



## MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 28 JUNE 2018  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

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**Board Members Present:**

Councillor F Dugdale (Convener)  
Councillor L Bruce  
Councillor J Henderson  
Councillor J Goodfellow (from item 3)  
Councillor C McGinn

**Clerk of the Licensing Board:**

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

**Attending:**

Mr R Fruzynski, Licensing Standards Officer  
Ms G Herkes, Licensing Officer  
Ms S McQueen, Planner  
Insp A Harborow, Police Scotland  
Mr A Collins, Alcohol Focus Scotland  
Ms N Merrin, Alcohol Focus Scotland  
Mr G Hood, Convenor of East Lothian Licensing Forum (from item 3)

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic and Licensing

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

None

### ADDITIONAL BUSINESS

**Scottish Open Golf Championship**

The Convener read out the following statement in respect of a licensing extension for the Scottish Open Golf Championship.

In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the Scottish Open Championship 2018. This extension will apply from Monday 9 to Sunday 16 July 2018, inclusive, and will allow an extension of the terminal hours for the sale of alcohol until 1am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions beyond this although any applications for extended hours outwith the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than Monday 1 July 2018. There is no need for licensees to apply for the general extension to 1am. On sale premises can utilise these hours to the extent they consider appropriate.

### **Marquee and Stately Home, Broxmouth House, Broxmouth Park, Dunbar**

The Convener invited Stephanie McQueen, Planner, East Lothian Council, to update the Board regarding the planning application for Broxmouth House. Ms McQueen reminded members that Planning Department had been trying to establish if there is a material change of use of Broxmouth House. She advised that following a lot of contact with the owner's agent, Planning Department thought they had reached a position on how the house was being used and did not consider that to be a material change of use. However, after the Board meeting in April 2018, she had been given a copy of the publicity brochure for Broxmouth House, the content of which conflicted with the information she had been given as part of the planning application; there was also conflicting information on social media. Ms McQueen stated that the content of the brochure and social media posts would change the way that Planning Department would consider if there has been a change of use of Broxmouth House. She informed members that the situation is back in limbo, pending responses from the owner and/or his agents.

Councillor McGinn wondered if the Board could insist that the owner attend the next Board meeting. He also commented that the applicant is pushing boundaries and taking risks with young people's weddings. The Clerk reminded members that there is a new applicant/personal licence holder who attended the last Board meeting.

The Clerk advised members that a number of occasional licence applications are pending and enquired if the Board is minded to ask the owner of Broxmouth House to attend the Board meeting in August. Gillian Herkes, Licensing Officer, pointed out that there are three occasional licence applications for dates prior to the August Board meeting.

### **Decision**

East Lothian Licensing Board agreed:

- i. to delegate to the Clerk of the Licensing Board, the granting of the three occasional licenses for dates prior to 23 August 2018
- ii. that all other outstanding occasional licence applications be brought to the August meeting of East Lothian Licensing Board

## **1 MINUTES FOR APPROVAL – 24 May 2018**

The minutes of the East Lothian Licensing Board meeting of 24 May were approved as a true record.

**2. MAJOR VARIATION OF PREMISES LICENCE  
New Pheasant (Formerly Jo's Kitchen), 73 Market Street, Haddington**

The Clerk advised that the application seeks to vary the operating plan to change the premises from a bistro to a public bar; bar meals not to be provided outwith core hours; the addition of films and gaming (gaming machine); indoor/outdoor sports by way of darts and pool; televised sport will sometimes be shown from 9am – ie Open Golf; increase capacity from 50 to 100 persons; and change the premises name to New Pheasant. She informed the Board that two public objections had been received (no objectors were in attendance); two letters of support had been submitted; and that Police Scotland has recommended attaching conditions if the application is approved.

Mr N Hassard, TLT Solicitors, was present to represent the applicant. Mr M Peters, applicant, was also present.

Mr Hassard provided an overview of the variations that are being sought and informed members that Mr Peters currently runs a successful neighbouring public house (The Gardeners' Arms) in Haddington. He added that Mr Peters now wishes to have his own venture rather than just a lease; reported the flatted properties about the premises are well soundproofed; addressed the points raised in the letters of objection; noted that there are no representations from NHS Scotland; accepted the recommendations from Police Scotland in respect of children and young persons; and informed members that CCTV would be installed and maintained covering both the inside and outside of the premises. However, with regard to the recommendation from Police Scotland that the terminal hour for the outside drinking area be 20.00hrs, he sought to retain this at 21.00hrs, in line with the Gardeners' Arms public house next door.

