

EAST LoTHIAN COUNCIL  
LICENSING

Date: 19<sup>th</sup> May 2015

27 MAY 2015

Your Ref:

RECEIVED

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](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)  
Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: ISERTAL LIMITED  
PREMISES: EVENT SPACE, ARCHIBALD HOPE HOUSE, ESKMILLS PARK,  
STATION ROAD, 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.

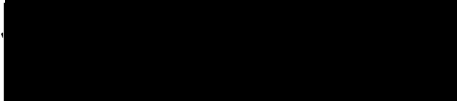
I note that the applicant is requesting to licence an outside area as highlighted in the layout plan provided. It is requested that the applicant clarify if the public have right of access through this area and indeed who owns it. I am aware of the area in question and was of the opinion that members of the public can walk across this area as a means to accessing the car parks at either side.

It is pertinent to note that any increase in licensed area/capacity 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.

Should the Board be minded to grant this variation, I would request that the outside area be clearly delineated to ensure no alcohol is taken from this area. I would also request that a terminal hour for use of this area is 2200 hours (at the latest), due to the close proximity to residential properties. Consideration should also be given to utilising plastic glasses in the outside area.

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

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**From:** Adam Davies [redacted]  
**Sent:** 20 May 2015 12:37  
**To:** Winter, Maree  
**Subject:** RE: Major Variation application - Event Space

Good Afternoon,

Thank you for sending this through. In response to the questions:

- \* The area is owned by our landlords Isatel Ltd but included in our lease agreement
- \* The area has a path running along the side of it that gives access to both carparks. The area we wish to serve drinks is the grass/cobbled area
- \* The intention is that this area is used for wedding drinks receptions and not as an outside bar area.
- \* I am more than happy with the recommendation of 2200 as a cut off time

If you need any further information please do not hesitate to get in touch.

Kind regards,

Adam.

Adam Davies  
Operations Manager

0131 273 5254  
[redacted]

EDINBURGH: 0131 273 5243  
Eskmills Venue  
Station Rd, Stuart House  
Musselburgh EH21 7PQ  
ABERDEEN: 01224 402 227  
3rd Floor, Riverside House,  
Riverside Drive,  
Aberdeen AB11 7LH

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

**From:** Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]  
**Sent:** 20 May 2015 10:37  
**To:** Adam Davies  
**Subject:** FW: Major Variation application - Event Space  
**Importance:** High

# **EAST LOTHIAN COUNCIL**

## **ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION**

**From: R. Fruzynski  
Licensing Standards Officer**

**To: K. MacNeill  
Clerk to the Licensing Board**

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Date: 15 June 15

**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 assessed in relation to application for a Premises Licence variation.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act.

I would recommend that the terminal time for use of the outdoor be no later than 22:00 hours to prevent disturbance to residents in the locality.

I have no objections to the granting of this application.

Premises:

**Event Space, Archibald Hope House, Eskmills Park, Station Road, Musselburgh, EH21 7PQ**

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

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

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**Date: 25<sup>th</sup> May 2015**

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Event Space, Archibald Hope House Eskmills Park, Station Road, Musselburgh

**Application type:** Variation other than a minor variation

I have concerns that the variation applied for in the application forms with regards to the above premise will be used as an outdoor drinking area.

I can confirm that there are no records of a grant of planning permission for the use of a beer garden / external drinking area within the grounds of the premise.

Please note that it is the responsibility of the licensee to confirm what planning permission is in place for this use or demonstrate that planning permission is not required for it. Otherwise I would advise that a planning application is sought for the change of use of this area of land to form a beer garden/external drinking area in accordance with the area of land outlined in red on the submitted 'Site Layout Plan'.

## Winter, Maree

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**From:** Millar, Neil  
**Sent:** 11 August 2015 13:29  
**To:** adam@gheventcatering.com  
**Cc:** Winter, Maree  
**Subject:** Event Space, Archibald Hope House Eskmills Park, Station Road, Musselburgh

Dear Mr Davies

As a consultee to your recent licensing application I note that the submitted information and drawings included an external drinking area. As the Council, as Planning Authority, do not have any records of planning permission having been sought nor granted for the use of a beer garden/external drinking area within the grounds of the proposed licensed premise, it is advised that you submit a planning application retrospectively for the use of land as a beer garden/external drinking area for this premise. Otherwise, without planning permission having been granted for it, the existing external drinking area remains unauthorised development that may be the subject of formal investigation by the Council's Enforcement Officer.

Please note that the planning application forms and guidance notes can be downloaded from the Councils website and submitted on-line at [http://www.eastlothian.gov.uk/info/200192/planning\\_online](http://www.eastlothian.gov.uk/info/200192/planning_online).

