



## MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 23 FEBRUARY 2017  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

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### **Board Members Present:**

Councillor S Akhtar  
Councillor S Currie  
Councillor D Grant  
Councillor W Innes  
Councillor F McAllister

### **Clerk of the Licensing Board:**

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

### **Attending:**

Ms M Winter, Licensing Officer  
Mrs L Shearer, Solicitor  
Mr R Fruzynski, Licensing Standards Officer  
Insp A Harborow, Police Scotland  
Insp A King, Police Scotland  
PC H Bowsher, Police Scotland

### **Committee Clerk:**

Ms J Totney, Team Manager – Democratic Services

### **Apologies:**

Councillor J Goodfellow (Convener)  
Councillor T Trotter

### **Declarations of Interest:**

None

In the absence of the Convener, Councillor Akhtar proposed, that Councillor Grant take the chair for this meeting. The proposal was seconded by Councillor Innes and unanimously agreed by all Board members.

## **1. MINUTES FOR APPROVAL**

The minutes of the Licensing Board meeting of 26 January 2017 were agreed to be a true record.

## **2 PROVISIONAL PREMISES LICENCE**

### **49a High Street, Musselburgh**

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr A Parravano, applicant, was present and was accompanied by Mr G D'Agostino, front-of-house manager. Mr Macdonald provided Board members with the restaurant menu and photographs of the premises.

The Clerk advised that there are no objections to the application but Police Scotland had commented regarding deliveries, off sales and outdoor drinking. She added that the application engages the overprovision policy and that the supporting statement from Mr Macdonald had been issued to members.

Mr Macdonald confirmed that deliveries and off sales have now been removed from the operating plan/application. He provided background information about the applicant and the premises, stressing the commitment to supporting licensing objectives and providing family friendly premises.

In response to a question from Councillor Currie, Mr Macdonald acknowledged that there is still the need to obtain a permit for outside drinking. Replying to Councillor Grant, Mr Macdonald addressed the issue of overprovision, highlighting that the premises offer a restaurant facility and that the applicant would prefer to address the licensing objectives responsibly rather than operate a 'bring your own bottle' policy.

Insp Harborow advised that Police Scotland recommend a terminal hour of 22.00 hrs for the outdoor drinking. Mr Macdonald advised that his client was agreeable to this. The Licensing Standards Officer (LSO) indicated his support for the application.

Councillor Currie remarked that the property had a history of being licensed premises and stated that the applicant would be judged against the undertakings that had been given.

Noting the absence of objections from any third parties, Councillor Innes supported the application.

Councillors Akhtar and Grant added their support to the application

### **Decision**

East Lothian Licensing Board agreed to grant the provisional premises licence.

## **3 MAJOR VARIATION OF A PREMISES LICENCE**

### **3(a) Habaneros (Brewed and Baked), 83 High Street, Musselburgh**

The clerk advised that the applicant is Punch Partnership Limited and that the application seeks to vary off sales to 11am – 10pm Monday to Sunday; add

takeaways as an activity; permit access to children and young persons; change wording to read: the premises may be used for various activities of refreshment meals and takeaways outwith core hours; to note that no alcohol will be sold outwith core hours; to change the premises name to Habaneros; and to change the description to Mexican Cantina and Takeaway. She added that the application engages the overprovision policy.

Mr N Hassard of TLT Solicitors was present to represent the applicant. Mr M Binnie and Mr A Binnie, premises operators, were also present.

Mr Hassard advised the Board that the application does not seek to extend the terminal hour beyond midnight and apologised if there had been confusion with regard to this; provided background information on the fledgling restaurant chain; stressed that a very limited range of alcoholic drinks would be on offer before; and provided information on the reasons for requesting the variations to the premises licence.

In response to questions from Councillor Currie, Mr Hassard indicated that his client would like to retain a terminal hour of midnight, but the premises would close at 11pm if there is no demand and Mr M Binnie advised that changes had been made with regard to the refuse arrangements as a result of neighbour feedback.

Replying to Councillor Grant, Mr Hassard advised that there would be no display of off sales alcohol and that there would be no alcohol off sales without the purchase of food.

Police Scotland had no further comments to make. The LSO reported that he has had a lot of positive contact with Mr M Binnie and stated that he supported the application.

Councillor Currie was heartened that the terminal hour would not be 1am and supported the application.

