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 Lice ce Holder of the appropriate Premises Licence or their Agent.

SECTION 1:	Type of Variation			
	tion for Variation other than a Minor Variation of Premises Licence is made under) of the Licensing (Scotland) Act 2005 in order to vary- evant boxes)			
	Any of the Conditions to which the Premises Licence is subject			
\boxtimes	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)			
G				
	Premises Licence Details			
	Number of Premises			
EL031				
2(b) Name ar	nd Address of Premises			
Zitto 10 Quality S North Berwic East Lothian	ck			
Post Code	EH39 4HP Phone No. 01620 892 477			
2(c) Full Nan	ne and Address of Current Licence Holder			
Zitto Limited 10 Quality S North Berwic East Lothian	treet ck			
Post Code	EH39 4HP Phone No. 01620 892 477			

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 highlight below the proposed changes. (See Note
To add off sale hours from 11am to 10pm
To add Deliveries and Takeaways as additional Activities.
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
3(d) Variation to any other information contained or referred to in the needee
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)

SECTION 3: NATURE OF VARIATION

SECTION 4: 1 (See note 3 b	LICENCE TO BE AMENDED pelow)
Does the app	propriate Premises Licence accompany this application?
YES	□NO
If the answer	is NO, please provide an explanation.
I am unable t	o 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: F	
The fee payal	ple in respect of the application for variation is £150
	tion is submitted alongside an application for Transfer of Premises Licence then the for both applications will be £170 (see note 4 below)
If submitted v to be consider	with an application for transfer, please specify the order in which the applications are red-
	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 conteand (b) the appropriate fee	he best of my knowledge and belief;
Signature	(See note 5 below)
CONTRACTOR CONTRACTOR AND A STATE OF	(See Hote 3 below)
Date 27/1/20	
Capacity: APPLICANT / AGENT (delete as appropriate)	
If agent, please provide name, address, phone number and (if applicable) email address	Macdonald Licensing 21a Rutland Square
	Edinburgh EH1 2RR

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 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

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

Haddington, East Lothian

EH41 3HA

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

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Zitto 10 Quality Street	
North Berwick EH39 4HP	

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES OFF PREMISES OR BOTH

NO
YES

Question 2

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

Day	ON Consumption		
	Opening time	Terminal hour	
Monday.	11:00	23:00	
Tuesday	11:00	23:00	
Wednesday	11:00	23:00	
Thursday.	11:00	00:00	
Friday	11:00	01:00	
Saturday	11:00	01:00	
Sunday	11:00	00:00	

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

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	11:00	22:00	
Tuesday.	11:00	22:00	
Wednesday	11:00	22:00	
Thursday	11:00	22:00	
Friday	11:00	22:00	
Saturday	11:00	22:00	
Sunday	11:00	22:00	

Question 4

SEASONAL VARIATIONS

	101101	
Does the applicant intend to operate according to seasonal demand	YES	

*If YES - provide details

To take advantage of Extensions of Permitted Hours in terms of Board Policy, including general grants.

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)	Please confirm	To be provided	Where activities are
Activity	YES/NO	during core licensed hours - please	also to be provided outwith core licensed
		confirm	hours please confirm
		YES/NO	YES/NO N/A
Accommodation	No	N/A	
Conference facilities	No	No	No
Resteurant facilities	No	No	No
Bear meals	Yes	Yes	Yes
5(b) Activity	Please confirm	To be provided	Where activities are
Social functions	the second of th	during core licensed	also to be provided
including:	TE-VAND.	hours – please confirm	outwith core licensed hours please confirm
	337	YES/NO	YES/NO
Receptions including	Yes	Yes	Yes
Weddings Junevals.			
Birdhdays, Fettesinients Blc			
Chao or other group	No	No	No
medings de			
			建筑和的景态。据出的
5(e)	Please confirm	To be provided during core licensed	Where activities are also to be provided
Activity	YES/NO		outwith core licensed hours please confirm
Entertainment Including:		YES/NO	YES/NO
Recorded music - see	Yes	Yes	Yes
5(g)			
Live performances = see 5(g)	Yes	Yes	Yes
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	Yes	Yes	No
Indeprioudeur spous	No	No	No
Televised sport	Yes	Yes	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 VES/NO
Outdoor drinking facilities	Yes	Yes	Yes
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
Adult entertainment	No	No	No

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

Activities answered "yes" in column 4 may be available during periods of general or specific Extensions of Permitted Hours.

In the case of recorded music, outside drinking, and bar meals, the premises may open prior to core hours for breakfasts, soft drinks etc, but not before 9am.

