

APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

*Delete as appropriate

FANCO CAFE & RESTAURANT, 91 HIGH STR EAST WINIAN ENGL 3ET Question 2 - Particulars of applicant 2(a) Where applicant is an individual, provide full na home address including postcode, telephone r NA	me, date & place c	of birth,
Where applicant is an individual, provide full na home address including postcode, telephone r		
Where applicant is an individual, provide full na home address including postcode, telephone r		
home address including postcode, telephone r		
		11111
	e.	x (2)
Where applicant is a partnership, please provid address of partnership.	e full name, and po	ostal
7-75- 614-01 444-46-04-5		a
ZEST CAPITAL MANAGEMENT		
WHITEKIRK MAINS FARM WHITEKIRK		IXS

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3

2(c)	Where applicant is a company, please provide name, registered office and company registration number.	
	n A	
-		
2(d)	Where the applicant is a club or other body, please provide full name, and postal address of club or other body.	
	Λ Α	
-	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.*	181
Jame	S MILLS WILLIE	
	DANID MURDOCH	
Jame	ISABEL GRAHAM MURDOCH	
Conr Act 2	nected person is defined in section 147(3) of the Licensing (Scotland)	

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 X
If YES – provide full details		
		-
Question 4 - Previous convictions		
Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES 🗌	NO X

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

NAME	DATE	COURT	OFFENCE	SENTENCE
			_	
		•1		i.e.
			æ	. ×

(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.

Alcohol - Application for Premises / Provisional Premises Licence

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)

GRUND FLOOR CAFE & RESTAURANT PREMISES	
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

East Lothian Council Licensing Board

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

The contents of this Application are true to the best of my kno	wledge and belief.
Signature	* (see note below)
Date (PARTJER, ZEST CAPITAL -MANAGEMENT)	
APPLICANT / AGENT (delete as appropriate)	
Telephone number and email address of signatory _	
I have enclosed the relevant documents with this application – relevant boxes	please tick the
Operating plan	
Layout plan (highlighting the area where alcohol is sold/cor	nsumed)
✓ Planning certificate	
Building standards certificate	£4
Food hygiene certificate	(eC e:
Data Protection Act 2018	ē B
he information on this form may be held on an electronic publ	lic register which

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

Alcohol - Application for Premises / Provisional Premises Licence

For use by the Licensing Board only Application checklist		
Date received		
Fee amount		
Receipt number		
Received by (INITIALS)		
Consideration date		
Last date for consideration		
Date of initial hearing		
Date of any modification hearing		
Date granted/refused (delete as appropriate)		

For use by the Licensing Board only If application is for a Premises Licence – Documents required				
Operating plan				
Layout plan				
Planning certificate	12		W)	
Building standards certificate				
Food hygiene certificate	4	> € .	ş	3.02

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

East Lothian Council Licensing Board



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

Nan	ne and Address of Premises	FALKO (KONDITORMEIST	ER) LIMITED	
91 F	HIGH STREET			
HAE	DDINGTON	9		(s
EAS	ST LOTHIAN	Post Code · EH41 3ET	30	
1(a)	Will alcohol be sold for con	eumntion	YES 🗍	NO 🔽
i(a)	solely ON the premises?	somption :	123	140 🔽
(b)	Will alcohol be sold for con solely OFF the premises?	sumption	YES [NO 🔼
l(c)	Will alcohol be sold for con-	sumption	YES 🗸	№ П
	both ON and OFF the prem	•	ـــــــ	

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	01:00	
Friday	11:00	01:00	
Saturday	11:00	01:00	
Sunday	11:00	00:00 MIDNIGHT	

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

DAY	OFF	OFF CONSUMPTION		
U.S.	Opening time	Terminal Hour		
Monday	10:00	22:00		
Tuesday	10:00 22:00			
Wednesday	10:00	22:00		
Thursday	10:00	22:00		
Friday	10:00	22:00		
Saturday	10:00	22:00		
Sunday	10:00	22:00		

4. SEASONAL VARIATIONS

seasonal demand?