Councillor McAllister added his support to the application.

Councillor Innes welcomed the development of these premises and supported the application.

Councillor Grant indicated his support for the application.

## **Decision**

East Lothian Licensing Board agreed to grant the variations to the premises licence.

### **3(b) Miners' Social Welfare Club (Royal Musselburgh Golf Club)**

The Clerk advised that the application seeks to increase core hours on Friday and Saturday nights from midnight to 1am; for funeral receptions to commence prior to core hours but no earlier than 10am; and to vary the position in relation to the use of recorded music and televised sport outwith core hours, but not prior to 6am.

Mr D Cumming, Management Secretary and Mr S Cross, Clubhouse Manager were present to represent the applicant.

Mr Cumming addressed the Board in relation to the over provision statement. He drew members' attention to the fact that the increase in the terminal hour on Fridays

and Saturdays is to facilitate safer dispersal of patrons at the end of the night when they are waiting for transport to take them home.

Police Scotland and the LSO had nothing to add to their reports.

Councillor Innes commented on the important role that the club plays in the local community, adding that there have never been any reports of noise or other issues. He supported the application.

Councillor Akhtar echoed these comments and added her support.

Councillor Currie noted that this is a well run establishment and supported the application.

Councillor McAllister added that he is in support of the application.

### **Decision**

East Lothian Licensing Board agreed to grant the variations to the premises licence.

## **4. REQUEST FOR REVIEW OF PREMISES LICENCE**

### **4(b) Cockenzie and Port Seton Bowling Club**

The Clerk advised that this was a supplementary item following a request from a member of the public. She advised members that if they are minded to grant the request, the hearing would take place at the March 2017 meeting of East Lothian Licensing Board.

In response to Councillor McAllister, the Clerk advised that if the request is granted, members would receive full reports from Police Scotland, the LSO and any other relevant parties before the date of the hearing.

### **Decision**

East Lothian Licensing Board agreed to hold a hearing to review the premises licence.

**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)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1 LIDL UK GMBH (STORE: 721) MERCAT HOUSE 6 HIGH STREET PRESTONPANS EAST LOTHIAN EH32 9AN	LIDL UK GMBH C/O LIDL UK GMBH LICENSING DEPARTMENT LOCKING CASTLE BUSINESS PARK WEST WICK WESTON-SUPER-MARE	8 February 2017	Increase in current capacity from 46.62m2 to 47.61m2. Increase in alcohol display area for the period of 1 December to 2 January each year- 66.83m2. Change to alcohol area on layout plan.

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).
- .....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0127

2(b) Name and Address of Premises

Lidl UK GmbH  
Mercat House  
6 High Street  
Prestonpans

Post Code EH32 9AN

Phone No.

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

Lidl U.K. GmbH  
19 Worple Road  
Wimbledon  
London

Post Code SW19 4JS

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)

##### **Question 4 – Does the applicant intend to operate according to seasonal demand**

The applicant seeks an increased capacity of alcohol display for the period of 1 December each year until 2 January of the following year. The relevant capacities shall be stated in question 7 below. The applicant seeks the increased capacity to allow them to adequately cope with increased seasonal demand around the Christmas and New Year period.

##### **Variation to Question 7 – Capacity of Premises**

Increase to the current alcohol section from Length 25.90m Height 1.8m (Total Capacity 46.62m<sup>2</sup>) to Capacity during non-seasonal trading: Length 26.45m Height 1.8m (Total Capacity 47.61m<sup>2</sup>)

Additional capacity during season trading (1 December each year to 2 January following year) is Length 10.68m Height 1.8m = 19.22m<sup>2</sup>

**Maximum total capacity: 66.83m<sup>2</sup>**

#### 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.

Changes to alcohol 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)

**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 £50 is enclosed.

Signature



Licensing Manager

..... (See note 5 below)

Date

3/2/16

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

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

Andrew Wilkins, Lidl U.K. GmbH, Licensing Department, Locking Castle Business Park, West Wick, Weston Super Mare, BS24 7TG, TEL: 01934 523121, Email: [Licensing@lidl.co.uk](mailto:Licensing@lidl.co.uk)

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114

**Fax:** 01620 827253

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

**FOR OFFICE USE ONLY**

<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

#### Statement in Support of Non-Minor Variation of Premises Licence

In this application, Lidl UK GmbH ("Lidl") are applying to vary the premises licence to increase their off sale capacity from 46.62m<sup>2</sup> to 47.61m<sup>2</sup> during "normal" trading periods and separately, during the period of 1 December of each year to 2 January of the following year, a further increase to 66.83m<sup>2</sup>, to account for increased demand during the festive period.