In response to a question from the Convener, Mr Hassard advised that his client was looking at how best to manage smokers and plans to create a delineated area at the front of the building.

The LSO complimented Mr Peters on the way he is running his current premises and supported the application.

Insp Harborow referred to the letter from Police Scotland dated 15 May 2018 and explained the reasons for requesting a terminal hour of 20.00 hrs for the outside drinking area.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the major variations to the licence, including a terminal hour of 21.00 hrs for the outside drinking area, subject to the following conditions:

- i. Children and young persons must be accompanied at all times by a responsible parent or guardian whilst within the premises
- ii. Children must vacate the premises by 20.00hrs unless they are in the company of persons who are consuming a meal or consuming a meal themselves. They may remain until the end of that meal
- iii. Young persons must vacate the premises by 22.00hrs

The exception to these conditions would be if children and young persons were attending a private function, then they could stay for the duration of that private function.

**3 PREMISE LICENCE REVIEW**

**3a The Masons Arms, 8 High Street, Belhaven, Dunbar**

**3b Application for Transfer of Premises Licence, The Masons Arms, 8 High Street, Belhaven, Dunbar**

The Clerk advised that this item has been continued from the May 2018 meeting of East Lothian Licensing Board; that items 3a and 3b would be dealt with together. She reminded members that the previous personal licence holder's licence had been revoked.

Mr J Hughes, applicant, Scotcan Catering Ltd, was present. He explained that he is the prospective lessee of the The Masons Arms and has an option to purchase the premises in five years' time. He stated that the premises are currently closed and that he intends to modernise the operating plan by submitting an application for a major variation to the premises licence; he also outlined his plans for upgrading the premises.

The LSO advised that he regarded the transfer of the licence to Mr Hughes to be competent. He added that Mr Hughes has been the licensee at Dunbar Golf Club for a number of years and that he supported the application.

Insp Harborow referred to the Police Scotland letters dated 18 April 2018 and 12 June 2018 and stated that given the licence transfer application and the applicant's experience, there is no longer a call for the premises licence to be cancelled.

Answering a question from Councillor Henderson, Mr Hughes provided details of his experience in the licensed trade.

The Board adjourned in private to debate these items. On reconvening, the Convener advised that it was no longer necessary to review the premises licence as the grounds of failure to meet the licensing objectives no longer exist. She communicated that the Board is happy to grant the transfer of the premises licence.

**Decision**

East Lothian Licensing Board unanimously agreed:

- i. that there is no longer a requirement to review the premises licence
- ii. to transfer the premises licence to Mr J Hughes, Scotcan Catering Ltd

**ADDITIONAL BUSINESS**

**SOLAR (Society of Local Authority Lawyers and Administrators in Scotland) Briefing Note – Personal Licence Renewals.**

The Clerk alerted members to potential problems for Licensing Boards regarding the renewal of personal licences at the end of August 2019. She explained that, as yet, Scottish Government has not set a fee for renewals and that applications cannot therefore be processed. She advised that SOLAR is asking Chief Executives to write to the Cabinet Minister urging that regulations are issued in order that applications can be processed. She made members aware that if a licence renewal is not processed in time, people will not be able to continue as designated premises managers and there is the danger that businesses will close. The Clerk also informed the Board about the potential requirement for face to face interviews to be carried out, under the Immigration Act, to check that every personal licence holder has the right to work in the UK. If implemented, these checks would have huge resource implications.



**Decision**

East Lothian Licensing Board unanimously agreed that the Clerk of the Licensing Board should write to the Scottish Government on behalf of the Board.

**4. ALCOHOL FOCUS SCOTLAND (AFS) - CRESH (Centre for Research on Environment, Society and Health) REPORT, EAST LOTHIAN**

Aidan Collins and Nicola Merrin, Alcohol Focus Scotland, were present to deliver the CRESH research for East Lothian.

Mr Collins focused on local findings and the need for public engagement, and linked the research to the Board's Statement of Licensing Policy which is currently being prepared for the period October 2018 – 2023. He advised that AFS would formally respond to East Lothian's consultation on their revised Statement of Licensing Policy. He advised that overprovision decisions should be evidence based but that local knowledge carries equal weight, and asked the Board to be mindful of both on-sales and off-sales overprovision.