Regards

Neil

Neil Millar, Planner  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA  
phone: 01620 827383  
ext: 7383  
email: [nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk)

## Winter, Maree

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From: Herkes, Gillian on behalf of Licensing  
Sent: 15 June 2015 15:03  
To: Winter, Maree  
Subject: FW: Re

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

From: Adam Davies [REDACTED]  
Sent: 15 June 2015 15:02  
To: Licensing  
Subject: Re

Hello,

Thanks for getting back to me. Can I ask what is you actually need my comments on so as to ensure I get the correct information across to you?

~~I am afraid I have not had a notice on display. When I first started this process I called the licencing board to find out what was required. They advised that I simply had to fill out a major variation form and include copies of the site plan. There was no mention or a requirement to display a public notice and nor was this mentioned in the major variation form?~~

It is not a new licence I am looking for but simply to extend the area our current licence covers to include the outdoor area. This outdoor space is not to be used as a bar or anything in that nature. It is simply so reception drinks can be served after people have been married in this space.

Kind regards,

Adam

Adam Davies  
Operations Manager

0131 273 5254  
[REDACTED]

EDINBURGH: 0131 273 5243  
Eskmills Venue  
Station Rd, Stuart House  
Musselburgh EH21 7PQ  
ABERDEEN: 01224 402 227  
3rd Floor, Riverside House,  
Riverside Drive,

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)

..... East Lothian Council  
Licensing

11 MAY 2015

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL293

Received

2(b) Name and Address of Premises

EVENT SPACE  
ARCHIBALD HOPE HOUSE ESKMILLS PARK  
STATION ROAD  
MUSSELBURGH

Post Code

EH21 7PQ

Phone No.

031273 5243

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

1Serial Ltd  
15 Atholl Crescent  
Edinburgh  
East Lothian

Post Code

EH3 8HA

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

#### 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)

Wish to include outdoor Area.  
Plans indicating the area included with  
application.

#### 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.

Wish to include outdoor Area.  
Plans indicating the area included  
with application.

**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)

**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

23/4/15

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

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

ADAM DAVIES

[Redacted Address]

Eskmills Venue, Strath  
House, Musselburgh EH21 7PA

**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

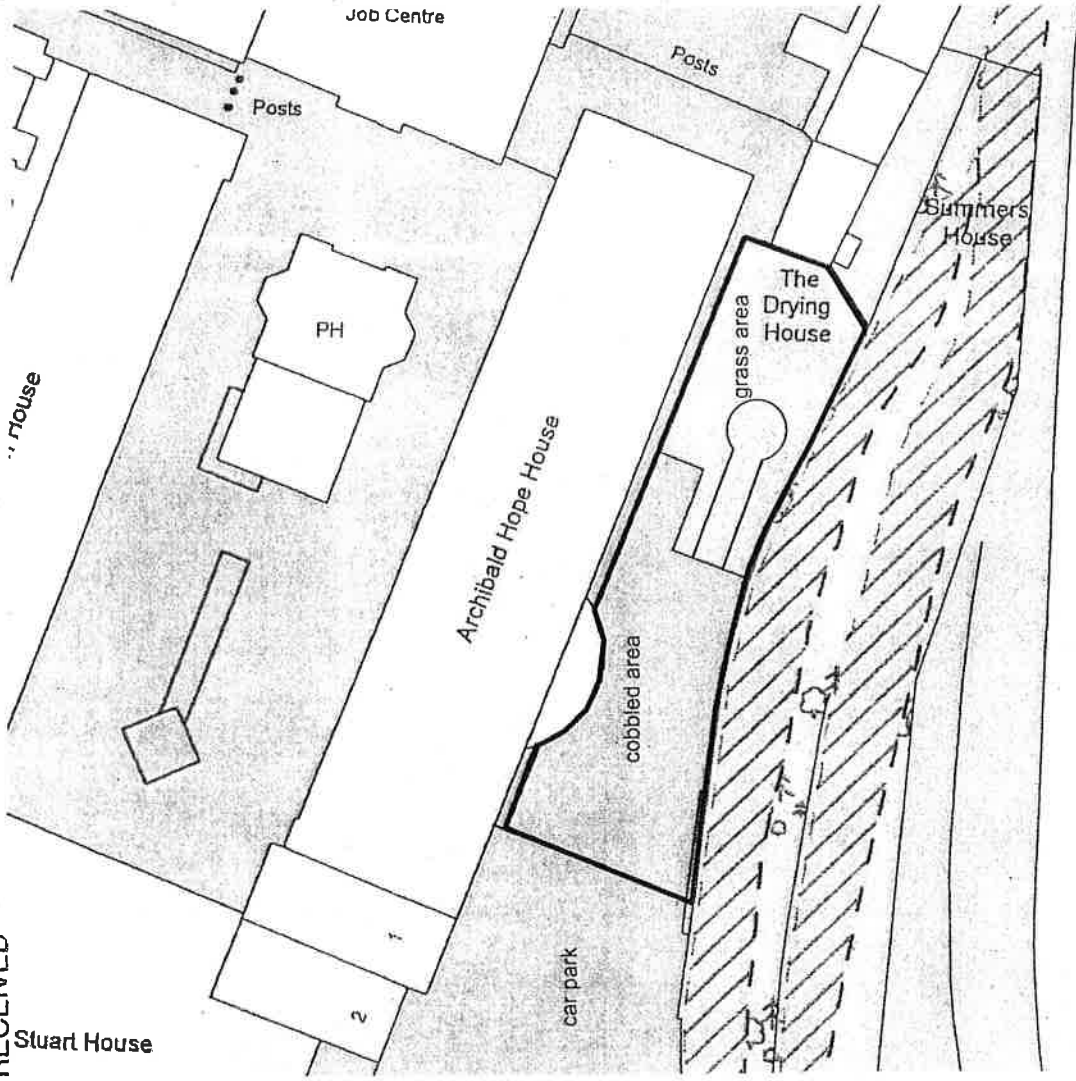
Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

