



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 27 OCTOBER 2016
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

Councillor J Goodfellow (Convenor)
Councillor S Akhtar
Councillor S Currie
Councillor D Grant
Councillor W Innes
Councillor F McAllister

Clerk of the Licensing Board:

Mrs M Ferguson, Service Manager, Legal and Procurement

Attending:

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services
Mr R Fruzynski, Licensing Standards Officer
Ms G Herkes, Licensing Officer
Ms M Winter, Licensing Officer
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor T Trotter

Declarations of Interest:

Councillors Grant and Innes declared an interest in items 6 (a) and 6 (b). Councillor Grant stated that he had an extensive knowledge of the situation and Councillor Innes advised that he had been involved in the initial response referred to in the papers. Both Councillors informed the Board that they would leave the Council Chamber during these items and would not take part in the debate or the decision making. The Clerk confirmed that the meeting would still be quorate once Councillors Grant and Innes had left the meeting.

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 22 September 2016 were agreed to be a true record.

2. STATEMENT ON OCCASIONAL EXTENDED HOURS OVER THE FESTIVE PERIOD

Councillor Goodfellow, Convenor, East Lothian Licensing Board advised that, in terms of Section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension will apply from Friday 16 December 2016 until Tuesday 3 January 2017 inclusive and will allow an extension of the terminal hour for the sale of alcohol during that period until 2 am. The extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions beyond this although any applications for extended hours outwith this general extension will be considered on a case-by-case basis. It should be noted that such applications will be required to be submitted no later than 1 December 2016. There is no need for licensees to apply for the general extension to 2 am. On sales premises can utilise these hours to the extent they consider appropriate.

3 PREMISES LICENCE – MAJOR VARIATION

3 (a) The Longniddry Inn, Main Street, Longniddry

Mr S McGowan, TLT Solicitors, was present to represent the applicant. Mr A Russell, Premises Manager and Mr J McWilliams, Punch Taverns, were also present.

The Clerk advised that the major variation seeks to amend on and off sales on Sundays from 12.30 pm to 11 am; amend the terminal hour on Thursdays from 11 pm to 1 am; allow bar meals outwith core hours; add outdoor drinking during core hours; and allow that the premises may open prior to core licensed hours for the provision of teas, coffees, breakfasts etc. The application states that no alcohol will be sold outwith core hours. She further advised that a public objection had been received. The Objector, Mr Wyzgowski, was represented by his wife.

Mr McGowan stated that his client was agreeable to a terminal hour of 10.00 pm for the outside area, as suggested by Police Scotland. He advised that following the objection from a neighbouring resident, the application would be amended to withdraw the request for a change to the terminal hour on Thursdays.

The Licensing Standards Officer (LSO) indicated that the establishment is well run and Police Scotland had nothing to add to their written report.

Councillors Innes, McAllister and Currie commented on the high quality of the venue and commented favourably on the fact that the application now reflected the concerns of local residents.

Decision

East Lothian Licensing Board agreed to grant the major variation to the premises licence, as amended.

3 (b) The Craig House, Carberry Road, Inveresk

Mr C Grunert, John Gaunt and Partners, was present to represent the applicant. Ms F Guthrie, Designated Premises Manager was also present.

The Clerk advised that the major variation seeks to amend the operating plan to increase residential capacity from 180 to 246; change breakfast serving time from 7 am to 6.30 am; amend the layout plan to extend the Premier Inn by 22 bedrooms; and decrease the size of the outside drinking area to allow for the extension.

Mr Grunert provided background information regarding the application; highlighted the fact that the Premier Inn bedrooms are licensed; stressed that the capacity in the bar area would not be increasing; and undertook to look into the representations in relation to planning for the external drinking area.

The LSO reported that the premises are well run and Police Scotland had nothing to add to their written report.

Board Members were unanimous in their support and commented on that the extension to the Premier Inn reflects the growth of East Lothian as a tourist destination.

Decision

East Lothian Licensing Board agreed to grant the major variation to the premises licence.

4 REQUEST FOR REVIEWS OF PREMISES LICENCES

The Clerk presented a report seeking the Board's agreement to instigate review proceedings in respect of premises licences where the annual fee for 2016/17 remains unpaid, that being a breach of the mandatory conditions attached to those premises licenses.

The Clerk provided updated details of the seven premises where the annual fee for 2016/17 remains unpaid.

Councillor Currie expressed concern that there are unpaid fees every year.

Councillor Goodfellow thanked the Licensing team for all their hard work in ingathering fees.

Decision

East Lothian Licensing Board agreed to:

- i. hold a review hearing in respect of the premises licences listed in appendix 1, as amended, on the basis that the annual fees for 2016/17 have not been paid and this constitutes a breach of mandatory condition number 10 and is a ground for review hearings, at the Board's initiative in terms of Section 37 of the Licensing (Scotland) Act 2005.
- ii. Delegate to the Clerk of the Board the authority to cancel any review hearings in respect of those premises that pay the annual fee prior to the date of the said hearing.

5 PERSONAL LICENCE

Emma Smillie

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Ms Smillie was also present.

The Clerk advised that Ms Smillie had disclosed her conviction on the application form and that a letter of support had been received from her employer.

Mr Macdonald provided pertinent background information and pointed out that Police Scotland are not objecting to the licence being granted.

Councillor McAllister appreciated Ms Smillie's honesty; Councillor Currie stressed that the trust and confidence in Ms Smillie demonstrated by her employer are of the utmost importance; Councillor Innes commented that Ms Smillie had changed her lifestyle and is clearly a valuable part of her employer's team; and Councillor Grant acknowledged the remorse shown by the applicant.

Decision

East Lothian Licensing Board agreed to grant the personal licence.

Sederunt: Councillors Grant and Innes left the meeting

6 GRANT OF PREMISES LICENCE

- 6 (a) Macmerry Bowling Club, West Bank Road, Macmerry – Bowlers**
- 6 (b) Macmerry Bowling Club Pavilion, West Bank Road, Macmerry – Miners' Welfare**

Mr S McGowan, TLT Solicitors, was present to represent Macmerry Bowling Club, West Bank Road, Macmerry – Bowlers (The Bowlers). Mr E Dickson, Secretary, and Mr D Dixon, Treasurer, were also present.

Mr A Macdonald, Macdonald Licensing, was present to represent Macmerry Bowling Club Pavilion, West Bank Road, Macmerry – Miners' Welfare (The Miners). Mr J Fortune, Club President, was also present.

The Clerk advised that this is an unusual situation as two applications had been received for these premises and that the Board would therefore hear both of these together.

Mr McGowan raised a number of preliminary matters regarding the competency of the Miners' application in relation to the right to occupy the premises in question. He then provided a comprehensive account of events from 2007 which he considered pertinent to the applications. In particular he highlighted an agreement dated 20 May 2014 which outlined lease and licence arrangements for the premises; stated that bar facilities have not been provided by the Miners in the agreed manner; and that the Miners are therefore in breach of the agreement between them and the Bowlers. He urged the Board to take a view on the competency of the Miners' application before debating the merits of both applications.

Mr MacDonald indicated that his involvement is very recent and therefore appreciated being granted a short adjournment to discuss the papers with his client. He then provided his interpretation of the background situation. He added that there

is no requirement under legislation for the person who is granted a licence to have a right of occupancy; suggested that the situation be dealt with practically so that a bar is provided, by the Miners, for the bowling club as and when required; and indicated that it is not for the Board to make a decision on the termination of any legal arrangement/agreement. He was of the view that it would be helpful if the Board postponed making a decision today pending guidance and clarification from the Council's property and legal departments on the situation regarding occupancy of the premises.

Mr Macdonald and Mr McGowan agreed that the Board are in a difficult position.

Councillor Currie asked if the relationship between the Bowlers and the Miners had broken down to such an extent that there is no prospect of both parties reaching an agreement.

Mr McGowan relayed his client's frustrations at the lack of undertaking by the Miners to provide bar facilities when required. He added that attempts to meet with the Miners to discuss matters have failed and that there is now a loss of trust in the Miners on the part of his clients. He pointed out that the agreement dated 20 May 2014 is silent regarding the licence and that his client's preference is that the Board reaches a view today regarding the preliminary issue of competence in respect of the Miner's application.

Mr Macdonald advised that it is his impression that there has been a breakdown between the people involved and that the matter can no longer be resolved by the two parties. He indicated that he would welcome the opportunity to work with Mr McGowan to resolve matters.

Mr McGowan stated that if the Board decides not to consider the competency issue in relation to the Miners' application, then he would be agreeable to working directly with Mr Macdonald.

After a short recess, Councillor Goodfellow informed Mr Macdonald and Mr McGowan that it is the view of the Board that the matter of who should be applying for the licence should be resolved outwith the Board meeting. He advised that the Board can only grant once licence and that the Board is not the appropriate forum for a decision on who should be applying for the licence. He urged the two legal representatives to move to resolve the matter and to only bring one application back to the meeting of East Lothian Licensing Board on 24 November 2016. Councillor Goodfellow stated that the Board are not clear that the bowling club has a lease from the Council that gives them permission to run a licensed bar in these premises. He noted however that the Miners do not appear to have any right to enter or occupy the premises. He asked that the legal representatives seek clarification from Council Officers and try to resolve the matter outwith East Lothian Licensing Board, before the next meeting, failing which, the Board would have to decide which application, if any, to grant.

Decision

East Lothian Licensing Board agreed to continue the consideration of both premises licence applications to the meeting on 24 November 2016.

EAST LOTHIAN

Meeting 24 November 2016 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 GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT	DIAGEO SCOTLAND LIMITED C/O MESSRS. MORTON FRASER SOLICITORS QUATERMILE TWO 2 LISTER SQUARE EDINBURGH	10 October 2016	Add on Sales 10am to 11pm daily. Seasonal Variations to read premises may close within corehours. Inclusion of Conference, Restaurant, Receptions, Meetings, Recorded Music, Live Performances, Theatre, Sport & Outdoor Drinking Facilities. New wording for other activities, Amend Children & young persons to have access to all areas at all times if accompanied by an adult. Add to Layout plan board walk by the lagoons & pavilion & bowling green/surrounding areas. Variation to description to include Visitor Centre, Shop, Pavilion & external areas.



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)

Deletion of items in Description of Premises: Grandfather rights and Staff Sales

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0120

2(b) Name and Address of Premises

Glenkinchie Distillery Glenkinchie Pencaitland East Lothian			
Post Code	EH34 5ET	Phone No.	01875 342 004

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

Diageo Scotland Limited 5 Lochside Way Edinburgh Park Edinburgh			
Post Code	EH12 9DT	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

[Empty box for details of condition(s) to be varied]

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)

1. On sales facility sought with hours to run from 10.00 to 23.00 daily.
2. Change in wording for seasonal variations.
3. Inclusion of additional activities being Conference facilities, Restaurant Facilities, Receptions, Club or other meetings, Recorded Music, Live Performances, Theatre, Sports, and Outdoor drinking facilities with wording to explain where these activities take place outwith core hours.
4. Removal of existing and insertion of new wording in 5(f) describing other activities on the premises.
5. Changes in the wording related to children and young persons to generally simplify, to allow children access to all areas at all times if accompanied by an adult (other than on the bowling green) and for young persons to be permitted access unaccompanied at all times.

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.

1. Addition to layout plan being marked board walk by the lagoons.
2. Addition to layout plan to cover the Pavilion Building and bowling green/surrounding area.

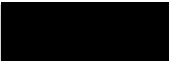
3(d) Variation to any other information contained or referred to in the licence

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)

Changes to description of premises to read:". The premises are located 2 miles to the south of the village of Pencaitland, 6 miles from the A1 and 18 miles from Edinburgh City Centre and comprise





areas located within the Glenkinchie Distillery site to include a Visitor Centre, Shop, Pavilion building, external area including a bowling green and surrounding area and a marked board walk adjacent to lagoons."

