

EAST LOTHIAN

Meeting 25 June 2015 at 10:00am in , Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 BURGH THE BURGH ARMS 83 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7DA	PUNCH PARTNERSHIP LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	22 May 2015	Alter premises to Cafe Bar with external area, change name to Brewed and Baked. Allow 11am on Saturday/Sunday, bar meals out with core hours, open 8am for teas, coffees, breakfasts no alcohol outwith core hours. Allow children/young persons access from 8am.
2 DUNBAR CASTLE SOCIAL CLUB MASONIC HALL BELHAVEN ROAD DUNBAR EAST LOTHIAN EH42 1DD	DUNBAR CASTLE SOCIAL CLUB	7 May 2015	Change licence type from Club to an open licence, variation to opening hours Monday to Saturday 11am and from 12 Midday to 12 Midnight on Sunday. Vary licence to include conferences and indoor sports to commence not before 10am. Vary children's access time to be restricted to 10pm, or until terminal hour for a special event/function

EAST LOTHIAN

Meeting 25 June 2015 at 10:00am in , Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
3 MCCOLLS 61 HIGH STREET HADDINGTON EAST LOTHIAN EH41 3ED	MARTIN MCCOLL LIMITED C/O LOCKETT & CO LOCKETT HOUSE 13 CHURCH STREET KIDDERMINSTER WORCESTERSHIRE	18 May 2015	Increase capacity from 7.6m2 to 8.5m2. Additional shelving has been added.

Winter, Maree

From: Grant, Shona
Sent: 17 June 2015 11:31
To: Winter, Maree
Subject: FW: Burgh Bar - major variation
Attachments: Burgh Bar major variation - may 2015 application.pdf; Burgh Bar layout plan - 2015.pdf

2(i)

Maree

I apologise for not responding to this sooner.

I have no objections to this application however I note that the external area is to be used as part of the cafe/bar area. Having considered this outside area and its close proximity to residential properties, I would recommend that there be no amplified music or speech played in this area and that the area only be in use until 2000 hours on any day.

Regards

Shona

Shona Grant | Principal Environmental Protection Officer | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827336 | Email. sgrant@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

From: Winter, Maree
Sent: 22 May 2015 14:40
To: [REDACTED]
Star
Subject: Burgh Bar - major variation

Hi

Please find attached application for a major variation for the Burgh Bar, 83 High Street, Musselburgh. Could I please have your comments/representations.

Regards
Maree
Licensing, Administration & Democratic Services
East Lothian Council
01620 827867

EAST LOTHIAN COUNCIL
LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 15 June 2015

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – MAY 2015

Burgh Arms, 83 High Street, Musselburgh, East Lothian EH21 7DA

I refer to the above subject and can confirm that I have met with Mr Jeremy Williams, Regional Business Manager, Punch Taverns and discussed this application with him.

The changes proposed have come about because of continued long term serious problems associated with the operation of these premises as a bar under the terms of the current licence. It is certainly not desirable that the premises continue to operate as a bar attracting crime, disorder and ant-social behaviour.

Punch proposes to turn the existing premises into a cafe restaurant where families and diners can enjoy quality coffee and good food. The availability of alcohol, as I now understand it, will be wine and 1 choice of draught lager. The emphasis is stated to be on the service of teas, coffees, breakfasts and meals where the sale of alcohol will be ancillary. The premises will no longer function simply as a bar and this change is welcomed.

The late hours applied for, particularly at the weekends, are somewhat questionable considering the description of the premises as a cafe, as described above. I would therefore propose a terminal hour of no later than 24:00 hours on any day.

I would recommend that the Board consider limiting on sales alcohol consumption to those persons partaking of a meal and to off-sales customers who are purchasing takeaway food. I would also suggest that the pricing of alcohol in relation to off-sales be commensurate with the prices charged for alcohol served with meals consumed on the premises.

The external facilities at the rear of the premises are to be reduced in size. This is welcomed as a gesture by Punch to keep customers away from the residents in the flats at the far end of the existing outdoor drinking area. These residents have in the past made numerous complaints of disturbance caused by persons talking loudly on mobile phones, loud conversations by smokers and a selection of serious anti-social behaviour ranging from foul language to fighting. I would propose that this area be subject to a 20:00 hours terminal hour.

The proposal to include a small area of the footway as part of the external area at the front of the premises is to promote the new cafe image. It will be subject to an application to Planning and Transportation in respect of a permit for use of the narrow public footpath. If no restriction is placed on the terminal hour of use of this area by the relevant departments, I would recommend that it be subject to closure by 20:00 hours and that the tables and chairs be removed from the footway by that time.

In relation to the objections raised by Bev Anderson and Jonathan Downie, both parties have concerns that the variation applied for will result in the continuation of the Burgh Arms operating as a rowdy bar, but under a new name. A meeting has been arranged at Brunton Hall on Monday 22nd June 2015 so that both objectors can meet with Mr Jeremy Williams, Punch Taverns, who will provide fuller details and information on the proposed new cafe restaurant facility.

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN COUNCIL
LICENSING

04 JUN 2015

Date: 1st June 2015

RECEIVED

Your Ref:

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

Tel: +44 (0)131 663 2855
Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION – SECTION 29 - REPRESENTATION
APPLICANT: PUNCH PARTNERSHIP LIMITED
PREMISES: THE BURGH ARMS, 83 HIGH STREET, MUSSELBURGH**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

It is pertinent to note that these premises are currently closed pending refurbishment by the licence holders, Punch Partnership Limited.

Historically these premises have caused the police some concerns in relation to the management and running of the business. Over the last few months there have been several incidents and complaints regarding violence and anti social behaviour occurring in and around the premises. After some negotiation with the licence holders it was agreed that the premises would close and that this refurbishment would commence, with the intention of re opening the business, under new management and as a café food lead outlet. A change, Police Scotland would welcome and support, however, I would request some clarity in relation to the operating plan for the premises:

I note the change of name to '*Brewed and Baked*'.

Question 2 & 3 – Licensed Hours

I note that the applicant is requesting to increase their licensed hours on a Sunday morning from 1230 to 1100 hours for both 'on and off sales': any increase in licensed hours 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 variation would outweigh the presumption against grant in terms of the overprovision statement.

