

**EAST LOTHIAN**

**Meeting 26 May 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

**Occasional(s)**

**Premises**

**Applicant**

**Date Received**

**Comments**

4 MACMERRY BOWLING CLUBHOUSE  
WEST BANK ROAD  
MACMERRY  
EH33 1HA

MACMERRY MINERS WELFARE  
SOCIETY & SOCIAL CLUB

5 May 2016

Start date of event:  
26/05/2016

End Date of Event: 08/06/2016  
Outdoor Bowling Games & Indoor  
Social Events

Children and young persons are  
permitted during the following  
times: 0-15 years - 11am to  
10pm

16/17 years - 11am to Close of  
premises.



**POLICE  
SCOTLAND**

Keeping people safe

Date: 16<sup>th</sup> May 2016

Your Ref:

Our Ref: J/LIC/3705/HB

Philip Gormley QPM  
Chief Constable

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

Local Area Commander  
The Lothian and Scottish Borders Division  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE

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 – REPRESENTATION  
APPLICATION FOR OCCASIONAL LICENCE – 211  
APPLICANT: MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB  
PREMISES: MACMERRY BOWLING CLUB**

I refer to the above application for an occasional licence to cater for outdoor bowling games and indoor social events.

I note that the applicant is requesting to be licensed between 26<sup>th</sup> May and 8<sup>th</sup> June 2016.

It is pertinent to note that the Macmerry Miners Welfare are the holders of an 'open licence' and no longer operate as a private members club. They applied for and were granted several occasional licences last year (2015) to cover bowling events held at the Macmerry Bowling Club. We received ten (10) applications in total between April 2015 and August 2015.

Board Policy states:

Repeated applications for occasional licences for the same premises and which are

- Not for specific events; and/or
- For activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months

will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. It is generally expected that the premises in question should consider an application for a Premises Licence.

Section 59(6) of the Act specifies the grounds for refusal of an application for Occasional Licence. These grounds include "that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives". These licensing objectives include:

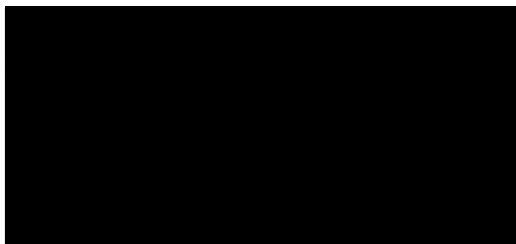
- Securing public safety
- Protecting and improving public health

The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.

The applications received so far for the Macmerry Bowling Club have all been for identical events with the Macmerry Miners operating the bar for profit, as a business. Therefore, in line with Board Policy, Police Scotland will no longer support this or any future occasional licences of this nature.

Submitted for your consideration.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquires please contact the Licensing dept on 01620 826 147

**From:** Fruzynski, Rudi  
**Sent:** 28 April 2016 14:53  
**To:** Herkes, Gillian  
**Subject:** RE: Liquor - Premises Licence - 2005 Act - Occasional - Macmerry Bowling Clubhouse, West Bank Road - 19/04/2016

From a Licensing Standards point of view, I offer the following observations on this application:

@ The applicant is the holder of an open premises licence, namely Macmerry Miners Welfare and Social Club.

@ The applicant seeks to operate the bar in the premises leased to MacMerry Bowlers under a separate lease from East Lothian Council on a profit making basis. None of the proceeds go to the bowling club.

@ The applicant applied for consecutive 14 day occasional licences for a period exceeding 3 months in 2015.

@ The current application, for the first of several intended 14 day applications, is contrary to Section 18 of the East Lothian Statement of Licensing Policy 2013 - 2016, which states "*Repeated applications for Occasional Licences for the same premises and which are:- For activities that have been occurring (either identical or largely similar terms) on the premises regularly over a period of at least 3 months*" the policy continues by stating such applications "*will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority, but will require a hearing before the Board. It is generally expected that the premises should consider an application for a Premises Licence*".

@ In 2015, the Miners Welfare Committee, who lease the bar, were advised of the Board's policy, as stated above, and were given full details on how to apply for a full licence, which is required in relation to profit making activities. No Premises Licence application has since been made.

@ The Statement of Licensing Policy 2013 - 2016 Section 18 also states "*The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing of public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.*"

@ To continually operate a bar using Occasional Licences is in a sense gaining licensed facilities on the cheap and is in conflict with the interests of those who have applied for and been granted Premises Licences.

@ The Premises Licence in relation to MacMerry Bowling Club was surrendered in 2014 due to circumstances outwith licensing interests, but should be applied for anew if the bar is to be run on a seasonal or continuous basis from now on.

It is for the foregoing reasons that I cannot support this or future applications for Occasional Licences to operate a profit making bar in the premises known as MacMerry Bowling Club.

Rudi Fruzynski  
Licensing Standards Officer

OCC211/16  
Ael 6/5

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

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) (MACMERRY MINERS CLUB)	
Personal licence number (if applicable)	
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
Mr			
Surname	Fortune		
Forenames	James		
DATE OF BIRTH	Day	Month	Year
	■	■	■
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
■			
Post town		Post code	
TELEPHONE NUMBERS			
Daytime	■		
Evening			
Mobile			
FAX NUMBER			

**E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)**



**3. THE PREMISES**

**Description of premises**

**Macmerry Bowling Club (Pavilion)**

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

**OUTDOOR BOWLING GAMES**

**INDOOR SOCIAL EVENTS**

**120 PERSONS MAXIMUM (60 PERSONS INSIDE / 60 PERSONS OUTSIDE)**

**Full postal address of premises which this application refers to**

**Macmerry Bowling Club (Pavilion)**

**Westbank Road**

**Macmerry**

**East Lothian**

**EH33 1PL**

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

**From : 23rd May 2016**

**To: 6th June 2016**

5. Is alcohol to be sold on & off the premises YES/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 - 11.00pm Sunday to Thursday 11.00am - 12 midnight Friday & Saturday	Times for sale of alcohol for consumption off premises 11.00am - 10.00pm Monday to Sunday
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Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

**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/NO (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry  0 -17 years	Times at which children or young persons permitted entry 0 -15yrs 11.00am - 10.00pm 16/17yrs 11.00am - Close
----------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------

Parts of premises to which children or young persons permitted entry  
Within designated area and 1.5m from bar

**7. CHECKLIST**

I have - Please tick for yes

- Made or enclosed payment of the fee for the application

**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.

<b>SIGNATURE</b>	<b>DATE</b> 5th May 2016
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**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

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>)