The increase of 0.99m<sup>2</sup> during "normal" trading periods is required during a minor refresh to the merchandising layout of alcohol within the premises. The display of alcohol remains within the same merchandising area of the premises i.e. the location of the display remains at the furthest aisle from the entrance to the premises and adjacent to the till counters, thereby allowing full supervision of the display area by management and staff of the premises.

The net effect of the merchandising change results in the area of display increasing by a very small amount, namely 0.99m<sup>2</sup>. The products available to customers during normal trading will not change. The increase is simply as a result of the changed shelving layout resulting in a marginal increase in the area of display.

The second part of the increase in alcohol display applied for relates only to the festive period of trading at the premises, being 1 December to 2 January. During this period of trading, Lidl would like to make available an additional area of alcohol display, located next to the "normal" display to cater for (a) increased demand for alcohol purchases and (b) additional alcohol products that Lidl will only offer for sale during the festive period. (mainly liqueurs and speciality whisky).

In relation to the second part, Lidl are specifically applying only for set period of increased capacity i.e. the period of 1 December to 2 January. The alternative would be for Lidl simply to apply for the larger area of 66.83m<sup>2</sup> all year round but undertake to display "soft drinks" in the area during certain period of the year when trading is quieter. Lidl consider that their trading demands and obligations under the licensing objectives are better met by having only a fixed period of increased display – thereby avoiding the possibility that alcohol display might increase at other times of the year as it could do under the "soft drinks" model.

It is respectfully within the knowledge of the Board that demand for alcohol purchases generally increases during the festive period. The present application allows that demand to be served by allowing new products to be displayed and separately allowing displays of existing products to be increased. In the latter case, this removes the need for staff to be engaged in restocking products as often during busy periods. When 2 January is reached, the alcohol display area is then brought back down to the "normal" trading size to reflect the lowered demand for purchases.

The approach Lidl are taking in this application removes the need for annual applications for variation of licence to be made ahead of the festive period each year, followed by a minor variation at the end of the festive period. This approach reduces the burden on the Licensing Board and responsible authorities in processing these applications.

It is Lidl's submission that the grant of this additional display area will not result in overprovision of off sale display area in this locality and in particular, the grant of this variation is not inconsistent with the licensing objectives.

Lidl are a very responsible operator, who prides itself on its diligence and training of staff in all aspects of their work but with particular attention to the sale of age restricted products.

- Lidl regularly conduct their own 'integrity alcohol purchase checks' whereby they instruct an external agency to send in an 18 year old to attempt to purchase alcohol. Lidl's main objective in this is to ensure their employees are actively and thoroughly engaging in the Think 25 policy and carrying out the necessary ID checks. This allows Lidl to test the effectiveness of their Think 25 policy on an ongoing basis.
- Lidl routinely carry out Alcohol Licensing Audits in their Stores to ensure full compliance with the operating plan and also to ensure signage, training records etc. are in order.

Furthermore, and with a view to meeting the licensing objectives in store, Lidl adopt the following policies:

#### Protecting and Improving Public Health

- All Lidl stores merchandise the alcohol section as the furthest area from the customer entrance. As well as assisting with security, it also ensures that it is not necessary for customers to walk past the section in order to reach different areas of the store or reach the till counters. This reduces the likelihood of customers 'impulse purchasing' alcohol.
- Lidl were the first major retailer in the UK to remove the sale of tobacco in all stores.
- Lidl were the first major retailer in the UK to remove confectionary from the checkout / till area to reduce impulse buying of unhealthy items. Instead, Lidl display healthier alternatives.
- Lidl participates in the Department of Health's fruit and vegetable Responsibility Deal.
- Alcohol sold by Lidl focuses on quality not price. Lidl do not stock low price, high volume fortified wines or super-strength beers/lagers or any other products that might be more readily associated with problem drinkers.
- The Lidl till system cannot process alcoholic items either before 10am or after 10pm. This makes it impossible for licensing hours not to be adhered to.