Ms Merrin tabled copies of the local profile and referred to the Licensing Resource Pack. She reported that the availability of alcohol is a key driver of health and social harm; explained that the profiles had been updated in April 2018; and showed worked examples of the local profile web maps which can be downloaded and manipulated to provide statistics for local neighbourhoods.

Councillor Goodfellow suggested that alcohol related crime statistics are added into the local profile.

Councillor Dugdale asked about the link with treatment centres and support for mental health. Ms Merrin commented that it is important for members to understand the local context and stressed the benefit of using CREST data and local knowledge when making decisions.

Mr Collins responded to Councillor Henderson by advising that Licensing Solicitors have access to the CREST data. Ms Merrin advised Councillor Henderson that all the statistics relate to adults.

Mr Collins and Ms reminded members that the Licensing Resource Packs contain a lot of useful information.

Councillor Henderson remarked that the presentation had been extremely helpful.

Signed .....

Councillor Fiona Dugdale  
Convener of East Lothian Licensing Board



**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

<b>Provisional(s)</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
<b>Premises</b>  1 THE BOTHY 4 SOUTH CRESCENT EAST SALTOUN EAST LOTHIAN EH34 5EA	PAULINE NOBLE-FORD	19 June 2018	Village shop/Cafe - On Sales - 11am to 9pm & Off Sales 10am to 9pm. Outside Drinking area - no later than 8pm.- Restaurant facilities, group meetings. No other activities. Access to children/young persons - all ages, when premises is open. Capacity of approx 20 people



EAST LoTHIAN LICENSING BOARD

APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES LICENCE\*

\*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

Question 1

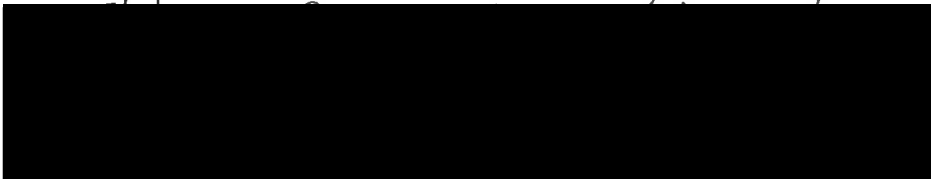
Name, address and postcode of premises to be licensed.

The Borchy  
4 South Crescent  
East Saltoun.  
East Lothian EH34 5EA.

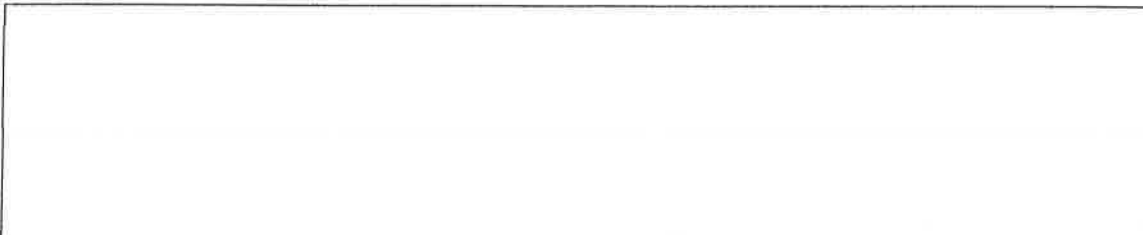
Question 2

Particulars of applicant

2(a) Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.

Mrs Pauline Noble Ford  


2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.



2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

N/A

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

N/A

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\**

N/A

**\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

**Question 3**

*Previous applications*

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* ~~YES/NO\*~~

*If YES – provide full details*

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**Question 4**

*Previous convictions*

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<del>YES/NO*</del>
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*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<i>Name &amp; position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

**DESCRIPTION OF PREMISES** *Licensing (Scotland) Act 2005, section 20(2)(a)*

**Question 5**

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

The Bothy is a small village shop/cafe with 8 seats inside the shop and 12 seats outside. We supply everyday essentials for the village with a variety of local produce. We also serve homemade soups/morning rolls/pannini etc.

**Question 6**

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

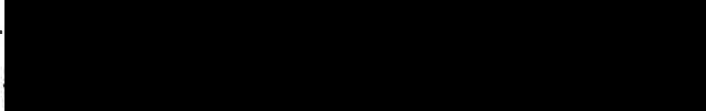
If signing on behalf of the applicant please state in what capacity.

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

Signature  ..... \* (see note below)

Date ..... 7/6/18<sup>PM</sup> .....

Capacity ..... Sole Trader ..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory . 



