.

Please acknowledge receipt of this letter of objection which the notice on the cafe states requires to be lodged by 27th December. My email address is [REDACTED]

Yours faithfully

[REDACTED]
Anthony D D MacIver

[REDACTED]
Catherine J MacIver

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete Part A of this form.
- If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

East Lothian Council

21 DEC 2023

Received

Section 1 – Application Details:

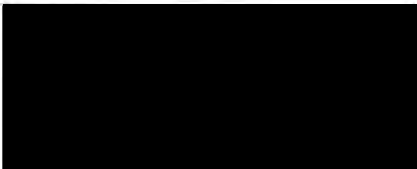
This objection/representation relates to the following Application:

<p>Applicant's name (if known) (This is the name of the applicant in respect of the licensed premises referred to in the application)</p>	<p>TYNINGHAME COUNTRY STORES LTD THE SMITHY MAIN ST TYNINGHAME EH42 1XL</p>	
<p>Name & Address of premises</p>	<p>TYNINGHAME SMITHY, THE SMITHY, MAIN ST, TYNINGHAME, EH42 1XL</p>	
<p>This Application is for</p>	<ul style="list-style-type: none"> • Premises Licence 	
	<ul style="list-style-type: none"> • Provisional Premises Licence 	
	<ul style="list-style-type: none"> • Variation of an existing Premises Licence 	
	<ul style="list-style-type: none"> • Occasional Licence 	
<p>Application Number (if known)</p>	<p>NOT KNOWN</p>	

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN INDIVIDUAL

Individual Title	Mr Mrs Miss Ms Other _____ delete/compl appropriate
Surname	CARMICHAEL
First Name(s)	YVONNE
Address (including postcode):	

(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr Mrs Miss Ms Other _____ delete/compl appropriate
Surname	
First Name(s)	
Address of person lodging objection/ representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

- (a) ~~The premises are excluded premises.~~

- (b) The application must be refused where:-
- the Licensing Board has refused a premises licence application in premises less than a year before this application - Section 25(2)
 - Granting the application would have the effect of allowing alcohol to be consumed on the premises during a continuous period of 24 hours or more - Section 25(2)
 - Granting the application would have the effect of allowing alcohol to be consumed off the premises before 10am, after 10pm, or on a Sunday - Section 25(2)

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	
<u>Objective</u>	<u>Explanation</u>
Securing public safety	CHILDREN AT OUTSIDE TABLES PLAY ON THE ROAD AND RUN ABOUT. THERE IS NO PAVEMENT BETWEEN THE CAFE AND OTHER GRASSY AREAS.

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>NOISE FROM PEOPLE LEAVING AT NIGHT IN A RESIDENTIAL AREA.</p> <p>TOO MUCH DEMAND FOR TOO FEW PARKING SPACES.</p>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	
<u>Objective</u>	<u>Explanation</u>

Protecting children and young persons from harm

DANGER FROM BUSY ROAD (CARS DRIVE TOO FAST IN VILLAGE REGARDLESS OF SPEED LIMIT). NO FENCE TO STOP CHILDREN RUNNING ON ROAD.

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to—
- (i) the nature of the activities proposed to be carried on in the subject
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why: ... BY ... BUSY ROAD, INADEQUATE PARKING, RESIDENTIAL AREA.

- (e) Granting the application would result in overprovision of licensed premises regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete Part A of this form.
- If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

East Lothian Council
Licensing

21 DEC 2023

Received

Section 1 – Application Details:

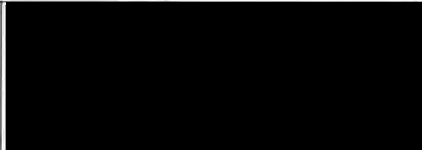
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	Tynningame Country Store David Wakefield, Lyndon Wakefield	
Name & Address of premises:	Tynningame Café and Country Stores Ltd. Main Street Tynningame EH42 1XL	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

Individual Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Jones
First Name(s)	Andrew
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both –.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

Objective

Explanation

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<p>Preventing crime and disorder</p>	<p>Tynningame is currently a very safe place to live. As it's a dark sky village i.e. there are no streetlights, I am concerned that a licensed premises storing large amounts of alcohol will attract criminals seeking to take advantage of this.</p>
<p><u>Objective</u></p>	<p><u>Explanation</u></p>

Securing public safety

Public safety is already a concern when the café is very busy. There is no dedicated parking, making the village extremely congested. We have no dedicated crossing points. The increase in custom that the applicant hopes to attract by serving alcohol will inevitably lead to an increase in traffic and so the risk of harm. The speed limit is 30mph (rather than 20mph) at which you are likely to receive life-changing injuries or indeed die if struck. There is no barrier between the café area and the road, making it more likely that children will be at greater risk due to the increased possibility of inattention when alcohol is consumed.

The already cluttered and confused table arrangements in the courtyard means that there is no clear exit away from the building in the event of fire. And the applicant seeks to increase the number, making the situation worse. From the inside of the building there is only one exit – the plan included with the application shows two, but the rear exit is effectively blocked by the counter, alcohol display and a large fridge, which would force patrons to go around them to exit. In the panic of fleeing a fire, this seems to be a completely unsuitable provision.

Public transport to and from Tynninghame and the surrounding areas is poor so most people arriving at the cafe will come in cars or on bikes. The cafe has no dedicated parking. The village does not have the space for an increase in cars parked along Main Street. We already have an issue with patrons of the café parking inconsiderably and across drives and access roads causing considerable nuisance to residents. Customers can, and have already, become abusive when asked to move cars away from driveways. Alcohol will almost certainly fuel tempers and increase the risk of conflict and assault.

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	Tynninghame is a dark sky conservation village. Events (weddings, funerals, christenings as proposed by the applicant) with alcohol and recorded music continuing until at least 10pm will significantly alter the atmosphere the village and will constitute a significant nuisance to those living here.
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	<p>The courtyard area is extremely uneven as is the area leading up to it. I am concerned that this will lead to injuries once alcohol is added to the menu.</p> <p>Without dedicated parking, increased congestion on the roads along with inconsiderate parking may lead to emergency vehicles being unable to quickly access residential properties leading to delays in their arrival and the potential risk of increased harm or death due to that delay.</p> <p>There is already great concern in Scotland over the consumption of alcohol. The café seems to be a thriving business without it and allowing the sale of alcohol would seem to fly in the face of this concern.</p>
<u>Objective</u>	<u>Explanation</u>

	Protecting children and young persons from harm	<p>During busy times there is already a risk to children playing unsupervised on the seesaw outside the café and the tree close to it. An increase in traffic will make it more likely that a child could be struck by a car while playing having run into the road.</p> <p>I am concerned that there is not enough space inside the café to ensure a safe space for children away from alcohol. The number of covers proposed makes this unlikely.</p>	
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- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

(i) At the moment the café provides some light hot meals (bacon roll, sausage roll, quiche, soup), tea, coffee, cake and soft drinks. This is a completely different model from the restaurant it seeks to be, serving presumably a far more extended menu and selection of alcoholic drinks. It also shuts at 4pm. In addition to opening until 10pm it seeks to host events such as weddings, christenings, and funerals. Many people and not just the residents value Tynningham for its peace and unspoilt atmosphere. Both of these will be negatively impacted by such gatherings.

(ii) The proposed location is completely unsuitable for the purposes that the applicant seeks. It is a small historic building with limited space inside. There are no kitchen facilities as such at present – a small airfryer, an electric griddle and a soup vat I believe: so no ovens, hobs or any of the other equipment standard in a restaurant kitchen. The premises is immediately adjacent to two residential properties for which the café is already a significant nuisance having increased it's outside seating dramatically, and has plans to do so further.

(iii) The clientele at the moment are mainly families with children, couples, retired people and cyclists who enjoy a quiet coffee and cake in a lovely setting. They are in the main (although not always) courteous and considerate of the village. This will inevitably change dramatically once alcohol is served and footfall to the increases. I imagine that that atmosphere will become more of a “pub”, and indeed the applicant has described the courtyard as a “beer garden” in his application. There will inevitably be confrontations over inconsiderate or plain illegal parking on private land and antisocial behaviour fuelled by alcohol.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—

- (i) licensed premises, or
- (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations	
-----------------------	--

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

There are many additional comments, but here are few:

The toilet facilities will be completely inadequate for essentially 100 people.

Disabled access is currently absent.

The internal plan submitted on the operational plan as part of the application does not reflect that of the actual operational area e.g. the rear access is not accessible as an escape route.

The proposal states that the premises is a restaurant, but surely this would require a change of use from a shop and café?

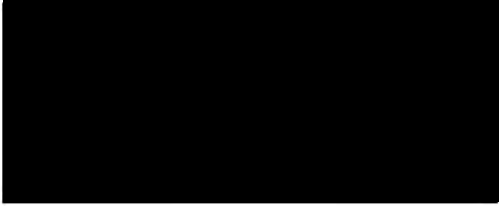
The number of seats both inside and out has increased over the last couple of years. The goods that were sold have all but disappeared and been replaced with seating. The outside seating has over doubled in that time, and the applicant seeks to increase it again. This is the café just before I moved to the village, with very few seats outside as you can see.



This is the café now 21-12-2023. As you can clearly see, with far more tables and chairs.



There are also now two large tables past the boundary of the property, clearly seen in the top picture. When these are moved back inside the boundary, it will be almost impossible to walk between tables, let alone add more.

Your Signature	
Date	21/12/2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	David Wakefield and Lyndon Wakefield	
Name & Address of premises:	Tyninghame Café and Country Stores Ltd. Main Street Tyninghame EH42 1XL	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <u>PROF.</u> delete/complete as appropriate
Surname	EVANS
First Name(s)	Margaret-Jane
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both - .~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

Objective

Explanation

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<p>Preventing crime and disorder</p>	<p>Many of the issues cited below in this application have the potential to increase crime and disorder.</p> <p>There is a risk that the storage of large volumes of alcohol on a premises in a dark zone may lead to increased likelihood of break-ins.</p>
<p><u>Objective</u></p>	<p><u>Explanation</u></p>

Securing public safety

Risk of Increased Traffic. The application cites seating for 94 – a marked increase from previous provision. Currently the café operates until 4.30/5pm. The licence application seeks to provide alcohol between the operating hours of 11.00am to 10.00pm and to hold weddings, funerals, and christenings at any time - the venue will thus become more akin to an *events hub*, with the potential to significantly increase footfall and traffic. The café has **no dedicated parking**. There are very few extra spaces over and above that required by and currently used by residents. The increased footfall and associated rise in vehicles parked along Main Street may result in harm as indicated below:

Risk of Traffic Accidents:

- a) There are no dedicated crossing spaces and no streetlights. Children running out between closely parked cars and adults crossing the road to access the venue may not be visible to those driving through the village where the speed limit is set at 30mph. Injuries and death may result.
- b). Weddings and Christenings may have very young children in attendance. Trees and a see-saw are present on the small patch of green and serve as magnets for small children. There is **no physical barrier** between the outside space and the road. I note that there is a brick barrier along the outer edge of the courtyard but seating extends beyond this reducing the area for play and thereby increasing the risk of a child falling or running onto the road. See included picture. The potential for significant harm will increase as traffic flow to and from the café increases.

Risk of harm from fire:

- a) There is no clearly defined safe corridor for evacuation from inside the premises in the event of a fire. Indeed, the haphazard arrangement and close proximity of the seating and tables in the courtyard may physically obstruct people seeking to escape through the front entrance. Tables and chairs may easily be knocked over and the presence of children and dogs may further increase the risk of falls.
- b) I note on the plans submitted to licensing it marks an escape door to the rear. This is beyond a significant 'pinch point' which could lead to panic and distress if unable to flee.
- c) The seats and table stand on uneven ground and in the event of an emergency and rapid exit could easily be overturned leading potentially to crush injuries.
- d) The lack of a physical barrier between the outside tables and the road would potentially lead to people being pushed into the line of oncoming traffic by those seeking to escape.

Risk of harm from spilling hot food or drink.

The close proximity of tables and uneven ground represents a significant trip hazard. Accidents may occur if patrons become inebriated and unsteady when hot food and beverages are being carried across uneven ground. The presence of dogs and children further increase this risk in an already crowded space.

Risk of Falls:

The application cites 66 seats in the outside area. The chairs and tables are currently placed haphazardly on uneven ground. This represents a potential risk for falls at present. A risk which may only increase when alcohol is involved.

<u>Objective</u>	<u>Explanation</u>
<p>Preventing public nuisance</p>	<p>There is only one toilet which for 94 seems inadequate. I would be concerned that this will lead to antisocial behaviour particularly if people are drinking outside or if they continue to drink past closing hours.</p> <p>Public transport in Tynninghame and the surrounding areas is poor so most people arriving at the restaurant will come in cars or on bikes. The café has no dedicated parking and the increase in cars parked along Main Street and across drives and access roads causes considerable inconvenience to residents. Further, customers can, and have, become abusive when asked to move cars away from driveways – alcohol will fuel tempers and increase the risk of conflict.</p> <p>Increased traffic on the roads will increase danger to cyclists.</p> <p>Tynninghame is a dark conservation village – events with alcohol and recorded music continuing until at least 10pm 7 days a week will significantly alter the tone of the village and will constitute a significant nuisance to those living here.</p>

<u>Objective</u>	<u>Explanation</u>
<p>Protecting and improving public health</p>	<p>As stated above – the café has only one toilet for 94 seats – this would appear inadequate.</p> <p>There is a risk of harm to people falling when inebriated due to the uneven ground and haphazard crowded seating outside the venue especially when combined with loose children and dogs. Indeed the risk of falling is there when sober particularly if the area is crowded and people are striving to avoid dogs or small children. Chairs and table may topple on the uneven ground injuring small children and pets.</p> <p>Increased congestion on the roads coupled with unsocial parking may lead to emergency vehicles being unable to safely access Tynninghame or areas beyond. During the summer ambulances and other emergency vehicles may be stuck in traffic leading to delays in arrival of help and in some instances an increased risk of harm or death.</p>
<u>Objective</u>	<u>Explanation</u>

<p>Protecting children and young persons from harm</p>	<p>As indicated above: increased traffic will lead to an increased number of cars parked along Main Street – the risk of a child being hit by cars travelling at 30 mph or high-sided farm vehicles is considerable as they may not be seen when crossing between two closely parked cars.</p> <p>There is no physical barrier between an area with a see-saw.</p> <p>There is a brick barrier which would have provided a space between the courtyard and the road but this is now blocked with tables.</p> <p>It might be reasonably expected that an event such as a wedding or a christening with alcohol being served would lead to a degree of inattention. This increases the risk of harm to children who may seek to play on the see-saw or tree outside the cafe and close to the road. Children running in that area may slip or fall into the path of oncoming cars travelling at 30 mph. Injuries or death may result.</p> <p>Harm may be caused to small children if people choose to cycle rather than drive to an event where alcohol may be consumed. Bikes left haphazardly may topple and cause significant injury to children.</p>	
---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

- Please explain why :
- At present, the café/coffee shop provides lunch, coffee and cake. This is markedly different from the proposed model which seeks to provide alcohol up to 10pm including catering for events (weddings, christenings, funerals etc.). Such activity will lead to increased activity and noise. Many value Tynningham for its peace and dark skies, both of which will be negatively impacted by such gatherings.
- The village has a dark-sky character within its unique rural setting - there is no communal street lighting (streetlights, etc). Evening use would require lighting up the outside courtyard, and potentially access to it, from across the village to ensure safe movement. This would impact negatively on the character and appearance of the village.
- The central position of the cafe and courtyard mean that changes to operation will impact on the character of this conservation village - its image and tone. It will also significantly impact those of us living in close proximity to the cafe.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

The courtyard is situated between two residential houses. The see-saw can be seen towards the bottom right edge and tables lie between the boundary of the courtyard indicated here by bricks. This means people will be consuming alcohol in close proximity to children playing with potential harm to both.