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

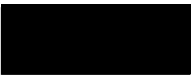
The fee payable in respect of the application for variation is **£150**

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

7 October 2016

Capacity: AGENT

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

David Hossack, Morton Fraser, Quatermile Two, 2 Lister Square, Edinburgh EH3 9GL
Tel: 0131 247 1024, david.hossack@morton-fraser.com

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
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 LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Glenkinchie Distillery
Glenkinchie
Pencaitland
East Lothian
EH34 5ET

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO*
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO*
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<i>*Delete as appropriate</i>	

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	23.00
<i>Saturday</i>	10.00	23.00
<i>Sunday</i>	10.00	23.00

Question 3



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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
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**If YES – provide details*

The premises may close outwith the times stated in light of customer demand or weather conditions.

Question 5



PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	NO	NO	NO



<i>5(d) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Outdoor drinking facilities</i>	YES	YES	YES
<i>5(e) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Adult entertainment</i>	NO	NO	NO

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

Restaurant Facilities: The premises may be used for dining before or after core hours.

Conferences, Receptions and Club Meetings: The premises may be used prior to or after core hours for these purposes.

Recorded Music: Music may be played in the premises during the entire hours of operation.

Live Performances and Theatre: Live performances and theatrical presentations may take place on the premises often but not exclusively related to the premises licence holder's products.

Films: Films may be shown often but not exclusively related to the premises licence holder's products.

Indoor and Outdoor Sports: There is a bowling green located next to the Pavilion Building. These facilities may be used prior to core hours.

External Drinking Areas: Non alcoholic beverages may be consumed on the bowling green and area surrounding that together with the nature walk area next to the lagoons prior to core hours.

No alcohol will be served outwith core hours for any activity unless an extended hours application is made.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.





The premises form an integral part of distillery tours run from the premises. All areas of the premises may be used in connection with tours and for other educational activities related to the production of whisky and other alcoholic products.

Such activities may include guided tours, exhibitions, talks and demonstrations by Diageo and others.

The premises will be used for education in and promotion of Diageo products.

The premises may be used for the taking and dispatch of orders including by electronic commerce.

The premises may be used for tastings/sampling of whisky and other alcoholic products.

The visitor centre shop may sell a wide variety of products other than alcohol.

The Pavilion building may be used for a wide variety of functions, dinners and meetings.

The premises may be used for a whole range of office functions at all times.

The walkway next to the "lagoons" will be used for walks, nature and wildlife tours and generally as part of the distillery tours. Samples of alcohol may be provided as part of such tours.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS





6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

Children will be permitted entry in to the premises only when accompanied by an adult but will not be required to be accompanied if on the bowling green or other adjacent areas. Young Persons will be permitted into the premises without being accompanied by an adult.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

All Ages of Children and Young Persons will be permitted entry.

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

Children and Young persons will be permitted entry at all times.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Children and Young Persons will be permitted into all public areas.





[Empty box]

Question 7

CAPACITY OF PREMISES

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

<p>On consumption: <u>Bar in Visitor Centre</u> – 80 <u>Pavilion Building</u> - 60</p>
<p>Off Sales: 102.3m²</p>

Question 8

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

Personal details

8(a) *Name*

Gemma Gascoigne

8(b) *Date of birth*

[Redacted]

8(c) *Contact address*

[Redacted]

8(d) *Email address and telephone number*

[Redacted]





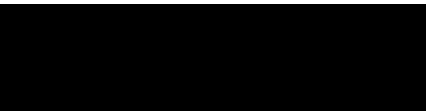
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 Dec 2012	East Lothian	EL918

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  (see note below)

Date 7 October 2016

Capacity ...AGENT (delete as appropriate).

Telephone number and email address of signatory 01312471024

david.hossack@morton-fraser.com

*** Data Protection Act 1998**

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



EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 09 Nov. 16

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

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 accordance with the Licensing (Scotland) Act 2005 and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

**Glenkinchie Distillery Visitors Centre and Pavilion, Glenkinchie, Pencaitland,
East Lothian EH34 5ET**

R. Fruzynski
Licensing Standards Officer

Date 26th October 2016



**POLICE
SCOTLAND**

Keeping people safe

Your Ref: EL120

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 Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland
Diageo Scotland Limited**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a variation to the operating plan, the addition of 'on sales' hours and changes to the layout plan to include another building within the grounds.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

I note that the applicant currently has 'off sales' only and is requesting to add 'on sales' to their operating plan. In addition to this they are requesting an opening time of 1000 hours for 'on sales'. I also note that there is a request to increase the area (capacity) of the licensed premises to include the Bowling Green and Pavilion area.

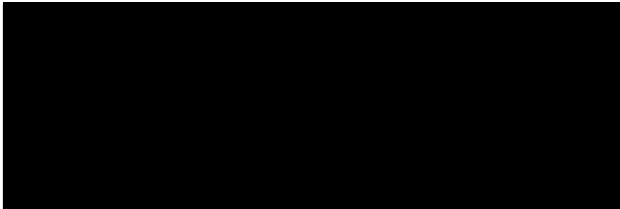
The opening time of 1000 hours for 'on sales' is out with Board Policy. Any increase in licensed hours and capacity is also out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to

demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

Outdoor drinking has also be requested and I would respectfully request that should the Board be minded to grant this that the terminal hour for outdoor drinking be 2200 hours, due to the close proximity of residential properties.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147.

EAST LoTHIAN COUNCIL

Internal Memorandum

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

Date: 31st October 2016

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Glenkinchie Distillery, Glenkinchie, Pencaitland

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

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

However, 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 or of the bowling green.

It is noted that the information provided in the operating plan states that outdoor drinking facilities are to be provided. I would advise that a planning application is sought for the change of use of any area of land that is to be used as a beer garden/external drinking area.

EAST LOTHIAN

Meeting 24 November 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Personal Licence(s)	Applicant	Date Received	Comments
----------------------------	------------------	----------------------	-----------------

2 AIDAN EDWARD BERNEY

13 October 2016

EL1335

SCHEDULE 2

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

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. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Ms Miss Mrs Other (please state)	
Surname	Berney
Forenames	AIDAN EDWARD
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town	Post code
[REDACTED]	[REDACTED]
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
FAX NUMBER	[REDACTED]
E-mail address (if you would prefer us to correspond with you by e-mail)	
1-3 Westgate The Herringbone East Lothian	
Address for correspondence associated with this application (if different to the address above)	
[REDACTED]	
Post town	Post code
North Berwick	EH39 4AE

East Lothian Council
Licensing
13 OCT 2016

Received



2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes	No
If you have ticked yes please provide a copy of your qualification with your application.		

3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
Note: You may only hold one personal licence at a time		Please tick
Do you currently hold a personal licence?	Yes	No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	Yes	No <input checked="" type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No <input checked="" type="checkbox"/>
Licensing Board	SQA - Scottish Qualifications Authority	
Licence number		
Date of issue	13 th July 2016	
Date of expiry		
Any further details		


4. RENEWAL ONLY	
This section should be completed only if you are applying for a renewal of your existing licence	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
Details of current personal licence	
Licensing Board	
Licence number	
Date of issue	
Date of expiry	
Any further details	
If you cannot provide your personal licence, provide a statement explaining why	

Other personal licence		
Note: You may only hold one personal licence at a time		Please tick
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes ✓	No

5. CHECKLIST	
I have	Please tick yes
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	✓
• Enclosed a copy of any licensing qualification I hold	✓
• Enclosed my current personal licence (renewal only)	
• Made or enclosed payment of the fee for the application	✓

6. Previous Convictions
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty
None			

7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE – read note 5 Applicant/ Agent (*Delete as appropriate)			DATE 11/10/2016

I understand that East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. East Lothian Council may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

NOTES

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

Date 22/10/2016

Your Ref: EL1335

Our Ref: J/LIC/3705/HB

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



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

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

Dear Madam,

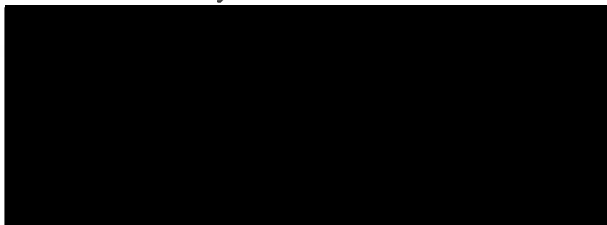
**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
AIDAN EDWARD BERNEY, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
19/12/2013	Inverness	Misuse of Drugs Act 1971 Section 5(2) Possession - Ecstasy	Fine £100

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

EAST LOTHIAN

Meeting 24 November 2016 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
3 PANS CONVENIENCE STORE 5 HAWTHORN ROAD PRESTONPANS EH32 9QW	EAST LOTHIAN LICENSING BOARD C/O 1 GEORGE SQUARE CASTLE BRAE DUNFERMLINE KY11 8QF	30 September 2016	

Our Reference: MF/MJW/EN/L/Provisional

Date: 24th March 2016

Young & Partners LLP
1 George Square
Castle Brae
Dunfermline
KY11 8QF

Dear Sirs

**LICENSING (SCOTLAND)ACT 2005
PROVISIONAL PREMISE LICENCE APPLICATION
PANS CONVENIENCE STORE, HAWTHORN ROAD, PRESTONPANS**

East Lothian Licensing Board at its meeting held on 24th March 2016, agreed to grant the provisional licence for the above premises with the undertaking that the following condition would be adhered to:-

“A Personal Licence holder must be on the premises at all times during licensing core hours”

The police and Licensing Standard Officer agreed to monitor the premises and a report will be heard at the September 2016 Board Meeting, and the board will make the decision whether or not to lift the above condition.

Your client also took the undertaking that Mr Ali Raza will not be employed at the premises.

Please find enclosed a copy of the provisional premise licence.

Yours faithfully

Morag Ferguson
Depute Clerk to the Licensing Board

Enc.

**Direct Dial : 01620 827867(Maree Winter)
E-mail : licensing@eastlothian.gov.uk**

Your ref: Debbie Elworthy
Our ref: JGC/AF/AF/NADE1/1

10 October 2016

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

Also by email to: licensing@eastlothian.gov.uk

Dear Sir

Licensing (Scotland) Act 2005
Abdul Nadeem, Pans Convenience Store, Prestonpans
Review Hearing 27 October 2016

We refer to your letter of 30 September 2016 being notification of the above review hearing.

On the basis that our client wishes us to attend the hearing on his behalf to speak to the application if required, and we are unable to do so on that date, we would be grateful if the matter could be adjourned to the November meeting of the licensing board.

We look forward to hearing from you on this matter as soon as possible.

Yours faithfully


John Cassells
Director

Email: jgc@businesslaw.co.uk
DD: 01383 745791

East Lothian Council
Licensing
11 OCT 2016
Received

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

Rudi Fruzynski,
Licensing Standards Officer

Kirstie MacNeill
Clerk to the Licensing Board

Date: 11 October 2016

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MONITORING REPORT –
THE PANS CONVENIENCE STORE, 5 HAWTHORN ROAD, PRESTONPANS, EAST
LoTHAIN

Licensing Standards Officer's monitoring report, taking in the period 24th March to 30th September 2016 respectively.

Submitted for the information and consideration of the Licensing Board.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

On Thursday 24th March 2016, a hearing was held by the Licensing Board to consider the Provisional Premises Licence application in respect of the Pans Convenience Store, 5 Hawthorn Road, Prestonpans. Board members heard that the shop had previously held a licence, but this had been surrendered. During the course of the licence, problems had been identified relating to Staff Training Records, failed test purchases, alcohol display areas and sales promotions. The decision of the Board was that the licence was granted on the condition that a Personal Licence holder was required to be on duty at all times the shop was open for business. It was asked that the Premises Licence be reviewed in six months time relating to the foregoing requirement.

LSO Visits

Throughout the monitoring period the LSO has frequently visited the premises and liaised with the Premises Licence Holder, Mr Abdul Kareem Nadeem. At the time of these visits it was noted that Mr Nadeem was generally not on the premises and came along after being called by a shop assistant. However, it was always the case that at least one of the shop's four Personal Licence Holders was on duty and in charge of alcohol sales.

