

**EAST LOTHIAN**

**Meeting 22 June 2017 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Variation (Major)(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
9	LIDL UK GMBH (STORE 1144) OLIVEBANK INDUSTRIAL ESTATE NEWHAILES ROAD NEWHAILES MUSSELBURGH EAST LOTHIAN ROYAL BRITISH LEGION, COCKENZIE	LIDL UK GMBH C/O LIDL UK GMBH LICENSING DEPARTMENT LOCKING CASTLE BUSINESS PARK WEST WICK WESTON-SUPER-MARE COCKENZIE & PORT SETON ROYAL BRITISH LEGION	28 April 2017	
10	ROYAL BRITISH LEGION CLUB WEST HARBOUR ROAD COCKENZIE		20 February 2017	
11	PRESTONPANS SPORTSMAN'S BAR 58 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7BX	HAWTHORN LEISURE SCOTCO LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	10 May 2017	

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

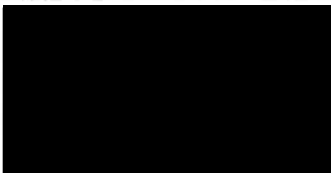
2(a) Licence Number of Premises

EL0261

2(b) Name and Address of Premises

Royal British Legion Cockenzie & PortSeton West Harbour Road Cockenzie	East Lothian Council Licensing 20 FEB 2017 Received		
Post Code	EH32 OHU	Phone No.	01875 810103

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

	AS ABOVE
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Post Code	██████████	Phone No.	██████████
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**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

The club wishes to change to an "Open Premises Licence". Members have been canvassed and there have been no objections. The committee propose to operate as before with regards to Membership Fees. We will continue to operate a signing in procedure.

The purpose for the change is to allow Private Functions on Saturday nights without needing to adhere to the signing in procedures. We also have occasions to hold private functions on Sunday afternoons.

**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)

None

**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.

None

None

**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*)

None

**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**

**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  **W McGauchie, Chair** ..... (See note 5 below)

Date 19<sup>th</sup> February 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)**

<b>FOR OFFICE USE ONLY</b>		
<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.*

Royal British Legion Cockenzie & Port Seton  
West Harbour Road, Cockenzie, EH32 OHU

### 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</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	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	23.45
<i>Friday</i>	11.00	Midnight
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	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	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</i>
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*\*If YES – provide details*

<p>The club would wish to take advantage of any Seasonal Variations that East Lothian Licensing Board offer.</p>
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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 To be provided during core licensed hours – please confirm <i>YES/NO</i>	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Accommodation</i>	NO	NO	NO
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	NO
<i>Bar meals</i>	YES	YES	NO
<i>5(b) Activity</i> <i>Social functions including:</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <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
<i>5(c)</i> <i>Activity</i> <i>Entertainment including:</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Recorded music – see 5(g)</i>	YES	YES	NO
<i>Live performances – see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	NO
<i>Televised sport</i>	YES	YES	YES



<b>5(d)</b> <i>Activity</i>	<i>Please confirm</i> <b>YES/NO</b>	To be provided during core licensed hours – please confirm <b>YES/NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e)</b> <i>Activity</i>	<i>Please confirm</i> <b>YES/NO</b>	To be provided during core licensed hours – please confirm <b>YES/NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>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 Club other group meetings. Would like to be in a position to allow the hall/lounge to be used by Community Based groups such as Gala Committee at say 0900 and offer teas/coffee for these meetings. Bar would remain closed until core hours.*

*Funerals/Christenings. Access to mourners early after Funeral but no alcohol until Core hours.*

*Televised Sport. No alcohol but would like to be able to allow access for significant T.V. Sport e.g. World Cup Rugby or Football early in the day – say 0800 onwards depending on the timing of the venue. Serve tea/coffee.*

*Armistice Day. Would request permission to allow Children and Young Persons access from after the service to 18.00 on that day.*

**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*

Children and Young persons are only allowed access to the Premises when accompanied by Parent/ Guardian. Unless attending a Private function, they must leave the building by 18.00.

The Pipe Band practices in the Hall/Lounge. Children 8 years to 17 years are also in attendance for these sessions.

Armistice Day – please see notes after 5(e)

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

0-17 years  
Please see 6(b) above

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

Please see 6(b) above

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

As stated at 6(b) Children accompanied by an adult can visit any part of the building.  
There are 3 x Female and 3 x Male toilets throughout the club which is considered adequate.

**Question 7**

**CAPACITY OF PREMISES**

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

**400**

**Question 8**

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

*Personal details*

8(a) *Name*

Martha Heather ANGUS

8(b) *Date of birth*

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

No email. Suggest email Chairman at  
Telephone c/o Club: [Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
Not known <i>EL1372</i> 01/03/2017	East Lothian Council <del>Please see Certificate attached</del>	Not known <i>EL1372</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.

