

EAST LOTHIAN

Meeting 23 August 2018 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
4 NORTH BERWICK RUGBY FOOTBALL CLUB RECREATION PARK DUNBAR ROAD NORTH BERWICK EAST LOTHIAN	NORTH BERWICK RUGBY FOOTBALL CLUB	25 June 2018	Change status to open premise licence. Extention to decking/patio outside drinking area (closing time of 10pm) and a new door on south side of pavilion giving access. Vary licence to include a Marquee to be erected approx 3 occasions a year including 7's tournaments. Club/group meetings to commence before core hours, but not beyond core hours. Children allowed access from 8am for sports activities.

See the reports 25/6

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
- X Any of the information contained within the Operating Plan
- X The Layout Plan
- X Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)The request to be able to have a marquee with bar on three occasions in a year, One is for the Annual 7's tournament the other two would be for possible other functions

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

ELO 255

2(b) Name and Address of Premises

North Berwick Rugby Club
Recreation Park
Dunbar Road
North Berwick

Post Code

EH39 4DG

Phone No.

01620 893 503

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

North Berwick Rugby Club
Recreation Park
Dunbar Road
North Berwick

Post Code	EH39 4DG	Phone No.	01620 893503
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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

NBRFC would like to apply to convert its current licence to an “ OPEN PREMISES LICENCE “

NBRFC have become a more commercially focussed organisation, and want to continue to have more functions to help subsidise the running of the Rugby Football Club.

We have been making applications for Occasional licences and believe we are in danger of requiring more than the current licence permits in any one year. We also think that with the Open Premises Licence we can be more flexible and able to offer more availability and flexibility to the local community.

The club are also looking to do some works to the property which would extend to an open area decking /patio directly in front and joined to the clubhouse which will have a railing enclosing it, where we want the licence to extend too. Access to the outside setting area would be from a new door on the south side of the pavilion.

Currently we apply and have always been granted an occasional licence to serve alcohol for the annual 7's tournament from a marquee. The marquee sits directly in front of the south side of the clubhouse and in future would be close to the proposed patio.

The club would also request to have the licence extended to allow us to hold functions in a marquee directly in front the club house on 3 occasions a year including the above mentioned 7's tournament .

We have no requests to vary other parts of the licence.

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)

Proposed changes to the operating Plan

Section 5(b)

Club or other group meetings – the club intend to have some groups using the facility which means they may use the facilities outside the licensed hours, this would always be prior to 11.00am and never beyond the terminal hour. The bar facility would remain closed out with the operating hours. .

Section 5(d) Outdoor drinking – we propose to operate the outside drink facility on the patio of the clubhouse within the current licensing hours but would restrict the outside area to a closing time of 22.00.

Section 5 (G) when fully occupied there will be more people standing than sitting.

Section 6 (d) children will be allowed to enter the clubhouse from 8.00am to facilitate them changing for sports activities.

Section 8 (a,b,c,d,) this has been updated to reflect the current licence holders details.

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.

A copy of the current operating layout plan is attached with highlighted area along with the architects drawing for the proposed outside patio area. As stated earlier it is the full intention that the area will have an outer fence. The area will be 16mts x 6mts. Extending to 96sq. mts. The council has already approved the proposed building plans

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*)

Empty box for providing details of other variations.

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 £ 150.00 is enclosed.

Signature



..... (See note 5 below)

Date ²⁰⁺ 7th June 2018

Capacity: APPLICANT / AGENT (delete as appropriate)

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

.....

.....

.....

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>Syste Updated</i>	<i>Licence Issued</i>

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

North Berwick Rugby Football Club Recreation park Dunbar Road North Berwick – East Lothian EH394DG

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	12 Midnight
<i>Friday</i>	11.00	1.00

<i>Saturday</i>	11.00	1.00
<i>Sunday</i>	11.00	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/</i>
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**If YES – provide details*

The club intends to take advantage of public holidays, seasonal variations and the like.