Checks of the Staff Training records, staff daily briefing records, alcohol displays, price promotions, and mandatory signage were all found to be in order. The practice of relying on the in-store CCTV camera, located above the service counter, to record sales refusals was not considered appropriate since recordings are recycled after one month. It was therefore agreed that a paper record would be more useful in the event that a review of the Premises Licence be required and the due diligence of all the shop's licensing procedures would require to be examined over a period. Mr Nadeem concurred with this observation and a manual sales refusals record supplied by the LSO is now in place and available at all times for inspection.

Police report

A separate police report will be submitted by the Police Licensing Officer.

LSO Comments and Conclusions

The store has four Personal Licence Holders and at least one of them is on duty during off-sales hours. This is good practice and it is encouraged that it be voluntarily continued in this very busy shop.

The store is now well run and all the compliance measures recommended by Mr Nadeem's licensing agent have been implemented to good effect.

R. Fruzynski
Licensing Standards Officer



**POLICE
SCOTLAND**

Keeping people safe

Date: 21st October 2016

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
PREMISES LICENCE – 6 MONTHLY REPORT
PANS CONVENIENCE STORE, 5 HAWTHORN ROAD, PRESTONPANS**

With reference to the above, a provisional premises licence was granted by the East Lothian Licensing Board on 24th March 2016 with a condition attached that there should be **a personal licence holder on the premises at all times during licensing core hours**. This licence was then confirmed on 31st March 2016 and finally granted on 6th April 2016.

The Police Licensing Officer has visited the premises on three occasions. During these visits the premises were being operated in accordance with the conditions of their licence, namely a personal licence holder was present at the time of the visit, during core hours.

Since the granting of this licence there have been no calls to the premises other than to report a break in to the premises overnight on the 10th May 2016.

This report is submitted for your attention and information.

Yours faithfully

PC Heather Bowsher
Divisional Licensing Officer
Haddington Police Station
01620 826 147

EAST LOTHIAN

Meeting 24 November 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
4	MACMERRY BOWLING CLUB WESTBANK ROAD MACMERRY EAST LOTHIAN EH33 1PL	MACMERRY BOWLING CLUB	9 August 2016	
5	MACMERRY BOWLING CLUB (PAVILION) WESTBANK ROAD MACMERRY EAST LOTHIAN EH33 1PL	MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB	5 August 2016	

EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 30 August 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION - AUGUST 2016

Macmerry Bowling Club, Westbank Road, Macmerry East Lothian EH33 1PL

I refer to the above subject and can confirm that the undernoted premises licence application, submitted by Macmerry Bowling Club, has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005. In addition to the application, the club constitution, equalities policy and overprovision statement are in order.

Additional information to assist Board members:

The Board should be aware that Macmerry Miners Welfare and Social Club have now also applied for a Premises Licence for the same premises. The circumstances surrounding this situation are briefly as follows:

- East Lothian Council own the pavilion and property.
- Some thirty years ago the Bowling Club obtained a lease of the premises, but I believe there were some concerns as to whether the bowlers could maintain the lease and it was subsequently transferred to Macmerry Miners Welfare Club, and the bowlers became a sub section of the club and used the unlicensed pavilion as their bowling club.
- On 24th November 2011 the bowlers applied for and were granted a Premises Licence in respect of the pavilion. This alleviated the need for applications for Occasional Licences to cover bowling competitions, matches etc.
- In October 2013, the bowlers broke away from the Miners Welfare Club and this led to considerable discontent between both parties and the bowlers were locked out and could not use the pavilion for bowling purposes or use the bar licence they held.
- In 2014, Councillors Gillies and Innes, along with council officials negotiated a resolution of the situation whereby the Miners Welfare Club relinquished the lease of the pavilion and the bowlers surrendered the premises licence for the property. The agreement reached was that the bowlers would be given a licence to occupy the pavilion

for the purposes of bowling activities and the Miners Welfare was offered the opportunity of accepting a licence to occupy the pavilion bar subject to applying for a Premises Licence and opening the bar at times and on dates required by the bowlers to provide refreshments for bowling events.

- The stated agreement was accepted by both the bowlers and Miners Welfare.
- On compliance with the terms of the agreement, the bowlers were given a two year occupancy licence of the pavilion, from April 2014 to 2016. In April this year, this licence was renewed for a further two years.
- The Miners Welfare who were required, under their terms of agreement, to apply for a Premises Licence did not do so until August 2016 and have not therefore been granted a licence to occupy the pavilion bar. They have however applied for Occasional Licences, but the bowlers have not been happy with the arrangements indicating that there have been a number of periods they asked for a bar but it was not provided or the required times of the bar opening was not met.
- The discontent between the two clubs continues to rumble on and from a potential licensed premises point of view this does not bode well in relation to the licensing objectives.

Bowling encompasses a wide range of community, licensed, recreational, social and sporting activities. In East Lothian there are only five clubs that do not hold a Premises Licence. Of these, three small clubs apply for a limited number of Occasional Licences per annum to permit the sale and supply of alcoholic refreshments to members and visitors for league matches and open competitions.

R. Fruzynski
Licensing Standards Officer

Date 16th August 2016



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Your Ref: EL0340

Our Ref: J/LIC/3705/HB

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

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
MACMERRY BOWLING CLUB, WEST BANK ROAD, MACMERRY
COMMITTEE OF MACMERRY BOWLING CLUB**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

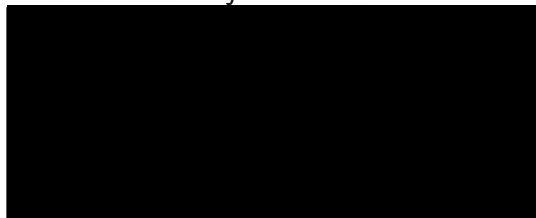
I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005, it is pertinent to point out that this application 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 licence would outweigh the presumption against grant in terms of the overprovision statement.

It is also noted that the applicant is requesting outdoor drinking facilities and its is requested that, should the application be granted, a terminal hour of 10pm be placed on outdoor drinking due to the close proximity of residential properties.

Submitted for your consideration.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

Winter, Maree

From: [REDACTED]
Sent: 23 August 2016 12:06
To: Winter, Maree
Subject: RE: Premise licence application - updated version

Maree,

Having been involved in some of the conversations regarding the leasing arrangements for the bowling club i would make the following comments:-

1. Has the lease been fully transferred to the bowling club from the miners welfare club?
2. If not there is a potential for 2 licence applications to be received for the bowling club premises – which would be the most valid to approve?
3. The timings for the sale of alcohol on the application form start and finish have been recorded as 11.00 – i am assuming that this is intended to be 11.00hrs (am) and 23.00hrs (pm) although this is not clear
4. Question 5 of the application – intended use in addition to bowling activities for wedding and funerals and birthdays etc would appear to be in contravention of the permitted use in the lease - items 1.1 and 5.1 apply

Regards,

Bill laird

From: Winter, Maree
Sent: 12 August 2016 10:34
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona; Oldcorn, Elizabeth; Jim.Sherval@nhslothian.scot.nhs.uk; Laird, William
Subject: Premise licence application - updated version
Importance: High

Hi

Please find attached application from Macmerry Bowlers for Macmerry Bowling Club with amendments as follows.

Sunday Morning – On & Off Sale 11am commencement.
Yes to recorded music core hours and outside core hours.
Yes to live performances within core hours.
Yes to dance facilities within core hours.

Background music may be played outwith core hours. Indoor/outdoor sports may be played prior to core hours.

Fundraising activities for club funds or and/or community events.

Capacity of premises – 60 persons inside
60 persons outside.

Regards
Maree

Maree Winter
Licensing Officer

Winter, Maree

From: David Dickson [REDACTED]
Sent: 23 August 2016 16:48
To: Winter, Maree
Subject: Re: Macmerry Bowling Club application

Hello Maree

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Winter, Maree" <mwinter@eastlothian.gov.uk>
Date: 23/08/2016 12:12 (GMT+00:00)
To: [REDACTED]
Subject: Macmerry Bowling Club application

HI, MAREE Core times are Monday to Thursday 11.00 am.to 11.00pm

Friday to Saturday 11.00am /12.00

Sunday 11.00am /11.00pm

off sales start time the same finish @10.00

Kind Regards Dave Dickson Macmerry Bowling Club

00.9

I refer to your application for the above premise licence. Could you please confirm your core hours – you have 11.00 to 11.00 and off sales you have 11.00 to 10.00. Could you please clarify these hours by am/pm or by 24 hour clock.

Regards

Maree.

Maree Winter

Licensing Officer

Democratic & Licensing Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

mwinter@eastlothian.gov.uk

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fostering@eastlothian.gov.uk

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Winter, Maree

From: Winter, Maree
Sent: 17 August 2016 08:51
To: 'LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk'; Fruzynski, Rudi
Subject: FW: LIC06 PREMISES - NO CONVICTIONS2 (BOWLERS)

Tracking:	Recipient	Delivery
	'LothianScotBordersLicensingEastMid@Scotland.pnn.p	
	Fruzynski, Rudi	Delivered: 17/08/2016 08:51

Hi

Please find for your info.

Regards
Maree.

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mwinter@eastlothian.gov.uk

From: [REDACTED] [mailto:\[REDACTED\]](mailto:[REDACTED])
Sent: 17 August 2016 08:49
To: Winter, Maree
Subject: Re: LIC06 PREMISES - NO CONVICTIONS2 (BOWLERS)

Hi Marie yes outdoor drinking terminates @ 10.00pm Regards Dave Dickson

--
Sent from myMail app for Android

Wednesday, 17 August 2016, 08:41a.m. +01:00 from Winter, Maree mwinter@eastlothian.gov.uk:

Hi

Please find representation from Police Scotland. Do you agree to outdoor drinking facilities if granted terminating at 10pm.

Regards

Maree.

Maree Winter

Licensing Officer

Democratic & Licensing services

East Lothian Council

John Muir House

Haddington

01620 827867

mwinter@eastlothian.gov.uk

East Lothian

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<http://www.eastlothian.gov.uk/fostering>

fostering@eastlothian.gov.uk

Phone 01620 827643 to find out more about fostering

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EAST LOTHIAN LICENSING BOARD

APPLICATION FOR PREMISES LICENCE

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

Macmerry Bowling Club Westbank Road Macmerry East Lothian EH33 1PL

East Lothian Council
Licensing

9 - AUG 2016

Received

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

[Empty box for answer to Question 2(a)]

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

[Empty box for answer to Question 2(b)]

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

[Redacted area]

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

Macmerry Bowling Club Westbank Road Macmerry East Lothian EH33 1PL

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

Colin A Hogg (President) [Redacted]
[Redacted]
Robert b Scott (Vice President) [Redacted]
[Redacted]
Elliot R Dickson (Secretary) [Redacted]
[Redacted]
David Dickson (Treasurer) [Redacted]
[Redacted]
Edward Killen [Redacted]
[Redacted]
John Gordon [Redacted]
[Redacted]
Graham Hogg [Redacted]
[Redacted]
Ian Gordon [Redacted]
[Redacted]
James Hogg [Redacted]
[Redacted]
W, Cormack [Redacted]

[REDACTED]
Kenneth Smith [REDACTED]
[REDACTED]
Robert Grieve [REDACTED]
[REDACTED]
Elliot Grieve [REDACTED]
[REDACTED]

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3

Previous applications

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* **NO***

If YES – provide full details

--

Question 4

Previous convictions

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Macmerry Bowling Club Westbank Road Macmerry East Lothian EH33 1PL

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/</i>
<i>*Delete as appropriate</i>	

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	11.00
<i>Tuesday</i>	11.00	11.00
<i>Wednesday</i>	11.00	11.00
<i>Thursday</i>	11.00	11.00
<i>Friday</i>	11.00	12.00
<i>Saturday</i>	11.00	12.00
<i>Sunday</i>	12.30	11.00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	10.00
<i>Tuesday</i>	11.00	10.00
<i>Wednesday</i>	11.00	10.00
<i>Thursday</i>	11.00	10.00
<i>Friday</i>	11.00	10.00
<i>Saturday</i>	11.00	10.00
<i>Sunday</i>	12.30	10.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/</i>
--	-------------

**If YES – provide details*

The bowling season is April to October but it is planned that during the close season to Hold small fund raisers such as quiz nights Race nights and very occasionally Bingo
These functions will be limited in attendance to no more than 60
We would also like to take advantage of The councils festive allowance. Any gaming will be limited to Quiz night and very occasional Bingo night and dominoes & darts.