Signature [Redacted] (see note below)

Date .....19.2.2017.....

Capacity ..... William McGauchie, Chair APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory... William06Mcgauch@aol.com – Tel. 01875 814506

**\* 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.



Ref: KMacN/MJW/EN/L/L1

14<sup>th</sup> April 2017

Kirstie MacNeil  
Clark of Licensing Board  
East Lothian District Council  
John Muir House  
Haddington  
EAST LoTHIAN

Dear Ms MacNeil

**Re: Application of amendments of current license held by Cockenzie and Port Seton British Legion**

We are writing with regard to a recent application by the above business to amend the current license held by the above business.

With regard to specific points raised in the letter informing of the application, we would be grateful if our concerns and objections could be taken in to consideration when reviewing the afore mentioned application. Our specific concerns are outlined below:

Application for a Restaurant License:

We are concerned with regards to the above application in terms of the accompanying kitchen and cooking smells generated and emitted through outside extractors. As we are sure you are aware our homes are in extremely close proximity to the Legion.

Also, at present there are three large bins for bottle recycling with no further available space for large bins required for the safe and hygienic disposal of associated food waste. Therefore we are concerned about where further large bins would be placed without causing disruption to us and further concerned about the attraction of vermin to these bins. We have, unfortunately, had problems with vermin within our homes in the past due to incorrect and unsafe waste storage and removal.

Early Morning Opening Request and Music Events:

Again as stated above our homes are extremely close to the Legion and available parking for visitors. If the legion was allowed to open early (8am) the noise from the cars/buses

arriving would be intolerable and unfortunately heard clearly from within our homes. Also, as is often the case, the doors are left open so any noise generated by the sports programmes or any television would again be heard clearly and so would disturb residents of Marshall Street. Music events would clearly bring the same problems.

Marshall Street is a private road, not adopted by the council which means that we as residents are responsible for any repairs required to this road. We would request therefore that if this application is to be considered, that an alternate parking area be considered. At present any event held within the Legion causes massive parking issues and safety issues and the proposed increase in traffic volume and associated parking would bring with it further overflow. We would also be grateful if consideration could perhaps be given to possible contributions (agreed in writing) could be made by the Legion for any repairs required in the future should the application be approved.

Other Areas of Concern:

Unfortunately in the past relationships with the British Legion was problematic and over the last while has improved greatly. We as residents would wish this to continue in harmony and for us to be able to discuss any grievance we may have. We are concerned that things will deteriorate in light of this application and its associated issues.

We have approached the committee to discuss our concerns and to let them know, as a courtesy, that we would be raising our concerns with the Licensing Board for our protection as residents and home owners in Marshall Street. We spoke with a Mr Tom Carol (current committee member) who was extremely helpful and assured us that indeed there would be no restaurant or need for food bins and that any catering would be provided by outside caterers. We would again like this confirmed in writing. He also stated that at all times consideration would be given to the Legion's neighbours.

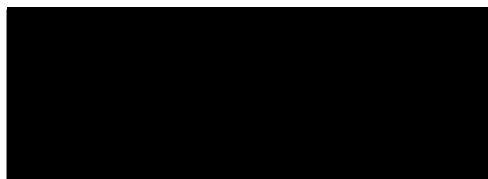
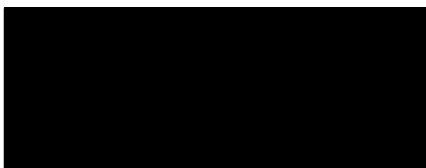
We would still like to protect our interests and log our concerns as in the future the committee may change and we would like to know that we are protected as residents from future changes and any misinterpretation of the application if approved by any new committee.

We have enclosed attachments with regards to the points outlined above.

Many thanks for your consideration in this matter.

Kind regards

Yours sincerely



10/17

KIRSTIE MACNEILL  
CLERK OF THE LICENSING BOARD  
JOHN MUIR HOUSE  
HADDINGTON  
E. LOTHIAN EH41 3HA

20/4/17

YOUR REF: KMACN/mjw/EN/L/L1

RE: APPLICATION FOR VARIATION (MAJOR)  
PREMISES - ROYAL BRITISH LEGION, COCKENZIE,  
ROYAL BRITISH LEGION CLUB, WEST HARBOUR ROAD,  
COCKENZIE, PRESTONPANS, E. LOTHIAN, EH32 0HU  
TYPE - ON & OFF SALES

Licensing

41 APR 2017

Received

I wish to make an objection, in respect of the variation proposed.