Does the applicant intend to operate according to

*If YES – provide details
DURING QUIETER, WINTER MONTHS, THE PREMISES IS LIKELY TO BE ONLY OPEN DURING THE DAYTIME.
IN SUMMER, SUNNY DAYS, OR BY DEMAND WHEN BUSY, WE MAY OPEN LONGER HOURS UP TO THOSE ALLOWED BY THE ALCOHOL LICENCE
.es • •

YES 🗹 NO 🗌

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
	Accommodation		N/A	N/A
_	Conference facilities	NO		
5a.	Restaurant facilities	YES	YES	YES
	Bar meals	YES	YES	NO
	Social functions including:			
5b.	Weddings, funerals, birthdays, retirements etc.	YES	YES	YES
	Club or other group meetings etc.	YES	YES	YES
16	Entertainment, including:	4	¥.	14
	Recorded music – see 5(g)	NO		
	Live performances – see 5(g)	NO	ي	25
	Dance facilities	NO		
5c.	Theatre	NO		
	Films	NO		
	Gaming	NO		lf .
	Indoor/outdoor sports	NO		
	Televised sport	NO		
5d.	Outdoor drinking facilities	YES	YES	YES
5e.	Adult Entertainment	NO		

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

FALKO'S IS PRIMARILY A PREMIUM QUALITY GERMAN BAKERY SHOP WITH CAFE AND HOT FOOD KITCHEN. ALCOHOL SALES ARE A VERY MINOR PART OF THE BUSINESS'S TURNOVER.

THE HOT FOOD KITCHEN GENERALLY OPENS AT 09:00, BEFORE CORE LICENSED HOURS BEGIN, AND HOT FOOD IS AVAILABLE DURING THE DAY UNTIL THE KITCHEN CLOSES. AFTER THE KITCHEN CLOSES, CAKES AND OTHER PRODUCTS BAKED ON THE PREMISES ARE AVAILABLE.

SOFT DRINKS, HOT DRINKS AND FREE TAP WATER ARE AVAILABLE THROUGHOUT ALL THE TIMES THE CAFE IS OPEN.

SOCIAL EVENTS SUCH AS SMALL WEDDINGS OR CLUB MEETINGS MAY BE CATERED FOR INFREQUENTLY ON DAYS THE CAFE IS NORMALLY CLOSED. THE EVENTS WILL BE LIMITED BY THE VENUE'S CAPACITY OF 60 PEOPLE.

AN OUTDOOR DRINKING AREA IS PROVIDED IN FRONT OF THE CAFE IN A MARKED AND CORDONED OFF AREA ON THE HIGH STREET. TO LIMIT NUISANCE TO RESIDENTS, THE OUTDOOR AREA WILL ONLY BE AVAILABLE UNTIL 21:00.

5(f)		pose to pro please pro				those listed tion below.	l in
	×		ē.		K		e e
				9		16	
5 (-) 1				£1 1 00			
Where	e you have	confirmed to	that you a	re providin	g live	YES	NO 🗸
When	fully occup	ic, will the c pied, are the ling than se	ere likely t		OUD!	YES 🗌	NO 🗸

6. OI	N-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?	Z NO [
6(b)	Where the answer to 6(a) is YES provide statement of the TER which they will be allowed entry	MS under
	ILDREN AND YOUNG PERSONS WILL BE WELCOMED INTO THE EMISES. NO RESTRICTIONS IN THE PUBLIC AREAS	
6(c)	Provide statement regarding the AGES of children or young per be allowed entry	sons to
NO	RESTRICTION 0-17 YEARS OLD	
	Provide statement regarding the TIMES during which children a persons will be allowed entry	ind young
ONL' HAV	LDREN AND YOUNG PERSONS CAN REMAIN FOR THE DURATION E LY IF ACCOMPANIED BY A RESPONSIBLE PARENT OR GUARDIAN A /ING A MEAL OR ATTENDING A PRIVATE FUNCTION. OTHERWISE T DULD VACATE THE PREMISES BEFORE 22:00 HOURS	'ND
ALL S	SUBJECT TO MANAGEMENT DISCRETION	
	Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry	ch
ALL	PUBLIC AREAS - NOT WITHING 1.5 METRE OF ANY BAR	

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	(PARTNER, ZEST CAPITAL MANAGEMENT)	_ (* see note below)
Date	I FEBRUARY 2022	
Capacity APPLI	CANT / AGENT (delete as appropriate)	
Tel. No. of signa	tory	
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.