## Protecting Children / Young People From Harm

- Lidl follow our 'Think 25' procedure which requires all customers who appear to be under the age of 25 to provide valid proof of age documents should they wish to purchase an age restricted product.
- Lidl's tills automatically prompt the cashier that an age restricted item has been scanned and will not allow the sale to continue unless the cashier confirms the Think 25 procedure has been followed.
- The Lidl ID procedure also supports this objective as the senior manager on duty (a personal licence holder) must authorise all ID verification as required through the Think 25 procedure before a sale can be authorised. The existence of two members of staff completing the age verification process mitigates against under age sales and separately acts as a deterrent to underage persons attempting purchases.
- Lidl does not merchandise any sweets etc near the alcohol section; this reduces the likelihood for children / young people being near alcoholic products.

## Preventing Crime and Disorder

- Lidl have installed EAS tagging systems in all stores with high theft risk items, including some alcohol lines. This acts as both deterrent and detection method for potential theft.
- Lidl have introduced bottle locks for spirits, which serves as a deterrent towards theft
- Lidl employs stringent training practices which develop staff to be aware of potential issues and how to manage difficult circumstances should they arise.
- No member of Lidl staff is permitted to undertake checkout duties until all relevant training has been completed.
- Lidl are an approved provider of SCPLH training and therefore all training and refresher training is undertaken within the company. Lidl are graded by the BII as "Grade 1", which is the highest grading that can be achieved.
- Lidl contract SIA accredited Security companies to supply SIA accredited Guards in stores which are deemed to require support to manage any crime or disorder issues.
- Lidl install state of the art CCTV systems in all stores. Images are retained and may be available as required by the police or licensing standards officer.

## Securing Public Safety

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above.
- Lidl undertake daily, weekly and biannual health & safety, trading law and maintenance checks in all stores, to ensure compliance. Our compliance procedures and policies are regularly reviewed.

## Preventing Public Nuisance

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above
- Waste receptacles for customers are provided for disposal of litter.
- All by-products of our premises are responsibly disposed of, and where possible, recycled.

Elworthy, Debbie

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**Subject:** FW: Major Variation - Lidl, Mercat House, Prestonpans - Public Objection

**From:** Community Council

**Sent:** 05 March 2017 16:40

**To:** Winter, Maree

**Subject:** Re: Major Variation - Lidl, Mercat House, Prestonpans

Thank you for the notification of Major Variation submitted by Lidl with regard to their shop in Prestonpans. The Community Council met and discussed the variation sought and unanimously voted to oppose the variation requested.

The Community Council is of the view that the area has too many licensed premises for the off sale of alcohol and an application to increase the area in which off sales can take place is contrary to the needs of the community, notwithstanding that the period of increase of sale is limited to December.

We would be grateful if you could acknowledge receipt of our objection.

Kindest regards



Chair of Prestonpans Community Council

Date 15<sup>th</sup> 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: EL0127

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  
LIDL UK GMBH, HIGH STREET, PRESTONPANS**

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 an increase in capacity from 46.62 square metres to 47.61 square metres as well as a further increase in capacity to cater for seasonal alcohol from 1<sup>st</sup> December – 2<sup>nd</sup> January each year of 66.83 square metres.

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 capacity is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

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**

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Date: 01 Mar. 17

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

**Lidl UK, Mercat House, 6 High Street, Prestonpans, East Lothian EH 32 9AN**

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

The variation applied for is out with the Licensing Board's policy on overprovision in relation to the increase of the current display capacity of 46.62m<sup>2</sup> to 47.61m<sup>2</sup>, an increase of 0.99 m<sup>2</sup>.

Previous applications to vary alcohol display capacity:

In May 2015 Lidl applied to change the size of the alcohol display capacity of 40.50m<sup>2</sup> to 46.62m<sup>2</sup>, an increase of 6.52 m<sup>2</sup>.

In June 2014 Lidl applied to change the size of the alcohol display capacity of 36.18m<sup>2</sup> to 40.50m<sup>2</sup>, an increase of 4.32 m<sup>2</sup>.

In May 2014 Lidl applied for a reduction in size of alcohol display capacity from 38.79 m<sup>2</sup> to 36.18 m<sup>2</sup>

In February 2011, Lidl applied for the alcohol display capacity granted at the time of a variation in 2011 to be reduced from length 36.5m x height 1.8m (total 65.70m<sup>2</sup>) to length 21.55m x height 1.8m (total 38.79m<sup>2</sup>).