Question 5

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

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

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

The clubhouse television is usually switched on from around 9.00am on Saturday mornings when the clubhouse building is open for Mini Rugby (under 11's) training. The bar will remain Closed prior to 11am and no alcoholic drinks will be available out with the licencing hours

In addition to this where there is international or club rugby televised out with the licensed hours the clubhouse building may be open. During these times the bar will remain closed and no alcoholic drinks will be sold

There will be occasions where competitive and non-competitive rugby matches will commence prior to 11.00am as is the nature of the club.

The clubhouse is on occasions used by the rugby club or an external organisation for meetings prior to the 11.00am licence hours and on these occasions the bar will remain closed.

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.

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5(g) Late night premises opening after 1.00am

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

Young people below 16 years of age who use the facilities while the bar is open must be accompanied by a responsible adult.

Young person aged between 16 and 17 may enter the clubhouse building during normal opening hours, without being accompanied by an adult but may not purchase alcohol.

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

NBRFC encourages sport for all children but is responsible in maintaining correct protocols in relation to the sale of alcohol for all between the years 0-17.

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

8.00am – 21.00 unless they are attending a family or club function when they will be permitted to remain in the clubhouse until the function ends.

6(e) *Provide statement regarding the **PARTS** of the premises to which children and*

young persons will be allowed entry

Children will be permitted in all public areas, however they are not allowed to stand or sit within 1.5mts of the bar serving area, and are encouraged to sit with their responsible adult, or use the dining area as per the attached plan.

Question 7

CAPACITY OF PREMISES

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

On sales 250

Question 8

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

Personal details

8(a) *Name*

Douglas B Paul

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*



8(d) *Email address and telephone number*




8(e) *Personal licence*

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  (see note below)

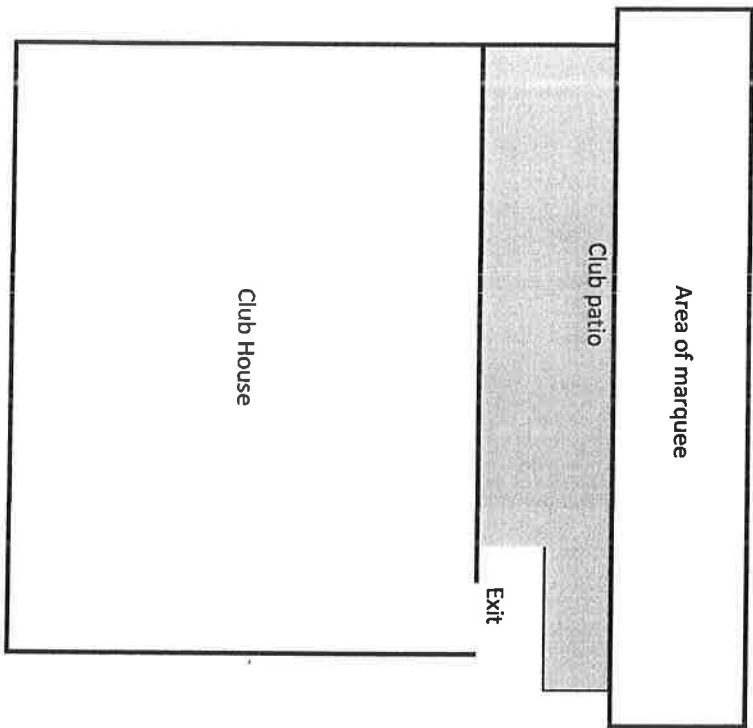
Date ...18th June 2018.....