7. CAPACITY OF PREMISES

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

OUSIDE AREA - 30 SEATED

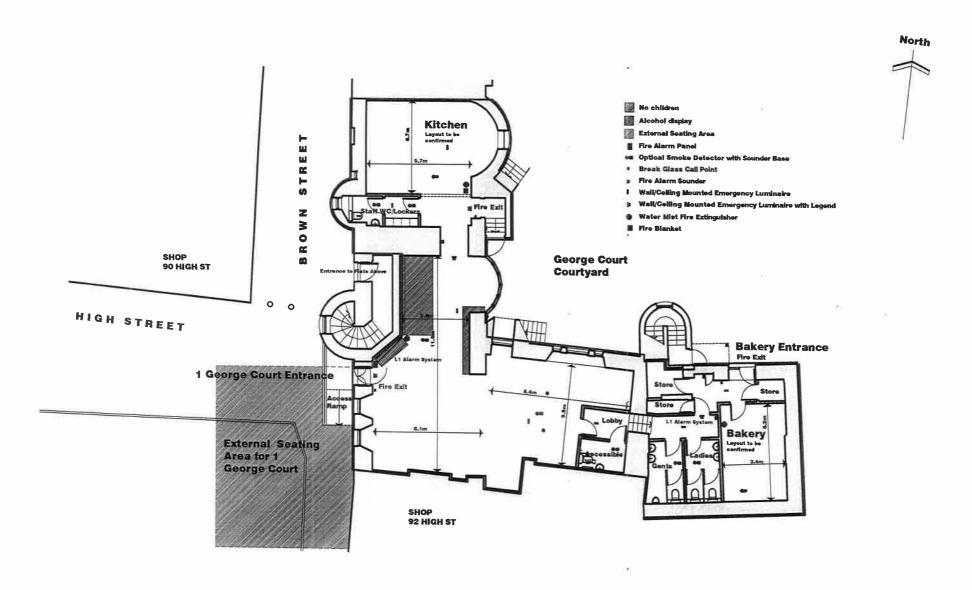
8. PREMISES MANAGER

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

Full Name FALKO MANFRED BUF	RKERT
Date of birth	
Contact address	
	Si Ni
	Post Code
Tel. No.	Email address

Personal licence

Date of issue	07/08/2017 (EXPIRY	DATE 07/08/2027)
Name of Licen	sing Board issuing	EAST LOTHIAN LICENSING BOARD
Reference no.	of personal licence	EL1418



GROUND FLOOR PLAN 1 GEORGE COURT 91 High Street Haddington

Gross Internal Floor Area Restaurant Unit 204m2 (2195ft2)



Supplementary Application Information

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

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

Business Profile

Falko's is a German bakery, shop and café specialising in premium quality, traditionally made cakes, gateaux, breads and other baked goods, all made on the premises. Guests regularly visit from Newcastle and Aberdeen just to visit Falko's in Haddington and stock up on their favourite goods.

Falko's bakery products are handmade using natural ingredients, labour-intensive traditional techniques and many are based on historic recipes.

The hot food kitchen offers breakfast dishes such as Eggs Benedict and also light meals, Schnitzel, sandwiches and soup.

Alcohol sales are a very minor part of turnover, less than one percent during the last twelve months. Alcohol sold is typically more unusual German or Austrian wines, German bottled beer or a glass of dessert wine to complement a slice of cake. There is a very small range of spirit drinks available, but not any demand for spirits from our customer base.