<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	
<i>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

**\* 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by ( <i>INITIALS</i> )	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

<p>The Bothy 4 South Crescent East Saltoun. East Lothian EH34 5EA</p>
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### 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>	YES/ <del>NO</del> *
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<del>YES</del> /NO*
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES/ <del>NO</del> *
<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>	11am	9pm
<i>Tuesday</i>	11am	9pm
<i>Wednesday</i>	11am	9pm
<i>Thursday</i>	11am	9pm
<i>Friday</i>	11am	9pm
<i>Saturday</i>	11am	9pm
<i>Sunday</i>	11am	9pm

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	9pm
Tuesday	10am	9pm
Wednesday	10am	9pm
Thursday	10am	9pm
Friday	10am	9pm
Saturday	10am	9pm
Sunday	10am.	9pm.

Question 4

SEASONAL VARIATIONS

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

My opening hours are 7am to 6pm.  
On occasion on a nice summer evening I would like to open until 9pm if there is a requirement for this, eg christmas shopping night but only on occasion.

**Question 5**

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

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

5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	yes	yes	NO
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment			

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

We are open from 7am for the sole use of selling papers/morning rolls/shop essentials including breakfast. Customers on a nice day may wish to sit outside. To be clear no alcohol will be sold before 11am and there will be no use of the outside area before 8am.

There will be no recycling early morning/late evening, this will be done around lunch time daily to be courteous to neighbours.

If toddler groups etc wish to hold a meeting here that will be acceptable.

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.

<p>There will be no other activities, there will be no byob etc.</p>
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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?	<del>YES/NO*</del>
When fully occupied, are there likely to be more customers standing than seated?	<del>YES/NO*</del>
<i>*Delete as appropriate</i>	

**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/ <del>NO</del> *
	<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*

The Botny is a shop providing essentials and sweets etc. children are usually accompanied by an adult but are allowed entry to buy sweets etc.

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

All ages of children and young persons

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

All times when the premises are open



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

All public areas

**Question 7**

**CAPACITY OF PREMISES**

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

20

**Question 8**

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

Personal details

8(a) Name

8(b) Date of birth

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.**

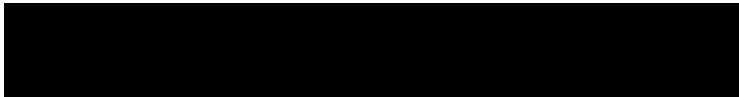
The contents of this operating plan are true to the best of my knowledge and belief.

Signature  ..... \* (see note below)

Date ..... 17/6/2018 ..... 17/6/2018 *pa*

Capacity ..... Sole Trader ..... APPLICANT/AGENT (delete as appropriate).

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.

### Overprovision statement

The Bothy, East Saltoun is a village store that provides every day essentials such as newspapers/bread etc. It is also a small café with 8 seats inside and 12 seats in the garden area open from 7am to 6pm servicing homemade soups/ morning rolls paninis etc. We are stocking more and more local produce as there is a clear want for this in the village.

We are stocking local produce from:

Belhave Smokehouse/Yester Cheese/James Dickson/Dunbar Butchers/The Spice Witch/Nan's Jams/East Lothian Honey/Mongoswells Flour/Chocolate Tree to name but a few.

We would like to stock for sale and consumption on the premises and garden some local Cider/Beer/Wine and gin, from eg, Thistly Cross/Musselburgh Beer/NB Gin supporting the local craftors and providing the

village with these items without the need to commute too far.

The nearest place for alcohol to be purchased would be The Co-op in Gifford and Humbie Hub in Humbie, but not necessarily the items I would like to stock. I have been approached by many people in the village asking for me to provide this service.

I am open from 7am to 6pm, no alcohol would be sold before 11am and in winter months non sold or consumed after 6pm. I would like to extend the sale to 9pm on nice summer evenings, offering the village a nice place to enjoy a cold beer on an early summer evening.

Protecting and Improving Health – We do not intend to operate as a pub. We mainly sell teas and coffees, but would like to sell a glass of wine or a cold beer if asked for it.