Your Signature	
Date	19 th Dec. 2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**



LICENSING (SCOTLAND) ACT 2005, SECTION 22

NOTICE OF OBJECTION OR REPRESENTATION

If you are completing this form by hand, please write legibly
in block capitals using ink.

Please indicate below the type of notice you are making (tick appropriate box)

Objection

Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board, East Lothian Council,
Licensing, Administration and Democratic Services,
John Muir House, Haddington
East Lothian, EH41 3HA**

Any person may, by notice to the Licensing Board –

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

If you are OBJECTING, please complete Part A of this form.

If you are MAKING REPRESENTATIONS, please complete Part B of this form.

All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR
BEFORE COMPLETING THIS FORM**

Section 1 – Application Details

This objection/representation relates to the following Application:

Applicant's name (if known) TYNINGHAME COUNTRY STORE LTD

(This is the name of the applicant in respect of the licensed premises referred to in the application)

Name & Address of premises TYNINGHAME COUNTRY STORE

MAIN STREET, TYNINGHAME, DUNBAR,

EAST LOTHIAN Post code EHA2 1XL

This Application is for

Premises Licence Provisional Premises Licence

Variation of an existing Premises Licence Occasional Licence

Application Number (if known) _____

Section 2 – Objector/Representer Details

If you fail to complete this section, the objection or representation may not be considered

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

Individual title: Mr ~~Mrs~~ ~~Miss~~ ~~Ms~~ ~~Other~~ _____
(delete/complete as appropriate)

Surname SCHOFIELD

First Name(s) NIGEL

Address



Post code



(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title: Mr Mrs Miss Ms Other _____

(delete/complete as appropriate)

Surname _____

First Name(s) _____

Address of person lodging objection/representation on behalf of organization

Post code _____

Name of Organisation _____

Nature of Organisation e.g. resident's association, ward councillor, trade association

Address of Organisation _____

Post code _____

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

~~(a) The premises are excluded premises.~~

~~(b) The application must be refused where:~~

~~the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~

~~Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~

~~Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both.~~

~~(c) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

Objective	Explanation
Preventing crime and disorder	
Securing public safety	<p>EXTENDING HOURS INTO THE EVENINGS MEANS CUSTOMERS, INC CHILDREN, WILL HAVE TO CROSS MAIN STREET, WHICH HAS NO LIGHTING, TO ENTER/EXIT THE PREMISES. SEE ATTACHMENT FOR MORE DETAILS.</p>
Preventing public nuisance	<p>UP TO 5.5 HOURS x 7 DAYS A WEEK OF NOISE IN THE EVENINGS INAPPROPRIATE IN A QUIET VILLAGE SETTING. RESIDENTS UNABLE TO PARK/ACCESS THEIR HOUSES. CUSTOMERS WILL PARK ON GREEN AREAS DAMAGING CONSERVATION AREA. SEE ATTACHMENT FOR FURTHER INFO.</p>
Protecting and improving public health	
Protecting children and young persons from harm	<p>SOME CUSTOMERS ALREADY ALLOW THEIR CHILDREN TO PLAY UNSUPERVISED IMMEDIATELY NEXT TO MAIN ST. EXTENDING HOURS WILL INCREASE THE RISK TO CHILDREN DURING POORER LIGHT CONDITIONS</p>

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

(e) The premises are unsuitable for use for the sale of alcohol, having regard to ²:-

~~(i) the nature of the activities proposed to be carried on in the subject premises,~~

(ii) the location, character and condition of the premises, and

~~(iii) the persons likely to frequent the premises.~~

Please explain why

THE PREMISES ARE LOCATED IN A QUIET, RURAL SETTING WITH NO STREET LIGHTING. MAIN ST. IS REDUCED TO SINGLE FILE TRAFFIC & IS USED BY LARGE AGRICULTURAL VEHICLES. ALLOWING A LICENCE IN TO THE EVENING WILL GENERATE SIGNIFICANTLY MORE NOISE, INAPPROPRIATE FOR THE VILLAGE SETTING. VEHICLE - PEDESTRIAN CONFLICT WILL INCREASE, EXACERBATED BY THE LACK OF LIGHTING. LACK OF APPROPRIATE PARKING WILL INCREASE RESIDENT - CUSTOMER CONFLICT & DAMAGE GREEN AREAS.

~~(f) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of~~

~~(i) licensed premises, or~~

~~(ii) licensed premises of the same or similar description as the subject premises,~~

Please explain why

² Please indicate which of the factors apply, with a concise explanation why
Please delete any that do not apply.

PART B – REPRESENTATION

I/We wish to make these representations to the Board concerning the application:

In support of the application,

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed

Other representations

PART C – Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here

PLEASE SEE ATTACHED DOCUMENT WHICH PROVIDES BACKGROUND INFORMATION & MORE DETAIL ON THE POINTS MADE ABOVE.

Please attach supporting documents/further pages as necessary.
Please number all extra pages.

I have read and understood the attached privacy notice

Your Signature



Date

13-12-23

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE

Objection to the granting of an alcohol licence to Tynninghame Country Store, Main Street, Tynninghame EH42 1XL

Background

Tynninghame is a quiet village in a conservation area. There are no street lights. Many of the houses on Main Street, where Tynninghame Country Store, “the cafe” is located, have no garages or off street parking areas and so have to park on Main Street. Due to the width of the road, vehicles can only park on one side, leaving only sufficient room for single file traffic. Because the cafe has no dedicated parking, customers also have to park on Main Street, conflicting with residents’ parking and frequently leading to cars being inappropriately parked on grass areas and private drives. Residents frequently have to deal with the owners of the inappropriately parked vehicles.

Children visiting the cafe are often left unattended to run around the green area outside the cafe, adjacent to Main Street and the passing vehicles including large agricultural vehicles. The speed limit is 30mph, not 20mph as would be expected in a normal residential area.

Two houses are located on either side of the courtyard outside the cafe with no separation from the courtyard and customers sitting in the courtyard or entering or leaving the cafe.

The cafe hours are 9:30am -16:30 seven days a week. The licence application is for the hours 11:00 to 22:00, seven days a week, implying that the owner is also seeking to extend the opening hours despite the explanatory sign displayed on the cafe door next to the notice of the licence application.

Concerns relating to the objections

The issues set out below already exist but should the business hours extend into the evening then both the hazards and risk levels will significantly increase. If the cafe owner does not intend to operate beyond existing business hours then should the licence hours not more closely match the stated opening hours? If the licence hours are as currently applied for this allows the business owner to extend the opening hours without further consultation with those impacted by that change.

Public Safety

Extending hours beyond 16:30 means that customers will be crossing the unlit road in darkness. It is also likely that people, including children, will congregate in the area outside the cafe immediately next to the unlit road. Both increase the conflict between vehicles and pedestrians increasing the risk of an accident. The risk would be further exacerbated by the consumption of alcohol.

Public nuisance

Residents already have to put up with noise from the cafe, not being able to park near their house due to parking by the cafe customers and deal with frequent inappropriate parking. Extending the hours into the evening could lead to all the inconvenience and conflict listed above for up to a further 5.5 hours a day, seven days a week. Having to

deal with customers in the dark, and some under the influence of alcohol, will be even more difficult and stressful. These nuisances are not appropriate in a tranquil village setting.

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

YES Objection

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection relates to the following Application:

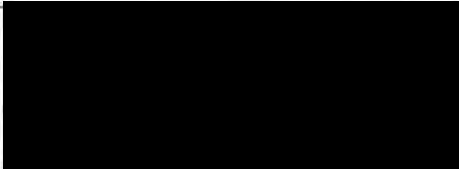
Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	David Wakefield / Lyndon Wakefield	
Name & Address of premises:	Tynningame Café and Country Store Ltd Main Street Tynningame EH42 1XL	
This Application is for	• Premises Licence	Yes
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

THIS IS AN OBJECTION

Individual Title	Ms
Surname	White
First Name(s)	Ruth Elizabeth
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

~~(a) — The premises are excluded premises.~~

~~(b) — The application must be refused where:-~~

- ~~• — the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• — Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• — Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

~~(b)(a) — That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	All of the concerns expressed below have the potential to increase crime and disorder in the village, especially as alcohol consumption brings with it acknowledged concerns about the effects of alcohol

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
<p>Securing public safety</p>	<p>There is only a very limited bus service to / from Tynningame. Selling alcoholic drinks adds to the potential for accidents as people coming to the café almost all drive or use a bicycle. Driving or using a bicycle after drinking any alcohol is a potential safety concern</p> <p>There is a general risk to public safety if large numbers of people (up to 94) are coming to café events, weddings, parties, etc, where there is no designated café parking, only very limited off-street parking, which is also used by residents.</p> <p>There is no street lighting or safe crossing places - a particular concern at night on a 30mph road</p>

<u>Objective</u>	<u>Explanation</u>	

<p>Preventing public nuisance</p> <p><u>IMPORTANT NOTE</u></p> <p><i>This application is for the sale of on-premises alcohol from 11.00am – 10.00pm, 7 days a week</i></p> <p><i>However, the owner of the cafe has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted as it stands, he could legally open to serve alcohol until 10.00pm.</i></p> <p><i>We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol</i></p>	<p>We have always had cordial relationships with the cafe owner and staff, however the impact on us in our house and for adjacent properties, is potentially very negative should this application be approved</p> <p>Our house faces directly on to the cafe courtyard with a small buffer of around 2 metres. Food and drink (non-alcoholic) are served daily between 9.00am – 5.00pm.</p> <p>The café courtyard is in shared ownership between the cafe (central area) and our property and the Smithy House (edges adjacent to the building facades). Activities in the courtyard space directly impact each property in this space</p> <p>If this licence is approved, the cafe could be open for 11 hours a day to serve alcohol, 7 days a week, well into the evening for up to 94 people (Operating Plan states the capacity of the premises to be 66 people in the courtyard outside space / 28 people inside the café = 94 total)</p> <p>Tynningham is a quiet village in a conservation area</p> <p>Potential noise and disruption from people drinking alcohol during the day and into the late evening, would be a significant public nuisance for our property and other adjacent properties in particular, but also generally for villagers in this small community, especially as the planned use of the cafe is for larger social gatherings with food and alcohol to take place (weddings, funerals, christenings etc).</p> <p>At times, the cafe would effectively become an events venue rather than a daytime village cafe, with recorded music adding to the potential noise disturbance</p> <p>The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified</p> <p>This proposal would introduce activity, noise and disturbance much greater than the cafe's current operation, along with intrusive lighting (in the evenings) which will cause a loss of residential amenity, including privacy for our and our adjacent properties in particular. It represents overdevelopment of this site</p> <p>There is no designated café parking, only very limited off-street parking. This often causes a problem for residents who cannot find a place to park their own cars and has sometimes caused cafe visitors to park inappropriately on the private access lanes around The Green, etc. Opening during the evenings as well as the day, will compound this existing problem</p>
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<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	The café only has one toilet – this for up to 94 potential alcohol drinking customers at any time
<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	The lack of designated, safe parking. Risk of children running into the 30 mph road which is totally unlit with no safe crossing places and in a dark-sky setting

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) ~~the persons likely to frequent the premises~~

Please explain why :

(i)

Changing the cafe to include the sale of alcohol is a major change of venue style, which is at variance with the location, character and appearance of this quiet village

This application is seeking permission to serve alcohol into the late evening (10pm), including catering for events (weddings, christenings, funerals, etc).

This is a very different venue model to the current daytime 'lunch, coffee and cake' village café one. It will introduce a density of activity and disturbance which will negatively impact on the character and appearance of the village

The courtyard, which as the applicant states has capacity for 66 people, could come to resemble a noisy town centre 'beer garden', which is totally out of character with this quiet village

(ii)

Tynninghame is a small, rural, quiet conservation village with a dark-sky setting. Its conservation area status seeks to protect the village against changes unless they preserve and /or enhance its character and appearance

The cafe and courtyard occupy a visually prominent and central location, sitting at the heart of the village. The operation of the cafe therefore has a significant impact on the village's character and appearance and its impact on residents

The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified

The village has a dark-sky character within its unique rural setting - there is no communal street lighting (streetlights, etc). Evening use would require lighting up the outside courtyard, and potentially access to it, from across the village to ensure safe movement. This would impact negatively on the character and appearance of the village

This application is for the sale of on-premises alcohol from 11.00am – 10.00pm.

However, the owner of the premises has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted, he could legally open to serve alcohol until 10.00pm. We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol.

There is a very significant mismatch between what the owner is saying now to local people, and what the actual alcohol premises licence is requesting

.....