4	Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	/NO
---	--	-----

**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

Village Bowling Green with Pavilion Consisting of 2 locker and changing rooms two toilets one being assisted Persons with wheelchair access and support/also used as ladies toilet. The Latter has baby changing facilities. Both have hand washing sinks.

Main hall contains tables and chairs to accommodate approx 60 Persons. Kitchen has cooker Fridge and freezer with under counter storage 2 sinks one used for hand washing Hot and cold water. There is emergency lighting in situ as well as fire extinguishers and one front and rear emergency exits that are checked regularly First Aid and accident book are in situ in Hall The Bowling Green has one main gated entrance the bowling green is surrounded by 12ft high fence with inner hedge of approx 10ft in height. Entrance and exit to pavilion is by two main doors.

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> YES/NO	COL. 3 To be provided during core licensed hours - please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	N/A	N/A
<i>Restaurant facilities</i>	NO	N/A	N/A
<i>Bar meals</i>	NO	N/A	N/A
<i>5(b) Activity</i> Social functions including:	<i>Please confirm</i> YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including funerals, birthdays, retirements etc.</i>	YES	YES	NO
<i>Club or other group meetings etc.</i>	YES	YES	NO
<i>5(c)</i> Activity Entertainment including:	<i>Please confirm</i> YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music - see 5(g)</i>	NO	NO	NO
<i>Live performances - see 5(g)</i>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO

<i>Indoor/outdoor sports</i>			
<i>Televised sport</i>			
5(d) <i>Activity</i>	<i>Please confirm</i> NO	To be provided during core licensed hours - please confirm NO	Where activities are also to be provided outwith core licensed hours please confirm NO
<i>Outdoor drinking facilities</i>	Yes	Yes	No
5(e) <i>Activity</i>	<i>Please confirm</i> NO	To be provided during core licensed hours - please confirm NO	Where activities are also to be provided outwith core licensed hours please confirm NO
<i>Adult entertainment</i>			

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

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

--

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	NO*
--	------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	NO*
---	------------

<i>*Delete as appropriate</i>	
-------------------------------	--

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

0/15 must be accompanied by an adult and remain 1.5mtrs from the bar area and only allowed to remain until 9.30p.m. They will however be allowed to remain till close if attending private function and parents and or guardian remains with them.

Junior members will be access to the toilets and locker room

16 /17 will be allowed access without parents adult supervision and will be allowed to remain until close if attending private function but must remain at least 1.5 mtrs from bar area

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

0/15
16/17

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

0/15 must vacate premises by 9.30p.m. unless attending private function but must remain 1,5mtrs from bar area and must be accompanied by a parent / guardian Unless a paid up Junior member

16/17 may remain until close

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Children 0/15 will be allowed access to clubhouse if accompanied by a parent/responsible adult

16/17 to free access to clubhouse without parent / responsible adult also to bowling green

They will be required to be 1.5 mtrs from bar area

Question 7

CAPACITY OF PREMISES

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

60 persons

Question 8

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

Personal details

8(a) *Name*

David Dickson

[Redacted]

8(b) *Date of birth*

[Redacted]

8(c) *Contact address*

[Redacted]

8(d) *Email address and telephone number*

[Redacted]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
Nov 2011	East Lothian Council	E1816

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature [Redacted] * (see note below)

Date *08-08-2016*

Capacity *Treasurer T.P.H.* APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory [Redacted]

Question 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/
* Delete as appropriate	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  * (see note below)

Date 08-08-2016

Capacity TREASURER APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory 

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
Operating plan	X
Layout plan	X
Planning certificate	X
Building standards certificate	X
Food hygiene certificate	X

*** Data Protection Act 1998**

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



Macmerry Bowling Club
Founded 1963
West Bank Road, Macmerry
President: C Hogg; Vice President: R Scott



Macmerry Bowling Club Constitution

- 1 The "Club" shall be called Macmerry Bowling Club (11/10/2010)
- 2 The object of the "club" shall be to foster a spirit of friendly rivalry between members and visitors to further promote the game of bowls.
- 3 Membership of the "club" shall be open to all members of the community and wider public upon completion and acceptance of membership application form obtainable from the "club" secretary.
- 4 Accepted members will be required to be aware of "club" rules and regulations and be required to abide by the same rules at all times.
- 5 Non-members shall not be eligible for internal club competitions but will be encouraged to participate in Open Competitions.
- 6 Persons who are members of other affiliated clubs will only be permitted to participate in "club" competitions in accordance with .S.B.A./E.L.B.A rules specifically governing joint memberships. The aforementioned shall not be permitted to take part in the management of the "club"
- 7 Honorary Membership shall be awarded to persons who in the opinion of members has given exemplary service to the "club" and to promote the game of bowls. Such awards can only be given at an A.G.M. and must be a unanimous decision by all members attending. Persons elected for honorary membership will no longer be liable for annual subscription or competition fees.
- 8 The Office Bearers of the "club" shall consist of a President, Vice President, Secretary and Treasurer. The committee shall consist of the aforementioned office bearers and 8 others inclusive of match secretary. The green keeper shall be ex-officio
- 9 The Match Secretary shall have responsibility for arranging and overseeing internal/external competitions and League games
- 10 Of the committee the Club President shall have a deliberative and casting vote
- 11 The committee shall be required to meet regularly during the bowling and close season to conduct the business of the "club" The elected committee shall have overall responsibility for the management of the "club"



Macmerry Bowling Club
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- 12 All office bearer and committee shall retire annually. But will be eligible for re-election at the "clubs" Annual General Meeting. Which members will receive 14 days' notice of date and venue. Any proposals for the A.G.M. must be in writing and sent/given to the "club" secretary 3 weeks prior to meeting
- 13 If for genuine reasons a member cannot attend the A.G.M but wishes to be considered for committee a letter must be received by the secretary 2 weeks prior to the A.G.M.
- 14 The Annual General meeting shall be held during the close season at a date given by the committee but no later than March of the following year.
- 15 At the A.G.M. annual reports shall be presented by the President, Secretary, Match Secretary, Green keeper and Treasurer, the latter will present an audited submission of accounts. Committee recommendations will also be presented allowing the members present to accept or reject any proposals either by consensus or deliberative vote.
- 16 Any honoraria to be awarded will be at the discretion of the members present.
- 17 The "club" accounts shall be audited by an independent accountant
- 18 The "club" strives to be non-profit, however any surplus, will be used for the benefit of members, upkeep of premises, updating and provision of new equipment and to offer low membership costs
- 19 Annual membership must be paid by the last week in April. Non- payment will mean exclusion from "club" competitions.
- 20 League team selection shall be by a method adopted at the .A.G.M.
- 21 Draws for internal competitions shall be made by committee including match secretary. All members will be expected to abide by dates on the draw sheets. If for genuine reasons they are unable to play by the dates give they must provide the match secretary with a letter requesting a postponement of the tie and with the opponent's knowledge. There is no Home or Away on internal comps.
- 22 Members are expected to conduct themselves in an appropriate manner at all times.
- 23 Members reported for inappropriate behaviour as in a manner deemed to be offensive shall be reported to the "club" committee and shall be asked to appear before them to answer the complaint made.



Macmerry Bowling Club
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- 24 Grievances must be submitted to the secretary in writing stating clearly the grounds for the grievance. A committee meeting will be convened to discuss this and the outcome will be conveyed to the complainer in writing within 14 days.
- 25 All Youth members will be required to have parental consent forms signed by either a parent or guardian before being allowed to represent the "club" at away games or competitions.
- 26 The Laws of the game of bowls shall be those adopted by World Bowls and the "Club" shall also be subject to the rules and Bye-Laws of E.L.B.A.
- 27 If the committee by a simple majority decides at any time to dissolve Macmerry Bowling Club, it shall give at least 21 days' notice of a meeting to all members of the club who have the power to vote. If such a decision is confirmed by a majority of those present and by voting at the meeting, the management shall have the power to dispose of any assets held by the club. Any assets remaining after the satisfaction of any proper debts or liabilities shall be given or transferred to such charitable groups having similar objects to the club as the management may decide.
- 28 If any member are acting on behalf of the club and working with children or venerable adults then the member should be covered by a Disclosure Scotland PVG check completed by the club.
- 29 Information members provide to Macmerry Bowling Club will treated within the Data Protection Act in that no details will be passed to any third parties. However with member's permission at time of membership registration any fellow members who request details i.e. phone number with regard Competition ties or relevant club matters will be given this info.
- 30 The above have been read and approved by all members attending the A.G.M.

Signed on this day the 3rd March 2015

C Hogg
President

Elliot Dickson
Secretary

Updated 03/03/2015 following AGM held 01/03/2015
Clauses 27, 28 and 29 added

Updated 11/10/2010 following EGM held on 11/10/2010
Clause 1 updated.



Macmerry Bowling Club
Founded 1963
West Bank Road, Macmerry
President: C Hogg; Vice President: R Scott



Macmerry Bowling Club Equality Policy

Equality Statement

Macmerry Bowling Club is fully committed to making bowls accessible to all. This will be accomplished by upholding the principles of equality in all aspects of our work. It is the policy of Macmerry Bowling Club to ensure that all participants, volunteers, coaches or parents receive equitable treatment regardless of age, gender, marital status, employment status, social class, colour, race, ethnic or national origin, religious belief or disability.

Policy

- The club is committed to ensuring that equality is incorporated across all aspects of its business. In doing so it acknowledges and adopts the following definition of sports equality:
 - Sports equality is about fairness in sport, equality of access, recognising inequalities and taking steps to address them. It is about changing the culture and structure of sport to ensure it becomes equally accessible to everyone in society.
- The club respects the rights, dignity and worth of every person and will treat everyone equally within the context of the sport, regardless of age, ability, gender, race, ethnicity, religious belief, sexuality or social/economic status.
- The club is committed to everyone having the right to enjoy the sport in an environment free from threat of intimidation, harassment and abuse.
- All club members have a responsibility to oppose discriminatory behaviour and promote equality of opportunity.
- The club will deal with any incidence of discriminatory behaviour seriously, according to club disciplinary procedures.
- The club will review on an annual basis our processes, rules and policies to ensure they are not at risk of discriminating against any members either directly or indirectly.

Macmerry Bowling Club

Founded 1963

President C.A.Hogg

Vice President R.B.Scott

License Application Statement June 2016

The above bowling club would respectfully ask the members of the Licensing Board to consider their application for an alcohol license.

The board may have been made aware that we held an alcohol license before but due to the terms of the lease at that time it gave priority to the Macmerry Miners Welfare as lease holders to manage and service the bar .Because of this the bowling club was required to surrender its alcohol license. Cllrs Mr.Innes, Mr. Gillies and Mr. Grant as well as Council employee Mr. Eammon John are fully aware of the circumstances that brought this about. Since that time part of the "Arrangement" of this surrendering was that the Miners Welfare would supply bar services to the bowling club.However there were times when they could not commit to providing bar services and at the end bowling last season they arrived with cars and a pick-up truck and completely emptied the bar area of all its stock,optics glasses and large fridge When they finished the bar area was bare.

