## **EAST LOTHIAN**

Meeting 24 August 2017 at 10:00am in , Council Chambers, Town House, 56 HIgh Street, Haddington, East Lothian

# Licensing (Scotland) Act 2005

	Date Received	
	Applicant	
Provisional(s)	Premises	

Comments

NB DISTILLERY LIMITED	NB DISTILLERY LIMITED	1 June 2017
HALFLAND BARNS		
NORTH BERWICK		
EH39 5PW		
STATION YARD MICROPUB	GERARD ANTHONY MCPHILLIPS	7 July 2017
STATION ROAD		
DUNBAR		
EH42 11X		

EL0347

## EAST LOTHIAN LICENSING BOARD

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

\*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

Quest	tion 1	
	a, address and postcode of premises to be licensed.	
[		l
NB D	DISTILLERY LIMITED	
HALE	FLAND BARNS	
NORT	TH BERWICK	
   EH39	9 5PW	
Questi	ion 2	
Particu	ulars of applicant	
2(a)	Where applicant is an individual, provide full name, date and place of birth, and home a including postcode and telephone number.	address
N/A		

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

N/A		
2(c)	Where applicant is a company, please provide name, registered office and company regist number.	tration
NB DI	STILLERY LIMITED	
	ANDREW STREET	
	H BERWICK	
EH39 4		
COMP	ANY REGISTRATION NUMBER: SC444183	
2(d)	Where the applicant is a club or other body, please provide full name, and postal address or other body.	of club
N/A		
	**************************************	

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.\*

VIVIENNE MUIR				
DIRECTOR				
		9		
STEPHEN MUIR				
DIRECTOR				
				e:
* Connected person is defined in section	147(3) of the Li	censing (Scot	land) Act 2005	<u>.</u>
Question 3				
revious applications				

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?  $\cancel{ES/NO}*$ 

**Question 4** 

3

Previous convictions

If YES – provide full details

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	Y <del>E</del> S/NO*

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 position applicable)	& (if	Date of conviction or sentence	Court	Offence	Penalty
57				7.	9
3-					

## **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)

<sup>\*</sup>If YES - provide full details

<sup>(1)</sup> 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.

NB Distillery has been trading since 2013 New premises are being built that are a  $18 \text{ m} \times 13 \text{ m}$  steel shed. 2 floors will be in the premises. One part of the distillery will be the production area and the other part will be a visitors centre - See Reception on Ground Floor and Tasting area on attached plan.

The distillery will be selling tickets for tours. As part of the tour the visitor will be given samples of each of the products (Gin, Navy Gin, Vodka, White Rum and Spiced Rum). This will be part of the ticket price. In addition, the visitor will be able to purchase additional drinks from a bar menu (served from a drinks trolley) and will also be able to purchase any of the products in 70 cl and 20 cl sizes. Canapes will be served as part of the tour. Please note however, the distillery is not open any time to members of the public to purchase alcohol for consumption on or off the premises. Purchase of alcohol is only permitted as part of a tour or other private booking. The bar and shop are therefore not "open " to the public at any time but only for pre-booked groupings.

Up to 4 times a month, the distillery will offer private dining experiences in the lab room (shown as office on the main plan). This will be for groups of 10 at a time. An external chef will bring food to the premises largely already prepared and ready to serve.

At present the distillery also has no licence to sell direct to consumers both at the distillery and online. This licence is therefore also required to allow the distillery to carry out these types of sales.

Consumption on the premises - The distillery will open for tours from 11 am and evening tours will be completed and alcohol will not be served or sold after 10 pm.

Flexibility in terms of the future use of the premises is also required. For example, the distillery may in the future be offered as a venue for meetings and conferences. This will be for adults only and within the terms of this application.

Consumption off the premises- the distillery requires also to sell on line. Despatches for online products can be from 10 am 6 days a week. Visitors at tours will also have an option to purchase products for consumption off the premises and this will be from 11 am to 10 pm in the evening to align with the tour times but the licence is required from 10 am to fit in with courier despatch times which can be variable but from 10 am.