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

(e) — Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—

(i) — licensed premises, or

(ii) — licensed premises of the same or similar description as the subject premises;

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature

[Redacted Signature]

Date

19.12.2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

YES Objection

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- **If you are OBJECTING, please complete Part A of this form.**
- **If you are MAKING REPRESENTATIONS, please complete Part B of this form.**
- **All parties should complete Sections 1, 2 and Part C of this form.**

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection relates to the following Application:


Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	David Wakefield / Lyndon Wakefield	
Name & Address of premises:	Tynningame Café and Country Store Ltd Main Street Tynningame EH42 1XL	
This Application is for	• Premises Licence	Yes
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

THIS IS AN OBJECTION

Individual Title	Mrs
Surname	Fenlon
First Name(s)	Emma Rose
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

~~(a) The premises are excluded premises.~~

~~(b) The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both.~~

~~(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	All of the concerns expressed below have the potential to increase crime and disorder in the village, especially as alcohol consumption brings with it acknowledged concerns about the effects of alcohol

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	<p>There is only a very limited bus service to / from Tynningham. Selling alcoholic drinks adds to the potential for accidents as people coming to the café almost all drive or use a bicycle. Driving or using a bicycle after drinking any alcohol is a potential safety concern</p> <p>There is a general risk to public safety if large numbers of people (up to 94) are coming to café events, weddings, parties, etc, where there is no designated café parking, only very limited off-street parking, which is also used by residents.</p> <p>There is no street lighting or safe crossing places - a particular concern at night on a 30mph road</p>

<u>Objective</u>	<u>Explanation</u>
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<p>Preventing public nuisance</p> <p><u>IMPORTANT NOTE</u></p> <p><i>This application is for the sale of on-premises alcohol from 11.00am – 10.00pm, 7 days a week</i></p> <p><i>However, the owner of the cafe has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted as it stands, he could legally open to serve alcohol until 10.00pm.</i></p> <p><i>We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol</i></p>	<p>We have always had cordial relationships with the cafe owner and staff, however the impact on us in our house and for adjacent properties, is potentially very negative should this application be approved</p> <p>Our house [REDACTED] on to the cafe courtyard with a small buffer of around 2 metres. Food and drink (non-alcoholic) are served daily between 9.00am – 5.00pm.</p> <p>The café courtyard is in shared ownership between the cafe (central area) and our property and the Smithy House (edges adjacent to the building facades). Activities in the courtyard space directly impact each property in this space</p> <p>If this licence is approved, the cafe could be open for 11 hours a day to serve alcohol, 7 days a week, well into the evening for up to 94 people (Operating Plan states the capacity of the premises to be 66 people in the courtyard outside space / 28 people inside the café = 94 total)</p> <p>Tynninghame is a quiet village in a conservation area</p> <p>Potential noise and disruption from people drinking alcohol during the day and into the late evening, would be a significant public nuisance for our property and other adjacent properties in particular, but also generally for villagers in this small community, especially as the planned use of the cafe is for larger social gatherings with food and alcohol to take place (weddings, funerals, christenings etc).</p> <p>At times, the cafe would effectively become an events venue rather than a daytime village cafe, with recorded music adding to the potential noise disturbance</p> <p>The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified</p> <p>This proposal would introduce activity, noise and disturbance much greater than the cafe's current operation, along with intrusive lighting (in the evenings) which will cause a loss of residential amenity, including privacy for our and our adjacent properties in particular. It represents overdevelopment of this site</p> <p>There is no designated café parking, only very limited off-street parking. This often causes a problem for residents who cannot find a place to park their own cars and has sometimes caused cafe visitors to park inappropriately on the private access lanes around The Green, etc. Opening during the evenings as well as the day, will compound this existing problem</p>
---	--

<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	The café only has one toilet – this for up to 94 potential alcohol drinking customers at any time
<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	The lack of designated, safe parking. Risk of children running into the 30 mph road which is totally unlit with no safe crossing places and in a dark-sky setting

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) ~~the persons likely to frequent the premises~~

Please explain why :

(i)

Changing the cafe to include the sale of alcohol is a major change of venue style, which is at variance with the location, character and appearance of this quiet village

This application is seeking permission to serve alcohol into the late evening (10pm), including catering for events (weddings, christenings, funerals, etc).

This is a very different venue model to the current daytime 'lunch, coffee and cake' village café one. It will introduce a density of activity and disturbance which will negatively impact on the character and appearance of the village

The courtyard, which as the applicant states has capacity for 66 people, could come to resemble a noisy town centre 'beer garden', which is totally out of character with this quiet village

(ii)

Tynninghame is a small, rural, quiet conservation village with a dark-sky setting. Its conservation area status seeks to protect the village against changes unless they preserve and /or enhance its character and appearance

The cafe and courtyard occupy a visually prominent and central location, sitting at the heart of the village. The operation of the cafe therefore has a significant impact on the village's character and appearance and its impact on residents

The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified

The village has a dark-sky character within its unique rural setting - there is no communal street lighting (streetlights, etc). Evening use would require lighting up the outside courtyard, and potentially access to it, from across the village to ensure safe movement. This would impact negatively on the character and appearance of the village

This application is for the sale of on-premises alcohol from 11.00am – 10.00pm.

However, the owner of the premises has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted, he could legally open to serve alcohol until 10.00pm. We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol.

There is a very significant mismatch between what the owner is saying now to local people, and what the actual alcohol premises licence is requesting

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

(e) — Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of —

(i) — licensed premises, or

(ii) — licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature



Date

19.12.2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

YES Objection

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection relates to the following Application:

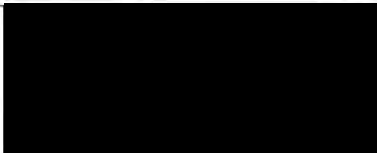
Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	David Wakefield / Lyndon Wakefield	
Name & Address of premises:	Tynningame Café and Country Store Ltd Main Street Tynningame EH42 1XL	
This Application is for	• Premises Licence	Yes
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

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

THIS IS AN OBJECTION

Individual Title	Mrs
Surname	White
First Name(s)	Jane Elizabeth
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

~~(a) The premises are excluded premises.~~

~~(b) The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both --.~~

~~(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

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

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	All of the concerns expressed below have the potential to increase crime and disorder in the village, especially as alcohol consumption brings with it acknowledged concerns about the effects of alcohol

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	<p>There is only a very limited bus service to / from Tynningame. Selling alcoholic drinks adds to the potential for accidents as people coming to the café almost all drive or use a bicycle. Driving or using a bicycle after drinking any alcohol is a potential safety concern</p> <p>There is a general risk to public safety if large numbers of people (up to 94) are coming to café events, weddings, parties, etc, where there is no designated café parking, only very limited off-street parking, which is also used by residents.</p> <p>There is no street lighting or safe crossing places - a particular concern at night on a 30mph road</p>

<u>Objective</u>	<u>Explanation</u>	
------------------	--------------------	--

<p>Preventing public nuisance</p> <p><u>IMPORTANT NOTE</u></p> <p><i>This application is for the sale of on-premises alcohol from 11.00am – 10.00pm, 7 days a week</i></p> <p><i>However, the owner of the cafe has put it in writing to local residents that his 'intention' is to continue to close the café at 5.00pm – despite the fact that if this licence were granted as it stands, he could legally open to serve alcohol until 10.00pm.</i></p> <p><i>We are very concerned that any such stated 'intention' at this stage, will not be upheld in law should the owner legally decide to change his mind after his licence is granted, and open during the evenings to serve alcohol</i></p>	<p>We have always had cordial relationships with the cafe owner and staff, however the impact on us in our house and for adjacent properties, is potentially very negative should this application be approved</p> <p>Our house [REDACTED] on to the cafe courtyard with a small buffer of around 2 metres. Food and drink (non-alcoholic) are served daily between 9.00am – 5.00pm.</p> <p>The café courtyard is in shared ownership between the cafe (central area) and our property and the Smithy House (edges adjacent to the building facades). Activities in the courtyard space directly impact each property in this space</p> <p>If this licence is approved, the cafe could be open for 11 hours a day to serve alcohol, 7 days a week, well into the evening for up to 94 people (Operating Plan states the capacity of the premises to be 66 people in the courtyard outside space / 28 people inside the café = 94 total)</p> <p>Tynninghame is a quiet village in a conservation area</p> <p>Potential noise and disruption from people drinking alcohol during the day and into the late evening, would be a significant public nuisance for our property and other adjacent properties in particular, but also generally for villagers in this small community, especially as the planned use of the cafe is for larger social gatherings with food and alcohol to take place (weddings, funerals, christenings etc).</p> <p>At times, the cafe would effectively become an events venue rather than a daytime village cafe, with recorded music adding to the potential noise disturbance</p> <p>The enclosed character of the shared courtyard means that any sound nuisance is greatly amplified</p> <p>This proposal would introduce activity, noise and disturbance much greater than the cafe's current operation, along with intrusive lighting (in the evenings) which will cause a loss of residential amenity, including privacy for our and our adjacent properties in particular. It represents overdevelopment of this site</p> <p>There is no designated café parking, only very limited off-street parking. This often causes a problem for residents who cannot find a place to park their own cars and has sometimes caused cafe visitors to park inappropriately on the private access lanes around The Green, etc. Opening during the evenings as well as the day, will compound this existing problem</p>
---	--

	<u>Objective</u>	<u>Explanation</u>
	Protecting and improving public health	The café only has one toilet – this for up to 94 potential alcohol drinking customers at any time
	<u>Objective</u>	<u>Explanation</u>
	Protecting children and young persons from harm	The lack of designated, safe parking. Risk of children running into the 30 mph road which is totally unlit with no safe crossing places and in a dark-sky setting

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - ~~(iii) the persons likely to frequent the premises~~

Please explain why :

(i)

Changing the cafe to include the sale of alcohol is a major change of venue style, which is at variance with the location, character and appearance of this quiet village

This application is seeking permission to serve alcohol into the late evening (10pm), including catering for events (weddings, christenings, funerals, etc).

This is a very different venue model to the current daytime 'lunch, coffee and cake' village café one. It will introduce a density of activity and disturbance which will negatively impact on the character and appearance of the village

The courtyard, which as the applicant states has capacity for 66 people, could come to resemble a noisy town centre 'beer garden', which is totally out of character with this quiet village

(ii)

Tynninghame is a small, rural, quiet conservation village with a dark-sky setting. Its conservation area status seeks to protect the village against changes unless they preserve and /or enhance its character and appearance

The cafe and courtyard occupy a visually prominent and central location, sitting at the heart of the village. The operation of the cafe therefore has a significant impact on the village's character and appearance and its impact on residents

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There is a very significant mismatch between what the owner is saying now to local people, and what the actual alcohol premises licence is requesting

.....

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(i) — licensed premises, or

(ii) — licensed premises of the same or similar description as the subject premises;

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —


In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature	
Date	19.12.2023

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing

From: shireen green <[REDACTED]>
Sent: 17 December 2023 14:57
To: Herkes, Gillian
Cc: Licensing
Subject: Objection to alcohol licence application

You don't often get email from shireen243@btinternet.com. [Learn why this is important](#)

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.

Dear Ms Herkes,

We live at [REDACTED] and wish to object to the application by David Wakefield, Tynninghame Country Store, Main Street, Tynninghame, EH42 1XL, for a licence to serve alcohol at the Tynninghame Smithy cafe. We object for the following reasons.

(1) Objective: Preventing public nuisance.

We live [REDACTED] one of the green spaces in Tynninghame called the Drying Green. This is used by customers at the cafe and people using Tynninghame Village Hall, especially in summer. This use does not cause us any significant inconvenience at its present level. However, we are concerned that the licence might encourage increased use of the Green, including during evenings and by people who have had too much to drink. We note that the cafe proprietor Mr Wakefield has assured village residents that the cafe opening hours will not be extended into the evenings, but we note that the application asks for approval to serve alcohol until 22:00, seven days a week, including for parties such as wedding celebrations. So the assurance and the application itself are contradictory in this respect.

We live close to Tynninghame Village Hall, which is managed by a charity, principally as a resource for the village community. The Hall is occasionally rented out for weddings and other celebrations which extend into the evenings. The Village Hall Committee has, very properly, consulted near-neighbours of the Hall about the noise, disturbance and parking inconvenience which are difficult to avoid entirely during such events. There is an agreement with neighbours to limit the number of these events to 8 per year so as to keep inconvenience within an acceptable level. The Hall is opposite the cafe on Main Street and the neighbours potentially affected by disturbance from events at the two venues overlap. We are among those potentially affected by both. If parties and other events are held during evenings at the cafe, we are concerned that the total number of such events per year at the cafe and the Hall combined should be kept within a limit similar to the present limit (8). If that happens, we fear that a reduction in the number of evening events at the Hall will affect the economic viability of maintaining the Village Hall as a community resource. The Hall is used for many free community events, but paid hires of the Hall play an important part in funding its upkeep. We again note Mr Wakefield's assurance about opening hours, but also again also note the conflicting aspects of the application itself.

(2) Objective: Securing public safety

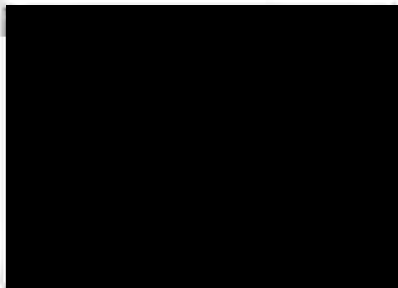
The premises are in an unlit village street. Granting a licence will increase traffic and parking. There are serious safety concerns in the village. Village community have previously requested a 20mph speed limit in the village. This has been refused by the council.

(3) Objective: Protecting children and young persons from harm

See objective above regarding traffic speed and road safety. In order for young persons to access playing fields they need to cross the Main Street. It is unlit and the speed limit is 30mph.

Yours sincerely,

Rhys Green & Shireen Green



Herkes, Gillian

From: Ian Staples [REDACTED]
Sent: 14 December 2023 12:09
To: Herkes, Gillian
Subject: Response from TVHCC regarding Tynninghame Country Store Licence Application

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.

FAO Gillian Herkes

Dear Gillian,

Further to the above licence application, Tynninghame Village Hall and Community Committee (TVHCC) would like to make a representation regarding this.

As you will be aware The TVHCC manages the Tynninghame Village Hall (TVH) on behalf of a charitable institution. The Village Hall is on Main Street, directly opposite the cafe for which the licence is being sought. The Village Hall is mainly a venue for community events, but is also rented for some events which extend into the evening such as parties and wedding celebrations. The committee recognises that these events cause some inconvenience to residents who live near the Hall and so has come to an informal agreement with them that TVH will be rented out for no more than eight such events per year. We note that the licence application from the cafe includes asking permission for an unspecified number of events at which alcohol could be served up to 22:00 on any day of the week.

The applicant, Dave Wakefield has assured us that he has no intention of opening beyond the cafe's current hours (9.30 - 16.30) and if this is the case then we see no cause for concern. If however, the cafe were to extend its hours and start to hold evening events this would put the TVHCC in a difficult position. The Committee might then feel itself to be under legitimate pressure to reduce the number of its own evening events per year and this might affect the economic viability of continuing to run TVH for the benefit of the local community.