At the start of this season 9th April 2016 the Miners Welfare were sent an E.mail giving all the dates that we the bowling club would require bar services acknowledgement was made verbally that they would see what they could do. To this date no barhas been provided thus depriving not only our members but the many visitors we entertain during the bowling season. As a member of the Licensing Board Forum I am aware of the "Boards" Over-provision Policy however I would respectfully ask the Board to consider the fact that we as a bowling Club only have 40 members and without a small income from bar services our funds are limited to membership fees. With a bar we can entertain visiting clubs and also to have the occasional social event as stated in our license application, As a club license we are non profit making but if fortunate enough to make any profit this would be put back into the club to benefit the members and pay for the upkeep of the premises. As with the terms of the new lease we are responsible not only for buildings insurance but for internal structure with public and personal liability As a small club we could not possibly have any impact on the income of the Miners Welfare who can generate income with events such as wedding receptions,Funerals,anniversaries and Birthday events.

We hope the above will allow the Board to consider our application with favour

*On Behalf of the Committee and members of Macmerry Bowling Club
June 2016
David Dickson Personal license holder and Treasurer Macmerry Bowling Club*



Club Treasurer

Copy



East Lothian Council

Our ref IF/1566
Your ref FAO Elliot Dickson

14 April 2016

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827

Macmerry Bowling Club Committee
Macmerry Bowling Club

Macmerry

Dear Sirs

Licence to Occupy – Bowling Green & Pavillion, Macmerry Public Park, Macmerry

On behalf of and as instructed by the Licensors we offer to allow the Licensees to occupy and use the Property on the following conditions:

1. Definitions and interpretation

1.1 In the Licence:

"Date of Entry" means 1 April 2016 notwithstanding the date hereof;

"Date of Termination" means 31 March 2018;

"Interest" means interest on the sum in question at 4% per annum above the base rate from time to time of The Royal Bank of Scotland from the date that such sum is due for payment or, if there is no such date specified, the date of demand for such sum until such sum is paid;

"Licence" means the licence to occupy the Property constituted by this offer and all duly executed letters following on from it;

"Licence Fee" means the sum of One thousand pounds (£1,000) per annum.

"Licensees" means Colin Hogg, residing at [REDACTED]
Robert Scott, residing at [REDACTED] Elliot Dickson,
residing at [REDACTED] and David Dickson, residing at [REDACTED]
[REDACTED] respectively the President, Vice-President, Secretary
and Treasurer of, and as such Trustees for Macmerry Bowling Club, and their successors in
office as such trustees.

"Licensors" means East Lothian Council, Incorporated under the Local Government Etc. (Scotland) Act 1994 and having their principal office at John Muir House, Brewery Park, Haddington, East Lothian, EH41 3HA.

"Parties" means the Licensors and the Licensees;

"Permitted Use" means use for the operating and managing the playing and promotion of bowling activities.

"Plan" means the demonstrative plan annexed to this offer;

"Property" means ALL and WHOLE the Bowling Green and Pavilion at Macmerry Public Park, Macmerry, in the County of East Lothian, shown outlined in red on the plan; which subjects form part and portion of (One) the subjects extending to 5.74 acres or thereby more particularly described in and disposed by Disposition by the Penston Trustees in favour of Tranent District Council recorded in the Division of the General Register of Sasines for the County of East Lothian on 25 May 1954 and (Two) the subjects extending to 1 acre or thereby more particularly described in and disposed by Disposition by Arthur Hutcheson in favour of the County Council of the County of East Lothian recorded in the said Division of the General Register of Sasines on 10 August 1957:

"Working Day" means any day on which clearing banks in Edinburgh and Glasgow are open for normal business.

- 1.2 In the Licence, unless otherwise specified or the context otherwise requires:
- 1.2.1 any reference to one gender includes all other genders;
 - 1.2.2 words in the singular only include the plural and *vice versa*;
 - 1.2.3 any reference to the whole is to be treated as including reference to any part of the whole;
 - 1.2.4 any reference to a person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality) and words importing individuals include corporations and *vice versa*;
 - 1.2.5 any reference to a Clause, Schedule or Part of the Schedule is to the relevant Clause, Schedule or Part of the Schedule of or to the Licence;
 - 1.2.6 any reference to a statute or statutory provision includes any subordinate legislation which is in force from time to time under that statute or statutory provision;
 - 1.2.7 any reference to any statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time taking account of any amendment or re-enactment;
 - 1.2.8 any phrase introduced by the words "including", "include", "in particular" or any similar expression is to be construed as illustrative only and is not to be construed as limiting the generality of any preceding words;
 - 1.2.9 a document will be duly executed only if it is executed in such manner as meets the requirements of Section 3 of the Requirements of Writing (Scotland) Act 1995; and
 - 1.2.10 where at any one time there are two or more persons included in the expression "Licensees" obligations contained in the Licence which are expressed to be made by the Licensees are binding jointly and severally on them and their respective executors and representatives whomsoever without the necessity of discussing them in their order.
- 1.3 The headings in the Licence are included for convenience only and are to be ignored in construing the Licence.
2. **Licence**
- 2.1 Subject to due compliance by the Licensees with their obligations under the Licence, the Licensors will permit the Licensees to occupy and use the Property for the Permitted Use with all necessary non-exclusive rights of access to and egress from the subject to all title conditions and rights of whatever nature affecting it.

- 2.2 The Licensees will occupy the Property as mere licensee only and acknowledge that possession of the Property is retained by the Licensors subject to the rights created by the Licence.
- 2.3 The Parties agree that the Licence is not a lease and does not confer any tenancy rights on the Licensees.
3. **Duration**
- 3.1 The Licence will commence on the Date of Entry and will terminate on 31 March 2018 unless terminated earlier by either Party on delivering to the other Party not less than two month's written notice to the effect that they are terminating the Licence at the expiry of the period specified in the notice.
- 3.2 At the Date of Termination, the Licensees will:
- 3.2.1 remove from the Property with their whole equipment and other items, without the need for any notice from the Licensors, and
- 3.2.2 leave the Property in a condition consistent with full compliance with their obligations under the Licence.
4. **Payments**
- 4.1 The Licensees will pay the Licence Fee to the Licensors annually in advance, the first payment being due on the date of execution of these presents in respect of the period from the Date of Entry to the next payment date, and on 1 April 2017 in respect of the period thereafter.
- 4.2 The Licensees will pay for the duration of the Licence:
- 4.2.1 all rates, taxes, duties, levies, charges, assessments, impositions and outgoings whatsoever imposed on or payable in respect of the Property or on its owner or occupier;
- 4.2.2 a proper proportion attributable to the Property (as certified by the Licensors or the Licensors' surveyor, whose certificate will be conclusive and binding on the Licensees except in the case of manifest error) of the following costs in relation to the premises of which the Property forms part:
- (a) all rates, taxes, duties, levies, charges, assessments, impositions and outgoings whatsoever imposed on or payable in respect of such premises or on the owner or the occupier; and
- (b) all expenditure incurred by the Licensors in relation to services provided to such premises, including maintenance, repair, renewal, cleaning, lighting, decorating, security, provision of plant and equipment, compliance with statute, employment of staff, provision of electricity, water and other utilities and general management.
- (c) A contribution of £20 towards utilities expenses, otherwise to be the responsibility of the Licensors, in respect of the sixth and any subsequent event held per annum outwith the bowling season. The Licensees shall notify the Licensors in writing of all such events to be held.
- 4.2.3 all costs incurred by the Licensors in procuring the remedy of any breach of any obligation of the Licensees under the Licence.
- 4.3 All sums payable under the Licence, including the Licence Fee, are exclusive of Value Added Tax, which, if payable, is payable in addition in return for a valid Value Added Tax invoice.

- 4.4 If:
- 4.4.1 the Licence Fee is not paid on the due date; or
 - 4.4.2 any other sums due by the Licensees are not paid within ten Working Days after the due date

then the Licensees will pay to the Licensors Interest on the outstanding money.

5. Use

- 5.1 The Licensees will use the Property for the Permitted Use and for no other purpose.
- 5.2 The Licensors give no warranty that:
- 5.2.1 the Property is suitable for the Permitted Use; or
 - 5.2.2 the Permitted Use is or will remain the permitted use of the Property within the provisions of the planning or other relevant legislation from time to time.
- 5.3 The Licensees will not do or permit to be done upon or in connection with the Property anything which would be a legal nuisance or cause of damage to the Licensors or the other occupiers of any neighbouring premises or both.
- 5.4 The Licensees will comply with:
- 5.4.1 all statutes, bye-laws and other regulations affecting the Property or the Licensees' use of the Property;
 - 5.4.2 all obligations, restrictions, reservations and other conditions in the titles of the Property; and
 - 5.4.3 all reasonable regulations which may be issued from time to time by the Licensors or their agents in relation to the Property, including in respect of health and safety, risk management and security.

6. Indemnity and insurance

- 6.1 The Licensees will indemnify and keep indemnified the Licensors on demand from all liability in respect of:
- 6.1.1 any injury to or death of any person;
 - 6.1.2 damage or loss which may be suffered by any persons by reason of or arising out of the use of the Property by the Licensees;
 - 6.1.3 any breach by the Licensees of their obligations under the Licence; and
 - 6.1.4 local authority rates and other costs associated with the occupancy of the Property.
- 6.2 The Licensees will take out insurance cover:
- 6.2.1 such as is necessary to give full indemnification to the Licensors in respect of the matters referred to at Clause 6.1; and
 - 6.2.2 against public liability in at least the sum of five million pounds (£5,000,000) for each and every claim

and, in both cases, will produce written evidence of such insurance to the Licensors on demand.

- 6.3 The Licensees will not do anything which vitiates or makes void or voidable any insurance policy for the Property effected by the Licensors, or causes monies otherwise payable under such policy to be irrecoverable or refused or withheld, or an increased premium or loading to be payable in respect of such policy.
- 6.4 Should the use or non-use of the Property cause any increase in the cost of insuring any adjacent premises of the Licensors the Licensees will on demand from time to time pay to the Licensors the amount of any such increase.

7. Alienation

- 7.1 The Licence is personal to the Licensees and the Licensees will not (either wholly or partially) assign, sub-let, part with or share occupation or otherwise deal in any way with their interest in the Licence.

8. Condition

- 8.1 The Licensees accept the Property in its present condition as evidenced by the Schedule of Condition as being fit in all respects for the Permitted Use.

- 8.2 The Licensees will:

8.2.1 at their own cost, repair and maintain the Property in good repair and condition so that it is at all times in at least such condition and, when necessary, but only in so far as required to maintain the Property in such condition, renew and rebuild the Property (other than damage caused by risks against which the Licensors have effected insurance except to the extent their insurance has been invalidated by the Licensees or those for whom they are responsible); and

8.2.2 leave the Property in such condition at the Date of Termination;

all to the satisfaction of the Licensors (acting reasonably).

- 8.3 The Licensees shall undertake any internal or external repairs of a minor nature. The Licensees shall advise the Licensors as soon as possible of any necessary repairs required and/or defects identified at the Property.

- 8.4 The Licensors shall maintain the Property in a wind and watertight condition, and shall carry out any other repairs deemed necessary by them, but only to the extent that the Licensor's budget allows.

9. Alterations

- 9.1 The Licensees will not carry out any alterations or additions to the Property without the prior written approval of the Licensors. Any authorised alterations would be subject to the securing of any necessary building warrants or planning consents. Any statutory consents required for authorised alterations, such as building warrant or planning consent must be secured prior to the alterations being carried out. For the avoidance of doubt the Council's insurance policy in relation to the Subjects will not cover any improvements/alterations referred to in this condition. Under no circumstances should a gas supply or gas appliances be installed in the property without the written consent of the Council.

- 9.2 To the extent requested by the Licensors, the Licensees will remove any alterations and additions carried out by them and reinstate the Property at the Date of Termination to the condition they were in before such alterations and/or additions were made.

10. Access

When taking access to the Property, the Licensors will, and will procure that any other parties exercising such rights of access will:

10.1 cause minimum interference reasonably practicable with the Licensees' use of the Property and

10.2 make good to the Licensees' satisfaction (acting reasonably) any damage caused to the Property and the Licensees' fixtures and fittings.