I also note that currently they have a terminal hour of 0100 on a Friday and Saturday night and would request that this is reduced to midnight to fall in line with other 'café type' businesses in East Lothian. This would reduce the risk of antisocial behaviour and other related incidents at a time when the surrounding 'pub premises' are closing.

Question 4 – Seasonal Variations

I would request that this be reworded, along the lines of "*we would seek to take advantage of any general extensions allowed by the Board*", rather than requesting to traded until 2am (they are assuming a general extension is given every year).

Question 5 –

Indoor/Outdoor Sports – out with core licensed hours

Please clarify what you mean by this?

Outdoor Drinking – I would request that this is terminated at 2000 hours due to the close proximity of residential properties and previous noise complaints.

Question 5(f) – any other activities

I would request that the applicant clarifies what they mean by 'supper club' – would this fall under 'Restaurant Facilities' and therefore this should be changed from 'No' to 'Yes' in the Operating Plan.

Question 8 – Premises Manger

Having spoken to the applicant's agent, they have confirmed that a minor variation will be submitted in the future to replace the current DPM Sarah Dodds. As previously stated there were concerns in relation to the running and management of the premises prior to it closing on the 25th May 2015.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

A solid black rectangular box used to redact the signature of the Divisional Licensing Officer.

Divisional Licensing Officer

Winter, Maree

From: [REDACTED]
Sent: 10 June 2015 17:29
To: Licensing
Subject: Proposal by Punch Taverns for 83 High Street, Musselburgh,

Dear Members of the Board.

I am writing to express my concerns about the application for another pub licence at 83 High Street. We purchased a children's play centre business at 85 high street at the end of March 2015 and since that date we have had major issues with the burgh bar. My main concern is that the venue will continue to operate as a pub and that we will be faced with the same issues as before.

- People smoking at the front door blocking entry to the play centre
- People drunk and unruly at the front door putting off families from bringing their children past the entrance and into the centre
- Numerous fights on the street at least 4 in the space of 4 weeks where the police had to be called.
- Damage to the property breaking down our back fence area during a fight
- Litter Cigarette butts always left on the street for us to clean up in the mornings
- Noise People shouting and swearing at the front door of the building.

I would like to know how much is going to change at this pub to make sure that it runs differently. A lick of paint and a name change will not be enough.

I have spoken to many customers in the musselburgh area and they say it has changed its name and focus many times but no matter what it always ends up back in the same situation with the same unruly customers.

We also have alot of cafes on the High street already, why is there a need for another one taking business away from existing small cafe owners.

They are also suggesting that they will run activities for children why would this be required when we are running a play centre next door.

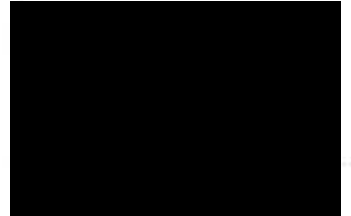
Can you please send me further information on the plans from punch taverns

Yours sincerely

[REDACTED]

Sent from Yahoo Mail on Android

Kirstie MacNeill
Clerk to the Licensing Board
John Muir House
Court Street
Haddington
East Lothian
EH41 3HA



Ref: KMacN/mjw/EN/L/L1

Dear Kirstie

I am writing in regards to the application for variation to premises licence for The Burgh Arms, 83 High Street, Musselburgh, East Lothian, EH21 7DA. I would like to make a few objections in regards to this application.

Firstly, for a considerable time now the Burgh has been a problem pub, with the police having to attend and deal with numerous disturbances at the premises. This had become even more frequent in the month leading up to its' closure last month. In our opinion this application to change the licence is just a way to get around the pub from being closed down. We feel that even if the pub was to start selling meals, these problems would still persist as the clientele will largely remain the same. The pub has sold food before and that did not stop the regular disturbances.

Secondly, we would like to strongly object to the use of the external area at the rear of the premises. Our property overlooks this area and as a result, the noise carries into our property, causing disturbance to our home life. This is tolerable when it is normal noise, i.e regular conversations, laughter. However, this area has often been used by clients of the pub for fighting or having loud, expletive filled arguments. These incidents happen at all time of the day, often very late at night. As you can imagine, these incidents are very loud, which is very annoying and disturbing, especially late at night. Also, on occasion, clients have climbed the wall surrounding the beer garden and entered our residents' car park that surrounds our flat building, or broke through fences into other properties that surround the beer garden. This makes ours, and other surrounding properties, feel less secure.

Thirdly, we are uncomfortable with the pub opening at 8am if the external area is also open from this time, for the same reasons in the paragraph above. We feel that the external area, if allowed to be used, should only be allowed to be used during set times.

I hope you take the above points into serious consideration when deciding whether or not to approve the change of licence. Ideally, we would prefer it if the premises never opened again as a pub or alcohol selling enterprise. We haven't made these objections just for the sake of it. We have had to put up with the pub causing these many problems ever since we moved into our property 3 years ago. We have actually sent 2 complaint emails to East Lothian Council about this pub previously. Also we are currently expecting our first child and we feel we have to put our family life first and try to minimise outside problems and disturbances.

Yours sincerely,

Jonathan & Stacey Downie

EAST LoTHIAN LICENSING BOARD

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

EW
RF
Fik
Sg
CC
KAWKAY
N/contol
NEIGHBOR
CC

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

EL0105

2(b) Name and Address of Premises

The Burgh Arms
83 High Street
Musselburgh

Post Code	EH21 7DA	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	EAST LoTHIAN COUNCIL LICENSING 22 MAY 2015 RECEIVED
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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)

Allow on and off sales from 11am on Sundays.
Allow bar meals out with core hours.
Allow premises to open from 8am everyday for the provision of teas, coffees, breakfasts – no alcohol will be sold out with core licensed hours.
Add in additional activities as per operating plan attached.
Allow children and young person's access from 8am.

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.

Internal reconfiguration.

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)

Alter description of premises:

Café bar with external area.

Change of premises name to:

Brewed and Baked

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 21.05.15
.....

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


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>

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Development Control Manager **To:** Clerk to the Licensing Board
Per: Neil Millar **Per:** Licensing Board
Cc:

Date: 15th June 2015

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Burgh Bar, 83 High Street, Musselburgh

Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for as detailed in the application forms with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

I also note that planning permission (Ref: 04/00869/FUL) was granted for a change of use of ground to beer garden and children's play area and erection of fence and canopy in May 2005.