We would therefore request that any licence granted is only for the cafe's existing opening hours.

Yours sincerely

Ian Staples (Chairperson)
on behalf of the Tynninghame Village Hall and Community Committee

Licensing

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.police.uk>
Sent: 09 January 2024 13:59
To: Licensing
Subject: RE: Folley Hotel, North Berwick - Review [OFFICIAL]

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

OFFICIAL

7

Good Afternoon Gillian,

We have had absolutely no contact from anyone at the Folly since the owner attended the board meeting in November so I've got nothing to update you with unfortunately.

Kind Regards,

Lee Wilson
PC 12294 / J973
East Lothian Liquor & Civic Licensing Officer
Police Scotland | Tranent Police Station, High Street, EH33 1LW
(Currently at Dalkeith Police Station – 07866219088)

Email : lee.wilson2@scotland.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland



POLICE
SCOTLAND
Keeping people safe
POILEAS ALBA

From: Licensing [mailto:licensing@eastlothian.gov.uk]
Sent: 09 January 2024 10:03
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.police.uk>
Subject: FW: Folley Hotel, North Berwick - Review

Hi Lee & Karen

Please see email below from Carlo, requesting an update on the above premises for the January Board. The papers need to go to Committee on Friday.

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House

Licensing

From: Licensing Standards Officer
Sent: 09 January 2024 12:25
To: Licensing
Subject: RE: Folley Hotel, North Berwick - Review

Good afternoon,

I have no further comment or information to present in relation to the Folly Hotel.

Kind regards,

Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

Licensing

From: Licensing
Sent: 09 January 2024 10:15
To: 'The Folly Hotel'
Subject: Suspension of Licence - The Folly Hotel, North Berwick - November 2023

Good Morning Mr Cotton

Hope you are well.

Further to your attendance at the East Lothian Licensing Board on 25th November, 2023, when the Board made the decision to suspended your licence and ask that you come back to the East Lothian Licensing Board in January 2024 with an update. The Clerk has asked for an update and also to let you know that you are requested to attend the Licensing Board on Thursday 25th January, 2024 at 10am. This again with be a virtual meeting and an Agenda and details of how to join will follow in due course.

Kind regards

Gillian

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



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

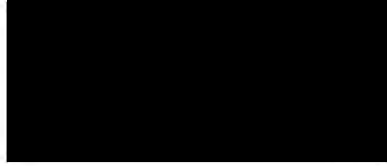
Your Reference:

Date: 24 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

8A

Dear Sir

**Licensing (Scotland) Act 2005
Personal Licence No EL1874**

I write to advise you that at the East Lothian Licensing Board Meeting held on 23rd November, 2023 regarding the review hearing, the Board agreed to continue the hearing until the January Licensing Board Meeting.

The meeting date is Thursday 25th January 2024. If you wish to attend can you please contact cmttelicboard@eastlothian.gov.uk to confirm your attendance and they will then send you the relevant details/links etc for this meeting.

If you wish to surrender your licence can you please contact licensing@eastlothian.gov.uk as soon as ever possible.

Yours faithfully

Carlo Grilli
Clerk to the Licensing Board

Direct Dial: 01620 827664

Email: licensing@eastlothian.gov.uk

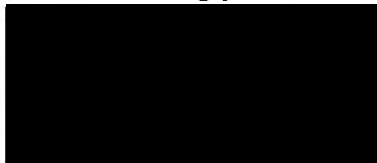
Our Reference: CG/gh/EN/L/PL
Your Reference:



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).

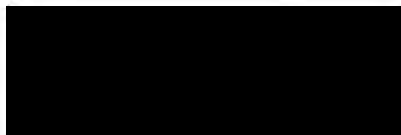
The decision is delegated to the Clerk of the Licensing Board, due to the time constraints stated in the legislation. You will be required to attend the Licensing Board Hearing which will take place at 10am on Thursday 23rd November 2023, where you will be given the opportunity to speak to your representation/objection. 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>.

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 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

eastlothian.gov.uk

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - PERSONAL LICENCE HOLDER DUTY
TO NOTIFY LICENSING BOARD OF CONVICTIONS
DAMIAN OKRAGLY, 14/04/1995**

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

Licensing

From: Licensing Standards Officer
Sent: 08 January 2024 08:57
To: Licensing
Cc: Grilli, Carlo
Subject: RE: Personal License Review - Mr Kokulabavan Jeyerasa, [REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

8B

Good morning,

In reference to the personal licence review for Mr Kokulabavan Jeyerasa I have no further information to submit to the Board. I refer the Board to my previous review application and additional reports submitted for the premises licence review hearing conducted on 21st December 2023.

Kind regards,

Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | [East Lothian Council](#)

From: Grilli, Carlo <cgrilli@eastlothian.gov.uk>
Sent: 04 January 2024 15:39
To: Licensing <licensing@eastlothian.gov.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>
Cc: Bruce, Lachlan <lbruce@eastlothian.gov.uk>; Cassini, Cher <ccassini@eastlothian.gov.uk>; Dugdale, Fiona <fdugdale@eastlothian.gov.uk>; Gilbert, Neil <ngilbert@eastlothian.gov.uk>; McGuire, George <gmcguire@eastlothian.gov.uk>; McMillan, John <jmcmillan@eastlothian.gov.uk>
Subject: Personal License Review - Mr Kokulabavan Jeyerasa, [REDACTED]

Following the decision by the board relating to the Review of Premises License for premises known as Nisa, Gifford I should be grateful if you would request on behalf of the licensing board report from the Licensing standards officer and Police Scotland providing up date on position following the outcome of review of Premises license on 22 Dec which requested a review of Personal Licence to come before the Board at our meeting in January.

Kind Regards

Carlo

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 7th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

**PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LoTHIAN, EH41 4QW**

FURTHER INFORMATION

On 1st December 2023, I returned missed call from Kokulabavan Jeyarasa. Mr Jeyerasa wished to tell me that he had trained "Ranjan" and told me to come and check his training record. He said if I wasn't happy he would sack him. I told him I did not agree or condone his management style and would not be responsible for him terminating employment for any of his employees. I explained it is his responsibility that staff are trained appropriately.

I asked if he had received my latest email asking for a delivery note and further detailing my concerns (see additional Document 7). He said that he had. I asked if he could provide a delivery note and he said he could not but that he would provide CCTV. I reminded him that on the visit with PC Wilson it was established that the CCTV was not recording to which he had no answer. He admitted that Dinesh who I had spoken to was poorly trained and he would go over things again with him.

I informed him again that a review application had been submitted to the board and the members would decide if it would be accepted and if a hearing would be held. He got angry and asked me could I "not just leave it". I told him that it was my job to report breaches to the board. He then became more agitated and told me that if he lost his licence it would be all my fault and he would lose all his money. I explained that it is the Licensing Board members that decide what action to take in relation to the premises licence not me. He asked me again if I could not do it and I said it was already done. I told him I would arrange to come to the premises next week to view the training record for Ranjan, a specific time and day was not arranged.

On 6th December 2023, PC Wilson and I attended at the premises where we found Sivapathham Suthkaran, premises manager, at the counter in the shop. I made introductions and explained we were in to check any new training records. We were directed into the back storeroom to speak with Ranjan. He gave me the training record in the name Selvarasa Jeevakaran that was now complete and had been signed by Kokulabavan Jeyerasa on 30th

November. I asked him various questions about his training which he was able to answer. The stock room was much tidier, and I could see that improvements had been made.

Alcohol had been replaced in one section of the display area with dog food. This was discussed with Mr Jeyerasa on the phone later who explained that it would be put back to being alcohol when he next visited. He was advised to have a copy of the layout plan on the premises as it was missing and check CCTV was recording.

Licensing Standards Officer

Licensing Standards Officer

From: Licensing Standards Officer
Sent: 30 November 2023 16:43
To: 'kokulabavan jeyarasa'
Subject: RE: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford

Dear Mr Jeyarasa,

Thank you for your response.

When I enquired with Rajan (Selvarasa Jeevakaran) as to why there was such a mess he informed me that the rubbish and disarray had been from the previous day and that he had not cleared it up or put away yet. There was no mention of a delivery that day by either staff members to explain the circumstances. If there was a delivery I expect staff would be able to tell me that the delivery had just come in. Instead they tried to hide the stock room and not permit me entry and gave no reason as to why the alcohol was on the floor. Yes it is normal to go to premises where deliveries have occurred and the staff are able to tell me this and have members of staff working to put it away.

Are you able to provide a copy of the delivery schedule/receipt dated for the 27th November 2023 that was signed by staff receiving it to provide some reassurance?

Your comments in relation to Dinesh seem to contradict each other. Initially you say he is "the new kid on the block" and "not familiar with the lie of the land" and then you comment that he is experienced. If he is aware that you are the boss then I would have expected him to call you or Mr Sivapatham. You indicate that he is not settled which again raises issues as to why he was left in sole charge.

Yes he has a training record that I saw was completed by yourself on 23rd November 2023, but he was barely able to answer any of my questions, he only managed to answer questions on age verification and the times alcohol is permitted to be sold for off sales. Giving simple answers such as 18 and 10am-10pm. When asked what ID he would accept he managed to say passport but could not give details about challenge 25. He could not give any of the licensing objectives, the recommended units of alcohol per week for an adult or the percentage ABV that requires a licence to be sold. He could not tell me how long his training session was or what it consisted of. He said he filled in the forms and they were signed. Given that the training occurred 4 days prior I would have expected the information to have been fresh in his mind. He does speak English and I am sure he is an educated individual, but he struggled to understand my questions and needed a lot of rewording and prompting to get the scant answers he provided.

I still have ongoing concerns in relation to the premises and the information has been reported to the Licensing Board in a review application for their consideration. Unfortunately I was unable to take your call this afternoon, however if there is anything further please reply to this email.

Regards,


Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

From: kokulabavan jeyarasa [REDACTED]
Sent: 28 November 2023 16:20
To: Licensing Standards Officer <lso@eastlothian.gov.uk>
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian' (LothianScotBordersLicensingEastMid@Scotland.police.uk) <LothianScotBordersLicensingEastMid@scotland.police.uk>
Subject: Re: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford

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.

With reference to your letter and the issuing of the Compliance Notice under Section 14 of the Licensing (Scotland) Act 2005 - on your visit of 27 November 2023 the shop had received a very large delivery and the alcohol was left until the end to be put away. Staff are aware of where alcohol needs to be sold from and I must apologise that they have not had time to put it away correctly resulting when you have arrived it has been lying on the floor.

In relation to Dinesh, he had only arrived at the shop the day prior to your visit and was not familiar with "the lie of the land" and once settled would have familiarised himself with where the licence was also training records. The term of calling Rajan "the boss" is because as he is "the new kid on the block" his terminology is different to ours and anyone who has been in place prior to his arrival they are seen as a boss to him. He is well aware that I am the boss.

You mention high turnover of staff this is not the case. In any retail establishment other members of staff are required to be trained and available in the event of covering sickness and days off.

On your visit you state that Dinesh was working on his own with little or no experience. This is not the case as he had been working in another shop shadowing experienced staff and was given training. He is a well educated individual and picked up what he had to do very quickly. Gifford shop do have training records - one is there for Dinesh who received the compulsory 2 hours training.

With regard to your comment on state of stock room - unfortunately due to the fact that there had been a delivery as you can imagine on any delivery day in any retail shop it will not be 100 percent tidy until all stock has been picked - checked - then put away and all rubbish dispersed. I wouldn't think Gifford is any different to any other shop!

However on the back end of your visit staff have been made aware of how the stock room has to be maintained albeit on delivery day it will take until end of shift until all is in order.

At present I reside in Dumfries and visit Gifford twice a week. In my absence Mr Sivapatham visits. We are both licence holders and do dual supervision of Gifford.

I trust that I have covered all your area of concerns and should you require anything further please do not hesitate to contact me.

Regards
Sent from my iPhone

On 27 Nov 2023, at 3:17 pm, Licensing Standards Officer <Iso@eastlothian.gov.uk> wrote:

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

Toady 10:50 hours, 27th November 2023 I visited the premises Nisa, Duns Road, Gifford.

Whilst at the premises, I identified a breach of one of the mandatory conditions on the premises licence. As such I am issuing you as premises licence holder the enclosed compliance notice under Section 14 of the Licensing (Scotland) Act 2005.

I note that there was another new member of staff, Kurukulasuriya Dinesh Ranindra Peries, who said he had only been working at the premises for 2 days. He was unable to produce the premises licence or any training records. He called "Rajan", Sevarasa Jeevakaran claiming he was the boss and asked him to come to the shop. On my last visit you told me that Sevarasa Jeevakaran was firstly a day off and then changed this saying he was not ready to work in the premises. If this was the case then why is it that other staff members are referring to him as the boss and calling him for help if you did not feel he was ready or trained enough to work in the shop? Why has there been such a high turnover of staff? In addition Mr Peries was unable to name who the premises manager is and appears that he has never met Suthakaran Sivapatham.

The visit today has concerned me again as to the management of the shop. This is the second time I have found a member of staff with little or no experience has been left alone in the premises. I checked Mr Peries training record but he seemed very unclear as to who had given him the training and that he had just signed the forms. Staff must be trained for the mandatory 2 hours on all the points required by the Licensing Scotland Act 2005. Mr Peries detailed that he had only been in the country for 1 month and only had a little experience working in a shop belonging to you in Dumfries.

I see that there was a partially completed training record for Sevarasa Jeevakaran which he also claims you did not complete with him as he was not ready, so again I ask why are you leaving this staff member in charge? The shop was in a very disorganised state and the back store room was full of rubbish and stock lying everywhere. Entrances and exits to the stockroom were blocked with trolleys and boxes and in my opinion there were a lot of safety hazards. It leads me to question where is the newly appointed premises manager Suthakaran Sivapatham, and why things are not being managed correctly?

As detailed on the notice, this is the second time that I have found alcohol available to customers on the floor out with the display areas on the layout plan.

Please can you confirm receipt of this email and the attached compliance notice.

Yours sincerely,

██████

██████████
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)
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<Section 14 Notice - Nisa - Alcohol display - 27112023.docx>

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 28th November 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LoTHIAN, EH41 4QW

I make application in terms of Section 36(4) on the grounds specified in Section 36(3)(a) of the Licensing (Scotland) Act 2005 to the East Lothian Licensing Board to review the Premises Licence in respect of the above premises.

