

EAST LoTHIAN

Meeting 27 October 2016 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 LONGNIDDRY INN LONGNIDDRY INN MAIN STREET LONGNIDDRY EAST LoTHIAN EH32 0NF	PUNCH PARTNERSHIP LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	7 September 2016	Amend On & Off Sales on Sunday from 12.30pm to 11.00am Amend terminal hour on a Thursday from 11pm to 1am Allow bar meals outwith core hours. Add outdoor drinking area during core hours Premises may open prior to core licensed hours for the provision of teas, coffees, breakfasts etc. No alcohol will be sold outwith core hours.
2 THE CRAIG HOUSE CARBERRY ROAD INVERESK EDINBURGH EH21 8PT	WHITBREAD GROUP PLC. C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	21 July 2016	Variation to operating plan to increase residential capacity from 180 to 246. Vary serving breakfast from 7am to 6.30am. Amendment to layout plan to extend premier inn by 22 bedrooms. Decrease the outside drinking area to allow for extension.

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 14 Oct. 16

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – October 2016

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in order and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

Longniddry Inn, Main Street, Longniddry, East Lothian EH32 0NF

R. Fruzynski
Licensing Standards Officer

Date 15th September 2016

Your Ref: EL0185

Our Ref: J/LIC/3705/HB

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



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
LONGNIDDRY INN, MAIN STREET, LONGNIDDRY
PUNCH PARTNERSHIP LIMITED**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an amendment to the operating plan and layout plan, to allow 'on sales' from 11am on Sunday, allow a terminal hour of 1am on Thursday, allow 'off sales' from 11am on Sunday, allow bar meals out with core hours, add outdoor drinking as an activity during core hours, add wording in relation to the provision of teas, coffees, breakfasts etc to be sold out with core hours. Amended layout plan highlighting the external drinking area.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

I would request that any use of the outside area terminate at 2200 hours, due to the close proximity of neighbouring residential properties.

Any increase in licensed area/hours are out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

Winter, Maree

From: [REDACTED]
Sent: 18 September 2016 10:31
To: Licensing
Subject: your ref : KMacN/mjw/EN/L/L1 Longniddry Inn application for variation

Kirstie

,
Regarding the above referenced letter from you dated 13th September.

I live directly opposite the Longniddry Inn and have genuine concerns about extending the terminal hour from 11pm on a thursday to 1am on a Friday.

My main concern is that this extension is a vehicle to accommodate functions in the premises. As it stands, when there is a function, the music is so loud that I have to close all windows and even with that I can still name you every song that is being played. My kids bedroom faces onto Main street and I really don't fancy them (and me) being subjected to such disruption on a school/work day. I am fairly tolerant of it as it stands (although I have challenged them a couple of times about noise going on past 11pm)

My other concern is that this may be "testing the water" and if they get the license for a thursday night, they will at some point go for the same on a Friday and Saturday.

If this license includes the right to play music in the function room til 1am, I have very strong objections.

Even if that were not the case, as far as I am aware there is nothing in the nearby vicinity open this late and I can only imagine the scenes if this were to be the go to place for late night drinking.

I know my objection is mainly based on my own self interest but I believe before i moved here 6 years ago, the Inn used to have a bar open late and there was regular trouble hence it being run as the business it is now.

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Thanks

Mike Wyzgowski



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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0185

2(b) Name and Address of Premises

Longniddry Inn
 Main Street
 Longniddry

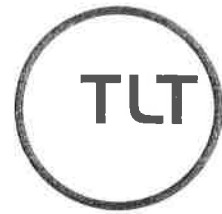
Post Code	EH32 0NF	Phone No.	
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2(c) Full Name and Address of Current Licence Holder

Punch Partnership Limited
 Jubilee House
 Second Avenue
 Burton on Trent

Post Code	DE14 2WF	Phone No.	
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SECTION 3: NATURE OF VARIATION



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

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

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

N/A

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

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

Q2 – Allow on sales from 11am on Sunday
Q2 – Allow a terminal hour of 1am on Thursday
Q3 – Allow off sales from 11am on Sunday
Q5 – Allow bar meals outwith core hours
Q5 – Add outdoor drinking as an activity during core hours
Q5 – Add the following wording – Premises may open prior to core licensed hours for the provision of teas, coffees, breakfasts etc. No alcohol will be sold outwith core hours.

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.

Addition of external drinking area.

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)

N/A



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

Does the appropriate Premises Licence accompany this application?

YES **NO**

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

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

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

SECTION 5: FEE PAYABLE

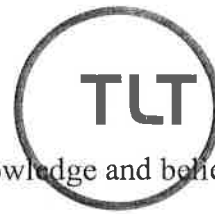
The fee payable in respect of the application for variation is **£150**

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

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

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

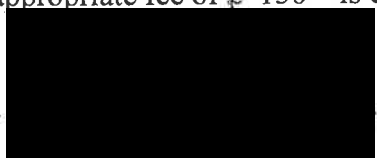
DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT



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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ 150 is enclosed.

Signature



..... (See note 5 below)

Date 06.09.16

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

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

Stephen J. McGowan
Partner - Head of Licensing (Scotland)
TLT LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
stephen.mcgowan@tltsolicitors.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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<i>*Delete as appropriate</i>	

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	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	11PM

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
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**If YES – provide details*

From a week before Christmas Day through to January 4th, outlet wishes to continue to operate until 2am daily for the sale of alcohol for consumption on the premises, in line with dates determined by East Lothian Licensing Board.

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

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

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

Premises may open prior to core licensed hours for the provision of teas, coffees, breakfasts etc. No alcohol will be sold outwith core hours.

Conference facilities may be provided from 9am onwards, but no alcohol will be served outwith core hours.

All other facilities may be provided during the hours sought in question 4 above.

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.

Karaoke

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 and young persons will only be allowed access if accompanied by an adult.

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

0 to 17 years.

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

11 am to 8pm
Where a private function is being held, children and young persons will be permitted to remain on the premises until the terminal hour.

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

Function room, dining area & toilets & routes to access them.

Question 7

CAPACITY OF PREMISES

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

On sales – 548

Question 8

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

Personal details

8(a) Name

Alan Russell

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01.09.09	Midlothian Council	MID0270

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 ...06.09.16.....

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

Telephone number and email address of signatory

*** Data Protection Act 1998**

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

Stephen J. McGowan
Partner - Head of Licensing (Scotland)
TLT LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
stephen.mcgowan@tltsolicitors.com