2(ii)

EAST LoTHIAN COUNCIL
LICENSING

27 MAY 2015

RECEIVED



**POLICE
SCOTLAND**

Keeping people safe

Date: 11th May 2015

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

Tel: +44 (0)131 663 2855
Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: DUNBAR CASTLE SOCIAL CLUB
PREMISES: DUNBAR CASTLE SOCIAL CLUB, MASONIC HALL, BELHAVEN
ROAD, DUNBAR**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to change from a 'club licence' to an 'open licence'.

The premises currently operate 'on sales' from 1100 hours on a Tuesday until 0100 hours on the Wednesday morning. Should the 'open licence' be granted, I would request that the terminal hour for a Tuesday be reduced to 2300 hours to fall in line with all other 'on sales' in the area and the current Board Policy.

I would also request that children and young persons (0-17 years) only be allowed access until 2200 hours if under the supervision of a responsible parent or guardian unless they are attending a private function when they can stay for the duration of that function. This premises does not offer any bar meals or restaurant facilities and therefore there is no real requirement for children and young persons to be there unless they are attending a private function.

scotland.police.uk  @PoliceScotland  PoliceScotland

The premises are also requesting an increase in their current licensed hours (Monday – Sunday). Any increase in licensed hours 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 variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

A solid black rectangular box redacting the signature of the Divisional Licensing Officer.

Divisional Licensing Officer

EAST LoTHIAN COUNCIL

Licensing, Administration and Democratic Services

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

per:

per

ref:

ref:

Date: 15 Jun. 15

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – June 2015

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:

Dunbar Castle Social Club, Masonic Hall, Belhaven Road, Dunbar, East Lothian EH42 1DD

R. Fruzynski
Licensing Standards Officer

Clerk to the Licensing Board

East Lothian Council

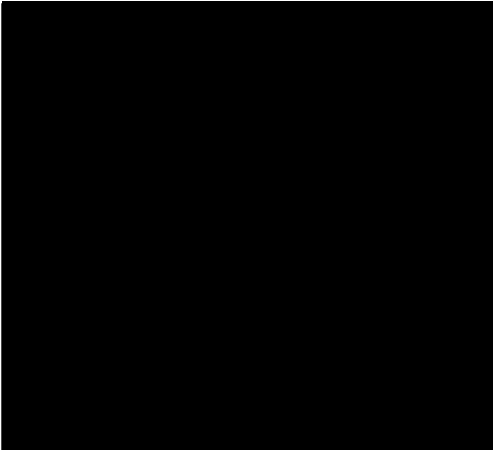
John Muir House

Haddington

East Lothian

EH41 3HA

3 June 2015



Dear Ms MacNeill

Reference: KMacN/MJW/EN/L/L1

Application for Variation to Licensing Hours, Dunbar Castle Social Club, Masonic Hall, Belhaven Road Dunbar.

Thank you for your letter dated 12 May 2015 regarding the application for a variation to the current Members Club License at the above premises. I wish to object to the proposal on the grounds of:

- a) Securing Public Safety
- b) Public Health
- c) Overprovision

a) Securing Public Safety

At present the Dunbar Masonic Lodge and Social Club provides alcohol under the License of a Members Club the proposed changes will effectively turn these premises into an open licensed premise and I believe that this changes if approved will cause a number of difficulties in the immediate area.

The club premises are surrounded on three sides by buildings and the other, the northern aspect, by Belhaven Road the main road into the centre of Dunbar reached by a narrow and steep staircase. The east and western sides of the building are within two metres of private accommodation including a new build of some 29 apartments and houses. The southern aspect is filled by the club car park and the rear of the Bleaching Field Community Centre. The pre-school play area of the Community Centre, although enclosed by a fence, overlooks the car park. Additionally the pathway leading between Dunbar Primary School and Nursery to Countess Crescent and then to the centre of the town runs behind the Bleaching Field Centre, avoiding the Community Centre car park at its front but passes immediately in front of the Social Club premises. This path is used extensively by both accompanied and unaccompanied children moving to and from the schools to the centre of Dunbar and beyond.

The inevitable increase in both commercial and private traffic resulting from the requested variation in licence will substantially increase the risk of an incident involving pedestrians moving from the Primary and Nursery School school to the staffed road crossing over Countess Crescent at its junction with Belhaven road.

The "open" nature of the licence by its intent is to increase the footfall to the premises. The new patrons will expect to be entertained, including the provision of music including live functions. An

increase in disturbances due to vehicle movement,, car doors slamming, people arriving and departing throughout the day but in particular around the closing time, will add to the sound pollution of a wide range of neighbours

b) Public Health

The proximity of the building to its existing and new neighbours will mean that the nuisance levels of cigarette smoke from patrons smoking at the doors of the building will be substantially increased under the proposed changes to its license.

c) Overprovision

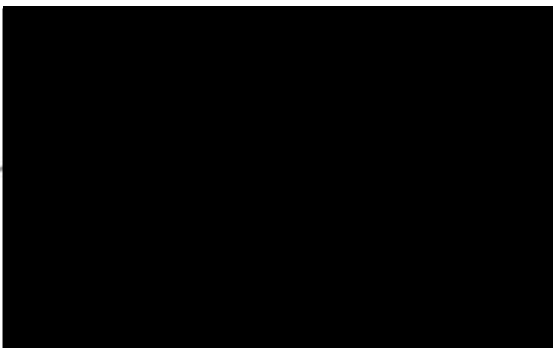
Although the population of Dunbar has significantly increased and is planned to expand even more over the next 5 years, the vast majority of building has taken place in an area south of the main rail line away from both these premises and the centre of town.

Within a 10 minute walk (500mts) of the Social club are some 20 open licensed premises, an additional 3 restaurants and another club with a members licence. Only the council owned Hallhill Sports Centre and one of the existing open licensed premises is within a 10 minute walk of the new buildings to the south of the town.

If a new open licence is required it would be inappropriate to grant it to premises near the town centre. Dunbar's high street and adjacent streets have previously suffered from disturbances and vandalism late in the evening.