I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

Premises Licence Review Application

Premises Licence No. EL0131

**Premises Licence Holder – Kokulabavan Jeyarasa
Nisa, Duns Road, Gifford, East Lothian, EH41 4QW**

On 8th November 2023 at 11:40 hours, I conducted visit to Nisa, Duns Road, Gifford to deliver a final reminder for the payment of the premises annual fee which was still outstanding after several attempts of communication. The shop was in the control of a staff member called Kunapalan Sujeerpan who was working alone. I asked him if I could speak to the premises manager. He could not formulate a reply. I asked him to produce the premises licence, training records and details to contact the premises manager. He could only speak a few words of English and it was clear that he was not able to understand me. He had no knowledge of any training or requirements under the Licensing (Scotland) Act 2005.

He called a male on his mobile who he referred to a Rajan and the number was stored as Rajan. He referred to him as "boss". I spoke with a male on the phone and identified myself. He told me he was the premises manager and licence holder Kokulabavan Jeyarasa and that he would come to the shop. I asked for him to bring ID, so that I could check it was him.

Whilst waiting I observed and noted that there were two boxes of beer/lager on the floor available to customers that were outside the display area on the layout plan.

When the male I spoke to on the phone arrived, I could see he did not match the picture of the premises licence holder that I had viewed on his personal licence. When questioned he said he was his cousin and that he was the boss and introduced himself as Rajan. I explained the reason for my visit in relation to the premises licence fee and asked to see the premises licence and training records. He claimed that the fee had been paid. He was able to produce the premises licence, operating plan but no layout plan. The summary only had one page on the wall, and he was informed this was not adequate. He informed me that Kokulabavan Jeyarasa (premises licence holder and premises manager) was on holiday and that he would not be back until 15th November. He provided the same email and mobile number as I already had and had been trying to communicate on previously in relation to the annual fee. Through conversation with him, the story as to where the premises licence holder was changed several times varying from, he had been away in Sri Lanka for some time, to he was on holiday at home and then he was back early and then he was in Dumfries, by the end he said that he was out of the country and would be back on 15th November.

I viewed 3 training records in the names:

Veeravanku Thilipeepan
Maram Sai Datta
Vimelenthirarasa Laxranani

None of the training records were signed or dated.

Even though he had said his name was Rajan, he then identified himself as Veeravanku Thilipeepan when I asked where his training record was. He pointed at the document and said that was him. I

asked for ID but he was unable to produce any despite being asked to bring it with him. This was the 3rd name he gave me.

I explained that staff cannot sell alcohol without completing the mandatory training. This is a breach of the licence and a criminal offence. I informed him that I had found an untrained member of staff in full control of the shop on his own with alcohol on display and available for sale. He seemed to have no idea that this was not allowed and that sales from untrained staff were an offence. I informed him that that member of staff could not be left on the premises unless they were with a trained member of staff and that no sales of alcohol were to be made by anyone without a training record. I also asked him to remove all the alcohol from the floor that was outside the display area. I explained that it was a breach of condition and that it should not happen again.

I informed him that I could not confirm his identity and if there was a valid training record for him other any other staff. I told him that as he was not premises licence holder or premises manager and as I could not identify who he was I would need to discuss the matters raised with the licence holder. I left the shop.

At 14:51 on 8th November, on return to the office, I served a Section 14 notice by email and post to licence holder address and premises address in relation to a breach of mandatory condition 6 - staff training (Document 1). I asked the licence holder to confirm receipt of this, however no response was received. I tried to call the licence holder on the number I was given at the premises however it would not connect.

I contacted PC Wilson to make him aware of the above circumstances. I made him aware that I had concerns in relation to the running of the premises, the lack of training of the staff and the immigration status of the individuals in the shop. I was unsure if they had the right to work as they could not produce identification and had very little English. They seemed evasive and concerned a council officer had come to the shop. The staff also could not confirm where they lived. I explained to him that the staff did not have valid training records and that I believed that the mandatory 2 hour training had not taken place.

On Tuesday 14th November 2023 at 12:20 I visited the premises with PC Wilson. On entering we found the male who had previously identified himself as Kunapalan Sujeerpan on the shop floor alone. I introduced myself again as did PC Wilson. He did not speak but pointed us through the rear storeroom towards the office. We were met by the male who I had also previously spoken with who had identified himself as Kokulabavan Jeyarasa, Veeravanku Thilipeepan and Rajan. We again introduced ourselves. I asked for the training records, and he went to the till to get the summary of premises licence. I explained again I wished to see the training records and he then went and got a red folder folder. Within the folder there were the training records that I had previously seen and an additional record for Jeevakaranar Selvarajah. None of the training records were signed and dated by Kokulabavan Jeyarasa who was named on the documents as the personal licence holder who had completed the training. All were in different handwriting. At this time Rajan pointed to the training record for Jeevakaranar Selvarajah and claimed that record was his.

PC Wilson then asked for his details which he gave (typed in by him into PC Wilson's device). He gave his name as Selvara Jeevakara, with an address in Edinburgh.

The address he provided does not exist. He did not provide a postcode for this to be further clarified. He was asked again if he had any form of ID to verify who he was, even a bank card or online banking

app in his name or an account on his mobile and he said no. He showed a facebook account that was in a different name again.

PC Wilson asked the second male who had previously identified himself as Kunapalan Sujeerpan for his details which he gave (typed into PC Wilson's device by him as could not speak them). He gave his name as Kunapalan Sujeerpan with an address in Glasgow.

[REDACTED]

Neither of the names given matched any of the training records. It was established that there were no valid training records in the premises for any member of staff present and there was no trace of the other staff named in the records. I seized the training records under Section 15(d) of the Licensing (Scotland) Act 2005 (Document 2). I wrote a receipt for the seizure which was left at the premises along with my business card (Document 3).

PC Wilson then spoke with who he believed to be the premises manager and licence holder on the phone. He confirmed his address and date of birth and referred to himself as Koby. He detailed that he had been in Sri Lanka for the last two weeks and had returned on the 13th November. He said that he lived in Dumfries and that he was the boss at the shop. PC Wilson questioned him as to how he was involved at the premises as premises manager if he lived in Dumfries. He said that he comes to the shop and works there on a regular basis.

PC Wilson explained to him on the phone that none of the staff had a valid training record and that all sales of alcohol should stop until this was remedied. This included removing all alcohol from display to prevent any offences. He made it very clear that any sale of alcohol by untrained staff would be a Section 1 offence under the Licensing (Scotland) Act 2005. He was asked to explain this to the staff at the premises as they were not understanding us and were refusing to remove and cover the alcohol.

Staff then very slowly and reluctantly started to remove the alcohol from the shop floor. PC Wilson and I left the premises and then returned 40 minutes later where half the alcohol had still not been removed. PC Wilson asked them to display a notice that alcohol could not be sold with the police badge on it.

On return to the office, I received a call from the premises licence holder Kokulabavan Jeyarasa at 15:14. He told me that he would get all staff trained and that would mean they could sell alcohol again. He confirmed that he had received my previous email with the section 14 notice attached but had not actioned anything. He confirmed that one staff member spoke no English and that his cousin Rajan ran the shop. When I asked him where he lived, he again confirmed that he stayed in Dumfries. I asked how he fulfilled his role as premises manager if he lived so far away and he told me that he travels to the shop 5 days a week. I asked if he would have CCTV footage to confirm his presence in the shop and he said yes, I will get it for you. I informed him that PC Wilson and I would need to

review the new training records, and verify staff identifies and that they were suitably knowledgeable before we would be satisfied that no offence was taking place.

He then demanded a visit at 8am the next day and was told that would not be possible. I questioned him as to how he would be able to train staff in such a short timescale to which he was unable to answer. I told him I would need to speak to PC Wilson to arrange a time and that I would be in contact by email in relation to the circumstances that had occurred, the requirements in relation to staff training and documents that we needed to see and a proposed appointment time. He said that was fine and he would wait on the email. I then made it very clear that a condition of the premises licence had been breached and the action detailed in the section 14 compliance had not been taken to my satisfaction. I explained it had been 5 days since the notice was issued which detailed the immediate action he must take, so I would be making an application to the licensing board for the review of the premises licence. He said that he understood.

He was thereafter sent an email (Document 4) detailing the circumstances and an appointment time on Thursday 16th at 10am. I asked for confirmation to be returned by email that he had received the information. I had no reply.

On Thursday 16th November 2023, PC Wilson and I attended for the prearranged appointment. We were met by and 3 other males that we had not seen before. There was no alcohol on the open shelves and all other displays were covered. The sign PC Wilson had requested was displayed had not been out up.

We proceeded to the back office to speak with Kokulabavan Jeyarasa. I confirmed with him that he understood English and what I was saying to him. I also confirmed with him that he understood the reason for our visit and that PC Wilson and I were concerned about his management of the premises and if he was taking his responsibilities as licence holder and premises manager seriously. He confirmed that he had received the section 14 notice that was issued on 8th November and that he understood the contents of it. He gave no reason why he had failed to act.

I asked about his involvement in the premises, and he said that he hadn't travelled to the premises for some time and that he had been in Sri Lanka. He was unable to provide any evidence of him working in the premises on a routine basis and could not provide CCTV of him on the premises as promised on the phone. He seemed very unfamiliar with the premises as to where things were as thought he did not work there at all.

Mr Jeyarasa then provided scanned copies of identification documents for the following staff:

- Laxmanana Vilelenthirarasa
- Thileepan Veeravaku
- Sivapathham Suthkaran
- Sivaprakash Boominathan

Present within the shop were Thileepan Veeravaku, Sivapathham Suthkaran, and Sivaprakash Boominathan. Laxmanana Vilelenthirarasa was not present.

It was established that Sivapathham Suthkaran held a personal licence issued by Fife Licensing Board and Thileepan Veeravaku also claimed to be a personal licence holder however, did not have a copy

of his personal licence. It is off note that on a previous visit the staff member known as Rajan who was unidentified and used several other names had claimed to be Thileepan Veeravaku and this was quite clearly a lie having seen the identification.

There were training packs of questions and an age verification policy for both Sivapathham Suthkaran and Sivaprakash Boominathan. However, no signed training records. Both claimed to have been trained within the last 48 hours.

PC Wilson and I spoke with both Sivapathham Suthkaran and Sivaprakash Boominathan individually to establish their knowledge on the Licensing (Scotland) Act 2005 to check that training had been given and they understood it. We were content that they could both answer the questions posed to them on topics they were required to be trained on.

Blank training records were provided to Mr Jeyarasa for him and the two staff members for completion, which they then did.

I advised that Thileepan Veeravaku must either have his personal licence with him on the premises or if he did not have a valid personal licence to have completed the 2 hours mandatory training and a training record to be kept on the premises before I was content that he was able to sell alcohol without breaching the condition of the premises licence.

There was no training record for Laxmanana Vilelenthirarasa and guidance was given that he would also need to be trained before selling alcohol. It was made very clear that at no time should an untrained member of staff either sell alcohol or be left on the premises by themselves where alcohol was on display or available to be sold.

PC Wilson and I asked questions of the staff members as to where they had come from. Answers given were from Leven, Kircaldy and Dumfries. When asked how they would be travelling to and from work with such large distances it was established that the plan was for them to stay at a house in Gifford owned by Laxmanana Vilelenthirarasa.

The staff staying at the house could not give the address and they had to ask Thileepan Veeravaku to give it. They seemed very unfamiliar with the area.

No documents or training records were provided for Kunapalan Sujeepan or Selvara Jeevakara (Rajan) who were the staff members in the shop on the first and second visit. We were informed that Kunapalan Sujeepan no longer worked at the premises and then this was later changed to a response detailing he needed more training before he would be back. We were told it was Selvara Jeevakara's (Rajan) day off and that he also needed more training before he would be working on the premises again.

Mr Jeyarasa informed me that he had appointed an agent (later established as Gordon Emslie) and that he was making an application to change the premises manager to Sivapathham Suthkaran. I spoke with Sivapathham Suthkaran. And he confirmed that he would be working on the premises on a regular basis as premises manager.

Mr Jeyrasa was informed that PC Wilson and I were satisfied that Sivapathham Suthkaran and Sivaprakash Boominathan were trained and as such could sell alcohol, however it was made clear at

this point in time we were only satisfied with the training/personal licence for these two staff and no others.

On leaving the premises and driving towards Haddington, PC Wilson and I saw Kunapalan Sujeevan just outside Gifford walking back into the town towards the premises.

On Monday 27th October 2023, at about 10:50 hours I visited the premises again along with a Licensing Administrative Officer. On entering the shop, I saw a male that I had not seen before. I introduced us both and asked who he was. He gave the name Dinesh Piries, later established as full name Kurukulasuriya Dinesh Ranindra Peries and he was able to show a residence permit. I noted that the card had only been issued on 18th September 2023. I asked how long he had been working at the shop and he said he had only been there 2 days. I asked for his training record and he panicked, told me he did not know about anything and that he would call the boss. I asked who he was calling, and he said "Rajan". He said he would call him and he would come down.

I commented that it was a long way to come from Dumfries to Gifford on a daily basis for a job and Mr Piries told me that he was staying in Gifford with Rajan and gave the same address in Gifford as the other staff did at the previous meeting. I said there must be a lot of people staying there, however he answered it was just him and Rajan.

Whilst waiting, I observed a total of approx. 15 boxes/packages of wine, cider, and beer on the floor outside the alcohol display shelves (see photos 1-3)

We waited approx. 10-15 minutes and Rajan arrived at the shop. He said he would go and get the training records for me and that he hadn't been selling alcohol. He did not want me to come into the back storeroom and office and was acting in a very strange manner. I followed him into the back store which I could see was in a very bad state of disorders with stock lying everywhere on trolleys and the floor, with only a small passage through it. The initial entrance was blocked by a trolley as was the fire door and there were piles of rubbish and cardboard that I had to step over and onto to get to the back office (photos 4-7). The office was very messy with documents and stock all over the desks. Rajan then gave me a scanned copy of a residence permit with his photo it identified him as:

Sevarasa Jeevakaran

This was the 5th name he had given. I noticed that the date of issue on the residence permit was 10th November 2023 therefore issued after my first meeting with him on 8th November 2023 where he claimed to be the boss.

I asked why his training record was incomplete and he said that it had not been done as Kokulabavan Jeyarasa did not think he was ready.

I was given a training record for Dinesh Piries. I then asked Mr Piries some basic questions on his training which he was only just able to answer. He was able to speak English but not fluently. He was unclear as to who had done his training and that he had just signed the forms.

