

EAST LOTHIAN

Meeting 28 September 2017 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Occasional(s)

Premises

Applicant

Date Received

Comments

1 BROXMOUTH HOUSE

BROXMOUTH PARK

DUNBAR

EAST LOTHIAN

EH42 1QW

SIMON PAUL FLAME

30 June 2017

Start date of event:

13/10/2017

End Date of Event: 14/10/2017

Wedding Celebrations

Children and young persons are permitted during the following times: all times.

REVISED AND UPDATED

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

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

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

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

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable)	EL 878
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	FLAME		
Forenames	SIMON PAUL.		
DATE OF BIRTH	Day	Month	Year
	█	█	█
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
PROXMOUTH HOUSE DUNBAR.			
Post town	Post code		
	EH42 1QW		
TELEPHONE NUMBERS			
Daytime	█		
Evening	█		
Mobile	█		
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
█			

3. THE PREMISES

Description of premises

MARQUEE IN GROUNDS OF STATELY HOME

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

WEDDING CELEBRATIONS OF

[REDACTED]
EXPECTED NUMBER OF GUESTS - 140.

THE EVENT CONSISTS OF A PRE-
WEDDING BBQ FOR CIRCA 30 GUESTS, FOLLOWED
BY WEDDING DAY RECEPTION, 3 COURSE
MEAL + EVENING BUFFET.

Full postal address of premises which this application refers to

BROXMOUTh HOUSE.

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

From: FRIDAY 13TH OCTOBER. 6:30PM TO 12 PM.
To: SATURDAY 14TH OCTOBER 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

AS ABOVE.

Times for sale of alcohol for consumption off premises

N/A.

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

N/A.

6. CHILDREN (see note 2)	
This section must be completed where alcohol is for sale for consumption on the premises	
Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)	
Ages of children or young persons permitted entry 0-17 YES	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 PERMITTED WITHIN 1.5M OF THE BAR AT ANY TIME.	

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

8. Signature and declaration by applicant (see note 3)	
DECLARATION	
The contents of this Application are true to the best of my knowledge and belief.	
SIGNATURE [Redacted]	DATE 12.9.17

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>)

Winter, Maree

To: McQueen, Stephanie
Subject: RE: Simon Flame - Marquee & Stately Home - Broxmouth

From: McQueen, Stephanie
Sent: 11 August 2017 10:42
To: Winter, Maree
Cc: McFarlane, Iain; Fruzynski, Rudi
Subject: FW: Simon Flame - Marquee & Stately Home - Broxmouth

Maree,

Planning application 15/00343/P for the erection and use of the marquee is still under consideration. As I have previously explained to Rudi Fruzynski the planning application has a description of "Erection of a Marquee between 15th March and 15th November each year to support the existing function and wedding facilities at Broxmouth Park (Retrospective)", and as you can see the description refers to the "existing function and wedding facilities at Broxmouth Park". I need to establish whether or not the existing use referred to in the description (i.e. the existing function and wedding facilities at Broxmouth Park) is something that in itself requires planning permission. Up until May this year (2017) I was awaiting sufficient information from the applicant / his agent to allow me to make that assessment. That information was received in May this year (2017) and in June 2017 I advised the agent that it is the Planning Service's view that the use of part of the ground floor of the existing building of Broxmouth House for function and wedding facilities is a material change of use of the building for which planning permission is required.

I have advised the applicant's agent that, ideally, a new planning application should be submitted to cover the part change of use of the existing house and the erection and use of the marquee. Alternatively a separate planning application could be submitted for the part change of use of the existing house however I am unable to determine the current application (15/00343/P) until that additional planning application has been submitted and that new planning application and the current application should be determined together. I am still awaiting a response from the applicant/agent on this matter.

I'm happy to talk this through if anything is not clear.

Regards,
Stephanie

Stephanie McQueen | Planner | Planning Delivery |
Ext: 7210 Email: smcqueen@eastlothian.gov.uk





The Camping and Caravanning Club (Limited by Guarantee)

Address: Greenfields House, Westwood Way, Coventry CV4 8JH

Tel: (024) 7647 5448 Fax: (024) 7647 5417

Web: www.campingandcaravanningclub.co.uk

13th July 2017

The Clerk of the Licencing Board
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian
EH41 3HA

Dear Sir / Madam

**APPLICATION FOR AN OCCASIONAL ALCOHOL LICENCE FOR THE SALE & SUPPLY OF ALCOHOL -
BROXMOUTH HOUSE, BROXMOUTH PARK, DUNBAR, EAST LOTHIAN, EH42 1QW**

It is understood that the owner / operator of Broxmouth House has or will soon be making an application for an Occasional Alcohol Licence for the Sale and Supply of Alcohol at the above property for events to be held there on the forthcoming dates:

29/07/2017

01/09/2017 to 03/09/2017

08/09/2017 to 09/09/2017

23/09/2017

13/10/2017 to 14/10/2017

As the operator of the Dunbar Site immediately to the east of the Application Site, The Camping and Caravanning Club wish to strongly object to the granting of any such licences on the basis that the ability to sell and supply alcohol will continue to cause a significant noise nuisance and intrusion to be suffered by the visitors and staff staying at our Club Site.