1) OBJECTION - INCREASED TRAFFIC ALONG MARSHALL STREET

I have been an occupier at [redacted] Marshall Street for 18 months, during which time, it has been increasingly more difficult for the 7 residents to park - as the Legion Staff/Community Members are using Marshall Street to park in, rather than their own car parks. Marshall Street is only supposed to be used for access only. Each time there is a private function at the Legion - they use Marshall St to park in, restricting access for emergency vehicles.

2) OBJECTION - INCREASED NOISE LEVELS ALONG MARSHALL STREET

Noise levels have been increasing when there are private functions, especially late at night - with drunks shouting and then urinating in the street & up against my house.

3) OBJECTION - BREACH OF LICENCE

I have made a statement to the Police (which was witnessed) of a serious incident of severe drunkenness & verbal abuse around 18.15hrs on Sat 15th April 2017 by the 'Responsible Person' / Licencee - The Chairman Billy MacGackie - who I had asked to deal with 4 of his drunken patrons - one of which had thrown

(cont)

(2 of 2)

YOUR REF: KMacN/mjw/EN/L/L1

ROYAL BRITISH LEGION, COCKENZIE

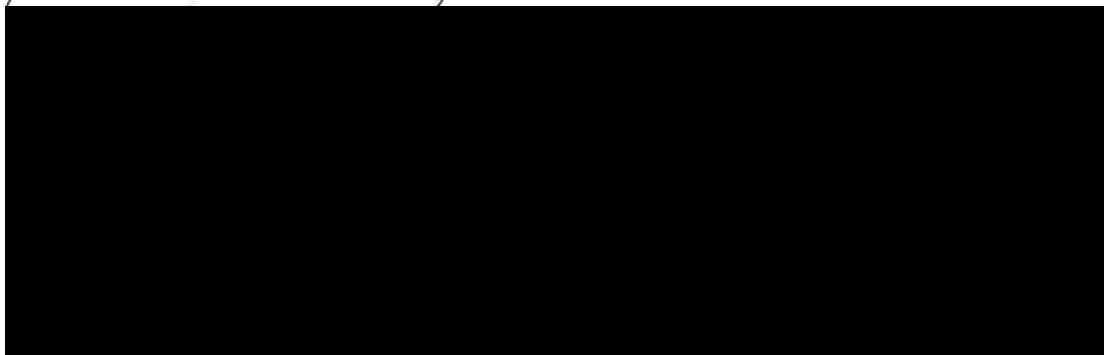
himself onto the bonnet of my car and was 'humping'  
on the bonnet until he was dragged off by his  
girlfriend (This male was son of Secretary of Legion).  
One of this party of 4, appeared to be under-age and as  
drunk as the other 3 - 2 of which were wrestling in the  
middle of the road. FULL STATEMENT WITH POLICE.

I think it would be very un-wise to allow the  
Royal British Legion at Cockenzie any further additional  
hours/or to provide any further catering.

The current committee are obviously not fit to hold  
a licence, let alone sober enough to deal with  
a serious incident. The premises has serious  
access issues - so extending the licence is only  
going to cause further issues - which could be  
life threatening, if emergency vehicles are not  
able to reach the premises.

Please do not hesitate to contact me, if you  
require further information.

Yours sincerely,





Date 28<sup>th</sup> March 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: EL0261

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,

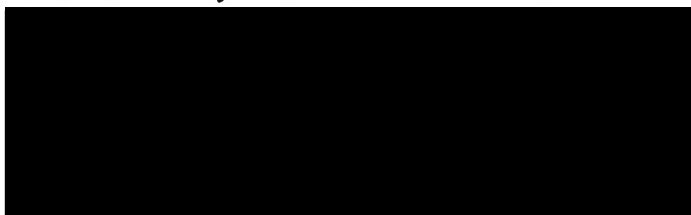
**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
ROYAL BRITISH LEGION, COCKENZIE  
ROYAL BRITISH LEGION CLUB, WEST HARBOUR ROAD, COCKENZIE,  
EAST LOTHIAN, EH32 0HU.**

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

The variation requested consists of a request to change from a club licence to an 'open' licence.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

# EAST LOTHIAN COUNCIL

## LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

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

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

**Date: 10 Apr. 17**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION**

**Royal British Legion Cockenzie & Port Seton, West Harbour Road, Cockenzie,  
East Lothian EH32 0HU**

I refer to the above subject and can confirm that the premises have been visited in relation to application for a change of status from a Club to an Open Premises Licence. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the licence.

It should be noted that the Board have previously supported similar applications in respect of the following Royal British Legion premises:

Dunbar Royal British Legion  
Longniddry Royal British Legion  
Prestonpans Royal British Legion

There are no other Royal British Legion premises in East Lothian, since the closure of the North Berwick Club in 2014.

R. Fruzynski  
Licensing Standards Officer