### Question 6

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?	
* Delete as appropriate	

## 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 Application are true to the best of my knowledge and belief.

Signature * (see note below	w)
Date 27.04.17	
Capacity DIRECTOR APPLICANT/A	GENT (delete as appropriate)
Telephone number and email address of signatory	
employer.	
	$\circ$

Operating plan	<del>Veriliane es e</del> en es el librar	
Layout plan		V
Planning certificate		V
Building standards certificate		
Food hygiene certificate	71	100

## \* 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.

## EAST LOTHIAN LICENSING BOARD

## **OPERATING PLAN**

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

Name, address and postcode of premises to be licensed.

NB DISTILLERY LIMITED
HALFLAND BARNS
NORTH BERWICK
EH39 5PW

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

## Question 2

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

Day	ON Consumption		
	Opening time	Terminal hour	
Monday	11AM	10 PM	
Tuesday	11 AM	10 PM	
Wednesday	11 AM	10 PM	
Thursday	11 AM	10 PM	
Friday	11AM	10 PM	

Saturday	11 AM	10 PM
Sunday	II AM <del>CLOSED</del>	LO PM CEOSED

## Question 3

STATEMENT OF  $\mathit{CORE}$  TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION  $\mathit{OFF}$  PREMISES

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	10 AM	10 PM	
Tuesday	10 AM	10 PM	
Wednesday	10 AM	10 PM	
Thursday	10 AM	10 PM	
Friday	10 AM	10 PM	
Saturday	10 AM	10 PM	
Sunday	CLOSED-	CLOSED-	

## Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES/NO*

*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	COL. 2	COL. 3	COL. 4
5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm	Where activities are also to be provided outwith core licensed hours please confirm
51	8	YES/NO	YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	YES ONLY	YES	we yes
Restaurant facilities	YES DINING	NO	NO YES
Bar meals	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
Receptions including Weddings, funerals, birthdays, retirements etc.	YES -AOULTS	YES	med Yes
Club or other group meetings etc.	YES -ADULTS ONLY	YES	ppo Yes
5(c) Activity Entertainment	Please confirm  YES/NO	To be provided during core licensed hours – please confirm	Where activities are also to be provided outwith core licensed hours please confirm
including:		YES/NO	YES/NO
Recorded music – see 5(g)	YES	YES	₩ YES
Live performances – see 5(g)	YES	YES	HO YES
Dance facilities	NO		
Theatre	NO		
Films	NO		
Gaming	NO		

<sup>#</sup> EXTERNAL CHEF WILL LARGELY BRING MEALS TO THE
PREMISES - TOURS ONLY - NOT AN OPEN RESTAURANT OR BAR

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

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

CONFERENCE FACILITYS, RESTAURANT, RECEPTIONS AT, LUB GROUP

MEETINGS + RELORDED MUSIC MAY BE HELD OUT NIM CORE MOUNS

FOR BREAKFASTS, COFFEES, DZ, NO ALCHOL WILL BE SOLD BEFORE

11 AM.

5(f) any other o	activities			
lf you propose further informa	to provide any activation in the box below.	vities other than those listed	d in 5(a) – (e) please pr	rovide details
100000				
/A				
	**			

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

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
	-
*Delete as appropriate	

## Question 6 (On-sales only)

## CHILDREN AND YOUNG PERSONS

*Delete as appropriate  Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry	YES/NO
Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry	
rovide statement regarding the AGES of children or young persons to be llowed entry	
vovide statement regarding the TIMES during which children and young rsons will be allowed entry	
	ovide statement regarding the TIMES during which children and young