The Dunbar Site is an existing touring caravan, motorhome and tented camping operation, leased from the Council, comprising 90 pitches and has been operating since 2007. The Club site operates a 'quiet site' regime which restricts noise and car movements within the Site after 11pm to ensure its neighbours and our visitors, of which many are children, are able to enjoy the peaceful amenity of the countryside setting.

The Club is concerned that the approval of further Licences for the sale and supply of alcohol will further adversely impact upon our visitor's quiet enjoyment of the Dunbar Site, many of which frequently complain to the Site Managers about the level and timing of noise and music emanating from Broxmouth House during events and functions.

Registered Office: Greenfields House, Westwood Way, Coventry CV4 8JH

Company Registration No: 445520 England

(Founded 1901)

The Friendly Club

The Camping and Caravanning Club (Limited by Guarantee)

Address: Greenfields House, Westwood Way, Coventry CV4 8JH

Tel: (024) 7647 5448 Fax: (024) 7647 5417

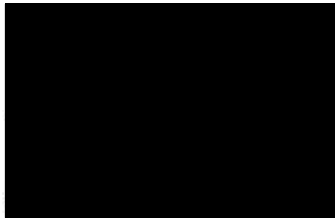
Web: www.campingandcaravanningclub.co.uk



In recent weeks, the Site has experienced significant noise nuisance from events being held within the marquee and grounds, with very loud music being played beyond the 12am midnight planning curfew and additional noise being generated by revellers in the early hours of the morning. As a result, our Dunbar Site Manager has made complaints to the Council via the Antisocial Behaviour Helpline and Mr Rudy Fruzynski, Licensing Standards Officer. I'm sure this contact will be held as a matter of record by the Council.

To conclude, I am sure you will appreciate that the Club Site brings an economic uplift to the area and that many local businesses benefit from the sites visitors. As such, I trust that you will bear in mind when deciding upon this application/s, that the ongoing noise nuisance suffered by the site's visitors will ultimately impact upon their decision to return and their review of the site and area.

Yours faithfully



Paul McLaughlin MRICS

Property & Development Manager

Mobile: 

The Camping and Caravanning Club (Limited by Guarantee)

Address: Greenfields House, Westwood Way, Coventry CV4 8JH

Tel: (024) 7647 5448 Fax: (024) 7647 5417

Web: www.campingandcaravanningclub.co.uk



9th August 2017

The Clerk of the Licencing Board
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian
EH41 3HA

Dear Sir / Madam

LICENSING OBJECTION – PREVENTING PUBLIC NUISANCE:

**APPLICATION FOR AN OCCASIONAL ALCOHOL LICENCE FOR THE SALE & SUPPLY OF ALCOHOL -
BROXMOOUTH HOUSE, BROXMOOUTH PARK, DUNBAR, EAST LoTHIAN, EH42 1QW**

It is understood that the owner / operator of Broxmooth House has submitted an application for an Occasional Alcohol Licence for the Sale and Supply of Alcohol at the above property for events to be held there on the forthcoming dates:

01/09/2017 to 03/09/2017

08/09/2017 to 09/09/2017

23/09/2017

13/10/2017 to 14/10/2017

As the operator of the Dunbar Site immediately to the east of the Application Site, The Camping and Caravanning Club wish to strongly object to the granting of any such licences on the basis that the sale, supply and consumption of alcohol will continue to cause a significant noise nuisance and intrusion to be suffered by the visitors and staff staying at our Club Site.

The Clubs intended purpose in objecting to the granting of these Licences is to mitigate the noise nuisance coming from the use of the Marquee. The Club would therefore consider it acceptable if the sale, supply and consumption of alcohol were confined to the house itself and limited to no later than 11pm.

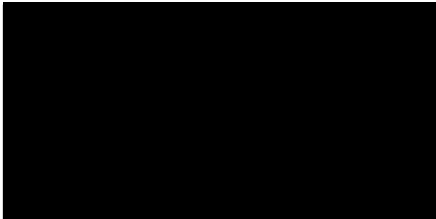
The Dunbar Site is an existing touring caravan, motorhome and tented camping operation, leased from the Council, comprising 90 pitches and has been operating since 2007. The Club site operates a 'quiet site' regime which restricts noise and car movements within the Site after 11pm to ensure its neighbours and our visitors, of which many are children, are able to enjoy the peaceful amenity of the countryside setting.