*The shop is only open until 6pm each day, but would remain open on the odd occasion in nice weather until 9pm at the latest to allow customers to enjoy light refreshments or some wine or beer in the garden.*

*The limited hours and stock of alcohol held will not see the premises operate as a pub.*

*The off-sales facility requested is because the East Saltoun is a small village with no other shop for miles and customers have requested to buy some wine or beer to take home for a drink with dinner.*

*We would not hold enough stock to cater for the quantities required to supply parties.*

*Preventing Crime and Disorder – As stated, the shop/café will not act as a pub and will not attract unruly behaviour.*

*A strict policy of Challenge 25 will be operated and any persons who appear to be under 25 will be asked to produce photographic age verification identification.*

*Drunk people will not be served any facilities offered on our premises.*

*Preventing Nuisance – We do not propose to operate as an entertainment venue with no music, performances or television. We are not looking to attract large loud groups of people.*

*We will ensure that persons enjoying the use of the outdoor area do not cause any disturbance to our neighbours, whom we respect and have a good relationship with and are supportive of our proposed new venture.*

*We will ensure that rubbish, bottles etc is not put out any earlier than 9am or later than 9pm each day so as to be considerate of our neighbours and not cause nuisance.*

## *Securing Public Safety*

*We do not intend to open a pub and will mainly sell teas coffees etc but will serve alcoholic beverage if requested to do so. We will only hold a small quantity to supply the village, not parties etc and will close at our normal 6pm. This will protect the buyer from binge drinking and alcohol abuse.*

## *Protecting Children and Young Persons From Harm*

*There will be a strict policy of challenge 25 and any persons who appear to be under the age of 25 will be asked to produce photographic age identification.*

# SCHEDULE

## iSCHEDULE 6

Regulation 7

### DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(iia)*

#### Question 1

##### Disabled access and facilities

1(a)	Is there disabled access to the premises	<del>YES</del> NO*
1(b)	Do you have facilities for those with a disability	<del>YES</del> NO*
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES / <del>NO</del> *
*Delete as appropriate		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

#### Question 2

##### Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

There is a large entry gate with a ramp area up to the shop door. A large (wide) shop door for wheelchair access. The shop is very small so there are no other facilities.



### Question 3

#### **Facilities available**

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

There is a ramp from the shop gate leading to the shop door. Easy access through a wide shop door and one accessible table for disabled people. There are no lifts and only one very small toilet which isn't accessible for wheelchairs as the shop is so small.

### Question 4

#### **Other provisions**

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Assistance dogs are very welcome and our menu is in large print on the blackboard.

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

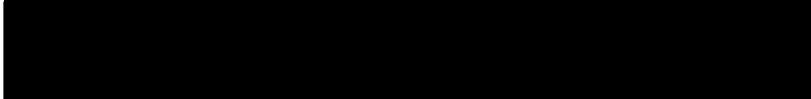
**If signing on behalf of the applicant please state in what capacity.**

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature .....  ..... \* (see note below)

Date ..... 18/6/2018 .....

Capacity ..... Applicant ..... APPLICANT/AGENT

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.

# EAST LoTHIAN COUNCIL

## LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

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

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

---

**Date:** 23 July 2018

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

**The Bothy, 4 South Crescent, East Saltoun, East Lothian EH34 5EA**

I can confirm that the premises have been visited in relation to this application and there are no concerns that this small business would not comply with the licensing objectives or that it would have any form of adverse impact on the quality of life of residents in the village should a licence be granted to sell alcohol.

I would complement the applicant on the content of her overprovision statement in which she addresses each of the licensing objectives in an informative, positive and responsible manner. Her Layout Plan is also clear, precise and of good quality, which is very helpful in understanding the layout of her café and garden.

The applicant liaised fully with the LSO in planning and progressing this application. She willingly accepted the guidance and recommendations offered to her.

I support the grant of this licence, should the Board be minded to do so.

R. Fruzynski  
Licensing Standards Officer

Date 27<sup>th</sup> June 2018

Your Ref: EL356

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 - APPLICATION FOR THE GRANT OF A  
PROVISIONAL PREMISES LICENCE  
THE BOTHY, 4 SOUTH CRESCENT, EAST SALTOUN, EAST LOTHIAN, EH34  
5EA.  
PAULINE NOBLE FORD, [REDACTED]**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

I also give you notice in terms of Section 22(1)(b)(ii) of the 2005 Act that the Chief Constable wishes to make the following representations to the Licensing Board concerning the application:-

I note that the outside area to the front of the building is to be licensed. I would request that the use of this area ceases at 2000 hours due to the very close proximity of residential properties.

This representation is submitted for your consideration.