It is for these reason that I hope that the Licensing Committee will reject the application to vary the License of this Social club

Yours truly,



Edward J Boyle

Winter, Maree

From: DCSC [redacted]
Sent: 27 May 2015 10:44
To: Winter, Maree
Cc: Gordon T Mitchell
Subject: Re: Major Variation Dunbar Castle Social Club
Attachments: Notes on PScotland statement V1.docx

Maree,

Please find our response to your email 20 May 2015 regarding the Police Scotland representation to our application for a major variation.

Response by Dunbar Castle Social Club to Police Scotland representation to our application for a major variation.

We accept the recommendation to terminate at Tuesday 23.00. Therefore we have withdrawn the request to terminate at 01.00 Wednesday.

We accept the Police Scotland recommendations that children and young people only be allowed access until 22.00 hours and only if under the supervision of a responsible parent or guardian.

The Club is looking to move to an open licence because it requires additional income to finance the continuous increasing costs of maintaining the fabric and furnishings of the premises and provision of the facilities for which the Club is constituted. We do not envisage changing extensively our current business model which mainly seeks to use the bar in association with private functions and masonic meetings. We are looking for flexibility in being able to meet our overhead costs.

It is not intended that the open licence be used to be competition in relation to other licensed premises, but membership subscriptions alone do not meet the income required to meet current expenses therefore the generation of some additional income through investigation of new rents, with bar revenue opportunities, would greatly assist the Club survive.

Likewise it is desirable to have the option of having earlier opening facilities to accommodate bookings for conferences and others, in line with modern day opening hours.

Full license Training has been obtained to comply with SCPLH Personal Licence certification, during 2014, to ensure we are fully conversant with the East Lothian Licensing Board Statement of Licensing Policy.

We will continually review our processes to increase our coverage of the suggested control measures for i) preventing crime and disorder; ii) securing public safety; iii) preventing public nuisance; iv) protecting and improving public health; v) protecting children from harm. As an example we note that we are non-compliant with the recommendations in the provision of CCTV but have recently installed additional external lighting with PIR switching. We also consider that

Winter, Maree

From: Grant, Shona
Sent: 15 May 2015 10:59
To: Winter, Maree
Subject: FW: major variation application
Attachments: DCSC 110515 Major_Variation application form.docx

Maree

No further comment.

Regards

Shona

Shona Grant | Principal Environmental Protection Officer | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827336 | Email. sgrant@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

From: Winter, Maree
Sent: 12 May 2015 08:47
To: [REDACTED]
Stand
Subject: FW: major variation application

Hi all,

Please find amendments made to the application for major variation, which I sent to you yesterday for Dunbar Castle Social Club.

Regards
Maree.

From: DCSC [REDACTED]
Sent: 11 May 2015 11:11
To: Winter, Maree
Subject: Re: major variation application

Maree,

Please find clarification on my omission on core hour change and conference opening.

Section 3(b)

In addition, we would wish to change the commencement of core hours on weekdays, Monday to Fridays inclusive, from 19:00 hours to the earlier time of 11:00 hours.

and

No alcohol will be served before the commencement of core hours, except when an occasional extension has been granted.

EAST LoTHIAN COUNCIL
ENVIRONMENT
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Internal Memorandum

From: Environmental Health Partnership Manager
per: Marin Muir
ref: MM/AC

To: Litigation & Licensing
per: M Winter
ref:

Date: 11th May 2015

Subject: Licensing (Scotland) Act 2005
Section 29 Application for Variation other than a Minor Variation
Dunbar Castle Social Club, Masonic Hall, Belhaven Road, Dunbar

I refer to the application dated 6th May 2015 received on the 8th May 2015 attaching a copy of the Application for Variation other than a Minor Variation together with the copy of the Operating Plan for the above named premises.

I have no objections to the application for "Variation other than a Minor Variation".

Marion Muir
Food & Safety Officer

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Development Control Manager **To:** Clerk to the Licensing Board
Per: Neil Millar **Per:** Licensing Board
Cc:

Date: 20th May 2015

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Dunbar Castle Social Club, Masonic Hall Belhaven Club, Dunbar
Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for as detailed in the application forms with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Winter, Maree

From: Jacqueline Bell [REDACTED]
Sent: 03 June 2015 13:41
To: Licensing
Subject: Application for Variation of Premises Licence - Dunbar Castle Social Club

This was discussed at Dunbar Community Council on May 18th 2015. We have no objections to the changes.

Jacquie Bell
Secretary
Dunbar Community Council

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0222

2(b) Name and Address of Premises

Dunbar Castle Social Club
Masonic Hall Belhaven Road,
Dunbar

Post Code	EH42 1DD	Phone No.	01368 862824
-----------	----------	-----------	--------------

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

Dunbar Castle Social Club
Masonic Hall
Belhaven Road
Dunbar
East Lothian

Post Code	EH42 1DD	Phone No.	01368 862824
-----------	----------	-----------	--------------

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

It is desired to move the existing license type from that of a Club to Open License.

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)

A copy of the proposed operating plan is attached to this application. The changes are as follows:

Core times on a Saturday and Sunday have been amended to run continuously from opening time until the terminal hour doing away with the outdated afternoon closure. The operating times are therefore proposed as follows: Saturdays 11am to 1am and Sundays 12midday to midnight. In addition, we would wish to change the commencement of core hours on weekdays, Monday to Fridays inclusive, from 19:00 hours to the earlier time of 11:00 hours.

Changes to include conferences facilities and indoor sports both of which may commence before core hours, but no earlier than 10.00 and will never extend beyond the end of core hours. No alcohol will be served before the commencement of core hours, except when an occasional extension has been granted.

Under our new open licence, children's access times would be restricted to 10pm, or until the terminal hour of any special event or function which they are attending.

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

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

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

N/A

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)

It is proposed that Mr Gordon Mitchell, born 08/10/1948, 6 Warrender Crescent, Dunbar, EH42 1LU, Personal Licence Holder EL1118 be nominated as our Designated Premises Manager.

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 £ is enclosed.

Signature

..... (See note 5 below)

Date

.....

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

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

.....

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:

2(iii)



**POLICE
SCOTLAND**

Keeping people safe

Date: 19th May 2015

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855
Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: MARTIN MCCOLL LIMITED
PREMISES: MCCOLLS, 61 HIGH STREET, HADDINGTON**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the display area for alcohol from 7.6 square metres to 8.5 square metres.

Any increase in licensed area 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 variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.