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.

Quiz nights		
Karaoke		
Poker nights		
Takeaways		
Deliveries		
i		

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	young persons be allowed entry YES/NO*
	*Deleté as appropriate
6(b)	Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry
	dren and Young persons will be permitted access subject to the proposed local condition on oaching the bar
Chilo	dren must be accompanied by an adult
6(c)	Provide statement regarding the AGES of children or young persons to be allowed entry
No re	estriction (0-17 years)
6(d)	Provide statement regarding the TIMES during which children and young persons will be allowed entry
Under	14s to 8pm only. Otherwise no restriction.
	Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry
No res	striction subject to the terms hereof

CAPACITY OF PREMISES

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

240	
Quest PREM licence	USES MANAGER (NOTE: not required where application is for grant of provisional premise
Person	nal details
8(a)	Name
Cristin	a Sarah D'Agostino
8(b)	Date of hirth
8(c)	Contact address
8(d)	Email address

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
26 August 2020	East Lothian	EL 690

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The conte	the best of my knowledge and belief.
Signature	* (see note below)
Date	A DDI ICANIT/A CENT (delete de empressione)
Capacity	. APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing 21a Rutland Square Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

* Data Protection Act 1998

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

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

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

Business Profile

Please describe your business offering.

This is Zitto Wine Bar and Kitchen, which has become an institution in North Berwick! Opened and operated by the D'Agostino family, it caters for early morning coffees and snacks, lunches, and evening meals, as well as those just desires of an alcoholic beverage. It caters for many local residents, workers and visitors to North Berwick, plus tourist visiting North Berwick including golfers, bird watchers, cyclists etc.

The Licence does not include off sales. They have never really considered the requirement for off sales, but have lost out considerably during the corona virus lockdown because of their inability to include this in deliveries. It is also the case that many customers may well continue to be reluctant to visit bars and restaurants in the foreseeable future so it would be of assistance if off sales could be added to their business.

(extend this box if you require additional space)

On/Off Consumption	a 5
(a) Please describe the type of business you intend to operate in respect of On consumption.	a) As above
(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries	b) Off sales would include takeaways and deliveries.

<u>Clarification is required in relation to the content of your proposed Operating Plan</u> (extend the boxes below if you require additional space)

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

Restaurant Facilities and Bar Meals are part of the general offering.

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

Social Functions of all kinds are considered, particularly in the back room.

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming;

Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

Recorded Music, Live Performances, and Gaming are mentioned, although Gaming is no longer utilised.

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

Outdoor Drinking Facilities – there is an area to the front for outdoor drinking, for which they obtained the necessary permissions.

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

Not applicable.

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

The premises may open prior to licensed hours for coffees, snacks, breakfasts, soft drinks etc but no alcohol is sold or supplied until the licensed hours commence.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

They would like to do deliveries and takeaways.

There are some Activities left over from the previous operator which was more pub orientated. They have not been removed but are very infrequent!

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

This is a child friendly premise where families are very much encouraged. Baby changing facilities are of course available. Children are catered for in terms of snacks and meals and generally encourage.

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

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Our clients consider that they operate premises that North Berwick and East Lothian can be proud of. It is a destination premise as well as catering for locals. Over the years there have been no issues. Our clients have a great relationship with the Police and the LSOs and attract the type of business that does not create problems.

Securing Public Safety:

The public safety of our client's staff and their customers are uppermost in their mind. We are not sure what the position will be when this Application is considered but of course there may still be reminisce of the corona virus lockdown, and certainly it will have heightened customer's expectations of hygiene arrangements for instance, and also even the end of social distancing it is unlikely that customers will want to be in crowded places to the same extent. Our clients cater for that.

Preventing Public Nuisance:

There have been no complaints from music escape from the premises. So far as customers causing problems either within or when they leave the premises, this has simply not happened. Our clients are good neighbours however and have been there long enough for everyone to know them! Any issues would be dealt with immediately.

Protecting and Improving Public Health:

Our clients consider alcohol an ancillary, albeit necessary, feature of their type of operation. It is complimentary to the food that they serve, although they do have people just coming in and sharing a bottle of wine etc. However it is not a destination for people who wish to drink to excess, and our clients would not permit customers to do so.

They totally support the Government's recommendations in this respect but drunk people cause problems. That is not what they want.

Protecting Children and Young Persons From Harm:

As referred to above our clients wish to attract families and cater for a range of soft drinks, plus food, for youngsters. There should be nothing going on in the premises that would be anything other than conducive to children and young persons being in attendance. The restricted hours for under 18s are implemented.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

We consider that our client's operation is well known and may well be familiar to members of the Board, Licensing Officials and the Police. We hope that they will support this Application.