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147



**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
2 GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT MACMERRY BOWLING CLUB WESTBANK ROAD MACMERRY EAST LOTHIAN EH33 1PL	DIAGEO SCOTLAND LIMITED C/O MESSRS. MORTON FRASER SOLICITORS QUATERMILE TWO 2 LISTER SQUARE EDINBURGH MACMERRY BOWLING CLUB	17 July 2018      5 July 2018	Increase Capacity from 140 to 230 - Visitor Centre to 130, Pavilion 60 and to add a filling store in the warehouse - capacity 25.  Vary bowling club premise licenceto open status. Amend seasonal to open all year round rather than restricted April to October each year. Change the terminal hour on a Friday and Saturday from 12 Midnight to 1am and add a designated premise manager.





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

EL0120

2(b) Name and Address of Premises

Glenkinchie Distillery Visitor Centre  
Glenkinchie Distillery  
Glenkinchie  
Pencaitland  
Tranent

Post Code	EH34 5ET	Phone No.	01875 342004
-----------	----------	-----------	--------------

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

Diageo Scotland Limited  
5 Lochside Way  
Edinburgh Park  
Edinburgh  
(Reg. No. SC000750)

Post Code	EH12 9DT	Phone No.	
-----------	----------	-----------	--

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

Children and young persons will be permitted into all public areas.

**Question 7**

**CAPACITY OF PREMISES**

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

On sales            215  
Capacity breakdown - visitor centre - 130  
Pavilion -           60  
Filling store -     25  
Off sales:           102.3m<sup>2</sup>

**Question 8**

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

Personal details

8(a) Name

Rhona Paisley

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

[REDACTED]

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
01/09/2009	Edinburgh Licensing Board	259859

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] (note below)

Date [REDACTED]

Capacity: AGENT

Telephone number and email address of signatory: [REDACTED]

**\* 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.

**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

**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)

Changes in capacity:-

Off sales:	102.3m <sup>2</sup>
On sales total:	215
Breakdown:-	
Visitor Centre	130
Pavilion	60
Filling Store in warehouse	25

This represents an increase of 50 in the Visitor Centre and an addition of 25 in the warehouse area.

**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.

Addition to layout plan to cover the Filling Store area in the warehouse.

**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)*

Revised description to read:-

The premises are located 2 miles to the south of the village of Pencaitland, 6 miles from the A1 and 18 miles from Edinburgh City Centre and comprise areas located within the Glenkinchie Distillery site to include a Visitor Centre, Shop, Pavilion building, area within a warehouse, external area including a bowling green and surrounding area and a marked board walk adjacent to lagoons.

**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**

[Redacted Signature]

..... (See note 5 below)

**Date**

17 July 2018

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

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

[Redacted]  
Morton Fraser LLP  
Quartermile Two  
2 Lister Square  
Edinburgh, EH3 9GL

**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.*

Glenkinchie Distillery Glenkinchie Pencaitland East Lothian EH34 5ET
--

#### 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>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	23:00
<i>Friday</i>	10:00	23:00
<i>Saturday</i>	10:00	23:00
<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>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

**Question 4**

**SEASONAL VARIATIONS**

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--	------------

*\*If YES – provide details*

The premises may close outwith the times stated in light of customer demand or weather conditions.



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

<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	YES
<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.*

Restaurant - the premises may be used for dining before or after core hours. Conferences, receptions/club meetings may be used prior to and after core hours.

Recorded music may be played in the premises during the entire hours of the operation. Live performances, theatre presentations and film performances may take place on the premises often but not exclusively related to the premises licence holder's products.

Indoor/outdoor sports, there is a bowling green located next to the pavilion. These facilities may be used prior to core hours.

External drinking areas - no alcoholic beverages may be consumed on the bowling green and area surrounding that, together with the nature walk, are next to the lagoons prior to core hours.

No alcohol will be served outwith core hours for any activity unless an extended hours application is made.

*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.*

The premises form an integral part of distillery tours run from the premises. All areas of the premises may be used in connection with tours and for other educational activities related to the production of whisky and other alcoholic products.

Such activities may include guided tours, exhibitions, talks and demonstrations by Diageo and others.

The premises will be used for the taking and dispatch of orders including by electronic commerce.

The premises may be used for tastings/sampling of whisky and other alcoholic products.

The visitor shop may sell a wide variety of products other than alcohol products.

The pavilion building may be used for a wide variety of functions, dinners and meetings.

The premises may be used for a whole range of office functions at all times.

The walkway next to the lagoons will be used for walks, nature and wildlife tours and generally as part of the distillery tours. Samples of alcohol may be provided as part of such tours.