The Club is concerned that the approval of further Licences for the sale and supply of alcohol will further adversely impact upon our visitor's quiet enjoyment of the Dunbar Site, many of which frequently complain to the Site Managers about the level and timing of noise and music emanating from Broxmouth House during events and functions.

In recent weeks, the Site has experienced significant noise nuisance from events being held within the marquee and grounds, with excessively loud music being played up to and beyond the 12am midnight planning curfew and additional noise being generated by revellers in the early hours of the morning. As a result, our Dunbar Site Manager has made complaints to the Council via the Antisocial Behaviour Helpline and Mr Rudy Fruzynski, Licensing Standards Officer. I'm sure this contact will be held as a matter of record by the Council.

To conclude, I am sure you will appreciate that the Club Site brings an economic uplift to the area and that many local businesses benefit from the sites visitors. As such, I trust that you will bear in mind when deciding upon this application/s, that the ongoing noise nuisance suffered by the site's visitors will ultimately impact upon their decision to return and their review of the site and area.

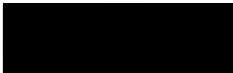
Yours faithfully



Paul McLaughlin MRICS

Property & Development Manager

Mobile:



04/07/2017

Your Ref: [text]

Our Ref: 245455

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



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

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

Dear Sir/Madam,

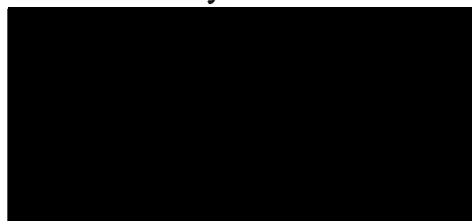
**LICENSING (SCOTLAND) ACT 2005
OCCASIONAL LICENCE APPLICATION
PREMISES: BROXMOUTH ESTATE
BROXMOUTH PARK, DUNBAR, EH42 1QW.
APPLICANT: SIMON FLAME**

**Event dates: 28/07/2017, 01/09/2017, 02/09/2017, 03/09/2017, 08/09/2017,
09/09/2017, 23/09/2017, 13/10/2017 and 14/10/2017.**

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, and recommend that it be granted subject to the conditions as indicated by an 'X' on the attached appendix being applied.

This representation is submitted for your attention in consideration of this application.

Yours faithfully



Philip Gormley QPM

Appendix

1.	No persons under the age of 18 years old to be allowed in the main bar area.	[X]
2.	A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises for the duration of the event, until all patrons have departed.	[X]
3.	Appropriate signage shall be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage shall clearly identify (a) No under 18's served alcohol (b) Persons who appear to be under the age of 25 shall be asked to provide identification (c) The specific opening and closing times of the bar (d) Responsible drinking message (e) No smoking signs.	[X]
4.	All staff employed in the sale or supply of alcohol must have received staff training to the standard provided for in the Licensing (Scotland) Act 2005 Schedule 3 Paragraph 6.	[X]

Herkes, Gillian

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

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



EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 15 August 2017

**Subject: LICENSING SCOTLAND ACT 2005 - OCCASIONAL LICENCE APPLICATIONS
OBJECTION FROM DUNBAR CAMPING and CARAVANNING CLUB**

I refer to the above subject and can confirm that there have been a number of complaints / concerns made regarding the use of the use of Broxmouth House and events Marquee, as follows:

- 17-06-2017 complainant voiced concerns that local residents had had problems with the venue and the level of noisy music coming from it. Night Time Noise Officer enquired if the noise was ongoing and complainant stated that it had stopped at midnight.
- 04-04-2017 complaint received from the Dunbar Camping and Caravanning Club as follows:

"My name is [REDACTED] I am one of the managers at the Camping and Caravanning Club site.

Further to my phone call to your office today, I am contacting you with regards to the very loud music and loud speaker announcements at the above venue when having a wedding there.

I have had to call the managers at Broxmouth on numerous occasions with regards to the music still being played and quite loud after 12pm, the contact numbers they have given us tend to go to answer phone I leave a message but still the music carries on, they do sometimes turn the music down but it can still be heard.

On a couple of occasions we can still hear the music after 1am which is very inconsiderate of the surrounding area and the campers on our site, we do warn people of this, we have had a few complaints and lost a few potential bookings recently.