11. Control of Asbestos Regulations 2012:

(a) A HSG264 complaint asbestos management survey report for the Subjects of let will be issued to the Tenant. Refurbishment, partial refurbishment or full pre-demolition asbestos survey reports, where applicable, will also be issued. The Tenant will sign an acknowledgement receipt of any report issued to them by the Council.

(b) Before the Tenant carries out any alterations to the fabric of the Subjects, which require the Council's consent, the Council will initiate either a full or partial refurbishment asbestos survey or pre-demolition, if applicable, ahead of any alterations. The costs of these checks will be borne by the Council. It should be noted that the scope of the asbestos survey to be undertaken will be determined by the scale of any proposed alterations.

(c) The Tenant will contact the Council immediately in the event that any deterioration or damage is noticed or caused to the asbestos materials highlighted within the issued asbestos survey report(s).

(d) The Tenant will be deemed to be the duty holder with reference to the Control of Asbestos Regulations 2012. As duty holder, the Tenant will be responsible for notifying all of their employees and any maintenance personnel/contractors whom they employ that asbestos, if applicable, is present within the subjects of let.

(e) The Tenant will allow the Council, or any asbestos surveyor appointed by the Council, to survey the Subjects of let on a periodic basis.

(f) The Tenant will allow the Council and its Contractors full access to remove any asbestos-containing materials, which are deemed necessary for removal. The option to remove asbestos-containing materials will be based on the methods outlined in all applicable HSE guidance document(s). The Tenant will not be entitled to any compensation including abatement of rent for the above-mentioned purposes.

(g) The Tenant will be responsible for payment of the Council's costs for any works required at the Subjects of let as a result of the Tenant having undertaken any uncontrolled works to asbestos containing material which has been highlighted as being present within the Subjects.

12 Registration

The Licensors will:

12.1 register the Licence in the Books of Council and Session for registration for preservation and execution;

12.2 order two extracts; and

12.3 deliver one of the extracts to the Licensees (or their solicitors on their behalf) as soon as reasonably practicable following receipt of the extracts.

13 Early termination

If:

13.1 any sums due under the Licence (including the Licence Fee) or any part of them are not paid on the due dates, or

- 13.2 the Licensees fail to implement any of their other obligations under the Licence, or
- 13.3 the Licensees:
 - 13.3.1 go into liquidation, receivership or administration;
 - 13.3.2 sign a trust deed for creditors, are sequestrated or enter into a voluntary arrangement;
 - 13.3.3 become insolvent or apparently insolvent; or
 - 13.3.4 are wound up or dissolved

then, in each case, the Licensors may, at their option, at any time by notice in writing to the Licensees terminate the Licence with effect from the date specified in the notice but reserving to the Licensors their right of action in respect of any antecedent breach of the Licensees' obligations.

14 Notices

- 14.1 Any notice, demand, request or certificate required under the Licence must be in writing and may be delivered personally, or sent by post or transmitted by fax to the relevant Party using the relevant details specified in Clause 14.3.
- 14.2 Any notice, demand, request or certificate will be deemed to be received:
 - 14.2.1 if delivered personally, (with proof of delivery) at the time of delivery; and
 - 14.2.2 if sent by recorded delivery post, 48 hours after the date of posting; and
 - 14.2.3 in the case of fax, at the time when the sender's fax machine confirms transmission;

Provided that if, in the case of personal delivery or transmission by fax, such delivery or transmission occurs outwith normal business hours on a Working Day or on a day which is not a Working Day, delivery will be deemed to occur on the next Working Day.

- 14.3 [The details referred to in Clause 14.1 are:

Douglas Proudfoot,

Acting Head of Development, East Lothian Council

Address: Estates, Penston House, Macmerry Industrial Estate, Macmerry, EH33 1EX

For the attention of: Janet Placido

Elliot Dickson,

Secretary, Macmerry Bowling Club

Address: 1 [REDACTED]

For the attention of: The Secretary, Macmerry Bowling Club

or such other address, fax number or person as may be notified in writing from time to time by the relevant Party to the other Party for the purposes of this Clause.

15 No Liability

The Licensors are not liable to the Licensees for any loss, injury or damage which the Licensees may sustain from a deficiency in any part of the Property or the death of or injury to any person or for damage to any property or for any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred by the Licensees in the exercise or purported exercise of the rights conferred on the Licensees under the Licence.

16 Formal Documentation

16.1 Neither the Licensees nor the Licensors will be bound by any acceptance of this offer or any other letter purporting to form part of the Licence or any amendment or variation of the Licence unless it is duly executed.

16.2 The Licence represents the entire agreement between the Parties relating to the licence of the Property and supersedes any previous agreements between the Parties relating to it. Neither of the Parties has been induced to enter into the Licence on account of any prior warranties or representations made which are not embodied in the Licence and no representation, warranty or undertaking of any description in respect of the Property, whether in relation to title, state of repair, compliance with statutes or other matters, the existence of local authority or other proposals or orders, or otherwise, is given in the Licence except insofar (if at all) as expressly stated in the Licence.

17 Licensors contribution

17.1 The Licensors shall pay the Licensees a management fee of £2,000 per annum, which fee shall be payable at the date of execution hereof in respect of the year to 31 March 2017 and on 1 April 2017 in respect of the year to 31 March 2018.

18 Costs

18.1 The Licensors shall be responsible for meeting the Licensees costs and expenses in connection with the preparation and completion of the Licence.

19 Proper Law and Prorogation

The Licence and the rights and obligations of the Licensors and the Licensees are governed by and are to be construed in accordance with the law of Scotland and the Licensors and the Licensees are deemed to have agreed to submit to the non-exclusive jurisdiction of the Scottish courts.

20 Time Limit

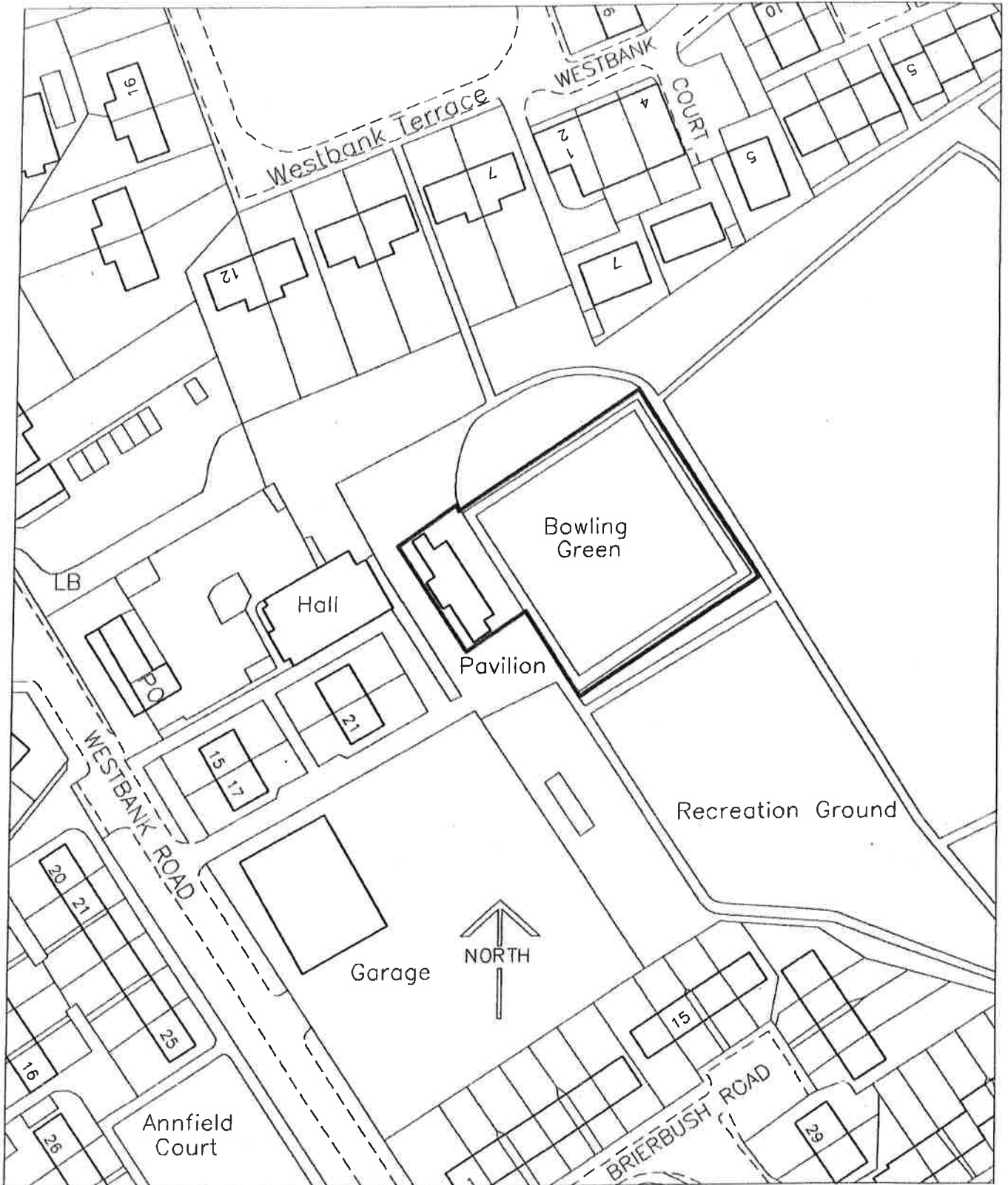
This offer unless previously withdrawn is open for written acceptance reaching us here no later than 5pm on Twenty-seventh April 2016 failing which it will be deemed to have been withdrawn.

Yours faithfully,



Morag Ferguson
Legal & Procurement Services Manager
East Lothian Council

Legal Post: LP – 4, Haddington
Direct Line: 01620 827389
Direct Fax: 01620 827253
e-mail: lforrest@eastlothian.gov.uk



05 licence 100923581 (20 4)



East Lothian Council

ESTATES

PROJECT Macmerry Bowling Club Westbank Rd, Macmerry	DRAWING Licence Agreement Plan
---	-----------------------------------

Scale 1:1000	Date 13/04/2016	Drawn wah	File Ref 12/M045/bowl	Revision	Drg No 5212
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Penston House, Macmerry Industrial Estate, EH33 1EX

Date:

On behalf of and as authorised by Macmerry Bowling Club, we hereby accept the foregoing offer of a licence to occupy the above premises, and that on the whole terms and conditions thereof.

..... **Colin Hogg (President)**

..... **Robert Scott (Vice-President)**

..... **Elliot Dickson (Secretary)**

..... **David Dickson (Treasurer)**

..... **(Witness)**

..... **(FULL NAME OF WITNESS)**

..... **(ADDRESS OF WITNESS)**

EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 30 August 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION - AUGUST 2016

Macmerry Bowling Club, Westbank Road, Macmerry East Lothian EH33 1PL

I refer to the above subject and can confirm that the undernoted premises licence application, submitted by Macmerry Miners Welfare Club, has been assessed and I make the following observations:

- a. The application makes no reference to use of seasonal hours, which may be afforded by the Board in relation festive hours or extensions relating to local or national events of special significance.
- b. The Operating Plan does not ask for outside drinking facilities but states that the capacity of the licensed premise is 60 inside and 60 outside.
- c. If the premises licence were to include outside drinking areas then the layout plan will require to be amended.
- d. The layout plan does not provide details of children and young person's access.
- e. The application refers at 2(d) to the applicant as being Macmerry Miners Welfare Bowling Section. According to Macmerry Bowling Club, which has the sole title to use the pavilion, they are not part of the Miners Bowls Section, who will not be entitled to have access or use of the clubhouse or bowling green.
- f. No constitution has been submitted with this application in respect of the stated Macmerry Miners Welfare Bowls Section.
- g. No overprovision statement has been submitted with this application.
- h. The facilities requested in this application have not been discussed with the Macmerry Bowlers.