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
*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 will be permitted entry into the premises only when accompanied by an adult but will not be required to be accompanied if on the bowling green or other adjacent areas. Young persons will be permitted into the premises without being accompanied by an adult.

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

All ages of children and young persons will be permitted entry.

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

Children and young persons will be permitted entry at all times.

Date 25<sup>th</sup> July 2018

Your Ref: EL0120

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,

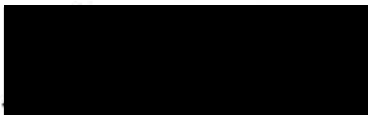
**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
Glenkinchie Distillery Visitor Centre  
Glenkinchie, Pencaitland, East Lothian, EH34 5ET.  
Diageo Scotland Limited**

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 increase the capacity from 140 to 215 persons and to include a building referred to as the Filling Store in the licensed area.

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

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

## Winter, Maree

---

**From:** Fruzynski, Rudi  
**Sent:** 13 August 2018 14:56  
**To:** Winter, Maree  
**Subject:** Premise Licence - Major Variation application - Glenkinchie Distillery

I refer to the above application for a Major Variation.

I have no objection to the proposed addition to the layout plan and increase in capacity.

These are very well run premises and no concerns or complaints have been received in relation to their operation.

Rudi Fruzynski  
Licensing Standards Officer  
Accredited Paralegal  
East Lothian Council



01620827363



**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**

2 GLENKINCHIE DISTILLERY VISITOR  
CENTRE  
GLENKINCHIE DISTILLERY  
GLENKINCHIE  
PENCAITLAND  
TRANENT  
MACMERRY BOWLING CLUB  
WESTBANK ROAD  
MACMERRY  
EAST LOTHIAN  
EH33 1PL

DIAGEO SCOTLAND LIMITED  
C/O MESSRS. MORTON FRASER  
SOLICITORS  
QUATERMILE TWO  
2 LISTER SQUARE  
EDINBURGH  
MACMERRY BOWLING CLUB

17 July 2018

Increase Capacity from 140 to 230 - Visitor Centre to 130, Pavilion 60 and to add a filling store in the warehouse - capacity 25.

3  
51  
MACMERRY BOWLING CLUB  
WESTBANK ROAD  
MACMERRY  
EAST LOTHIAN  
EH33 1PL

5 July 2018

Vary bowling club premise licenceto open status. Amend seasonal to open all year round rather than restricted April to October each year. Change the terminal hour on a Friday and Saturday from 12 Midnight to 1am and add a designated premise manager.

**3b**





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

EL0340

2(b) Name and Address of Premises

Macmerry Bowling Club Westbank Road Macmerry, Tranent East Lothian	E.L.C. Customer Services - 4 JUL 2018 <b>RECEIVED</b>		
Post Code	EH33 1PL	Phone No.	

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

Macmerry Bowling Club Westbank Road Macmerry, Tranent, East Lothian c/o David Dickson, club treasurer			
Post Code	EH33 1PN	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

Macmerry Bowling would wish to change the status of the Premises Licence from a Club Licence to an Open 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)

It is proposed that the Club will be open all year round as opposed to being restricted to the seasonal bowling season which is from April to October each year.

We would wish to change the terminal core hours on a Friday and Saturday from 12 midnight to 1am on both nights.

The Designated Premises Manager is nominated as follows

David Dickson, [REDACTED] Personal Licence number EL816 issued 18/01/2012 expiry date 18/01/2022

**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.

No Changes

**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)

N/A

**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

# 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>Macmerry Bowling Club</b> <b>Westbank Road</b> <b>Macmerry,</b> <b>Tranent</b> <b>East Lothian</b> <b>EH33 1PU</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>	<b>NO</b>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<b>NO</b>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<b>YES</b>
<i>*Delete as appropriate</i>	

### Question 2

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

<b>Day</b>	<b>ON Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	11.00 am.	11.00 pm.
<i>Tuesday</i>	11.00 am.	11.00 pm.
<i>Wednesday</i>	11.00 am.	11.00 pm.
<i>Thursday</i>	11.00 am.	11.00 pm.
<i>Friday</i>	11.00 am.	01,00 am.
<i>Saturday</i>	11.00 am.	01.00 am.
<i>Sunday</i>	11.00 am.	11.00 pm.