If anything can be done it would be appreciated"

- 31-07-2016 complaint from an individual (not clear where this person was complaining from) to the effect that very loud music was being played at a wedding at Broxmouth Park.
- 29-08-2015 at 21:36 complaint from a resident that loud music was coming from a wedding at Broxmouth Park.

- 26-07-2014 at 21:55 complaint from the Dunbar Camping and Caravanning Club. Complainer informs of horrendous noise from wedding venue. Terrible last week, worse tonight and 3 more weeks to come. Noise at 21:00 hours tonight worst ever. Manager is concerned he will lose business.

Night Time Noise Team visited around 22:30 hours to witness noise. Heavy rain had commenced since the complaint was made and this had muted the noise but it was still audible in the campsite.

- 13-07-2014 at 01-10 complaint from resident that loud music was coming from a wedding at Broxmouth Park.
- 30-03-2013 at 22:45 complaint from resident of loud music from Wedding in marquee at Broxmouth Park.
- 26-08-2012 at 00:17 complaint from resident of very loud music from Wedding in marquee at Broxmouth Park. Music is supposed to have stopped at midnight.
- 26-08-12 at 01:09 complaint as above. Music still on.
- 25-05-2012 at 21:20 complaint from resident of very loud music from Wedding in marquee at Broxmouth Park.

The foregoing complaints have been taken seriously and meetings were held separately with the complainants and Mr Flame, event organiser. It is significant that Mr Flame hired an acoustic consultant who recommended the installation of a sound suppressor on the band equipment used to play music and entertainment at weddings hosted in the event marquee. This was done and has had the effect that the bass beat and overall sound has been reduced to such a level that it can no longer be heard at the resident complainant's house on the periphery of the estate.

In 2015 mediation was offered to the Dunbar Camping and Caravanning Club to meet with Mr Flame, but this was declined in favour of self-generated contact between themselves and the estate. Advice was therefore, provided that should the sound from any event be such that it was deemed a disturbance then the Anti-Social Helpline could be used to report the problem to the Night Time Noise Team.

Environmental Protection guidance on noise is that it should be non-intrusive in any dwelling, however, campers' tents and caravans are in a different category to fixed building residences. Comment on this issue is made by the Team Manager – Public and Environmental Protection, as follows:

This is a difficult situation with two clearly conflicting neighbouring land/property uses.

Ongoing complaints as far as we are aware, appear to be confined to temporary residents at the camping and caravanning site. A tent and/or a caravan offers little, if any, sound insulation and as such, particularly in a tent it is like experiencing the noise outside. It would not be reasonable for us to require the same level of amenity as would be expected within a solid residential property. We must also give consideration to the fact that those visiting the camping and caravanning site are only there for a short time/stay and are not living there permanently and being affected long term.

It appears that since works were undertaken to control noise levels, complaints received from nearby residential properties ceased. Any conditions we would seek to impose on noise emanating from Broxmouth Park and its associated marquee would relate to how the noise levels affect residents within a property with windows open.

Having said all of this, it is important to appreciate that a marquee also offers little, if any, sound insulation and associated noise emanating from entertainment provided therein must consistently be kept to a reasonable level and suitably controlled to ensure that it does not cause a nuisance. Any time restrictions associated with its use must also be carefully observed.

At this time, we do not have any evidence to suggest that a nuisance is being caused.

Shona Grant

Team Manager - Public Health and Environmental Protection

In relation to the Occasional Licences issued to Broxmouth Estate these licences all include a condition imposed by the Licensing Board as follows: 'Where a function is to be held in a marquee, all music must cease no later than midnight'.

This report is submitted for the information of Licensing Board members.

R. Fruzynski

Licensing Standards Officer

Winter, Maree

From: Grant, Shona
Sent: 05 July 2017 16:09
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: OCC316-17
Attachments: LILAC_QXM04806_0360_001.pdf

I have no objections to this application however I would recommend that the standard noise condition and the standard conditions relating to the use of a marquee be attached to any approval given.

Regards

Shona

Shona Grant | Team Manager - Public Health and Environmental Protection | Environmental Health Service | East Lothian Council | John Muir House | Haddington | EH41 3HA | Tel. 01620 827336 |
Email. sgrant@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

From: Winter, Maree
Sent: 03 July 2017 09:43
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Grant, Shona
Subject: OCC316-17

Hi,

Please find attached occasional for a wedding to be held at broxmouth on 1st-3rd September 2017.

Regards
Maree.

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

mwinter@eastlothian.gov.uk

-----Original Message-----

From: "Winter, Maree" [<mailto:mwinter@eastlothian.gov.uk>]
Sent: 03 July 2017 09:28
To: Winter, Maree
Subject: Attached Image