Additional information to assist Board members:

The Board should be aware that Macmerry Bowling Club has also applied for a Premises Licence for the same premises. The circumstances surrounding this situation are briefly as follows:

- East Lothian Council own the pavilion and property.

- Some thirty years ago the Bowling Club obtained a lease of the premises, but I believe there were some concerns as to whether the bowlers could maintain the lease and it was subsequently transferred to Macmerry Miners Welfare Club, and the bowlers became a sub section of the club and used the unlicensed pavilion as their bowling club.
- On 24th November 2011 the bowlers applied for and were granted a Premises Licence in respect of the pavilion. This alleviated the need for applications for Occasional Licences to cover bowling competitions, matches etc.
- In October 2013, the bowlers broke away from the Miners Welfare Club and this led to considerable discontent between both parties and the bowlers were locked out and could not use the pavilion for bowling purposes or use the bar licence they held.
- In 2014, Councillors Gillies and Innes, along with council officials negotiated a resolution of the situation whereby the Miners Welfare Club relinquished the lease of the pavilion and the bowlers surrendered the premises licence for the property. The agreement reached was that the bowlers would be given a licence to occupy the pavilion for the purposes of bowling activities and the Miners Welfare was offered the opportunity of accepting a licence to occupy the pavilion bar subject to applying for a Premises Licence and opening the bar at times and on dates required by the bowlers to provided refreshments for bowling events.
- The stated agreement was accepted by both the bowlers and Miners Welfare.
- On compliance with the terms of the agreement, the bowlers were given a two year occupancy licence of the pavilion, from April 2014 to 2016. In April this year, this licence was renewed for a further two years.
- The Miners Welfare who were required, under their terms of agreement, to apply for a Premises Licence did not do so until August 2016 and have not therefore been granted a licence to occupy the pavilion bar. They have however applied for Occasional Licences, but the bowlers have not been happy with the arrangements indicating that there have been a number of periods they asked for a bar but it was not provided or the required times of the bar opening was not met.
- The discontent between the two clubs continues to rumble on and from a potential licensed premises point of view this does not bode well in relation to the licensing objectives.

Bowling encompasses a wide range of community, licensed, recreational, social and sporting activities. In East Lothian there are only five clubs that do not hold a Premises Licence. Of these, three small clubs apply for a limited number of Occasional Licences per annum to permit the sale and supply of alcoholic refreshments to members and visitors for league matches and open competitions.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN

Meeting 24 November 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
4	MACMERRY BOWLING CLUB WESTBANK ROAD MACMERRY EAST LOTHIAN EH33 1PL	MACMERRY BOWLING CLUB	9 August 2016	
5	MACMERRY BOWLING CLUB (PAVILION) WESTBANK ROAD MACMERRY EAST LOTHIAN EH33 1PL	MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB	5 August 2016	

Date 17th August 2016



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

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

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
MACMERRY BOWLING CLUB (PAVILLION), WEST BANK ROAD,
MACMERRY
COMMITTEE MACMERRY MINERS WELFARE CLUB BOWLING SECTION**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005, it is pertinent to point out that this application 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 licence would outweigh the presumption against grant in terms of the overprovision statement.

I note that the applicant is requesting that children (0-15 years) and young persons (16-17 years) are admitted to the premises for the duration of the licensed hours. I would request that children vacate the premises by 2200 hours at the latest unless they are attending a private function.

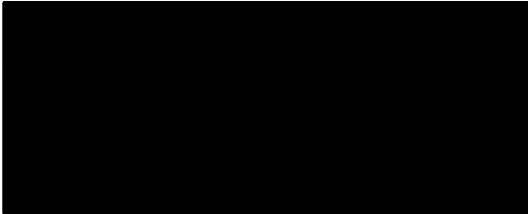
The layout plan provided by the applicant is not adequate with regards the delineation of licensed area, surrounding streets, details in relation to male/female

toilets and children and young persons access, as such, I would request that they provide a more detailed plan.

I would also request that a copy of the Club's Constitution be provided to East Lothian Licensing Board as well as proof of occupancy in the form of a licence/lease.

This representation is submitted for your consideration.

Yours faithfully

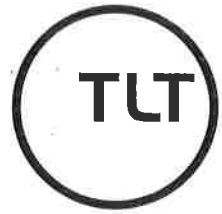


Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

140 West George Street
 Glasgow G2 2HG
 T +44 (0)333 006 0400
 F +44 (0)333 006 0411
 DX GW138 Glasgow
 LP10 Glasgow 6

www.TLTsolicitors.com
 Our ref SM30/JM33
 Your ref



The Clerk
 East Lothian Licensing Board
 John Muir House
 Brewery Park
 HADDINGTON
 East Lothian
 EH41 3HA

By post and email: mferguson@eastlothian.gov.uk & licensing@eastlothian.gov.uk

Direct tel	+44(0)333 006 1203	Date	13 October 2016
Direct fax	+44(0)333 006 1451	Email	Stephen.mcgowan@tltsolicitors.com

Dear Madam

**Licensing (Scotland) Act 2005
 Application for Premises Licence by Macmerry Miners Club**

I write in connection with the above application which has been lodged with the Board and for which I am informed that the Site Notice is being currently displayed. I am instructed to respond on behalf of the Macmerry Bowlers Club which is the lawful occupier of the premises which relates to the above application.

I am instructed to object to the application lodged by the Macmerry Miners Club on the following grounds:-

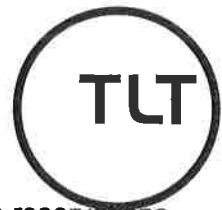
1. It is our understanding that the application may not be competent in terms of the legislation. It is our understanding that the application has been lodged in the name of the subset which relates to persons who bowl within the Miners Club. We request that the Board ascertains whether or not this complies with Section 125 of the above Act and the relevant Club Regulations thereto.
2. As the Board will be aware, the premises is subject to an application by my clients who are the lawful occupants. Noting that under the Licensing Act only one Licence may apply to a single set of premises. It is our submission that the application by the Miners Club is incompetent because they do not have a lawful right to occupy the Club. The Clubhouse is the Clubhouse of the Bowlers Club and the Bowlers have been granted a Licence to Occupy by the owners, East Lothian Council. The Miners have no lawful or legitimate link to the premises to which they seek to obtain a Licence and certainly have no right to occupy or use the premises other than at our discretion.

EAST LOTHIAN
 LICENSING

14 OCT 2016

RECEIVED

35568334.1



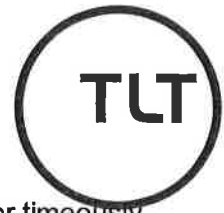
3. In light of the Miners lack of right or title to occupy, my clients have reservations about whether they have complied with display formalities for the site notice. We respectfully ask the Board to satisfy themselves that the Miners complied with regulation 7(2) of the Licensing (Procedure) (Scotland) Regulations 2007/453. In particular whether the Site Notice been displayed "at or near the premises to which the application relates and in a place and at a height where the notice can conveniently be read by the public". My client doubt that the period of 21 days started with the date the Board's notice went on the website or that the notice was properly displayed for the full period.

4. Under a previous agreement, which is no longer in force, the Bowlers allowed the Miners to seek Licences and Licensing permissions for the Bowlers Club premises. This was on the basis that as the parties agreed at that time, the Miners would seek a new Licence application. During the period of 2014 to 2016 my understanding is that the Miners did not apply for a new Premises Licence despite some significant reminders from my client and from the local Licensing Standards Officer. My clients were advised locally by the Miners that they had not applied for a full Licence because they couldn't afford the outlays in connection with the application. Subsequent to this, in the absence of a full Licence application, the Miners also fell short of their commitments in terms of the obligation to lodge occasional Licences for various Bowling events throughout this period and a number of events which should have had a bar went ahead unlicensed because of the failings of the Miners Club to apply for Occasional Licences in time. The lackadaisical approach to Licensing and the significant delays in lodging a new Premises Licence suggests that the Miners are in breach of the Licensing Board's policy at paragraph 18 with respect to repeated occasional licence applications. The Board Policy makes it clear that where activities have been occurring in identical or largely similar terms for a premises regularly over a period of three months it is expected that that premises operator should seek a new full Premises Licence rather than rely on occasionals. Despite repeated and ongoing requests from the Bowlers over many years and certainly since the agreement of 2014 this has not been done. It is the absence of that trust and the absence of that obligation being met which has ultimately resulted in the Bowlers seeking to operate the Licence themselves.

It is my clients' submission therefore that given that the Miners have been apparently in breach of paragraph 18 of your policy for a period of at least 24 months that this tends to suggest that they were either (a) unaware of your policy or (b) unwilling to meet its terms and therefore the Licensing objectives were being undermined.

As you will be aware, my clients have lodged a Premises Licence application and I understand that both applications are to be heard at the meeting of the Board on Thursday 27 October 2016. I would therefore be grateful if this objection could be tabled and in my submission much of these comments should be taken as preliminary matters as to the competency of the Miners application. In my respectful submission, if the Licensing Board concurs with the submissions I am making in this letter of objection and will speak to at the Hearing then the Licensing Board has no option other than to determine that the Miners application is not considered.

I would/



I would be grateful to receive confirmation that you have received the letter timeously.

Yours sincerely



PP

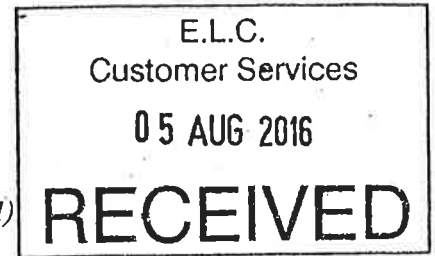
Stephen J McGowan
Partner - Head of Licensing (Scotland)
TLT LLP

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20



APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

Question 1

Name, address and postcode of premises to be licensed.

<p>Macmerry Bowling Club (Pavillion) Westbank Road Macmerry East Lothian EH33 1PL</p>
--

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

<p>N/A</p>

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

N/A

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

N/A

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

Macmerry Miners Welfare Club Bowling Section

Macmerry Miners Welfare & Social Club

Main Road

Macmerry

EH33 1PB

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

James Fortune	James Fortune
Date of Birth:	[REDACTED]
Address:	[REDACTED]
Ian Redpath	Iain Redpath
Date of Birth :	[REDACTED]
[REDACTED]	[REDACTED]
Jessie Young	Jessie Young
Date of Birth :	[REDACTED]
Address:	[REDACTED]
Robert Waugh	Robert WAUGH
Date of Birth:	[REDACTED]
[REDACTED]	[REDACTED]

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3

Previous applications

- 3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? NO**

If YES – provide full details

N/A

Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence ()	NO
---	----

**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

The Bowling Club pavilion building stands on its own and is set in a rural location within the village of Macmerry.

Macmerry Bowling Club is open to all members of the local and surrounding community and is host to recreational, league and competition games.

The Clubhouse itself is available for use by the club along with the local community for various events such as social gatherings, birthday parties, charity events etc.

Question 6

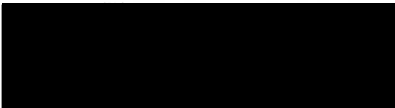
6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES
* Delete as appropriate	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT


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

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

✍ Signature  * (see note below)

Date 22-5-2016

Capacity PRESIDENT APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory ... 