Rajan then became very arrogant asking if we were happy now and we could leave. I informed him I would speak to the licence holder. I again told the staff to remove the alcohol from the floor. We left the premises.

At 15:15 on 27th November 2023, on return to the office, I served a Section 14 notice by email and post to licence holder address and premises address in relation to a breach of mandatory condition 13 - alcohol outwith display area (Document 5). I asked the licence holder to confirm receipt of this and gave details of the visit and my further concerns in relation to the disorder in the shop, leaving a staff member who had been there for only two days on his own, Rajan's continued involvement and the appearance that he is the boss given he is not trained and the absence of the newly appointed premises manager Sivapathham Suthkaran (Document 6).

I contacted the Scottish Fire and Rescue Service in relation to concerns about fire safety providing photos of the storeroom.

I have had no response from the licence holder from the last correspondence sent.

Summary of events

8th November 2023

- Visit to deliver final reminder for annual fees
- Untrained member of staff, Kunapalan Sujeerpan, who could not speak English found alone in the premises, claimed he had worked there 2 days
- He called his "boss" Rajan who I spoke with on the phone and he said he was Kokulabavan Jeyarasa, premises licence holder
- Rajan then says he is not Kokulabavan Jeyarasa and that he is his cousin. During the visit he gives his name as Rajan, Kokulabavan Jeyarasa and then Veeravanku Thilipeepan when going through the 3 training records on the premises. Training records were not signed or dated.
- Alcohol on display on the floor, verbal warning given to remove
- Staff were told that if they did not have a valid training record they could not sell alcohol and the shop was not to be left in the sole control of an untrained staff member
- Unable to make contact with premises licence holder Kokulabavan Jeyarasa as reported to be in Sri Lanka
- Section 14 notice served in relation to staff training by email and post to take place with immediate effect
- Police made aware of circumstances

14th November 2023

- Return visit with PC Wilson
- Within the shop were Kunapalan Sujeerpan and Rajan
- Training records viewed and addition of new training record in the name Jeevakaranar Selvarajah. None of the records were signed and dated
- Details taken from both men in the shop, Rajan provided a 4th name and an address that does not exist
- Kunapalan Sujeerpan struggled to provide details without prompts from Rajan
- Staff questioned about their ability to travel to the shop from large distances
- Neither could produce ID

- No training records matched the names given and were seized
- PC Wilson spoke with Kokulabavan Jeyerasa on the phone and requested alcohol be removed from the shelves and all sales cease
- Licence holder failed to take action detailed in Section 14 notice issued on 8th November

16th November 2023

- Prearrange visit conducted with PS Wilson
- Licence holder on premises with 3 other males
- Informed there had been a change of staff and Rajan and Kunapalan Sujeerpan would not be working at the premises until trained
- Training records checks and satisfactory for 2 staff
- Informed there was to be an application to appoint Sivapathham Suthkaran as premises manager (completed later)

27th October 2023

- Unannounced visit conduct with Licensing Officer
- New member of staff found in the shop alone
- Unable to assist and identify premises manager Sivapathham Suthkaran and so called Rajan
- Rajan attended and produced a training record for the new staff member
- Rajan produced a scanned copy of his residence permit
- Noted that the permit was issued after the first visit when he was at the premises
- Storeroom viewed in a very bad state of disorder
- Alcohol found again outside the display area and photographed
- Section 14 notice issued to licence holder by email and post
- Licence holder also emailed in relation to concerns

Conclusion

I have serious concerns in relation to the premises licence holder's ability and management of this premises. There has been a breach of a licence condition in relation to staff training and action was not taken to my satisfaction in relation to the Section 14 notice issued. A verbal warning about the alcohol being outside the display area was also not taken and acted on which has resulted in the issue of a further section 14 notice for breach of another condition.

The management appears to have been passed to Rajan, who the staff call boss and call on when they do not know what to do. Staff have very little experience working only a couple of days in the premises before being left in sole charge. It is of great concern that if Rajan is not suitably trained and not premises manager, then why has the premises licence holder left him in control. It is equally concerning that the member of staff spoken to on the last visit had no knowledge and could not identify the current premises manager Sivapathham Suthkaran. This leads me to question where is the new premises manager and does he have any involvement?

The premises has been left on several occasions in the sole control of inexperienced staff members one of which was not trained and claimed to have worked there for 2 days and the other having only worked at the premises 2 days. Multiple staff have been unable to identify themselves and residence permits have been produced with issue dates after they have been working in the shop. I am concerned that there is a wider picture in terms of potential offences.

My concerns following my visit on 27th October in relation to safety were passed to the Fire Service for investigation.

This review application is presented to you following a breach of a condition on the premises licence and the failure to take the remedial action detailed on a notice issued, it is however also open to the Board to consider the other grounds of review below in their decision making process:

36 (3) The grounds for review referred to in subsection (1) are—

(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,

(a) that one or more of the conditions to which the premises licence is subject has been breached, or

(b) any other ground relevant to one or more of the licensing objectives.

There appears to have been and continues to be a mismanagement of the premises. The premises licence holder has himself and allowed others whilst working in the licensed premises to act in a manner inconsistent with the licensing objectives especially preventing crime and disorder, protecting public safety and protecting children and young persons from harm. Untrained members of staff are not authorised to sell alcohol and as such not trained in safe sale, sale refusal, and age verification procedures. The premises licence holder has run this premises with no regard for the law or the responsibilities required by him under the Licensing (Scotland) Act 2005.

Under Section 84 Licensing (Scotland) Act 2005 in the course of a review hearing, where there is a finding that a personal licence holder who is or was working on the licensed premises, acted in a manner inconsistent with the licensing objectives, the Board must hold a hearing in relation to their personal licence.

I submit this review application information for the Board's consideration.

Licensing Standards Officer

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 13th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

**PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LoTHIAN, EH41 4QW**

FURTHER INFORMATION

On 13th December 2023, I was contacted by a Licensing Manager from Dumfries and Galloway Licensing Board. The officer detailed that there were two premises licences held by Kokulabavan Jeyarasa in the Dumfries and Galloway Licensing Board area and that he was a connected person for other premises in Fife. She detailed that information had come to their attention from police that Mr Jeyarasa had not been running the premises he had licences for well.

The Licensing Officer detailed that Kokulabavan Jeyarasa is currently named as the premises manager at Nisa, Calside Road, Dumfries and has been since he was appointed in 14th November 2019. Mr Jeyarasa is also the licence holder at this premises. A call was made to Mr Jeyarasa by the Licensing Manager on 13th December 2023. During this call Mr Jeyarasa confirmed that he remained premises manager at the premises in Dumfries and that there had been no change to this. The Licensing Manager thereafter sent this information to me by email (Document 7).

The Licensing (Scotland) Act 2005 allows for a person who holds a personal licence to be appointed on only one premises licence as premises manager at any one time.

Section 19 Premises manager

(1) In this Act, “premises manager”, in relation to any licensed premises in respect of which a premises licence has effect, means the individual for the time being specified as such in the premises licence.

In August 2021, an application to transfer the premises licence under Section 33 of the Act, to Kokulabavan Jeyarsa was received and subsequently granted on 12th October 2021. It is unknown when Mr Jeyarasa took control of the shop, however was responsible for the sale of alcohol and the premises licence from this date onwards.

I have spoken with Ms Carol Mackay, who was named as premises manager prior to the transfer under the control of Co-op. She has confirmed for me that when the business changed to Nisa, her employment was dealt with as a TUPE transfer to Kokulabavan Jeyarasa.

Ms Mackay ended her employment within 6 weeks of the change with her last day being 21st November 2021. No notification was made to East Lothian Licensing Board that the premises manager had left by Mr Jeyarasa.

On 14th February 2022, an application was made by Kokulabavan Jeyarasa to appoint himself as premises manager. At this time no objections were received, the application was processed and he was specified on the licence. East Lothian Licensing Board does not have the ability to check if a person is named on another premises licence.

It has been confirmed with Dumfries and Galloway Licensing Board, that Kokulabavan Jeyarasa in his capacity as premises licence holder, did not make the notification required under section 54 of the Act, that he had left the premises in Dumfries and he confirmed with the Licensing Board that he has remained in this position from 2019. This means that from 14th February 2022 he was specified as premises manager on two premises licences.

Section 19 (2) of the Act deals with this scenario as follows:

(2) An individual may not, at any one time, be the premises manager of more than one licensed premises; and, accordingly, if an individual who is the premises manager of licensed premises is subsequently specified in the premises licence of other licensed premises as the premises manager of those other premises, the subsequent specification is of no effect.

Therefore, Mr Jeyarasa made an incompetent application to East Lothian Licensing Board, and his appointment as premises manager on the premises licence at Nisa in Gifford had no effect and was not a valid appointment.

As a result, the premises has traded and made sales of alcohol from 22nd November 2021, when Ms Mackay left, until 17th November 2023 when the current premises manager Sivapatham Suthakaran was appointed, without a premises manager, a period of 2 years. This was a breach of the premises licence condition - *4(1) Alcohol is not to be sold on the premises at any time when— (a) there is no premises manager in respect of the premises.*

Selling alcohol in breach of a condition of the licence is an offence under Section 1 of the Licensing (Scotland) Act 2005. A person guilty of this offence is liable on summary conviction to a fine not exceeding £20,000, imprisonment for a term not exceeding 6 months or both.

This information has been reported to police for investigation and their determined action.

It is the premises licence holder's responsibility to inform the appropriate licensing board of the circumstances surrounding the premises licences and any changes. Mr Jeyarsa has completely failed in his responsibility to do this and made an incompetent application. He has displayed utter contempt for the Licensing (Scotland) Act 2005, and the regulated industry

that he works within. The premises has been completely mismanaged and run with no regard to the law. By doing this he has failed to uphold any of the licensing objectives.

I have now submitted several reports following my initial review application in relation to this premises as further issues have been investigated and come to light.

It appears that the premises has been and continues to be run by Selvarasa Jeevakaran (Rajan) and that Mr Jeyerasa has had little or no involvement in the premises and simply handed over responsibility. Selvarasa Jeevakaran (Rajan) is clearly not a fit individual to have been put in this position, even by Mr Jeyerasa's own admission, stating that he was not ready and needed more training. Other members of staff have repeatedly called him boss and phoned him for assistance. This is not because of any cultural understanding, where a staff member who was there before them is referred to as boss, it is simply because he has been, and continues to be in charge. I believe the reason Selvarasa Jeevakaran (Rajan) was deliberately evasive and provided false details on several occasions, is because at the time he did not possess a valid residents permit. The permit, he eventually showed a scanned copy of, was issued 10th November 2023, after the first visit was made to the premises.

When I met with Mr Jeyerasa on the premises on 16th November 2023, he was extremely unfamiliar with the premises, and it appeared he had not been there in sometime.

I believe, that the premises manager Sivapatham Suthkaran was appointed in a hurry to appease myself and the police. I have doubts that he will have any continued involvement in the premises, even he himself, has said that he lives in Kircaldy and travel is difficult. When PC Wilson and I observed him in the premises at our last visit on 6th December 2023 (2 ½ weeks following his appointment) he did not know where anything was, could not answer questions about the CCTV, and the repositioning of the dog food in the alcohol area. He continued to refer to Selvarasa Jeevakaran (Rajan) to answer for him. I believe he was in the shop on our visit but only because Mr Jeyerasa was aware we would be visiting that week. Selvarasa Jeevakaran (Rajan) has repeatedly told me that he is changing the shop to Premier, however this information had never been given to me by Mr Jeyerasa until I asked him directly on the phone, where it appeared he was seemed unaware of the change but then told me that it was happening. I contacted Nisa Head Office who confirmed that the premises was still under Nisa and that they had no notification that this was changing.

The new staff members that were trained for our visit on 16th November 2023, have not been found back in the premises by myself or to my knowledge by police. Since the first visit on 8th November 2023, only one staff member, Selvarasa Jeevakaran (Rajan), has remained from prior to November 2023 and all other staff have been replaced. This is a significant turn over in staff in a very short period, and the only reason given for this change in staff is that it was required for shifts and sickness.

Full timeline of events

- 14th November 2019 - Kokulabavan is appointed premise manager at Nisa, Calside Road, Dumfries
- 12th October 2021 – Transfer was made by Co-op and subsequently granted to transfer the premises licence at Nisa, Duns Road, Gifford to Kokulabavan Jeyarasa
- 12th October 2021 Ms Carol Mackay remained as premises manager named on the licence
- 21st November 2021 - Ms Carol Mackay ceased employment at Nisa, Duns Road, Gifford. No notification was given to the Licensing Board of this event under section 54 of the Act.
- 14th February 2022 – Kokulabavan Jeyarasa submits an application by way of minor variation to appoint himself as premises manager at Nisa, Duns Road, Gifford (gap of approx. 3 months)
- 8th November 2023 – visit to premises by LSO to deliver final warning letter for payment of annual fee, due by 1st October 2023. Untrained staff members found as well as alcohol out with the display area.
- 8th November 2023 – Section 14 compliance notice issued by LSO for breach of condition 6 – staff training, requiring immediate action.
- 14th November 2023 – return visit to premises by LSO and Police. Untrained staff found in the premises.
- 16th November 2023 – prearranged visit to premises by LSO and Police to view training records. All new staff within premises.
- 17th November 2023 – new premises manager Sivapatham Suthkaran added to premises licence.
- 27th November 2023 – return visit to premises by LSO, another new staff member found and training record requested, concerns over training identified. Alcohol found on the shop floor and stockroom in state of disorder.
- 27th November 2023 – section 14 notice issued for breach of condition 13 – alcohol outwith display area and concerns in relation to fire safety sent to Scottish Fire and Rescue Service.
- Kokulabavan emailed with concerns re staff training and condition of premises replied a few days later as per submitted emails.
- 1st December 2023 – phone call with Kokulabavan asking I return to the premises to check further training records and conversation about the poor state of the premises new staff members training. Informed review application had been submitted. Arrangement made that a visit would be conducted next week to view training records.
- 6th December 2023 – visit by LSO and Police and new training records viewed.
- 13th December 2023 – information received from Dumfries and Galloway Licensing Team Manager that Kokulabavan was a premises manager in a premises in Dumfries. Information reported to police.

Breaches of Licence Conditions and Offences

- Breach of condition 4 – premises manager
- Breach of condition 6 – staff training
- Breach of condition 13 – alcohol outwith display area

Selling alcohol when a breach of a condition has occurred is an offence under Section 1 of the Licensing (Scotland) Act 2005

Prohibition of unlicensed sale of alcohol

(1) Alcohol is not to be sold on any premises except under and in accordance with—
(a) a premises licence, or
(b) an occasional licence,

Conclusion

In light of the above further information, I ask the board to consider if the premises licence holder, Kokulabavan Jeyarasa, having regard to the licensing objective is a “fit and proper” person to hold a premises licence.