EAST LoTHIAN COUNCIL
LICENSING

27 MAY 2015

Yours faithfully



Divisional Licensing Officer

Winter, Maree

From: [REDACTED]
Sent: 09 June 2015 21:54
To: Licensing
Subject: Martin Mccoll

Ruth Moncrieff
Haddington Community Council
Correspondence Secretary

Dear Madam,

I am writing on behalf of Haddington Community Council, following our meeting this evening. We would like to voice our concerns with the Application for premises Licence from McColls 61 High Street Haddington. The Community Council are of the view that there is a high number of licensed premises in operation already.

Yours Faithfully
Ruth Moncrieff

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 15 June 2015

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – MAY 2015

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 revised Layout Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

The increase in area applied for is only 0.9 M². This is to fill a small gap in the existing alcohol display.

Premises Inspected:

McCalls, 61 High Street, Haddington, East Lothian EH41 3ED

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN COUNCIL
ENVIRONMENT
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Internal Memorandum

From: Environmental Health Partnership Manager
per: Darren Johnson
ref: DJ/JD

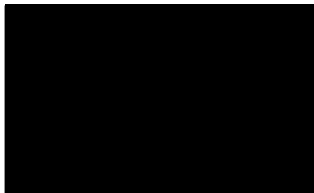
To: Litigation & Licensing
per: M Winter
ref:

Date: 20 May 2015

Subject: Licensing (Scotland) Act 2005
Section 29 Application for Variation other than a Minor Variation
McColls, 61 High Street, Haddington

I refer to the application dated 15 May 2015 received on 19 May 2015, attaching a copy of the Application for Variation other than a Minor Variation together with the copy of the Operating Plan and Layout Plan drawing for the above named premises.

I have no objections to the application for "Variation other than a Minor Variation".



Darren Johnson
Food & Safety Officer

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Development Control Manager **To:** Clerk to the Licensing Board
Per: Neil Millar **Per:** Licensing Board
Cc:

Date: 25th May 2015

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: McColls, 61 High Street, Haddington

Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for as detailed in the application forms with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL324

2(b) Name and Address of Premises

MCCOLLS
61 HIGH STREET
HADDINGTON
EAST LoTHIAN

Post Code	EH41 3ED	Phone No.	01620 823892
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2(c) Full Name and Address of Current Licence Holder

MARTIN MCCOLL LIMITED
MARTIN MCCOLL HOUSE
ASHWELLS ROAD
BRENTWOOD

ESSEX			
Post Code	CM15 9ST	Phone No.	

SECTION 3: NATURE OF VARIATION

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

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

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

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)

<p>THE PROPOSED CAPACITY OF THE PREMISES TO WHICH THE APPLICATION RELATES FOR OFFSALES IS INCREASING FROM 7.6 M2 TO 8.5 M2 AS OUTLINED ON THE ATTACHED PLAN.</p>

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.

<p>THE INTERNAL LAYOUT OF THE PREMISES HAS BEEN CHANGED. AN ADDITIONAL SHELVING UNIT HAS BEEN ADDED BETWEEN THE EXISTING</p>

CHILLER WITH ALCOHOL AND THE TWO EXISTING SHELVING UNITS THAT CONTAINED THE AMBINET ALCOHOL. THE EXTRA SHELVING ADDED HAS INCREASING THE CAPACITY FROM 7.6 M2 TO 8.5 M2.

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 £ is enclosed.

Signature

[Redacted Signature]

..... (See note 5 below)

Date 15/05/2015

Capacity: AGENT

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

**LOCKETT & CO, LOCKETT
HOUSE, 13 CHURCH STREET
KIDDERMINSTER, WORCS,
DY10 2AH**

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>

EAST LOTHIAN

Meeting 25 June 2015 at 10:00am in , Council Chambers, Town House, 56 Hlgh Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Occasional(s)	Premises	Applicant	Date Received	Comments
4	NORTH BERWICK RUGBY FOOTBALL CLUB RECREATION PARK DUNBAR ROAD NORTH BERWICK EAST LOTHIAN	NORTH BERWICK RUGBY FOOTBALL CLUB	10 June 2015	Start date of event: 08/08/2015 End Date of Event: 08/08/2015 North Berwick Highland Games Is A Popular Public Event Held On An Annual Basis In The Park Adjacent To The Premises Of North Berwick Rugby Football Club. We Seek To Take Advantage Of The Custom From This Event By Providing A Drinks Service To Participants And Visitors Attending It.

Winter, Maree

From: Herkes, Gillian on behalf of Licensing
Sent: 15 June 2015 13:35
To: Winter, Maree
Subject: FW: North Berwick Highland Games

From: NBHG [REDACTED]
Sent: 15 June 2015 13:05
To: Licensing
Subject: North Berwick Highland Games

Dear Sir/ Madam,

On Behalf of North Berwick Highland Games, we wish strongly to object to an occasional licence being given to North Berwick Rugby Club on the day of our games Saturday 8th August. We strongly feel that this is overprovision as we already have onsite drink and food licences with people paying to sell their goods so that we can keep bringing this International Event back to East Lothian year on year and giving the Rugby Club a licence for our day stops the other traders from making a profit so they can return the following year to aid us the North Berwick Highland Games a success for all concerned.. Last year the Rugby Club opened up their back door and sold Burgers and other food stuff without being part of our very health and safety record and hygiene requirements selling to our visitors and performers alcohol and food out with our event and allowing Beer Glasses being brought into our safety conscious event . So we strongly object to this application.