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

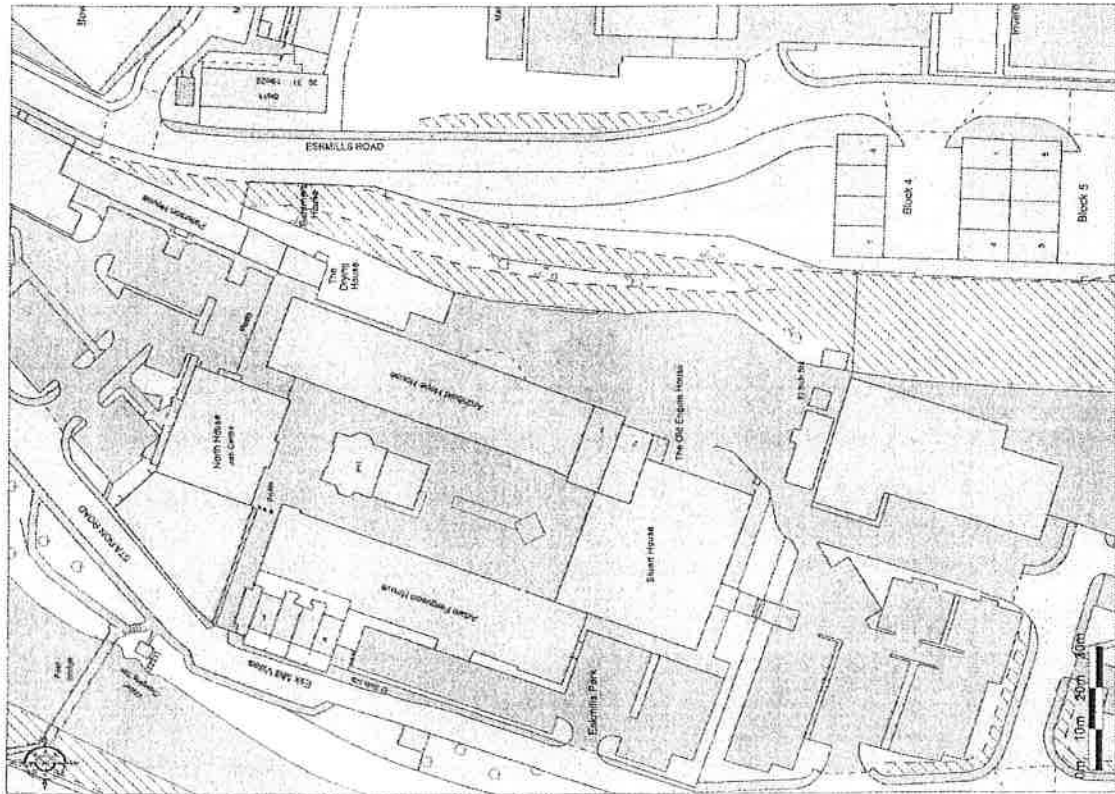
20 APR 2015

RECEIVED

Stuart House



Site Layout Plan 1:500



Promap

Site Location Plan 1:1250