A licensing board can find, that one of the grounds for review has been established, even if that was not the ground referred to in the original review proposal.

The full circumstances that I have described, detail that this has not been a breach of a single condition, but multiple breaches of conditions and significant management failings by the premises licence holder Mr Jeyarasa, to the detriment of the licensing objectives.

Licensing Standards Officer

PREMISES LICENCE REVIEW – DOCUMENT AND PHOTO PACK

**PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LOTHIAN, EH41 4QW**

Contents

Document 1 – Section 14 Licensing (Scotland) Act Notice, issued 8th November 2023

Document 2 – Training Records Seized 14th November 2023

Document 3 – Receipt for seizure of training records 14th November 2023

**Document 4 – Email correspondence to Kokulabavan Jeyerasa following visit on 14th November 2023
including previous correspondence on 8th November 2023**

Document 5 – Section 14 Licensing (Scotland) Act Notice, issued 27th November 2023

Document 6 – Email correspondence to Kokulabavan Jeyerada following visit on 27th November 2023

Document 7 – Information from Dumfries and Galloway Licensing Boards, 13th December 2023

Photos

Shop floor 1-3

Storeroom 4-7

**LICENSING (SCOTLAND) ACT 2005
COMPLIANCE NOTICE UNDER SECTION 14**

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by [REDACTED] a Licensing Standards Officer for East Lothian.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to East Lothian Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Kokulabavan Jeyarasa, EL0131
Premises Name and Address:	Nisa, Duns Road, Gifford, East Lothian
Date & Time Notice Issued:	8 th November at 14:00
Premises Manager Details:	Kokulabavan Jeyarasa
Manner of service:	By Post and E-mail

Details of Breach of Condition and Remedy

*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.**

Condition(s)

6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person—

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

(2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.

Breach

On 8th November at 1140 hours the Licensing Standards Officer visited the premises and found an employee, Kunapalan Sujeevan as the only member of staff working in the shop. Alcohol was on display and available to purchase. Mr Surjeevan was unaware of any training requirement and

* if you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

confirmed that he has been selling alcohol. He had no understanding of the Licensing (Scotland) Act 2005.

Remedy

Alcohol can only be sold by staff (other than personal licence holder) who have completed the mandatory two hours training conducted by a personal licence holder or an accredited trainer and where a valid training record is held on the premises which is available for the Licensing standards Officer or Police to inspect.

At no time should an untrained member of staff make a sale of alcohol or be left in the shop alone where alcohol is on display and available for sale.

REQUIREMENT TO COMPLY

With Immediate Effect:	YES
(or) Comply By:	Date: Immediately

Licensing Standards Officer (Print Name & Signature)	Where served personally or left at premises Notice Received by (Print Name & Signature)
<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <p>.....</p> <div style="background-color: black; width: 150px; height: 25px;"></div>	<p>Name.....</p> <p>Signature.....</p>

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

LICENSING (SCOTLAND) ACT 2005 TRAINING OF STAFF - TRAINING RECORD

Name of member of staff - []

The Act Schedule 3

6, - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied With such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION TRAINEE

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: *KOKULABUWIN JEYARAJAN*]
Jeyakarani Selvarajah

TRAINER [REDACTED]

I [*Kokulabwin Jeyarase*] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff)(Scotland) Regulations 2007 on [Date(s)-]
[Signed:]

[Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No- *F I 4706*

Licensing Board- *fife Licensing Board*

There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

The name of any company by which the person is employed to provide training should also be given.]

[REDACTED] *20/1/22*

LICENSING (SCOTLAND) ACT 2005 TRAINING OF STAFF - TRAINING RECORD

Name of member of staff - [

]

The Act

Schedule 3

6. - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION TRAINEE

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: VEERAVAKU THILIPPEPAN

]

TRAINER

I [Kokulabavan Jayaraj] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff)(Scotland) Regulations 2007 on [Date(s)-

]

[Signed:

]

[Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No. FI 4706

Licensing Board- fife Licensing Board

[There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

[The name of any company by which the person is employed to provide training should also be given.]



20/1/22

**LICENSING (SCOTLAND) ACT 2005
TRAINING OF STAFF - TRAINING RECORD**

Name of member of staff - []

The Act

Schedule 3

6, - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

**DECLARATION
TRAINEE**

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: MARAM SAIDATTA]

TRAINER

Koikulubun Jayaras

I [~~MARAM SAIDATTA~~] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff)(Scotland) Regulations 2007 on [Date(s)-]

[Signed:]

[Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No. FI4707

Licensing Board- LIFE LICENSING BOARD

There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

The name of any company by which the person is employed to provide training should also be given.]

20/1/22

**LICENSING (SCOTLAND) ACT 2005
TRAINING OF STAFF - TRAINING RECORD**

Name of member of staff - [

The Act

Schedule 3

6, - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION

TRAINEE

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: Vimelenthirarasa. Laxmanan

TRAINER

(Kokulabavan Jeyarasa)

I confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff) (Scotland) Regulations 2007 on [Date(s)-
1.

[Signed:]

1 Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No: FI 4766

Licensing Board fife Licensing Board

There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

The name of any company by which the person is employed to provide training should also be given.

DOCUMENT 3

Document 3 - Receipt for seizure of training records 14th November 2023

To Premises Licence Holder
Kelutakaran Jeyarasa
Premises licence number FLO131
Nina
Dennis Road
Gifford
Visit on 14th November at 12:20
At this time 7 training records were seized
by licensing standards officer Karen Hartley
under 515 Licensing (Scotland) Act 2005.
Please take this as receipt of this seizure.
This was conducted in the presence of
PC Lee Wilson
[REDACTED] [REDACTED]

Licensing Standards Officer

From: Licensing Standards Officer
Sent: 14 November 2023 16:33
To: [REDACTED]
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian'
(LothianScotBordersLicensingEastMid@Scotland.police.uk)
Subject: RE: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford
Attachments: Section 14 Notice - Nisa - Staff Training - 08112023.docx

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

In follow up to my previous email on 8th November, I visited the premises EL0131, Nisa, Duns Road, Gifford today Tuesday 14th November at 12:20pm along with Police Officer Lee Wilson.

Within the shop there were two members of staff working. One member of staff, Kunapalan Sujeevan was on the shop floor. On my visit on 8th November it was established that he did not have a training record. Also with the shop was a male who identified himself as Selvara Jeevakara to my police colleague. He also uses the name Rajan. On my previous visit this male identified himself as Veeravaku Thilipeepan. Neither were able to provide any form of identification to verify who they are.

I found training records for the following on the premises:

Jeevakaranar Selvarajah
Veeravaku Thilipeepan
Maram Sai Datta
Viemelenthirarasa Laxranani

The two men working on the premises gave different names to those on the training records. None of the training records are signed or dated and so are incomplete and invalid. There are no valid training record for any member of staff on the premises.

Mr Kunapalan Sujeevan cannot speak English and did not understand anything myself or colleague said to him. Mr Selvara Jeevakara appears to be running the shop but had no knowledge about what the training should entail. He does speak English, however, I feel that he has not understood much of what myself and PC Wilson have said to him. He has also identified himself as Selvara Jeevakara, Rajan, and Veeravaku Thilipeepan and has not been able to provide any proof of his identity.

I have seized the training records found on the premises under Section 15 Licensing (Scotland) Act 2005 as I believed that mandatory conditions 6 on the premises licence has been breach and the section 14 compliance notice issued on 8th November has also not been complied with. A receipt detailing this was left at the premises.

I have serious concerns in relation the running of the shop and about you as premises licence holder and premises manager.

As a result PC Wilson requested the removal of all alcohol from display. No sale of alcohol should be made until:

- staff are trained by a personal licence holder or accredited trainer
- this training should be to the requirements of the Licensing (Scotland) Act 2005
- myself and police are satisfied that this training has been completed and the staff are suitably knowledgeable
- training records are on the premises to be reviewed by myself and Police

- each staff member can provide photographic identification to verify who they are

PC Wilson explained on the phone in my presence that any sales of alcohol made before the above is completed and verified will be a offence under Section 1 Licensing (Scotland) Act 2005.

As I believe there has been a breach of a mandatory condition and thereafter non-compliance with the Section 14 notice given, I will be making a review application for the premises licence in terms of Section 36 of the Licensing (Scotland) Act 2005 to the Licensing Board.

I have spoken with PC Lee Wilson and we are available to attend the premises at 10:00am on Thursday 16th November. Please confirm receipt of this email and that the proposed meeting time is suitable.

Yours sincerely,

[REDACTED]

Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

From: Licensing Standards Officer
Sent: 08 November 2023 14:51
To: [REDACTED]
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian' (LothianScotBordersLicensingEastMid@Scotland.police.uk) <LothianScotBordersLicensingEastMid@Scotland.police.uk>
Subject: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

At 11:40 hours, 8th November I visited the premises Nisa, Duns Road, Gifford. The purpose of my visit was to deliver a final reminder to pay the outstanding premises licence annual fee that was overdue and should have been paid by 1st October 2023.

Whilst at the premises, I identified a breach of one of the mandatory conditions on the premises licence. As such I am issuing you as premises licence holder the enclosed compliance notice under Section 14 of the Licensing (Scotland) Act 2005.

I have other concerns about the premises and how you are fulfilling your role as premises manager.

Please can you confirm receipt of this email and the attached compliance notice. Please contact me as soon as possible to discuss.

Yours sincerely,

██████

██████████
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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**LICENSING (SCOTLAND) ACT 2005
COMPLIANCE NOTICE UNDER SECTION 14**

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by [REDACTED] a Licensing Standards Officer for East Lothian.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to East Lothian Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Kokulabavan Jeyarasa, EL0131, [REDACTED], [REDACTED]
Premises Name and Address:	Nisa, Duns Road, Gifford, East Lothia, EH41 4QW
Date & Time Notice Issued:	Emailed 27/11/2023 approx 1515 hours
Premises Manager Details:	Suthakaran Sivapatham
Manner of service:	Email to premises licence holder and posted to premises

Details of Breach of Condition and Remedy

*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.**

Condition(s)

13(1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following–

- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
- (b) a single area of the premises which is inaccessible to the public.

Breach

On 8th November at 1140 hours the Licensing Standards Officer visited the premises and found an employee, Kunapalan Sujeevan as the only member of staff working in the shop. Alcohol was on display and available to purchase. Two boxes of beer/larger were found on the floor outside the display area and capacity of the layout plan. Guidance was given to staff for alcohol to only be displayed and within the shelving areas that are marked on the layout plan.

On 27th November 2023 at 10:50 the Licensing Standards Officer visited the premises and found employee Kurukulasuriya Dinesh Ranindra Peries as the only member of staff working in the shop. Alcohol was on display and available to purchase. Two boxes of beer/larger were found on the floor outside the display area and capacity of the layout plan. 15 boxes of wine, packages of beer and cider were found on the floor in front of the alcohol display area that is marked on the layout plan.

* if you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

Remedy

Alcohol can only be displayed within the areas marked on the layout plan and within the capacity limit detailed on the operating plan.

At no time should alcohol be displayed or left outside these areas and on the floor.

REQUIREMENT TO COMPLY

With Immediate Effect:

YES

(or) Comply By:

Date: Immediately

**Licensing Standards Officer
(Print Name & Signature)**

**Where served personally or left at premises
Notice Received by
(Print Name & Signature)**


.....


Name.....
Signature.....

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

Licensing Standards Officer

From: Licensing Standards Officer
Sent: 27 November 2023 15:18
To: [REDACTED]
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian'
(LothianScotBordersLicensingEastMid@Scotland.police.uk)
Subject: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford
Attachments: Section 14 Notice - Nisa - Alcohol display - 27112023.docx

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

Toady 10:50 hours, 27th November 2023 I visited the premises Nisa, Duns Road, Gifford.

Whilst at the premises, I identified a breach of one of the mandatory conditions on the premises licence. As such I am issuing you as premises licence holder the enclosed compliance notice under Section 14 of the Licensing (Scotland) Act 2005.

I note that there was another new member of staff, Kurukulasuriya Dinesh Ranindra Peries, who said he had only been working at the premises for 2 days. He was unable to produce the premises licence or any training records. He called "Rajan", Sevarasa Jeevakaran claiming he was the boss and asked him to come to the shop. On my last visit you told me that Sevarasa Jeevakaran was firstly a day off and then changed this saying he was not ready to work in the premises. If this was the case then why is it that other staff members are referring to him as the boss and calling him for help if you did not feel he was ready or trained enough to work in the shop? Why has there been such a high turnover of staff? In addition Mr Peries was unable to name who the premises manager is and appears that he has never met Suthakaran Sivapatham.

The visit today has concerned me again as to the management of the shop. This is the second time I have found a member of staff with little or no experience has been left alone in the premises. I checked Mr Peries training record but he seemed very unclear as to who had given him the training and that he had just signed the forms. Staff must be trained for the mandatory 2 hours on all the points required by the Licensing Scotland Act 2005. Mr Peries detailed that he had only been in the country for 1 month and only had a little experience working in a shop belonging to you in Dumfries.

I see that there was a partially completed training record for Sevarasa Jeevakaran which he also claims you did not complete with him as he was not ready, so again I ask why are you leaving this staff member in charge? The shop was in a very disorganised state and the back store room was full of rubbish and stock lying everywhere. Entrances and exits to the stockroom were blocked with trolleys and boxes and in my opinion there were a lot of safety hazards. It leads me to question where is the newly appointed premises manager Suthakaran Sivapatham, and why things are not being managed correctly?

As detailed on the notice, this is the second time that I have found alcohol available to customers on the floor out with the display areas on the layout plan.

Please can you confirm receipt of this email and the attached compliance notice.

Yours sincerely,

[REDACTED]

[REDACTED]

Licensing Standards Officer

East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | East Lothian Council

Certified Carbon Literate



Licensing Standards Officer

From: [REDACTED]
Sent: 13 December 2023 16:52
To: Licensing Standards Officer
Cc: [REDACTED]
Subject: Kokulabavan Jeyarasa

You don't often get email from sharon.davidson@dumgal.gov.uk. [Learn why this is important](#)

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OFFICIAL

Good afternoon [REDACTED]

Further to our earlier conversation, I can confirm that Kokulabavan Jeyarasa is the current Premises Licence Holder and Designated Premises Manager for the premises Nisa, Calside Road, Dumfries.

