

EAST LOTHIAN

Meeting 30 March 2017 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

Date Received

Comments

2 NORTH BERWICK GOLF CLUB
NORTH BERWICK GOLF CLUBHOUSE
BEACH ROAD
NORTH BERWICK
EAST LOTHIAN
EH39 4BB

NORTH BERWICK GOLF CLUB

8 February 2017

amend on-sales hours from 11am to 10am - Monday to Sunday, change the description of the premises from, On the ground floor is the club room (also used for dining servery within this room where food is served from normally by waitress service, alcohol and refreshments are also provided from stock which is kept out of sight and not on open display to "On the ground floor is the Club Room which is multi-purpose room used for dining, meetings, events and receptions with a fully operational alcohol and refreshment server.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0253

East Lothian Council
Licensing
- 8 FEB 2017

2(b) Name and Address of Premises

North Berwick Golf Club North Berwick Golf Club House Beach Road North Berwick East Lothian			
Post Code	EH41 3BB	Phone No.	01620 897140

Received

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

N/A			
Post Code		Phone No.	

SECTION 3: NATURE OF VARIATION

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

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

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

N/A

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Change to Operating Plan – Amendment to Licensing Hours (as per attached document)

On Sales – 7 days a week from 10am

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

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

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

N/A

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

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

Description of Premises: -

Delete “On the ground floor is the Club Room also used for dining servery within this room where food is served normally by waitress service, alcohol and refreshments are also provided from stock which is kept out of sight and not on open display”.

Replace with “On the ground floor is the Club Room which is a multi-purpose room used for dining, meetings, events and receptions with a fully operational alcohol and refreshment servery”.

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-

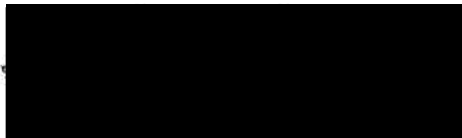
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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

07/02/2017

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

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

.....
.....
.....

Note 1:

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

Note 2:

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

Note 3:

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.

North Berwick Golf Club
North Berwick Golf Club House
Beach Road
North Berwick
EH39 4BB

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/NO*</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>	10.00	23.00
<i>Tuesday</i>	10.00	23.00
<i>Wednesday</i>	10.00	23.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	01.00
<i>Saturday</i>	10.00	01.00
<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>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

Question 4

SEASONAL VARIATIONS

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

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm 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>	YES	YES	YES
5(b) Activity <i>Social functions</i> 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>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>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</i> 5(g)	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	YES	YES	YES
<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>	NO	NO	NO

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

Conference Facilities: May start outwith core hours but not before 8am

Restaurant and Bar Snacks – may start outwith core hours but not before 8am

Receptions including weddings, birthdays etc, may start outwith core hours but not before 9am

Club or Other Group Meetings – may start outwith core hours but not before 8am

Recorded Music which would be background music – may start outwith core hours but not before 8am

Films – may start outwith core hours but not before 8am

Outdoor Sport – golfing facilities are normally available weather permitting dawn until dusk.

Televised Sport – may start outwith core hours but not before 8am

No additional activities will take place unless under the authority of an extended hours application.

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.

Charity functions, significant celebratory nights eg. Burns Night Celebrations, Festive Parties/Celebrations, prizegiving functions, open golf competition functions, wi-fi internet, supplier promotion events, seminars, exhibitions, live performances, DJ's and dances.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
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When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

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/NO*
*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 and Young Persons are permitted access to all public parts of the premise at all times the premises are open. If children are in after 21.00 hours, they must be accompanied by an adult or on the authority of the starter or junior convenor.

Club Rule 22 allows unaccompanied 10 year olds and above in the premises unaccompanied by an adult.

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

Birth to 17 years

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

Children and Young Persons can be in any public part of the premises at all times from 7.30am for changing purposes and collecting golf equipment. Children would be permitted to remain in the premises until 10.30pm. Young person would be permitted to remain in the premises until the premises close.