Capacity APPLICANT

Telephone number and email address of signatory 

*** Data Protection Act 1998**

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



Rugby Pitch

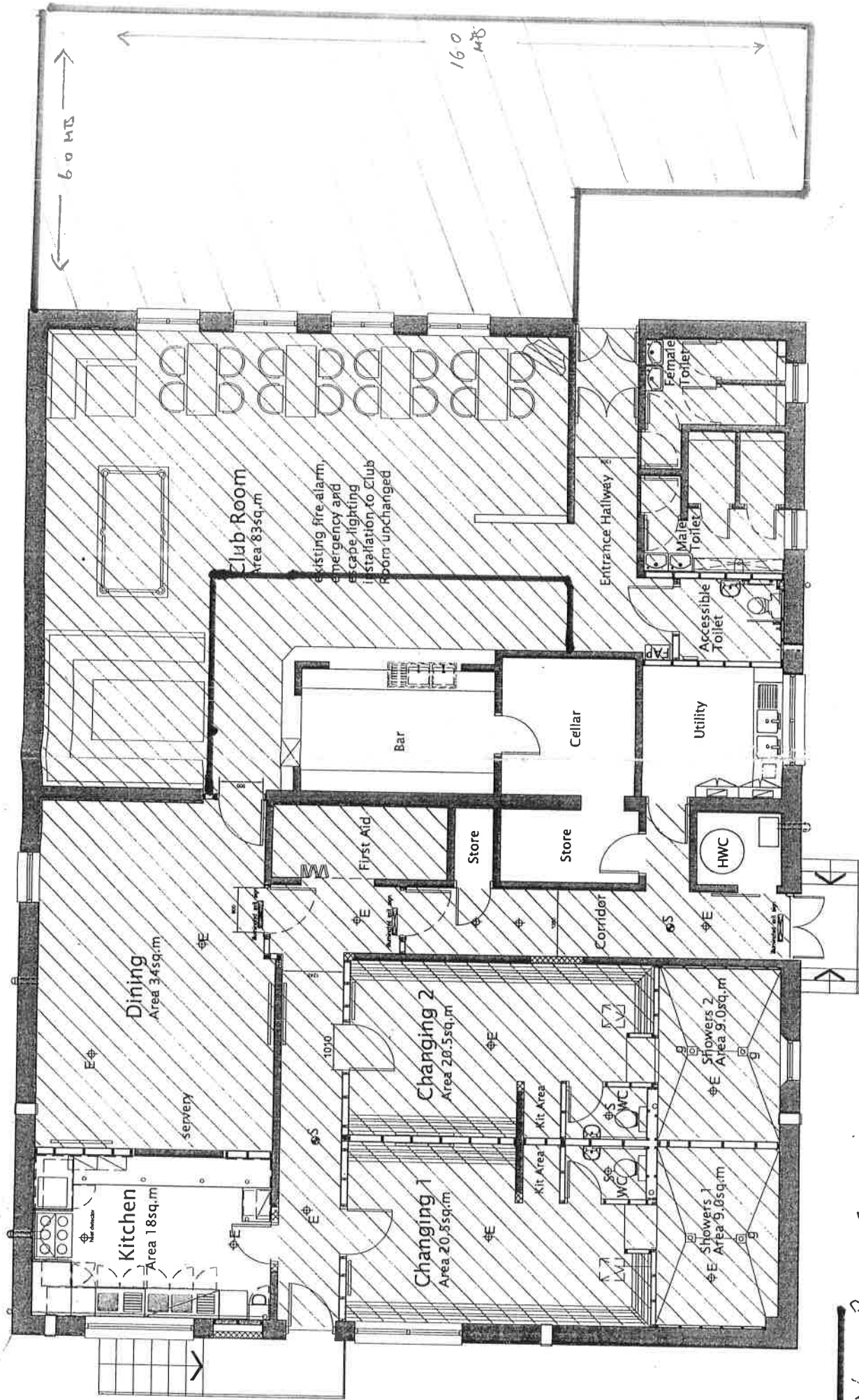
Area of marquee

Club patio

Club House

Exit

Dunbar road



YOUNG PERSON EXCLUSION AREA.

Date 27th June 2018

Your Ref: EL255

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

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

Iain Livingstone QPM
Deputy Chief Constable Designate

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
NORTH BERWICK RUGBY FOOTBALL CLUB
RECREATION PARK, DUNBAR ROAD, NORTH BERWICK, EAST LOTHIAN,
EH39 4DG.
NORTH BERWICK RUGBY CLUB**

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 to the operating plan to include outside drinking and to vary the licence to an 'open licence'.