During the period that Lidl used the larger area of 65.70m<sup>2</sup> there were no operational problems identified or complaints received by Licensing Standards. This trend has continued to date.

Lidl is a very well run store and as such I have no objection to the grant of the current application.

R. Fruzynski  
Licensing Standards Officer



**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
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East Lothian Council  
Licensing  
- 8 FEB 2011

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-

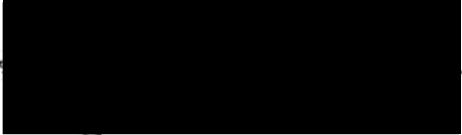
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**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](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; 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.*

<b>North Berwick Golf Club</b>
<b>North Berwick Golf Club House</b>
<b>Beach Road</b>
<b>North Berwick</b>
<b>EH39 4BB</b>

### 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>
--	----------------

*\*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

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<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
<b>5(b) Activity</b> <i>Social functions</i> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<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
<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see</i> <b>5(g)</b>	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

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

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

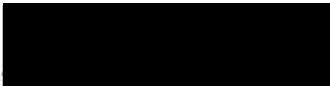
8(e) Personal licence

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 ... 07-08-2017 .....

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.

Date 15<sup>th</sup> 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.

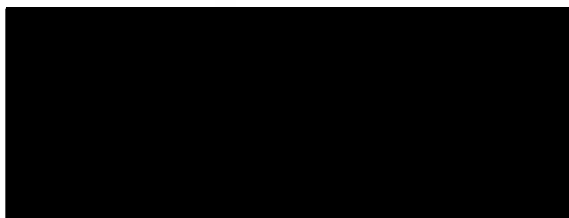
Whilst the police have no objection to the grant of this variation, it is pertinent to point out that any increase in licensed hours is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh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

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Occasional(s)	Premises	Applicant	Date Received	Comments
4	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	27 February 2017	Start date of event: 14/04/2017 End Date of Event: 15/04/2017 Wedding Celebrations Of [REDACTED] [REDACTED] Children and young persons are permitted during the following times: At all times.
5	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	27 February 2017	Start date of event: 28/04/2017 End Date of Event: 30/04/2017 Wedding Celebrations Of [REDACTED] [REDACTED] Children and young persons are permitted during the following times: At all times.
6	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	28 February 2017	Start date of event: 19/05/2017 End Date of Event: 21/05/2017 Wedding Celebrations Of [REDACTED] [REDACTED] Children and young persons are permitted during the following times: At all times.

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Occasional(s)

Premises	Applicant	Date Received	Comments
7 BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	28 February 2017	Start date of event: 02/06/2017 End Date of Event: 04/06/2017 Wedding Celebrations Of [REDACTED] Children and young persons are permitted during the following times: At all times.
8 BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	27 February 2017	Start date of event: 09/06/2017 End Date of Event: 11/06/2017 Wedding Celebrations Of [REDACTED] Children and young persons are permitted during the following times: At all times.
9 BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	28 February 2017	Start date of event: 16/06/2017 End Date of Event: 18/06/2017 Wedding Celebrations Of [REDACTED] Children and young persons are permitted during the following times: At all times.

**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

Occasional(s)	Premises	Applicant	Date Received	Comments
10	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	27 February 2017	Start date of event: 23/06/2017 End Date of Event: 25/06/2017 Wedding Celebrations Of [REDACTED] Children and young persons are permitted during the following times: At all times.
11	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	28 February 2017	Start date of event: 30/06/2017 End Date of Event: 01/07/2017 Wedding Celebrations Of [REDACTED] Children and young persons are permitted during the following times: At all times.
12	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	28 February 2017	Start date of event: 07/07/2017 End Date of Event: 08/07/2017 Wedding Celebrations Of [REDACTED] Children and young persons are permitted during the following times: At all times.



**28 MARCH 2017**

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**Item 4      Occasional Licences**

Broxmouth House, Dunbar

Please note that 9 individual Occasional Licence applications have been received. These are identical in all respects with the exception of the dates and the names of those who have booked the function.

As this information is summarised on the cover sheet for item 4, only one application form has been included in these meeting papers.