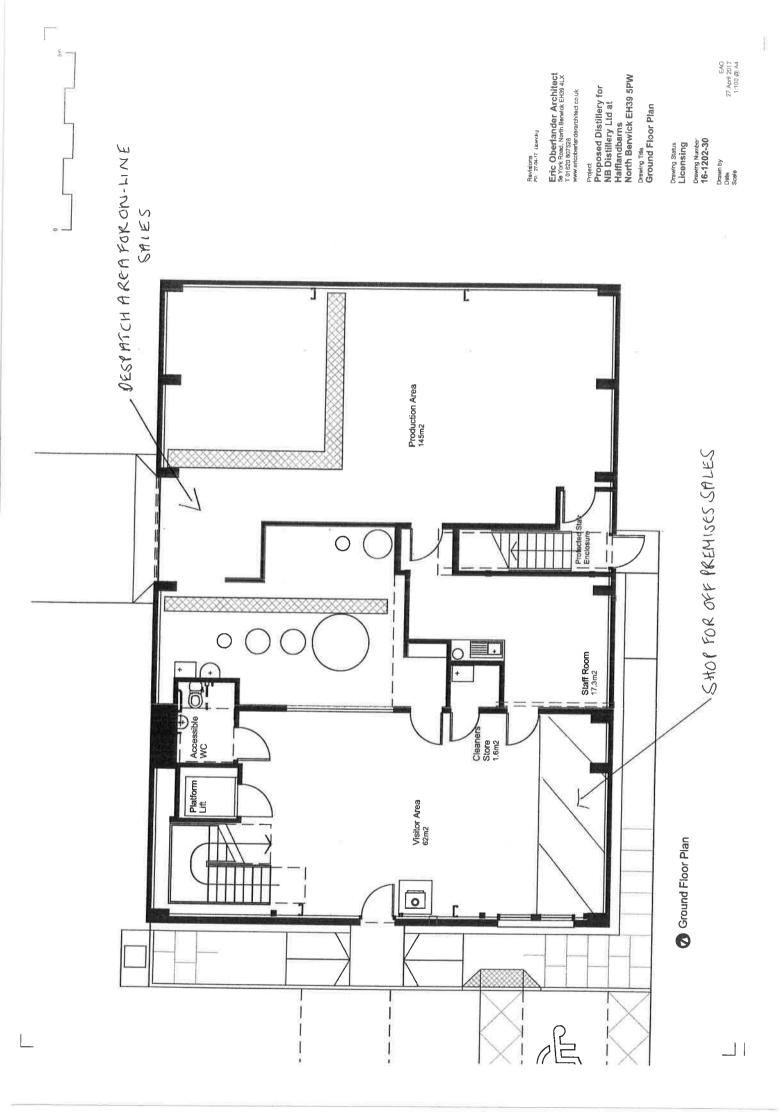
6(e) Pi	rovide statement regar	ding the <b>PARTS</b> of the pr	emises to which child	ren and	
	oung persons will be al				
	9	à		ŧ	
			<u>                                     </u>		
Question '	7				
CAPACIT.	Y OF PREMISES				
Vhat is the	e proposed capacity of	the premises to which th	is application relates?	,	
71.	1				
ne premis	ses have a maximum c	apacity of 50 persons.	- 18 <u></u>		
Question 8	B NIA				
REMISES cence)	•	: not required where ap	oplication is for grai	nt of provisional	premi.
ersonal de	etails				
(a) Na	те				

8(b)

Date of birth

	105 =	
8(c) Contact address		
8(d) Email address and telep	hone number	i k
8(e) Personal licence		8
Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
DECLARATION BY APPLIC	ANT OR AGENT ON BEHALE	F OF APPLICANT
If signing on behalf of the appli	cant please state in what capaci	ty.
The contents of this operating pla	an are true to the best of my know	ledge and belief.
Signature  Date 28417	* (see note below)	
	A Delicate and a second	
Capacity UKECTOK	APPLICANT/ <del>AGEN</del>	T (delete as appropriate).