Mr Jeyarasa became the DPM on 14/11/2019 and has remained the DPM since that date. We have not received any Section 54 notification to confirm that he has ceased to hold that role. During a conversation with Mr Jeyarasa this morning (13 December 2023) he confirmed that he still remains the DPM at those premises.

If you require any further information, please do not hesitate to contact me.

Kind regards
[REDACTED]

[REDACTED]

[REDACTED]

My working pattern is Monday to Thursday all day and Friday morning.

Licensing, Dumfries and Galloway Council
Kirkbank House, English Street, Dumfries DG1 2HS

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OFFICIAL

Photo 1

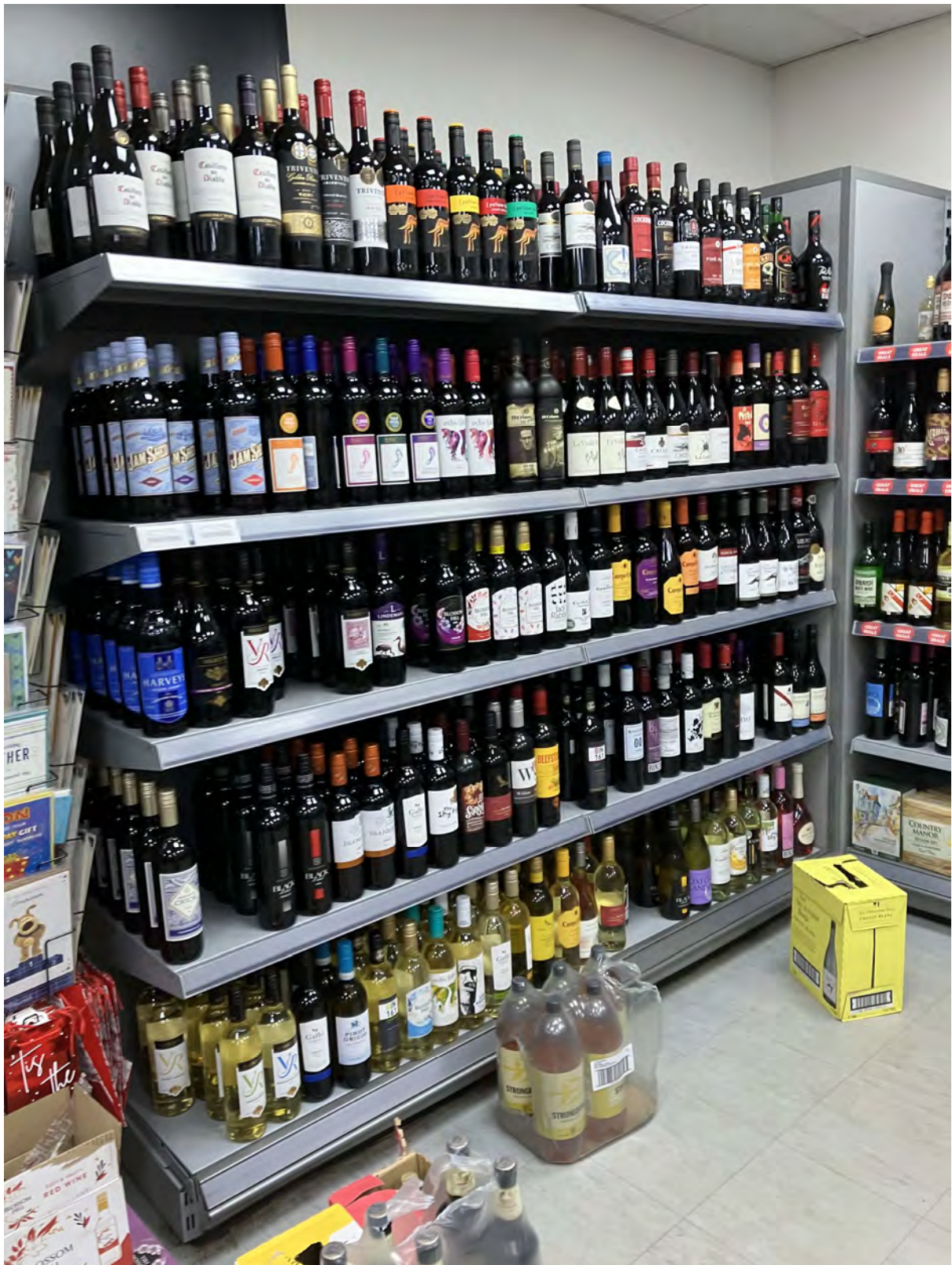


Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Licensing

From: Wilson, Lee-2 <Lee.Wilson2@scotland.police.uk>
Sent: 12 December 2023 10:39
To: Licensing
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford [OFFICIAL]
Attachments: Premises Licence Review.docx

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

OFFICIAL

Good Morning,

I have been asked to provide comments to the Board in relation to the above premises licence review submitted by the East Lothian LSO. My contact and observations are outlined in the attached word document.

If you require anything further please get in touch.

Kind Regards,

Lee Wilson
PC 12294 / J973
East Lothian Liquor & Civic Licensing Officer
Police Scotland | Tranent Police Station, High Street, EH33 1LW
(Currently at Dalkeith Police Station – 07866219088)

Email : lee.wilson2@scotland.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland



From: Licensing [mailto:licensing@eastlothian.gov.uk]
Sent: 01 December 2023 12:45
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023.**

Kind regards,

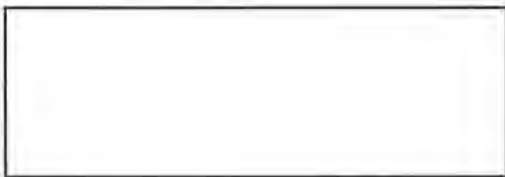
Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

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

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Premises Licence Review - Nisa, Duns Road, Gifford, East Lothian, EH41 4QW

On the afternoon of the 8th of November 2023 I was contacted by the LSO to inform me that she had visited Nisa, Duns Road, Gifford, to deliver a final reminder to pay fees due to the council and while doing so she had observed some issues that were concerning to her. These included, concerns in relation to the running of the premises, the lack of training of the staff and the immigration status of the individuals in the shop. We agreed to attend the store together at a later date.

On the 14th of November 2023 the LSO and I attended at Nisa and were greeted by two males who later provided their details to me to be Selvarara Jeevakara (aka Rajan) and Kunapalan Sujeepan.

Rajan presented the stores training folder to us when requested however it was clear that all of the records were incomplete, as none were signed or dated by the trainer, and some were in different handwriting.

[REDACTED]

[REDACTED]

[REDACTED]

Rajan put me in telephone contact with Kokulabavan Jeyarasa, (aka Koby) the premises licence holder. He explained to me he had been on holiday in Sri Lanka the last two weeks and that normally he goes back and forth to the store from his home address in Dumfries (I later carried out enquiries and found he has 3 other convenience stores, 2 of which are in Dumfries and found it more likely he attended those stores and not this one). I explained to him my concerns as described above and informed him that as neither I nor the LSO were satisfied a trained member of staff was in the store alcohol sales should cease immediately and that alcohol should be removed or covered up where possible as a sale would be a

OFFICIAL

Section 1 offence under the Licensing (Scotland) Act 2005. He agreed to this and the staff, very slowly and reluctantly, carried this out.

On the 16th of November 2023 the LSO and I attended at the store in a prearranged meeting with Koby. All alcohol was still off the shelves or covered up as instructed. Koby provided some up to date documents as well as paperwork pertaining to age verification training. There appeared to be confusion between age verification training documents and specific alcohol licencing training documents but the LSO was able to provide him with the correct paperwork which he completed.

The LSO and I spoke with three males new to the shop, Thileepan Veeravaku, Sivapathham Suthkaran and Sivaprakash Boominathan. Sivapatham and Sivaprakash were spoken to individually to establish their knowledge on the Licensing (Scotland) Act to check that training had been given and they understood it. We were content that they could both answer the questions posed to them. Both males stated they lived a considerable distance away but were planning to move here to an address in Gifford to help Koby run the shop.

Neither Rajan nor Kunapalan Sujeevan whom I met on my first visit to the store were present and neither had training records or documentation. Koby informed us that both males required further training before they would be allowed back in to the shop to work. Koby informed the LSO and I that Sivapathham Suthkaran was going to be appointed the designated premises manager and he would take control of the store.

After this meeting the LSO and I were satisfied that the current store staff were trained to the required standard and were happy for the premises to recommence the sale of alcohol.

On the 27th of November 2023 I was contacted by the LSO who made me aware she had visited the store again and found another new member of staff within and several boxes of alcohol lying on the shop floor. She informed me Rajan attended to assist with her enquiries and at that time produced a scanned copy of his residence permit with the name 'Selvarasa Jeevakaran' which was a slightly different spelling to the one he had provided me upon our first meeting and was issued on the 10th of November 2023, after their first meeting at the shop. She also commented that the stock room was in a state of disarray and as a result felt the need to contact the fire service to carry out a visit to the store.

On the 6th of December 2023 the LSO and I attended at Nisa to carry out a further spot check. At this time the front of the store was in good order and the storeroom, while quite full, appeared reasonably organised. Rajan was within the store, produced his training record and was able to satisfactorily answer some basic licencing questions put to him by the LSO.

I have observed several issues and question some inconsistencies which raise concerns regarding the running of the premises:

- Who is currently in charge of the store?

Mr Jeyarasa is the licence holder and was still the DPM upon our first visit. I am of the opinion however he is unlikely to visit the store on a regular basis given how far away he lives and that has left control of the running to another member of staff, most likely Mr. Jeevakaran.

- Why was staff training not complete?

Document maintenance was poor, and there was very little in the way of training records on site. The records that were held were not signed nor were they dated. Staff in place upon my initial visit appeared inexperienced and were clearly not trained to any level in regard to licencing legislation.

[REDACTED]

- Risks in relation to safety of staff and customers due to poor housekeeping standards in both the front and back of house.

While some of the issues highlighted above appear to have now been remedied I do have some concerns over the future running of the premises, question whether new staff were temporarily put in place to pacify myself and the LSO, and their ability to effectively uphold the licensing objectives, especially surrounding protecting public safety and protecting children and young persons from harm.

Licensing

From: Robertson, Scott
Sent: 08 December 2023 08:13
To: Licensing
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Hello,

I can confirm that there is currently an ongoing enforcement case with regard to the premises. This is in relation to signage that has been displayed at the shop for which no planning permission or advertisement consent has been granted for.

All other relevant planning permission has been sought and granted for the premises.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 December 2023 12:45
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023**.

Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

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

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Alison

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

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Licensing

From: Cramer, Torquil <torquil.cramer@firescotland.gov.uk>
Sent: 12 December 2023 12:36
To: Licensing
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

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Good Afternoon,

SFRS have visited the store on the 28th November and have no concerns regarding their fire safety measures within the premises. The fire alarm system and emergency lighting are sufficient for the premises and risk but I am still awaiting to hear from the owner regarding the testing and maintenance of the systems.

After discussion with [REDACTED] regarding suspicions of staff sleeping within the premises, I saw no evidence within the premises but at the rear of the property within the courtyard, there is a shed with an electrical supply that the staff could not/were not willing to open. I indicated to [REDACTED] that this should be highlighted and investigated further.

Regards

Torquil

Torquil Cramer GFireE | Watch Commander | Fire Safety Enforcement Officer
Prevention & Protection | MELB | Haddington Community Fire Station
47- 49 Court Street | Haddington | EH41 3AE
Mobile: 07989 220751
Email: torquil.cramer@firescotland.gov.uk



Safety. Teamwork. Respect. Innovation.

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Friday, December 1, 2023 12:45 PM
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Cramer, Torquil <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

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Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Licensing

From: Douglas, Andrew
Sent: 07 December 2023 12:18
To: Licensing
Subject: FW: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford
Attachments: Premises Licence Review - Document and Photo Pack - Premises Licence No. EL0131.pdf; LSO Review Premises Licence - Nisa - 28112023.docx

Good Afternoon,

We do not have anything to input to this with regards to this Licensing review.

I would advise you that the new Food Business Owner (FBO) has not registered with Environmental Health. Therefore, we have now sent this business a Food Premises Registration form in order that they can complete it and return it to this office.

The premises is scheduled to be inspected in the near future.

Kind Regards

Andrew Douglas

Environmental Health Manager – Business Compliance
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA
Tel: 01620 827455 Fax: 01620 827918 Email adouglas@eastlothian.gov.uk



REHIS
Chartered Environmental Health Officers
2023

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 01 December 2023 13:41
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 December 2023 12:45
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

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Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

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

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Covid sense**



www.nhs.uk/coronavirus



Licensing

From: Trading Standards
Sent: 06 December 2023 15:42
To: Licensing; Lothian and Borders Police
(lothianscotborderslicensingeastmid@scotland.pnn.police.uk); Fire
(torquil.cramer@firescotland.gov.uk); Environment Reception; Environmental
Health/Trading Standards
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Good afternoon

Trading Standards have no comments to make on the licence review at this time.

Thanks
Alex

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 December 2023 12:45
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk)
<torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental
Health/Trading Standards <ehs@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023**.

Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

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

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

NHS Coronavirus Information

Our Reference: CG/gh/EN/L/EL003

Date: 6th December 2023

Private & Confidential

Kokulabavan Jeyarasa
Nisa
Duns Road
Gifford
EH41 4QW

Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(a) & (b)
NOTIFICATION OF PREMISE REVIEW HEARING
KOKULABAVAN JEYARASA, NISA, DUNS ROAD, GIFFORD, EH41 4QW**

The Licensing Board has received a request from the Licensing Standard Officer for a review of the **Premises Licence** noted above. The Licensing Board, has resolved to hold a review hearing, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, on the grounds one or more of the conditions to which the premises licence is subject to has been breached. The condition detailed in Mandatory Condition 6 – Training of Staff.

The Review Hearing will be heard at the next meeting of the Licensing Board to be held virtually, by Remote Connect at 10.00am on **Thursday 21st December, 2023**

You are entitled to attend the Hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the Hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to this office in advance of the Hearing.

The Licensing Board has asked Police Scotland, Fire Scotland, Environmental Health, Trading Standards, Planning to prepare a report into this matter for their consideration at the Hearing.

A copy of the report along with the board details and agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk

Our Reference: CG/gh/EN/L/EL003

Date: 6th December 2023

Private & Confidential

Kokulabavan Jeyarasa


Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(a) & (b)
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Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

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E-mail : licensing@eastlothian.gov.uk