I have enclosed the relevant documents with this application – please tick the relevant boxes

<i>Operating plan</i>	✓
<i>Layout plan</i>	✓
<i>Planning certificate</i>	✓
<i>Building standards certificate</i>	✓
<i>Food hygiene certificate</i>	✓

*** Data Protection Act 1998**

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

EAST LOTHIAN LICENSING BOARD

E.L.C.
Customer Services

05 AUG 2016

RECEIVED

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

<p>Macmerry Bowling Club (Pavilion) Westbank Road Macmerry EH33 1PL</p>
--

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00 am	11.00 pm

<i>Tuesday</i>	11.00 am	11.00 pm
<i>Wednesday</i>	11.00 am	11.00 pm
<i>Thursday</i>	11.00 am	11.00 pm
<i>Friday</i>	11.00 am	1.00 am
<i>Saturday</i>	11.00 am	1.00 am
<i>Sunday</i>	11.00 am	12 midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00 am	10.00 pm
<i>Tuesday</i>	11.00 am	10.00 pm
<i>Wednesday</i>	11.00 am	10.00 pm
<i>Thursday</i>	11.00 am	10.00 pm
<i>Friday</i>	11.00 am	10.00 pm
<i>Saturday</i>	11.00 am	10.00 pm
<i>Sunday</i>	11.00 am	10.00 pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
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**If YES – provide details*

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Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>

<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	NO	NO	NO
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO

<i>Adult entertainment</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Club or other group meeting -

Where access is required out with normal core hours for the purpose of hosting bowling games and other local events including funerals, birthdays, celebrations, fitness/dance groups and televised sport.

Alcoholic beverages will not be provided out with normal core hours.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The Club would be available to the Community for any event that fits into the ethos of the Club objectives and to the enhancement of the community of Macmerry

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES</i>
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

For the comfort of all members, children and young persons (under the age of 18) of members/guests shall be permitted to the Club premises provided that they remain at all times under the care of their parent or guardian.

Children will not however be granted access to dart boards or other methods of gaming.

For young persons over the age of 18 the Challenge 25 policy will be applicable where alcohol may only be purchased on the production of ID.

Prams, pushchairs or any other mode of transport for children must not block the fire exit.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

Children of all ages

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

Children of all ages shall be allowed entry to the club at all times but must adhere to the criteria of the Club Constitution.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

All public areas.

Question 7

CAPACITY OF PREMISES

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

120 (60 persons inside / 60 persons outside)

Question 8

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

Personal details

8(a) Name

N/A

8(b) Date of birth

8(c) Contact address

8(d) Email address and telephone number

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

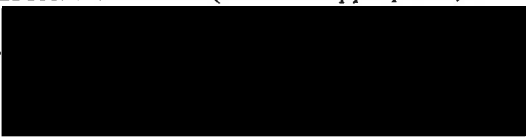
If signing on behalf of the applicant please state in what capacity.

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

* Signatory  * (see note below)

Date 14-5-2016

Capacity President APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory 

*** Data Protection Act 1998**

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

Macmerry Miners Welfare Bowling Club Section

Dear Mrs Winter

In reply to your letter dated 08th August 2016 , may I respond and hope to answer your question on Overprovision Statement. In our club we have in excess of 200 members and as a community based club we strive to provide the best we can for the old and the young alike, we are not a profit making club we are a Charitable Society and have been so for years, we take a small Annual sum for Membership which goes back into the Pensioners and young kids parties, we are applying for the Bowling club Licence as we have had it for years and would like to uphold this to allow us to offer our Members and Visitors a smaller and adaptable premises which the club had not so long ago with the help of a small minority members and local builders installed a new kitchen and adapted kitchen at our expence to upgrade a tired old kitchen with no input or help from Bowlers, the facility would be of benefit to the villege and hopefully bring back local members to how it used to be and improve on depleting members, now limited and not using the Council owned green as it should be , to encourage new Members and young alike. I hope this helps towards our definition on this matter, with regards to other points raised enclosed are the details on location plan attached and the no 60 outside is a misprint and should read Bowlers outside not drinkers.

Regards The Committee Macmerry Miners Bowling Section

EAST LoTHIAN COUNCIL
LICENSING

20 SEP 2016

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Macmerry Miners Welfare Bowling Club Section

1 The object of the "club" shall be to foster a spirit of friendly rivalry between members and visitors in order to further and promote the game of bowls. (a) membership of the "club" this will be open to members of the public on completion and acceptance of a membership application form obtainable from the "club" secretary (b) Persons who are members of other bowling clubs will only be permitted to participate in competitions in accordance with S.B.A. & EL.B.A. rules specifically covering joint membership. Such persons aforementioned shall not be permitted to take part in the management of the "club" (C) Honorary membership shall be awarded to persons who, in recognition of services rendered to the "club" these persons can only be nominated at an A.G.M. such members so elected will have full voting rights and will not be required to pay any annual fees.

2 The Office Bearers shall consist of President Vice President Secretary and Treasurer the management committee shall consist of the aforementioned office bearers and 6 members inclusive of match secretary, who will have responsibility of arranging and overseeing both internal and external competitions and league games. Of the committee the President will have a deliberative and casting vote. The committee will be required to meet regularly during the bowling season and close season to discuss and conduct the business of the "club" The committee shall have overall responsibility for management of the "club"

3 All office bearers and committee members will retire annually at the A.G.M. but shall be eligible for re-election

4 No member shall be eligible for election as an office bearer or committee member in his/her absence unless the secretary has received a letter from the person/s indicating their reason for non attending the A.G.M. but wish to be nominated for office

5 The Annual General Meeting shall be held in the last week in February. At this meeting the "Office Bearers" will present their annual reports to the meeting Recommendations made by the committee will be presented to the meeting for consideration, the members will have the opportunity to either accept or decline by means of concensus or vote. Honorarium will be decided by the members of an amount to be paid to the Secretary and Treasurer .

6 The "clubs" books shall be audited each year by an approved auditor

7 Non-members shall not be allowed to enter club competitions unless such are deemed Open Competitions

EAST LoTHIAN COUNCIL
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LICENSING

20 SEP 2016
20 AUG 2016

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8 Club Memberships and or any competition fees must be paid by last day of April. Members who fail to pay such fees will be ineligible to play in the said competitions this rule will be strictly adhered to

9 Team Selection shall be by a method adopted by members at A.G.M. Draws for internal competitions shall made by the committee and the match secretary will indicate on the draw sheets the dates by which each of the rounds must be completed by. All members will be expected to abide by the date unless due to legitimate circumstances they are unable to do so. In these circumstances a letter must be given to the match or "club" secretary stating reasons for being unable to play. The opponent of such games must be made aware of the letter.

10 Members may introduce and sign in 6 guests to the "club" and must remain with his party for the duration of their visit.

11 The "club" may be booked for private functions this must be done so by a member who must be at the function for the duration.

12 Children aged 0/15 must be accompanied by an adult who will be responsible for them during their visit to the club. The children must also vacate the premises by 10.00pm unless attending a private function. The "club" can provide nappy changing facilities in the disabled assisted toilets. Youths 16/17 are also welcome and may stay at the "club" for the duration of their visit All 0/17 must not enter the bar area except to access toilets.

13 All youth members aged 10/15 will be required to have Parental Consent forms signed before being allowed to represent the "club" at matches or competitions. Youth members will only be allowed use of the green when accompanied by an adult. Youth internal competitions must be marked by an adult there is no exception to this rule.

14 The committee from time to time will make Bye-Laws for the benefit of the "club" and its members. These will posted on the club notice board having been signed and dated by the President and Secretary.

15 Members reported for inappropriate behaviour or in such as deemed to be offensive to guests or fellow members will have such complaints investigated by the committee and if necessary the offending member requested to appear before a disciplinary hearing to answer the complaint made.

16 Grievances which a member may have must be submitted to the committee in writing clearly stating the basis of the grievance. A committee meeting will be convened to discuss the letter and what action to take if any. The complainer will be entitled to a written reply within 7 days of the hearing.

17 The laws of the game of bowls shall be those adopted by the World Bowls Scotland and rule changes notified to member clubs. The "club" shall also be subject to local rules or Bye-Laws of East Lothian Bowling Association.

EAST LoTHIAN COUNCIL

Licensing, Administration and Democratic Services

From: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 11th November 2016

6a

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – NON PAYMENT OF ANNUAL FEES
THE MASONS ARMS, 8 HIGH STREET, BELHAVEN, DUNBAR, EAST
LoTHIAN EH42 1NP**

On Thursday 27th October 2016, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

The annual fee for the Masons Arms is £220

On 29th July 2016 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2016. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence.

On 4th October 2016, the LSO emailed Mr Darling, Licensee, requesting he make contact with the Licensing Board Office, regarding non payment of the annual fee. Later that day Mr Darling replied asking if the money could be uplifted from the Pub since he was busy decorating his house.

The following day the LSO contacted Mr Darling asking that a cheque for the annual fee be posted to the Licensing Office. The email also generously offered, there being no obligation or responsibility on the part of the LSO, to pick up the money from the pub that day, but Mr Darling replied that he was 'really struggling' and would not manage to be at the Pub. He also stated he did not do cheques. He asked instead if he could pay by cash at the Council Office that Saturday morning. On 7th October, Mr Darling was advised that the LSO would not be in the Dunbar area the following week and that the Council Offices are closed at weekends.

No further contact was received from Mr Darling.

By the time of the Licensing Board meeting, on 27th October, 2016, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 27th October 2016, the Depute Clerk to the Board sent a letter to the Masons Arms with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence, the licence, would be reviewed at the Licensing Board on 24th November 2016. However, the review would be waived if the fee was paid prior to the Board meeting.

On 3rd November 2016, the LSO sent another email reminder to Mr Darling, with full payments option instructions, but received no response.

At the time of submission of this report (16:00 Friday 11th November 2016), the fee of £220 was still outstanding.

Annual Fee Payment Record

2010 to 2013 – the premises were operated by a different tenancy.

2014 – fee paid 08/10/2014

2015 – fee paid 19/10/2015

Licensing Board's Powers On Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

- (a) to issue a written warning to the licence holder,
- (b) to make a variation of the licence,
- (c) to suspend the licence for such period as the Board may determine,
- (d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

EAST LoTHIAN COUNCIL

Licensing, Administration and Democratic Services

From: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 11th November 2016

6b

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – NON PAYMENT OF ANNUAL FEES
WHITEKIRK GOLF & COUNTRY CLUB, WHITEKIRK, NORTH BERWICK,
EAST LoTHIAN EH39 5PR**

On Thursday 27th October 2016, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

The annual fee for Whitekirk Golf and Country Club is £700.

In early February 2016 the lease holders of Whitekirk Golf & Country Club closed the premises due to apparent financial difficulties. It was stated by the Premises Manager that the premises would re-open for business in early April, but to date they remained closed.

Contact with the owners of the premises in mid February established that they were hopeful that the leaseholder would fulfil their interest in purchasing the property and grounds, but this does not appear to have happened.

On 29th July 2016 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2016. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence.

On 9th August 2016 the LSO emailed a copy of the above letter to Mr Robin Tuer, Partner in the company owning Whitekirk Golf Club. A read receipt was returned.

On 4th October 2016 the LSO again emailed Mr Robin Tuer, requesting him to make contact with the Licensing Board Office immediately, regarding non payment of the annual fee. No response was received.

On 10th October 2016 the LSO emailed Mr Tuer a final reminder of the overdue fee, along with a copy of the original Licensing Office letter dated 29th July, 2016. He returned a read receipt and then responded that he would get in touch. No such contact was received.

By the time of the Licensing Board meeting, on 27th October, 2016, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 27th October 2016, the Depute Clerk to the Board sent a letter to the Whitekirk Golf & Country Club, and the following day the LSO emailed a copy of this letter to Mr Tuer, with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence, the licence, would be reviewed at the Licensing Board on 24th November 2016. However, the review would be waived if the fee was paid prior to the Board meeting. Mr Tuer replied to this email on 31st October stating he would speak to the other directors in the company, but he suspected that they would just surrender the licence.

On 10th November 2016, the LSO sent a further email to Mr Tuer, seeking the decision of his directors on whether the annual fee would be paid or the Premises Licence surrendered. No read receipt or response was received by the time this report was sent to the Licensing Office

At the time of submission of this report (16:00 Friday 11th November 2016), the fee of £700 was still outstanding.

Annual Fee Payment Record

The fee in respect of the premises has always been paid on time and never been in default.

Licensing Board's Powers On Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

- (a) to issue a written warning to the licence holder,
- (b) to make a variation of the licence,
- (c) to suspend the licence for such period as the Board may determine,
- (d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.