Yours sincerely

North Berwick Highland Games

14 NORTH BERWICK RUGBY FOOTBALL NORTH BERWICK RUGBY FOOTBALL
CLUB CLUB START DATE OF EVENT: 12/06/2015 19/06/2015
RECREATION PARK 08/08/2015
DUNBAR ROAD END DATE OF EVENT:
NORTH BERWICK 08/08/2015
EAST LOTHIAN NORTH BERWICK
HIGHLAND GAMES IS A
POPULAR PUBLIC EVENT
HELD ON AN ANNUAL
BASIS IN THE PARK
ADJACENT TO THE
PREMISES OF NORTH
BERWICK RUGBY
FOOTBALL CLUB. WE
SEEK TO TAKE
ADVANTAGE OF THE
CUSTOM FROM THIS
EVENT BY PROVIDING A
DRINKS SERVICE TO
PARTICIPANTS AND
VISITORS ATTENDING

EAST LoTHIAN LICENSING BOARD

OCC 254
ELC Ad 12/16
CUSTOMER SERVICES

09 JUN 2015

APPLICATION FOR OCCASIONAL LICENCE **RECEIVED**

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	ELO 255
Personal licence number (if applicable)	EL 1172
Name of voluntary organisation (if applicable)	North Berwick Rugby Football Club

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mrs			
Surname	MAINNIE		
Forenames	JAMICE		
DATE OF BIRTH	Day 09	Month 01	Year 1958
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
16 SCHOOL ROAD			
Post town ABERLADY		Post code EH32 0RJ	
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile	07884 275 126		
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
janmainnic@hotmail.co.uk			

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

11.00am - 20.00pm

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES

Ages of children or young persons permitted entry

0-17

Times at which children or young persons permitted entry

11.00am – 20.00pm

Parts of premises to which children or young persons permitted entry

All, however as per regulations children will be at least 1.5 meters from all bars .

7. CHECKLIST

I have - Please tick for yes

- Made or enclosed payment of the fee for the application


Yes

8. Signature and declaration by applicant (see note 3)

DECLARATION

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

SIGNATURE



DATE

6.6.2015

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only:-

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

3. THE PREMISES

Description of premises

North Berwick RFC is a purpose built, single storey building situated to the East of North Berwick within the town's recreational park. The surrounding area is predominantly residential but the clubhouse remains separate from any neighbouring housing. There is another sports facility adjacent to the east-side of the clubhouse, with both buildings benefiting from on-site parking.

Description of activities to be carried on in the premises – (including number of persons expected to attend)

North Berwick Highland Games is a popular public event held on an annual basis in the park adjacent to the premises of North Berwick Rugby Football Club. We seek to take advantage of the custom from this event by providing a drinks service to participants and visitors attending it.

Full postal address of premises which this application refers to

North Berwick RFC
Dunbar Road
North Berwick, EH39 4DG

4. DURATION OF LICENCE - (include dates and times required for event)

Saturday 8th August 2015 11.00am to 20.00pm

5. Is alcohol to be sold on & off the premises NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

11.00am – 20.00pm

Times for sale of alcohol for consumption off premises

Not applicable

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

Herkes, Gillian

From: [REDACTED]
Sent: 15 June 2015 14:26
To: Licensing
Subject: FW: Liquor - Premises Licence - 2005 Act - Occasional - North Berwick Rugby Football Club, Recreation Park - 10/06/2015
Attachments: occasional_application_form.doc_161358.doc

Gillian

No issues

H

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

From: Herkes, Gillian [<mailto:gherkes@eastlothian.gcsx.gov.uk>]
Sent: 10 June 2015 16:15

[REDACTED]
Subject: Liquor - Premises Licence - 2005 Act - Occasional - North Berwick Rugby Football Club, Recreation Park - 10/06/2015

Occasional Licence application lodged - OCC254 - North Berwick Highland Games - North Berwick Rugby FC - 8th August, 2015

Jamice Mainnie 9.1.58

Please find attached details of Occasional Licence applications lodged in this office.

We await your response within 21 days of the receipt of this email.

Please reply with your responses to <mailto:licensing@eastlothian.gov.uk>

Regards

Licensing Team

Email Disclaimer - East Lothian Council

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage which may result from this email or any files attached. Email is not secure and can be intercepted, corrupted or amended without the knowledge of the sender. East Lothian Council do not accept liability for errors or omissions arising as a result of interrupted or defective transmission.

<<occasional_application_form.doc_161358.doc>>

The information in this e-mail and any attachment(s) is private and may also be LEGALLY PRIVILEGED. It is intended only for the addressee. If you are not the intended recipient or responsible for delivering it to the intended recipient, you are hereby notified that any use, disclosure, review, dissemination, distribution or reproduction of this e-mail is strictly prohibited.

Winter, Maree

From: Cowe, Ann on behalf of Environmental Health/Trading Standards
Sent: 12 June 2015 09:29
To: Licensing
Subject: FW: Liquor - Premises Licence - 2005 Act - Occasional - North Berwick Rugby Football Club, Recreation Park - 10/06/2015
Attachments: occasional_application_form.doc_161358.doc

I would advise that this office has no objections to the attached application subject to standard conditions

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

From: Herkes, Gillian
Sent: 10 June 2015 16:15
To: [REDACTED]
Envi
Subject: Liquor - Premises Licence - 2005 Act - Occasional - North Berwick Rugby Football Club, Recreation Park - 10/06/2015

Occasional Licence application lodged - OCC254 - North Berwick Highland Games - North Berwick Rugby FC - 8th August, 2015

Jamice Mainnie 9.1.58

Please find attached details of Occasional Licence applications lodged in this office.

We await your response within 21 days of the receipt of this email.

Please reply with your responses to <mailto:licensing@eastlothian.gov.uk>

Regards

Licensing Team

Herkes, Gillian

From: Grant, Shona
Sent: 11 June 2015 10:41
To: Herkes, Gillian
Subject: FW: Liquor - Premises Licence - 2005 Act - Occasional - North Berwick Rugby Football Club, Recreation Park - 10/06/2015
Attachments: occasional_application_form.doc_161358.doc

Gillian

I have no objections or comments to make in relation to this application.

Regards

Shona

Shona Grant | Principal Environmental Protection Officer | East Lothian Council | John Muir House | Haddington | EH41 3HA | Tel. 01620 827336 | Email. sgrant@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

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

From: Herkes, Gillian
Sent: 10 June 2015 16:15
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Grant, Shona
Subject: Liquor - Premises Licence - 2005 Act - Occasional - North Berwick Rugby Football Club, Recreation Park - 10/06/2015

Occasional Licence application lodged - OCC254 - North Berwick Highland Games - North Berwick Rugby FC - 8th August, 2015

Jamie Mainnie 9.1.58

Please find attached details of Occasional Licence applications lodged in this office.

We await your response within 21 days of the receipt of this email.