<sup>\*</sup> Data Protection Act 1998



KEY M CONSUMPTION OF ALCOHOL ON PREMISES

Protected Stair Enclosure Офсе ] 17.2m2 First Floor Plan

Revisions Po: 27-04-17 Ubarning

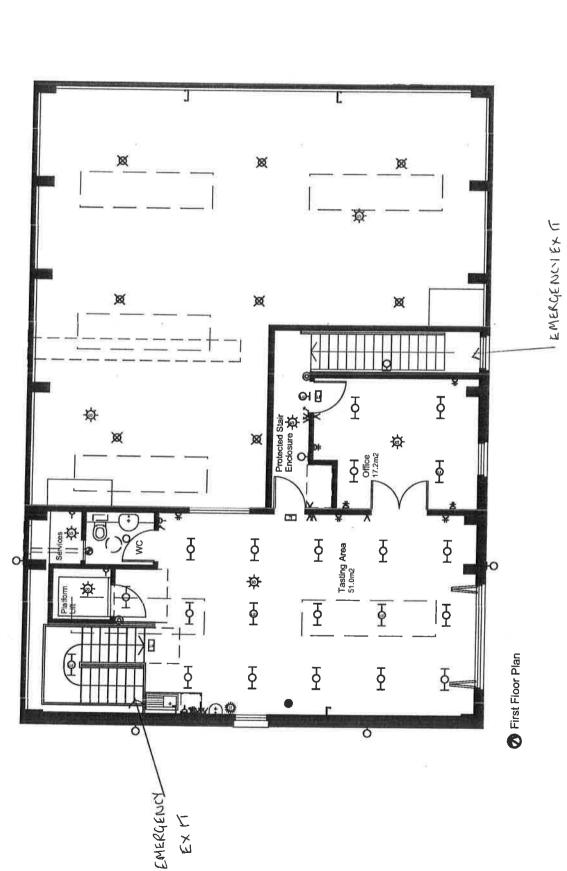
Eric Oberlander Architect Se York Roun North Berwick EH39 4LX T 01620 807526 www.ancoberlanderarchitect.co.uk Project
Proposed Distillery for
NB Distillery Ltd at
Hafflandbarns
North Berwick EH39 5PW
Drawtrg Title
First Floor Plan

Drawing Status Licensing Drawing Number 16-1202-31

Drawm by Date

BAR/DISPLAY/ORINNS TROLLEY

EAO 27 April 2017 1:100 @ Ail



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Revisions Po 27-04-17 Learning

Eric Oberlander Architect Se York Road. North Bermork EH38 4LX T 01620 807328 www.eficoberlanderarchitect.co.uk