The wines we sell are not commonly known in the United Kingdom and we wish to educate our guests about the different styles, varieties and complexities of continental wines; they are wines to be savoured and enjoyed slowly

On/Off Consumption

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

On sales are typically a glass of wine with food, or a couple of bottles of beer, again, normally with food

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

Off sales are specialist, more unusual German or Austrian bottles of wine for sale at the shop counter for customers to take away

<u>an</u>

<u>Clarification is required in relation to the content of your proposed Operating Pla</u> (extend the boxes below if you require additional space)
To what extent do you intend to use any of the following:
Restaurant Facilities & Bar Meals
Hot food for consumption on the premises is provided from our hot food kitchen. Kitchen dishes are made from raw ingredients with all sauces, potato rosti, pancakes, etc. made on the premises
The kitchen is typically open during the daytime with cakes and baked goods available at other times. During the summer and for special events, the kitchen hours may be extended into the evening
Social Functions – Weddings; Birthdays; Retirements; Other
Social functions such as Weddings or Club Meetings are held infrequently, typically on days when the café is normally closed. Last year we only held one wedding, one birthday and one club meal.
Functions are limited by the seated capacity of the venue – 60 people.
Functions will normally be a meal or buffet with drinks. Live music, recorded music or discos are not offered.
Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport
None
Outdoor Drinking Facilities
An outdoor seating area is provided in front of the café in a cordoned off area on the high street, separated with three haddington in bloom planters on one side and retractable barriers on the other sides. The area is for seated guests only and closes at 21:00 hours. During busy periods or the summer, the outside area has table service; at other times guests order at the counter inside and food/drink is brought to their table by the waiting team
Adult Entertainment
None

Activities Outwith Licensed Core Hours The café usually opens before core licensed hours, where breads and cakes to takeaway are sold, or hot/soft drinks and breakfast served at the tables. Alcohol is not available for sale outwith the licensed core hours.

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:

Children and Young Persons

Baby changing facilities are provided in the disabled access toilet

Colouring pens and paper are available for children to use

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

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Prevent drunken & disorderly behaviour through excessive drinking by politely refusing the sale of alcohol.

Prevent underage sale of alcohol by checking IDs for under 25s

Offer soft drinks, hot drinks and free tap water at all time

Securing Public Safety:

The premises adheres to health & safety requirements, including coronavirus environmental heath guidelines

Preventing Public Nuisance:
Guests will not be allowed to drink alcohol excessively.
Outdoor seating area restricted to 21:00 hours.
The café does not play recorded or live music.
Protecting and Improving Public Health:
Soft drinks, hot drinks and free tap water are available.
Purchasing excessive alcohol will not be actively encouraged.
Protecting Children and Young Persons From Harm:
Children are allowed throughout in all public areas. The café has table service so there is no bar area
pplication Supporting Comments / Any Other Additional Information extend the boxes below if you require additional space) Additional Information:
xtend the boxes below if you require additional space)
extend the boxes below if you require additional space) Additional Information: Staff are all trained with Highfield's workbook 'A question of licensing for Scotland' to ensure they
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SIGNATURE AND DE	ECLARATION BY APPLICA	ANT	
IT IS AN OFENCE TO APPLICATION) MAKE A FALSE STATE	MENT IN OR IN CONNECTION	ON WITH THIS
(Criminal Law (Cons	olidation)(Scotland) Ac	t 1995 Section 44(2)(b))	
The contents of this	Application are true to	the best of my knowledge	and belief.
Signature		Date	1 FEB 2022
	(PARTNER, ZEST CAP	TAL MANAGEMENT)	

SCHEDULE

"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/AFO*
1(b)	Do you have facilities for those with a disability	YES / 1469*
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES / NO*
*Delete as a		

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 premises are accessed by a ramp at the main High Street entrance from the street for disabled and able clients – there are no steps to the entrance to the premises.

The service area is all located on the ground floor and offers full access for disabled clients.