Please reply with your responses to <mailto:licensing@eastlothian.gov.uk>

Regards

Licensing Team

EAST LOTHIAN

Meeting 25 June 2015 at 10:00am in , Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
5 DAY TO DAY 26-28 BRIDGE STREET TRANENT EAST LOTHIAN EH33 1AG	POLICE SCOTLAND	14 May 2015	

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**From: Rudi Fruzynski,
Licensing Standards Officer**

**To: Kirstie MacNeill
Clerk to the Licensing Board**

Date: 17 June 2015

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – JUNE 2015
Day To Day, 26-28 Bridge Street, Tranent, East Lothian**

On Monday 28th May 2015 I received official intimation in terms of Section 38(3) (b) of the licensing (Scotland) Act 2009 that the Licensing Board had decided to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act I have prepared a report into the circumstances of the request for this review for the consideration and information of Licensing Board Members. My observations are as follows:-

Day To Day is a small licensed grocers and convenience store. Mr Umar Irshad is the current Premises Licence Holder and Nazran Ahmed is the Designated Premises Manager.

Since the variation of the Premises Licence in 2012, to change the premises from a pub to a licensed grocers, the LSO has visited the shop on a regular basis and found the manager and staff to be very pleasant and helpful and checks of the operation of the alcohol licence have not identified any problems. There have been no complaints or intelligence received that the sale and supply of alcohol from the premises has been anything other than legal and above board.

On 25th January 2015, East Lothian Council Licensing department received a letter from the Nosheen Iqbal, stating that she was no longer the Premises Manager of the Day To Day store. This intimation invoked the need, under Section 54(4)(b) of the Licensing (Scotland) Act 2005, that a replacement Designated Premises Manager be nominated by way of a Minor Variation, within 6 weeks of the departure of the previous manager. Failure to nominate a new manager and continue to trade would result in a breach of licence and the unlicensed sales of alcohol.

On 13th May 2015 the police requested a review of the Day To Day Premises Licence based on the a number of problems identified following a police test purchase operation in March 2015. These problems included a sale of alcohol to a test purchaser, a failure to co-operate with the police officers involved in the test purchase, failure to nominate a replacement premises manager within 6 weeks of the previous manager leaving resulting in a breach of licence and unlicensed sales of alcohol. The full details of the problems are shown in the police report.

On 4th June 2015 the LSO called at Day To Day by prior arrangement and carried out a full inspection of the premises. I met with Irshad Ahmed, who is the father of the current Licensee, Umar Irshad. I inspected

In summary, the explanations provided in relation to the various problems identified were somewhat weak and the management require to ensure they fully co-operate with the police at all times, that they maintain their licensing file so that the content is kept up to date and available for inspection at all times, and that the licensee and manager have a more visible, hands on approach to running their shop and their obligations and responsibilities required in holding a premises licence in relation to the sale and supply of alcohol.

R. Fruzynski
Licensing Standards Officer

East Lothian Council
Licensing

14 MAY 2015

Received



**POLICE
SCOTLAND**

Keeping people safe

Date: 13th May 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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Dear Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36
PREMISES LICENCE REVIEW APPLICATION
DAY TO DAY, 26- 28 BRIDGE STREET, TRANENT**

The Chief Constable, in terms of Section 36(1) of the Licensing (Scotland) Act 2005, hereby makes application to the Licensing Board in terms of Section 36(3)(a) & (b) of the Act, for a review of the premises licence in respect of the premises known as Day to Day, 26-28 Bridge Street, Tranent.

The Chief Constable makes application on the grounds that in terms of Section 36(3)(a) of the Act, on grounds that one or more of the conditions to which the premises licence is subject has been breached, namely;

- ***Alcohol is not to be sold on any premises except under and in accordance with a premises licence granted under this Act in respect of the premises.***

Also, in terms of Section 36(3)(b) of the Act, on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely;

- ***Preventing crime and disorder***

The premises operates as a licensed grocers and are licensed to sell alcohol Monday to Sunday 1000hrs until 2200hrs.

Following a transfer application in January 2014, Umar Irshad, born 31/07/1994, 513 Gilmerton Road, Edinburgh became the licence holder.

In support of this application, the following information is provided for consideration.

In terms of Section 105 of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a young person to buy or attempt to buy alcohol to determine whether an offence is being committed.

The use of young persons to conduct test purchase operations provides police with an effective tool in the fight against underage sales and represents an important safeguard against underage drinking and the resultant antisocial behaviour that adversely affect many communities.

A standard operating procedure, which ensures operations are carried out safely, fairly and effectively, was prepared only after consultation with various stakeholders, including:

- Scotland's Commissioners for Children & Young People;
- Society of Chief Officers for Trading Standards in Scotland;
- Association of Chief Police Officers in Scotland;
- Convention of Scottish Local Authorities;
- Scottish Executive Enforcement Advisory Group on Age Restricted Sales; and
- Crown Office.

The operating procedure provides that a test purchase operation may be carried out on premises for any of the following reasons:

- Where there is intelligence to suggest that alcohol is being sold illegally to persons under 18 years of age from specific licensed premises;
- Where there is intelligence indicating that persons under 18 years of age are consuming alcohol in the locality where the licensed premises are situated; and/or
- Where the premises are in a locality in which all premises are being subjected to test purchase operations in a non-discriminatory manner, to raise awareness in relation to the illegal sale or purchase of alcohol in licensed premises.

Young persons recruited as test purchasers must be aged between 16 and 16½ years at the time of a test purchase operation and they are assessed on their appearance, level of maturity and general character prior to deployment. If the officer in charge of an operation believes that the young person looks older than 16½ years of age, the young person will not be used in the test purchase operation.

The test purchaser is told that all questions asked by the seller must be answered truthfully. The test purchaser must state their correct age if challenged and if the initial attempt to buy alcohol is refused, the test purchaser must not try to persuade or coerce staff to make a sale. In short, licensed premises will pass a Test Purchase Operation if they simply challenge the test purchaser regarding his or her age. In addition, compliance with the requirement for licensed premises to have an age verification or "Challenge 25" policy in place and the proper training of staff, in accordance with the legislative provision, will provide premises with further safeguards against failing a test purchase operation.

As such, it was decided to conduct a test purchase operation in the East Lothian area. A total of 5 'off sale' licensed premises were tested within the town of Tranent. Only 1 failed.

The test purchase operative used was a 16 year old female. She was given a full briefing prior to the operation and informed that she must answer any questions required of her by staff truthfully.