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Project

Proposed Distillery for
NB Distillery Ltd at
Haffandbarns

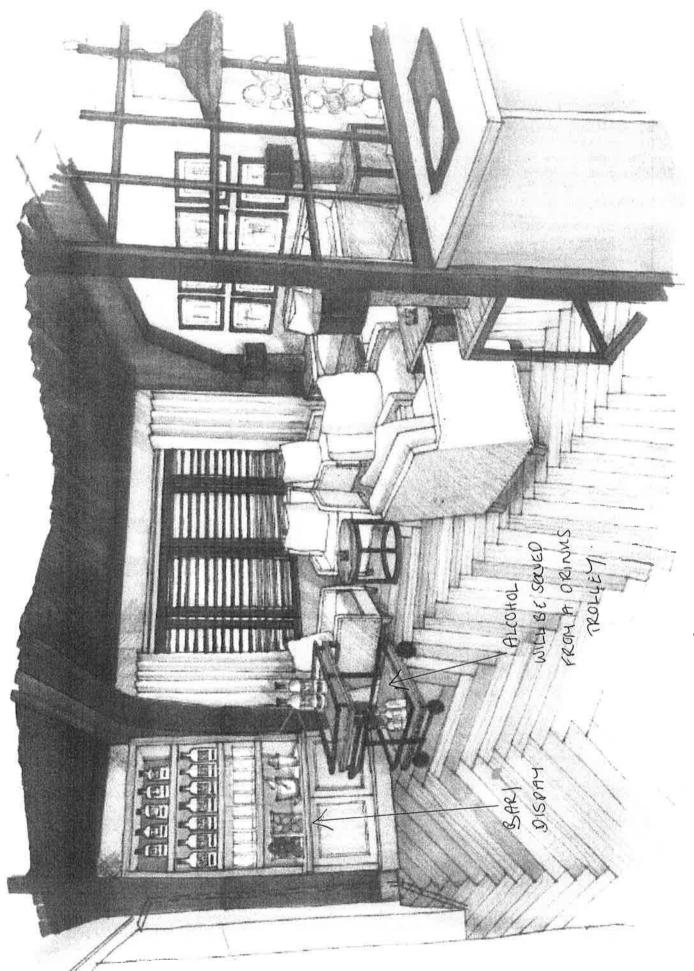
North Berwick EH39 5PW

Drewing Title First Floor Plan

Drawing Status Licensing Drawing Number 16-1202-31

Drawn by Date Scale

27 April 2017 1:100 @ A4

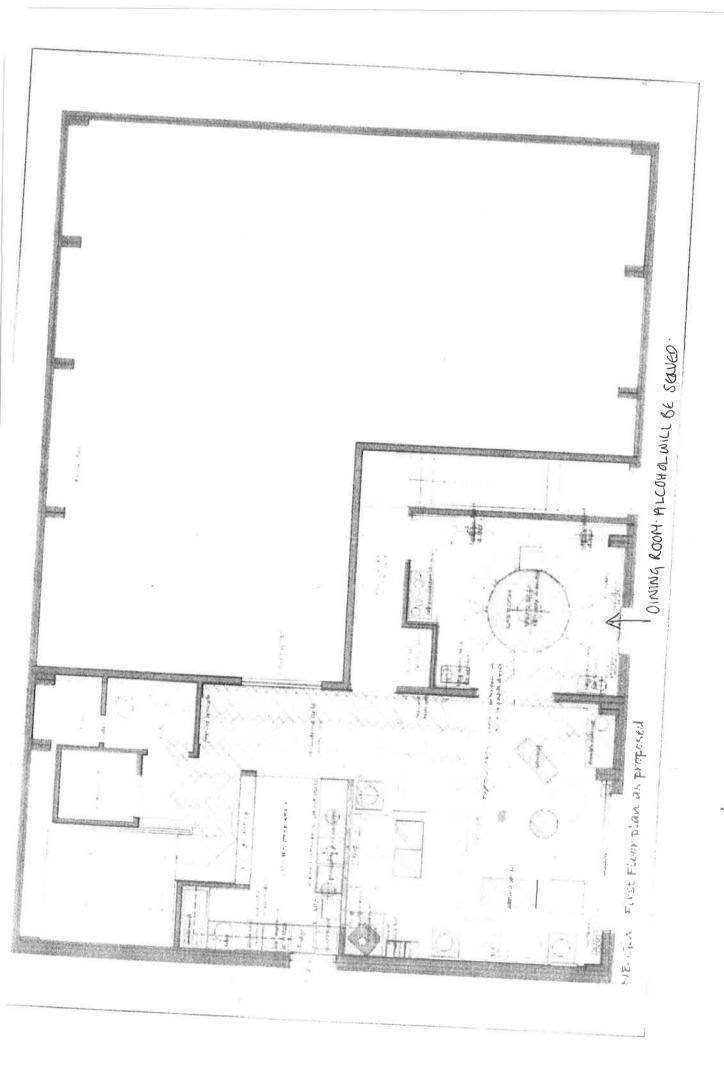


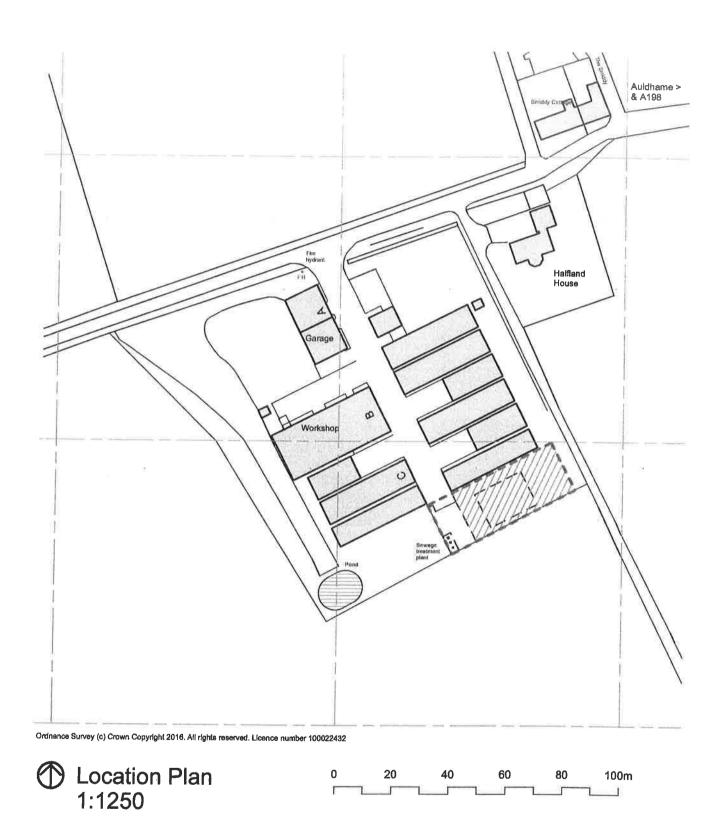
FIRST FLOOR VISUAL -WHERE ALCOHOLWILL BE CONSUMED ONTHE

FRONT BACK CITCHEN ET STORPYEUF ALLOHOL FOR SINCE | DISPURT SHOP COUNTER BACK CABINET

GROUND FLOOR VISUAL LOCATION OF SITOP WHERE ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF THE PREMISES.