EAST LoTHIAN LICENSING BOARD

OCC089/17  
Adv 3/3

APPLICATION FOR OCCASIONAL LICENCE

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

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

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

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable)	EL878
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS	
TITLE (delete as appropriate): Mr	
Surname	FLAME
Forenames	SIMON PAUL
DATE OF BIRTH	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES	
BROXMOUTh HOUSE BROXMOUTh PARK	
Post town DUNBAR	Post code EH42 1QW
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	
Mobile	[REDACTED]
FAX NUMBER	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	
simon@broxmouth.com	

E.L.C.  
Customer Services  
27 FEB 2017  
**RECEIVED**

**3. THE PREMISES**

Description of premises

STATELY HOME WITH MARQUEE IN HISTORIC GROUNDS

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

WEDDING CELEBRATIONS OF



WE HAVE INSTRUCTED AN AGENT TO PROGRESS THE FULL LICENSE APPLICATION

WE ARE CURRENTLY LIASING WITH THE PLANNING AUTHORITY TO ENSURE THAT ALL RELEVANT PERMISSIONS ARE IN PLACE.

WE WILL LODGE THE FULL APPLICATION AS SOON AS POSSIBLE, HOPEFULLY BY THE 30<sup>TH</sup> MARCH.

Full postal address of premises which this application refers to

BROXMOUTH PARK

DUNBAR

EH42 1QW

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

From: FRIDAY 14<sup>TH</sup> APRIL 2017 5PM TO 1AM

To: SATURDAY 15<sup>TH</sup> APRIL 2017 11AM TO 1AM

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

Times for sale of alcohol for consumption on premises

PER ABOVE

Times for sale of alcohol for consumption off premises

NOT APPLICABLE

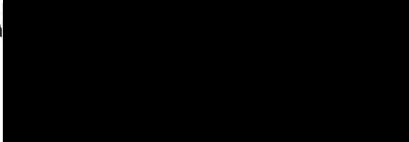
Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

NOT APPLICABLE



<b>6. CHILDREN (see note 2)</b>	
This section must be completed where alcohol is for sale for consumption on the premises	
Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)	
Ages of children or young persons permitted entry 0- 17 YEARS	Times at which children or young persons permitted entry AT ALL TIMES
Parts of premises to which children or young persons permitted entry NO CHILD WILL BE PERMITTED WITHIN 1.5 METERS OF THE BAR AT ANY TIME	

<b>7. CHECKLIST</b>	
I have - Please tick for yes	
<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>	

<b>8. Signature and declaration by applicant (see note 3)</b>	
<b>DECLARATION</b>	
The contents of this Application are true to the best of my knowledge and belief	
SIGNA 	DATE 27 <sup>TH</sup> FEBRUARY 2017