About 2100 hours on Saturday 14th March 2015, plain clothes officers entered the premises trading as the Day to Day, 26-28 Bridge Street, Tranent to carry out a risk assessment. The test purchaser then entered the shop and selected a bottle of blue WKD from open display and took it to the service counter. She was sold this alcohol by a male now known as Omar Javed who was working behind the counter. The premises licence holder Mr Umar Irshad who was also behind the counter participated in the sale by issuing change to the test purchaser. Neither Mr Omar Javed or the licence holder Mr Umar Irshad asked the test purchaser her age or for identification. The test purchaser left the shop and surrendered the alcohol to plain clothes police officers outside.

Plain clothes police officers then entered the premises and spoke with both males. They informed the licence holder, Mr Umar Irshad and Mr Omar Javed that they had failed a test purchase.

Police officers found the licence holder and male member of staff to be uncooperative throughout. They stated that they were unable to return the marked original £10 noted hand over by the test purchaser, that the tills had been cashed up and they were unable to retrieve it from the safe. They could not provide a till receipt that correlated to the sale of alcohol. The licence holder Mr Umar Irshad, when asked about the CCTV stated that it was not working at the time and so could not provide police with footage of the sale.

The licence holder Mr Umar Irshad when asked, could not produce his personal licence, stating that he did not know where it was, neither could he produce a training record for Omar Javed. Mr Irshad stated that Omar Javed was just a friend who was visiting the shop and did not work there. When police asked Mr Javed his name he refused to give this and after about 10 minutes he eventually produced a drivers licence as identification. The licence holder in this time also refused to give the male member of staffs name and refused to confirm his identity.

The licence holder and Omar Javed were then cautioned and charged with a contravention of Section 102 of the Licensing (Scotland) Act 2005. They were informed that the police would carry out a retest within the next 14 days. The circumstances of this test purchase fail were reported to the licensing officer.

On Wednesday 18th March 2015, enquiries were made by the licensing officer with East Lothian Council Licensing Department, when it was established that the premises had been operating without a designated premises manager since 25th January 2015. The previous one, Nosheen Iqbal having informed East Lothian Council by way of letter that she was no longer the premises manager. This now was well over the 6 week time scale allowed by the Licensing (Scotland) Act 2005 for the replacement of a designated premises manager.

That same day, the licensing officer, along with the police officers involved in the test purchase operation, attended at the premises. The licence holder Mr Umar Irshad was not present but a female member of staff agreed to contact him. It was explained to the female member of staff that she could no longer sell alcohol, as there was no designated premises manager for the premises. She duly complied with this request.

The licence holder Mr Umar Irshad arrived at the premises a short time later and it was explained to him that because the premises did not have a designated premises manager, that he could no longer sell alcohol until a minor variation had been submitted to East Lothian Council. Mr Irshad appeared to be unaware that the previous designated premises manager, Nosheen Iqbal had left.

Mr Irshad was then asked where his personal licence was, he duly produced this from a back office area within the premises. When asked by the licensing officer what the situation was with Omar Javed who was also involved in the sale, Mr Irshad produced a training record for him, it was noted that this training had been signed off by Mr Irshad himself some months prior.

Mr Irshad was then cautioned and charged with a contravention of Section 93 (duty to produce personal licence), Section 1 (prohibition of unlicensed sale of alcohol) and Section 141B (vicarious liability) of the Licensing (Scotland) Act 2005.

It was reiterated to the licence holder Mr Irshad that he could not sell alcohol until he had appointed a new designated premises manager, by way of a minor variation, to East Lothian Council. Following a phone call to his father, Mr Irshad became very argumentative and stated that paperwork had been submitted to the council and that we were incorrect and that he was the designated premises manager for the premises.

It was explained to the licence holder Mr Irshad that a check had been made with East Lothian Council that morning to confirm there was no current designated premises manager and no minor variation in the process and that he could not sell alcohol until this had been rectified.

The licence holders attitude throughout this visit was very dismissive of the fact he had failed a test purchase and that he was operating without a premises manager.

On Thursday 19th March 2015, East Lothian Council Licensing Department received a minor variation in respect of the designated premises manger who was to be Nazran Ahmed born 10/04/1970, 513 Gilmerton Road, Edinburgh, Personal Licence Holder EL574.

On Friday 27th March 2015, the premises were subject to a re test and subsequently passed on this occasion.

On Monday 13th April 2015, the Edinburgh Procurator Fiscal issued a Fiscal Warning to Mr Umar Irshad, in relation to all four offences detected.

The Chief Constable requests that the Licensing Board consider the aforementioned grounds for review and take such steps as it consider necessary or appropriate for the purposes of the licensing objectives under the terms of Section 39(2) of the Act.

Yours faithfully

A solid black rectangular box used to redact the signature of the Inspector.

Inspector Harborow

REPORT TO: Licensing Board
MEETING DATE: 15/06/2025
BY: Clerk of the Board
SUBJECT: Licensing Board Logo

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1 PURPOSE

- 1.1 To consider and approve a logo for use by East Lothian Licensing Board.

2 RECOMMENDATIONS

- 2.1 That the Board considers the designs for logos shown in the appendix to this report and approves one of the designs and specifies its preferred for the colours to be used.

3 BACKGROUND

- 3.1 Licensing Boards are separate legal entities from the councils whose areas they serve in relation to alcohol and gambling licences. East Lothian Licensing Board is not a committee of East Lothian Council and is independent from the Council although members of the Board are Councillors and administrative support is provided by council officers. It is therefore inappropriate for the Licensing Board to use the East Lothian Council logo.
- 3.2 The graphic design team at East Lothian council has developed the three attached suggested logos for the Board to consider for its use. The three logos are shown in black and white, negative and in colour to illustrate how they could be used although all colours are interchangeable depending on the Boards preference. The graphic designer has indicated that she has tried to give the logos a positive and authoritative feel avoiding imagery that might give rise to the potential for any negative interpretation. Any subject specific imagery could nevertheless be used if it was felt appropriate in such things as publicity material if that were felt appropriate with the logo remaining neutral.

3.3 If the Board were to feel that further work should be undertaken in the development of a logo that would be possible.

4 POLICY IMPLICATIONS

4.1 None

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Clerk of the Licensing Board
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DATE	11/6/15

East Lothian Licensing Board logo design proposals (positive, negative & colour)