FRONT CABINET WRAPPING MATERIALS





Site at Halflandbarns, North Berwick EH39 5PW

16-1202-01B

## SUPPLEMENTARY STATEMENT APPLICATION FOR PROVISIONAL PREMISES LICENCE NB DISTILERY, HALFLAND BARNS, NORTH BERWICK, EH39 5PW

The following information outlines compliance with the licensing objectives set out in the Licensing (Scotland) Act 2005:

## 1. Preventing crime and disorder

## 2. Securing Public Safety

The nature of the customers that visit the distillery is in the context of controlled tours. No members of the public can enter the premises without pre booking and therefore numbers will be limited to groups of 10 or 12. It is not a standard bar as such and whilst options will be available to purchase additional alcohol, this will not be on a significant basis given the tours are restricted to around 2 hours.

This is turn means that levels of alcohol will be controlled, thereby minimising any potential knock on effects of any crime and disorder, thus securing public safety.

Whilst the application has been drafted in broad terms to allow for other functions, again given the size of the public area where public functions are permitted, groups will be limited in number.

## 3. Preventing Public Nuisance

In addition to the matters above, given the fact that the premises are a distillery no smoking is allowed either on the premises or outside the premises. No groups will therefore be outside. Tours will likely end around 9 pm. Given the number is limited and they will likely arrive by mini bus, there will be minimal risk of noise nuisance.

## 4. Protecting and Improving Public Health

The nature of the distillery is such that it is not a walk in bar and therefore in the context of overprovision of licensed premises, the application cannot be compared on a like for like basis with other licensed premises.

In relation to on-lines sales, this is to provide a mechanism to provide customers who cannot access products in their local area an opportunity to purchase the products. Whilst there is an increase in the availability of alcohol online generally from a public health perspective, this online mechanism is not the primary business of the distillery and this should be taken into account in reviewing the protection of

public health objective. The distillery sells through distributors and direct retail customers and this is the main sales route.

Online sales will be controlled by the following:

- 1. Purchasers will have to confirm that they are the correct legal age to purchase alcohol.
- 2. Purchasers will be advised that there are strict controls by the delivery carrier that may necessitate production of ID. These controls are outlined in section 5 below.

The primary purpose therefore of the licence from an off sales perspective is to enable visitors to the distillery to buy products at the end of the tour.

Given the premium nature of the products and quality, the company actively promotes responsible drinking. Key messages to consumers are to drink responsibly and to drink less but quality products.

## 5. Protecting Children from Harm

There are a number of measures in place to ensure compliance with this objective:

- 1. No children are allowed in the distillery for a tour or any other function.
- 2. Strict controls are in place in relation to on-line sales. This can be summarised as follows:
  - ➤ NB Distillery only engages a specialist drinks carrier. The purpose of selecting such a specialist is two-fold:
    - o To ensure the drinks are handled with care;
    - o To ensure that the carrier employees are specially trained in ensuring no alcohol is delivered to persons under 18 years of age.
  - The specialist drinks carrier used is APC. The policy of APC is as follows:
    - Staff will ask for ID for any persons thought to be under the age of
       This will be in the form of a passport or driving licence.
    - Staff are trained prior to being allowed to deliver alcohol. Challenge 25 is part of the training provided to staff.
    - o The importance of compliance with this approach is contained in the APC Code of Conduct and therefore breach by any employee is deemed to be a disciplinary matter.
    - o If employees are unsure in any way whether the liquid they are carrying is alcohol, employees always assume it is alcohol and the Challenge 25 and respective policy approach applies.

## Lothian NHS Board

Public Health & Health Policy Waverley Gate 2-4 Waterloo Place Edinburgh EH1 3EG Telephone 0131 536 9000 Fax 0131 536 9088



www.nhslothian.scot.nhs.uk

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

Date 20<sup>th</sup> July 2017 Your Ref EO/JS/fb

Enquiries to Jim Sherval
Extension 35436
Direct Line 0131 465 5436
Email: jim.sherval@nhslothian.scot.nhs.uk

Dear Ms Winter ·

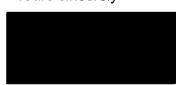
## APPLICATION FOR PROVISIONAL PREMISES LICENSE - NB DISTILLERY LTD, HALFLAND BARNS, NORTH BERWICK

On behalf of NHS Lothian we would like to make a representation concerning the online sales aspect of this application.