6(e)

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

Children and Young Persons are permitted entry to all public parts of the premises

Question 7

CAPACITY OF PREMISES

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

On Sales - 130

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

N/A

8(c) Contact address

N/A

8(d) Email address and telephone number

N/A

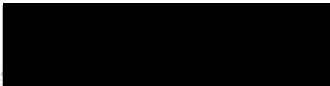
8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

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 ... 07-02-2017

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

01620 897144

 @northwickgolfclub.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.



Over Provision Statement

The Major Variation Application to change the hours of operation for the North Berwick Golf Club is before you to allow the Club to have the flexibility to serve alcohol from 10am should it be required.

This application is purely on a demand led basis.

We are very fortunate to attract more than 10,500 visitors to the golf club annually. The visitors to the Club are from all over the world and we are often asked by visitors why they cannot have a drink before they tee off. This is not an everyday occurrence and we do not foresee there being a significant demand for it but we feel it would add to the service we already provide.

The North Berwick Golf Club is very much a private members club with visitors welcomed and treated as members daily. We have had no licensing issues over the years and do not foresee that this addition to the hours will cause any problems.

We appreciate there are several licensed premises in North Berwick and the Board may have a view that North Berwick is close to or is being provided. However, we are not adding to the number of licensed premises in the town but simply making an addition to our operating hours.

There are several other Golf Clubs in East Lothian with the provision to sell alcohol from 10am and we would like to be able to offer the same facility.

Other golf clubs in the area with these hours are: -

- Royal Musselburgh Golf Club
- Dunbar Golf Club
- Gullane Golf Club
- Haddington Golf Club
- Luffness New Golf Club
- Archerfield
- Kilspindie Golf Club

We do not foresee this extra hour being used heavily and may only be used a minimal amount throughout the season.

We have taken into consideration the five licensing objectives (below) and do not feel that this application for change to hours will in any way breach any of the licensing objectives: -

- Preventing crime and disorder;
- Securing Public Safety;
- Preventing Public Nuisance;
- Promoting and Improving Public Health; and
- Protecting Children from Harm.

THE NORTH BERWICK GOLF CLUB

New Club House, Beach Road, North Berwick, East Lothian, EH39 4BB

www.northberwickgolfclub.com

Date 15th February 2017



**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

Your Ref: EL0253

Our Ref: J/LIC/3705/HB

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
NORTH BERWICK GOLF CLUB, BEACH ROAD, NORTH BERWICK.**

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 change/increase in the opening times/licensed hours Monday - Sunday from 11am (currently) to 10am.

In terms of Section 29(5) of the Act this request can be considered a variation.

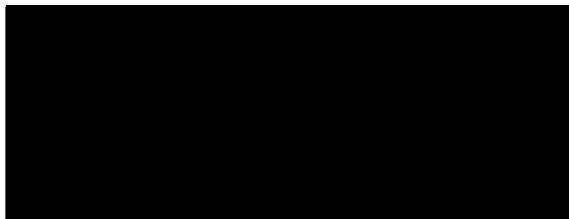
In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

Whilst the police have no objection to the grant of this variation, it is pertinent to point out that any increase in licensed hours is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

It is also pertinent to note that 10 am is out with Board Policy hours.

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

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 01 Mar. 17

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

North Berwick Golf Club, North Berwick Golf Club House, Beach Road, North Berwick, East Lothian EH41 3BB

I refer to the above subject and can confirm that the undernoted premises have been visited in relation to application for a Premises Licence variation.

The applicant seeks to extend their licensed footprint from 11:00 to 10:00 hours each day. This is predominantly to cater for the huge number of tourist golfers who visit the Club each year and seek to partake of an alcoholic drink before going out for a round of golf. This facility is in line with that granted to 7 other golf clubs in the county. From a Licensing Standards point of view, the granting of this application will not adversely impact on any aspect of the licensing objectives.

The Club is held in high regard as a golf club and tourist attraction. It maintains high standards and there have been no problems experienced in relation the running and operation of the Premises Licence and no complaints received in relation to disorder, nuisance or safety.

I have assessed the Club's Operating and Layout Plans and m satisfied that they are in accordance with the provisions of the Licensing (Scotland) Act and, therefore, have no objections to the granting of this variation.

R. Fruzynski
Licensing Standards Officer