**NOTES**

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

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

is eligible to apply for an occasional licence

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

3. Data Protection Act 1998

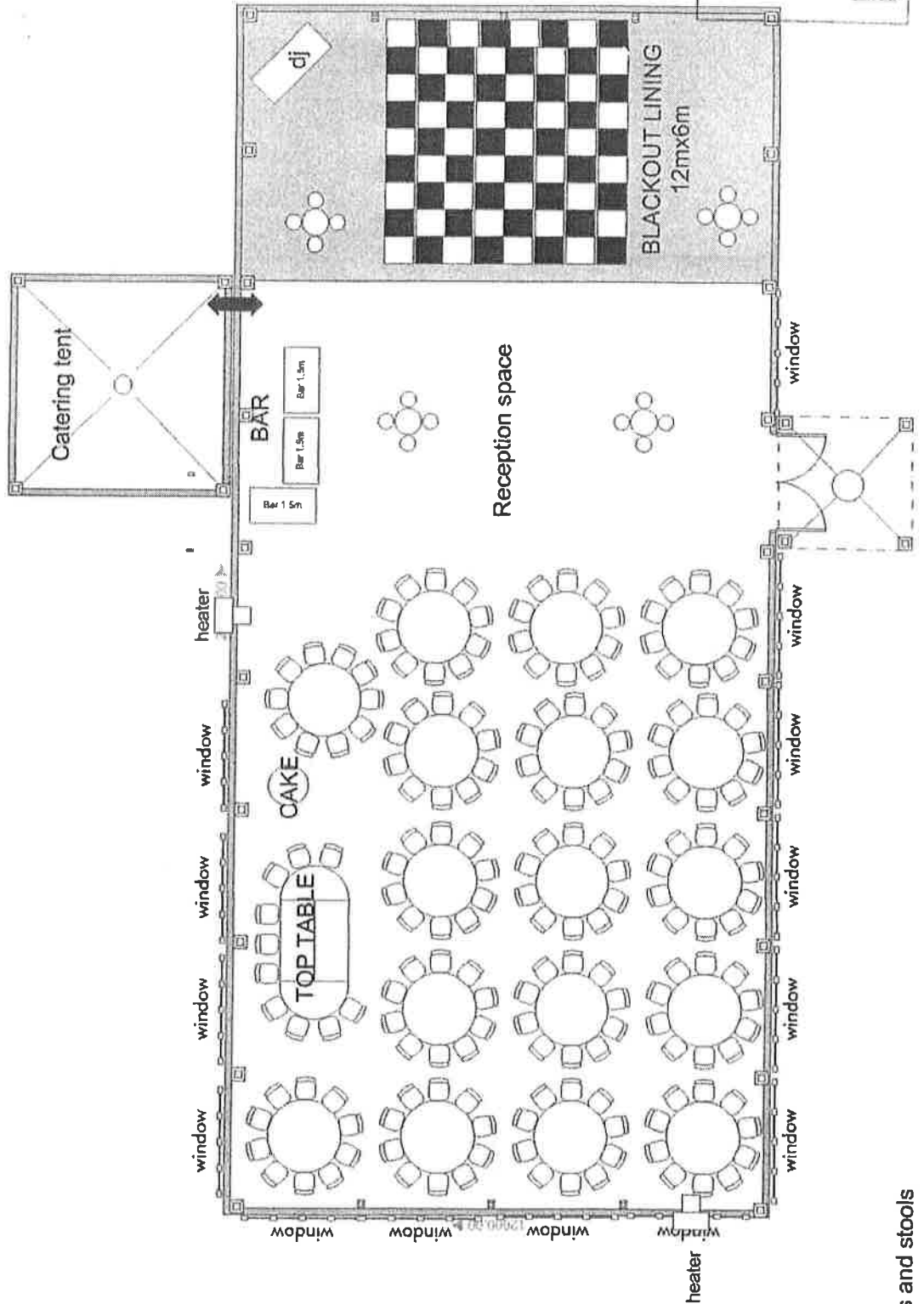
The information on this form may be held on an electronic register which may be available to members of the public on request.

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

Tent and Garden Marquees  
smart tents for smart events



12m x 27m



Date 1<sup>st</sup> March 2017



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

Your Ref: Occasional licences -  
89, 90, 91, 92, 93, 94, 95, 96, 97

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  
OCCASIONAL LICENCE APPLICATIONS – 89, 90, 91, 92, 93, 94, 95, 96, 97  
PREMISES: BROXMOUTH ESTATE, BROXMOUTH PARK, DUNBAR  
APPLICANT: SIMON FLAME, BROXMOUTH HOUSE, BROXMOUTH PARK,  
DUNBAR**

I refer to the above application and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application:

At the Licensing Board on the 25<sup>th</sup> August 2016, a similar application was made by the applicant and it was agreed that no further occasional licences would be granted in respect of these premises unless it is discussed at a Board meeting.

Minutes of the meeting are quoted as follows:

*"Members were strongly of the view that it was highly unlikely that any further occasional licences would be granted without a hearing. Councillor Innes stated that if an occasional licence application was presented to the Board in future, a planning officer should attend to explain the delays in granting a full premises licence. He also stressed that in the event of a further application for an occasional licence, he would expect the applicant to be present to demonstrate that they had done everything in their power not to hold up the process of applying for a premises licence. He requested that these provisos be noted.*

*Councillor Goodfellow added that any future occasional licence applications must be lodged at least six weeks in advance.*

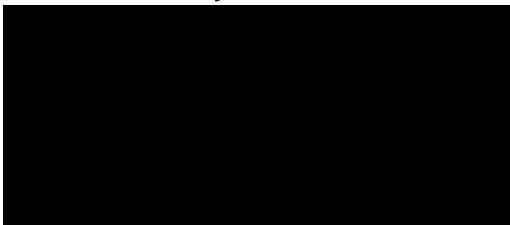
***Decision:***

*The Board agreed to grant the occasional licence and determined that any future applications for occasional licences be subject to the provisos as outlined by Councillor Innes."*

I therefore refer all of the above applications to the Board for their consideration.