NHS Lothian is increasingly concerned about the availability of alcohol via online sales. In particular, there are concerns nationally about the impact of online sales to children and young people, due to effective implementation of age verification and the appropriate training of delivery staff. In addition online sales increase the ease and hours when it is possible to purchase alcohol.

We understand that the products available to be purchased online will only be the applicants own products. The Health Board would like to request that a condition is placed on this license to that effect, in order to control the potential for increases in the availability of alcohol via online sales in an area that has already been declared as overprovided.

Yours sincerely



Jim Sherval FFPH
Consultant in Public Health



Elizabeth Oldcorn Senior Specialist in Health Promotion



Headquarters Waverley Gate, 2-4 Waterloo Place, Edinburgh EH1 3EG Date 19th July 2017

Your Ref:

Our Ref:

J/LIC/3705/HB

The Clerk of the Licensing Board East Lothian Council John Muir House Haddington East Lothian EH41 3HA Policensing
Policensing
Policensing
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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 - APPLICATION FOR THE GRANT OF A PROVISIONAL PREMISES LICENCE NB DISTILLERY LIMITED HALFLANDBARNS, NORTH BERWICK, EAST LOTHIAN, EH39 5PW. NB DISTILLERY LIMITED

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.

Whilst the police have no objection to the grant of this licence, it is pertinent to point out that it is 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 licence would outweigh the presumption against grant in terms of the overprovision statement.

## Yours faithfully



Philip Gormley QPM Chief Constable



Licensing John Muir House Haddington East Lothian EH41 3HA

For enquiries please contact the Licensing Department on 01620 826 A 01620 827827

Email:licensing@eastlothian.gov.uk

## EAST LOTHIAN COUNCIL

## LICENSING, ADMINISTRATION and DEMOCRATIC SERVICES

From: Rudi Fruzynski

**Licensing Standards Officer** 

To: K. MacNeill

Clerk to the Licensing Board

Date:

24 July 2017

Subject: LICENSING SCOTLAND ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

NB Distillery Limited, Halfland Barns, North Berwick, East Lothian EH39 5PW

I refer to the above subject and can confirm that the applicants and premises have been visited in relation to application for a Provisional Premises Licence.

I make the following observations in relation to this application:

- There is no objection to the proposed business plan in relation to the sale and supply of alcohol.
- The proposal to include deliveries is supported provided that delivery drivers comply with Challenge 25 procedures and the rules contained in Section 119 of the Licensing (Scotland) Act 2005. No delivery should be left at any address where no one is in to accept it.

R. Fruzynski Licensing Standards Officer

### Winter, Maree

From:

Sent:

05 July 2017 11:21

To:

Winter, Maree

Subject:

RE: provisional premise licence - NB Distillery Limited - Halfland Barns, North Berwick

## Dear Maree

This provisional premises licence application was discussed at last night's Community Council meeting. The Community Council is happy to support the application and has no objection to make.

Regards



From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]

**Sent:** 04 July 2017 14:52

**To:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona; Sherval, Jim; Oldcorn, Elizabeth;

Subject: provisional premise licence - NB Distillery Limited - Halfland Barns, North Berwick

Importance: High

Dear all

Please find attached a provisional premise licence application from NB Distillery Limited. Could I please have any representations/objections by Friday 28<sup>th</sup> July 2017.

Regards Maree

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington

mwinter@eastlothian.gov.uk 01620 827867

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## **EAST LOTHIAN COUNCIL**

## Internal Memorandum

From:

Planning Delivery

To:

Clerk to the Licensing

Board

Per:

Neil Millar

Per: Licensing Board

Cc:

Date: 1<sup>st</sup> June 2017

## **LICENSING (SCOTLAND) ACT 2005**

Re: Consultation response

Address: NB Distillery Ltd, Halflandbarns, North Berwick

Application type: Provisional Premises Licence

I have no objections to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.