Disabled toilet facilities are located on the ground floor and are fully signposted.

Question 3

Facilities available

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

Disabled toilet facilities are located on the ground floor and have fitted handrails, an alarm system and low hand washing basin.

As the service area is all located on the ground floor there is no requirement for lift facilities.

All tables can be moved to provide full disabled access as required.

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.

Assistance dogs are welcome.

Large print menus are available on request.

Large handled cups are available on request.

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)
Date1 February 2020	
Capacity Rewer	APPLICANT/AGENT
ZEST CAPITAL MANU	agement
Telephone number and email addre	ess 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."



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

SECTION 50 PLANNING CERTIFICATE

Zest Capital Management

APPLICANT:

ADD	E AND RESS OF MISES:	91 High St	reet, Haddington,	ЕН41 3ЕТ.			
SECT	ION 50 PI	LANNING (CERTIFICATE				
	I confirm that planning permission (ref: 15/00185/P) 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 p	permission is not requi	red.			
	6		2				
	I confirm t (ref: premises.	ON 50 PROVISIONAL PLANNING CERTIFICATE [confirm that planning permission (ref:) or outline planning permission (ref:					
	1 commit	nat planimig p	ermission is not requir	eu.		i i	
			e above Acts, I have no Provisional License to			nfirmation of	
igned:		The second section of the sect		Date	: 3rd May 2017		
	lar						

John Muir House

Haddington

East Lothian EHAL 3HA Tel 01620 327827 Fax 01620 824295

Our ref:

LG/JD

Your ref:

Direct Line: 01620 827296 Fax Number: 01620 827918

E Mail:

ehts@eastlothian.gov.uk

4 December 2019

Mr James Wilkie Zest Capital Management 3 Forth Street Lane NORTH BERWICK EH39 4JB

Dear Sir

THE LICENSING (FOOD HYGIENE REQUIREMENTS) (SCOTLAND) ORDER 2011 FALKO CAFÉ & RESTAURANT, 91 HIGH STREET, HADDINGTON EH41 3ET

I hereby certify, in terms of Section 50 of the Licensing (Scotland) Act 2005, that the premises operated at Falko Café & Restaurant, 91 High Street, Haddington EH41 3ET, does comply with the requirements the EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 (S.S.I. 2006/3)

Yours faithfully

Laura Gunning Senior Environmental Health Officer

cc copy to Licensing Board

EAST LOTHIAN COUNCIL

LICENSING STANDARDS

From: R. Fruzynski

Licensing Standards Officer

To:

C. Grilli

Clerk to the Licensing Board

Date:

03 Mar. 2022

Subject: LICENSING (SCOTLAND) ACT 2005 PREMISES LICENCE APPLICATION

91 High Street, Haddington, East Lothian EH41 3ET

I can confirm that the premises have been visited in relation to this application and that the mandatory site notice was displayed in a prominent place visible to the public.

These premises held a Provisional Licence until June 2020 when it expired. During the last 5 years the premises have operated under Occasional Licences on the presumption that a full Premises Licence would be confirmed. In that period, the premises were well run and very popular with the public. There were no issues in relation to the operation of the temporary licences and no complaints received.

Licensing Standards has no objection to the grant of this application.

It is recommended that the following local conditions be formally attached to the licence should the Board be minded to grant it:

- The outside drinking and seating area should close by 21:00 hours each day.
- That that there should be no amplified announcements / music / entertainment in the outside drinking and seating area to prevent disturbance to any neighbouring residential properties.

This report is submitted for the information and consideration of Board members.

R. Fruzynski Licensing Standards Officer

25/02/2022

Your Ref: **EL334**

Our Ref:

617885/GB

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



Keeping people safe

Catriona Paton **Divisional Commander** The Lothians and Scottish Borders Division Haddington Police Station 39-41 Court Street Haddington **EH41 3AE**

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE **FALKO** 91 HIGH STREET, HADDINGTON, EAST LOTHIAN, EH41 3ET.

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 561 6119.