This representation is submitted for your attention in consideration of these applications.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

Herkes, Gillian

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**From:** Fruzynski, Rudi  
**Sent:** 01 March 2017 08:38  
**To:** Herkes, Gillian; Licensing  
**Cc:** 'Heather.Bowsher@scotland.pnn.police.uk'  
**Subject:** FW: Occasional Licence applications OCC089/17; 90/17; 91/17; 92/17; 93/17; 94/17; 95/17; 96/17 & 97/17 - Weddings at Broxmouth Park Grounds, House and Marquee

Report amended to include OCC application 95/17.

Rudi Fruzynski  
Licensing Standards Officer  
East Lothian Council



01620827363

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**From:** Fruzynski, Rudi  
**Sent:** 01 March 2017 08:08  
**To:** Herkes, Gillian; Licensing  
**Cc:** 'Heather.Bowsher@scotland.pnn.police.uk'  
**Subject:** Occasional Licence applications OCC089/17; 90/17; 91/17; 92/17; 93/17; 94/17; 96/17 & 97/17 - Weddings at Broxmouth Park Grounds, House and Marquee

I refer to the minutes of the Licensing Board dated 25th August 2016, when a similar application from Mr Flame was discussed. An extract from these minutes are shown below, which states that no further Occasional Licences will be granted in respect of these premises unless it is discussed at a Board meeting:

*"Members were strongly of the view that it was highly unlikely that any further occasional licences would be granted without a hearing. Councillor Innes stated that if an occasional licence application was presented to the Board in future, a planning officer should attend to explain the delays in granting a full premises licence. He also stressed that in the event of a further application for an occasional licence, he would expect the applicant to be present to demonstrate that they had done everything in their power not to hold up the process of applying for a premises licence. He requested that these provisos be noted. Councillor Goodfellow added that the any future occasional licence applications must be lodged at least six weeks in advance.*

**Decision**

*The Board agreed to grant the occasional licence and determined that any future applications for occasional licences be subject to the provisos as outlined by Councillor Innes."*

I therefore refer all of the above applications to the Board for their consideration.

Mr Flame and an officer from our Planning Department should be called to a Board meeting to advise members on progress made in moving towards a Premises Licence.

Rudi Fruzynski  
Licensing Standards Officer  
East Lothian Council



**STATEMENT FOR LICENSE COMMITTEE REGARDING PLANNING  
APPLICATION 15/00343/P FOR THE ERECTION OF A MARQUEE BETWEEN  
15<sup>TH</sup> MARCH AND 15<sup>TH</sup> NOVEMBER EACH YEAR TO SUPPORT THE EXISTING  
FUNCTION AND WEDDING FACILITIES AT BROXMOUTh PARK  
(RETROSPECTIVE)**

Planning application 15/00343/P was received on 4<sup>th</sup> May 2015 and was registered as a valid planning application on 11<sup>th</sup> May 2015. Planning application 15/00343/P retrospectively seeks planning permission for the “Erection of a marquee between 15th March and 15th November each year to support the existing function and wedding facilities at Broxmouth Park”.

As a planning unit, the authorised use of Broxmouth House is as a residential property, a use within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The planning application description and documents submitted in support of that application state that the use of the marquee is in association with the use of Broxmouth House for functions and events and as holiday accommodation. As the description of the development the subject of planning application 15/00343/P refers to the “existing function and wedding facilities at Broxmouth Park” it is necessary for the Planning Delivery service to establish whether or not there has been a material change of use at Broxmouth House or its associated buildings. In order to establish this, additional information has been requested from the applicant’s agent (David Warden of DGW Planning) regarding the nature of the use, operation, frequency and duration of the function and wedding facilities at Broxmouth House and Park and the areas of the house or other buildings used for such events.

The applicant’s agent has submitted some information on this matter however, that information is insufficient to allow the Planning Delivery service to fully consider whether or not a material change of use of Broxmouth House has occurred. Therefore, further information has been requested from the agent.

As the current application (Ref. 15/00343/P) is proposed in support of the “existing function and wedding facilities at Broxmouth Park” it is the opinion of the Planning Service that the matter requires to be addressed prior to the determination of planning application 15/00343/P.

**Stephanie McQueen  
Planner (Planning Delivery)  
Communities and Partnerships  
17<sup>th</sup> March 2017**