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

I would request that the outside drinking area is not used beyond 2200 hours due to the proximity of residential properties within the area.

I would also request that if the marquee is to be included in the premises licence that provision to attached conditions such as the use of plastic glasses etc be considered.

Previously the applicant has applied for and been granted occasional licences for the use of the marquee during 7's tournaments etc and this affords the police the opportunity to request conditions attached to such licences under terms Section 58 of the Act. If the marquee were to be included in this variation then the

opportunity to request bespoke/individual conditions depending on the type of event being held in the marquee is lost.

Therefore if the variation, or an amended version is approved, I request that the Licensing Board considers that conditions be imposed in respect of:

- CCTV to be installed and maintained covering both inside and outside the premises.
- The outside licensed area is not used beyond 2200 hours.
- Plastic glasses to be used within the marquee.

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

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION and DEMOCRATIC SERVICES

From: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 23 July 2018

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE – MAJOR VARIATION APPLICATION

North Berwick Rugby Club, Recreation Park, Dunbar Road, North Berwick, East Lothian EH39 4DG

I refer to the above subject and can confirm that the applicant has fully liaised with the LSO in relation to this application.

It is interesting to note that this club, like several others across the county, has been steadily evolving to move away from being a one-sport clubhouse to a local community hub that supports a variety of sporting and community functions. Indeed the following statement received from Mr Douglas Paul, the Clubhouse Manager, echoes this concept:

North Berwick Rugby Club in the Community

North Berwick Rugby club has been encouraging other sports and social groups to use its facilities to encourage better cross sports networking, as well as opening its facilities to other community groups.

This year the following sports groups have used the facilities, North Berwick Swimming Club, North Berwick Basketball Club, North Berwick Netball Club, North Berwick off shore and on shore Sea Angling Clubs, North Berwick Puffins football club and Bass Rock Cricket Club.

Over and above these groups there is a regular Winter Darts League team, and the club is used monthly for a community Bingo evening to raise funds for the North Berwick Pipe Band.

The club is also hosts to a Baby Sensory Programme for young mothers and babies, and a Slimming World Programme.

All in all these groups are exposing many new people to the facilities that are available at the club, and we are keen to continue to encourage others to use the facility.

We believe by opening up from a members only club to an open club, and developing the front of the clubhouse to make it more welcoming, particularly to families. We will be creating welcoming space with an enclosed area where parents can relax knowing that their children are safe and within sight and everyone can enjoy a meal or just a drink"

I make the following observations in relation to this application:

- There is no objection to the application.
- The proposal to include an external drinking area appears to be a sensible move since the applicant comes in every year, without incident, to licence this area for their Rugby 7's tournament. A condition is requested that the external drinking area, including any temporary marquee, be clearly delineated and operate a terminal hour of 22:00 to protect nearby residents from disturbance.
- That amplified announcements / music / entertainment noise levels associated with the sale and supply of alcohol and use of any marquee should be controlled so that they are non-intrusive / low level at any neighbouring residential properties.
- No music or entertainment should be provided in the proposed new outdoor patio area. Again this is to protect neighbouring residents from disturbance.

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

From: Grant, Shona
Sent: 25 June 2018 13:28
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Attached Image Major variation - North Berwick Rugby Football Club
Attachments: LILAC_QXM04806_1506_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

From: Dowie, Anne **On Behalf Of** Environmental Health/Trading Standards
Sent: 25 June 2018 12:20
To: Grant, Shona <sgrant@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>
Subject: FW: Attached Image Major variation - North Berwick Rugby Football Club

From: Herkes, Gillian
Sent: 25 June 2018 10:45
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Devine, Brian <Brian.Devine@firescotland.gov.uk>;

Subject: FW: Attached Image Major variation - North Berwick Rugby Football Club

Hi

Please find attached Major Variation for North Berwick Rugby Football Club for Open Premises Licence for report.

Gillian

From: "Herkes, Gillian" <gherkes@eastlothian.gov.uk>
Sent: 25 June 2018 10:35
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: Attached Image