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

Most bars and restaurants do have off sales and have benefitted from that. Our clients sadly did not. It is obviously their hope that such circumstances as we are presently going through will not be repeated but if so the off sales are to facilitate the survival of the business during such periods. In any case, as mentioned previously, there may be a general reluctance by some members of the community, particularly older people, of which our clients have many customers, who are reluctant initially. This can cater for them.

SIGNATURE AND DECLARATION	ON BY APPLICANT	
IT IS AN OFENCE TO MAKE A WITH THIS APPLICATION	FALSE STATEMENT IN OR II	N CONNECTION
(Criminal Law (Cor	ction 44(2)(b))	
The contents of this	my knowledge a	nd belief.
Signature	Date	27/07/20

Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

"SCHEDULE 6

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

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	NO

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.

The access to the premises is wide enough to easily cater for customers in wheelchairs. Indeed over the years they have had frequent visits by people in wheelchairs. They are seated in the lower area and catered for accordingly. Orders can be taken from their table quite easily and our clients will do everything that they can to look after them.

Facilities available

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

There is an accessible toilet.

In general our client's staff have customer's care at heart and will provide advice and assistance to those with mobility problems, but also hearing and sight difficulties. Basically any customer who requires assistance from staff will receive it.

Question 4

Other provisions

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this and belief.	atement are true to the best of my knowledge
Signature	* (see note below)
Date 27/07/10	
Capacity	. APPLICANT/AGENT
Telephone number and email address of signatory	J.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Macdonald Licensing 21a Rutland Square Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

* Data Protection Act 1998

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

Winter, Maree

From:

Lothian Scot Borders Licensing East Mid Lothian

<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>

Sent:

30 July 2020 13:15

To:

Licensing

Subject:

FW: Major Variation application - Zitto, north berwick [OFFICIAL: POLICE AND

PARTNERS1

Attachments:

Major variation application - Zittos, North Berwick.pdf; LIC38 Premises variation - no

adverse comment.rtf

Importance:

High

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: POLICE AND PARTNERS

Good afternoon

No adverse comments to this application.

LIC38 attached.

Regards

Rona

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

Sent: 29 July 2020 15:38

To: 'LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk'; Fruzynski, Rudi; Environmental Health/Trading

Standards; Environment Reception; 'Licensing@nhslothian.scot.nhs.uk'; Grant, Shona;

'torquil.cramer@firescotland.gov.uk';

Subject: FW: Major Variation application - Zitto, north berwick

Importance: High

Dear all,

Please find attached a copy of the application and layout plan for off sales 11am to 10pm, takeaways and deliveries to be added to the premise licence. Can I please have any objections/representations by 28th August 2020.

Kind regards

Maree.

Maree Winter

Licensing Officer: Accredited Registered Paralegal in Licensing Law: John Muir House: Haddington: EH41 3HA

Tel: 01620 827867: Email: mwinter@eastlothian.gov.uk



Email Disclaimer - East Lothian Council

This email and any files transmitted with it are confidential and

Herkes, Gillian

From:

Fruzynski, Rudi

Sent:

02 September 2020 11:49

To:

Herkes, Gillian

Subject:

FW: Major Variation application - Zitto, north berwick

FYI.

R.

From: Fruzynski, Rudi Sent: 13 August 2020 08:07

To: Winter, Maree < mwinter@eastlothian.gov.uk>

Subject: RE: Major Variation application - Zitto, north berwick

I have no objection to this application.

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian
EH41 3HA

01620827363

From: Winter, Maree Sent: 29 July 2020 15:38

To: 'LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk'; Fruzynski, Rudi

<rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>;

Environment Reception < environment@eastlothian.gov.uk >; 'Licensing@nhslothian.scot.nhs.uk'; Grant, Shona

<sgrant@eastlothian.gov.uk</p>
; 'torquil.cramer@firescotland.gov.uk';

Subject: FW: Major Variation application - Zitto, north berwick

Importance: High

Dear all,

Please find attached a copy of the application and layout plan for off sales 11am to 10pm, takeaways and deliveries to be added to the premise licence. Can I please have any objections/representations by 28th August 2020.

Kind regards Maree.

Maree Winter

Licensing Officer: Accredited Registered Paralegal in Licensing Law: John Muir House: Haddington: EH41 3HA

Tel: 01620 827867: Email: mwinter@eastlothian.gov.uk