**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 am.	10.00 pm.
<i>Tuesday</i>	11 00 am.	10.00 pm.
<i>Wednesday</i>	11.00 am.	10.00 pm.
<i>Thursday</i>	11.00 am.	10.00 pm.
<i>Friday</i>	11.00 am.	10.00 pm.
<i>Saturday</i>	11.00 am.	10.00 pm.
<i>Sunday</i>	11.00 am.	10.00 pm.

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>YES</b>
--	------------

*\*If YES – provide details*

Bar services will now be provided all year round, within Core hours.

The Club would like to take advantage of the grant of any general extension to core hours in respect of events of local or national importance and festive periods.

**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>COL. 2</b>	<b>COL. 3</b>	<b>COL. 4</b>
<b>5(a)</b> <i>Activity</i>	<i>Please confirm</i> <b>NO</b>	To be provided during core licensed hours – please confirm <b>NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>NO</b>
<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
<b>5(b) Activity</b> <i>Social functions including:</i>	<i>Please confirm</i> <b>YES</b>	To be provided during core licensed hours – please confirm <b>YES</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>NO</b>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	NO
<i>Club or other group meetings etc.</i>	YES	YES	NO
<b>5(c) Activity</b> <i>Entertainment including:</i>	<i>Please confirm</i> <b>NO</b>	To be provided during core licensed hours – please confirm <b>NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>NO</b>
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<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>Outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	NO

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

Ambient background music may be played on the premises prior to the commencement of core hours, but not before 10am.

Outdoors sports, primarily the game of bowls, may be played prior to the commencement of core hours, but not before 10am.

**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.*

Quiz nights; Bingo and other types of games nights for fundraising activities on behalf of the club and the local community i.e. the local Gala and the like.

**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>	<b>NO</b>
--	-----------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<b>NO</b>
<i>*Delete as appropriate</i>	

**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*

As a bowling club we have Junior and youth sections. However Club rules clearly state that they have to be accompanied by a parent/guardian or responsible person. They are also advised with regard licensing laws and signage and the 1.5mtr restriction area from bar area.

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

Children and youth members are from the ages of 12 to 17. They may attend the club for competition play or “bounce” games. When doing so they have to be accompanied with a parent and or guardian/responsible person and must vacate premises by 9.00pm. Young persons can enter the club unaccompanied and remain till close

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

The Club opens from 10.00 am and members are allowed access from this time. 0/17 year olds must be accompanied by a parent/guardian or responsible person and vacate the premises by 9.00pm. unless they are attending a pre-arranged function when they may remain until the end of the event. Young persons aged 16 Or 17 years may remain until 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 will be permitted in all Public Areas.  
Children are not permitted within 1.5 metres of the bar servery.

**Question 7**

**CAPACITY OF PREMISES**

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

**60 persons seated and standing**

**Question 8**

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

*Personal details*

8(a) Name

DAVID DICKSON

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

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>
18/01/2012	East Lothian Licensing Board	EL816

**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.

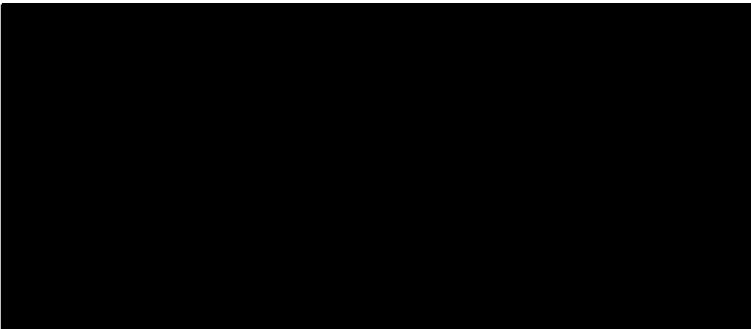
Signature  (see note below)

Date 11-07-18

Capacity ..... APPLICANT (delete as appropriate).

Telephone number and email address of signatory .....

DAVID DICKSON, Treasurer



**\* Data Protection Act 1998**

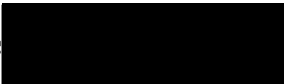
The information on this form may be held on an electronic public register which may be available to members of the public on request.

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 is enclosed.

Signature



David Dickson, Treasurer

(See note 5 below)

Date

11-07-18

Capacity: APPLICANT (delete as appropriate)

**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 Council

50 JUL 2018

Received

24 July 2018

Dear Kirstie MacNeill

**OBJECTION TO EXTENSION OF LICENCE FOR MACMERRY BOWLING CLUB**

In reply to your letter dated 5 July 2018 regarding the above. I have a few concerns about the extension of this licence as follows:-

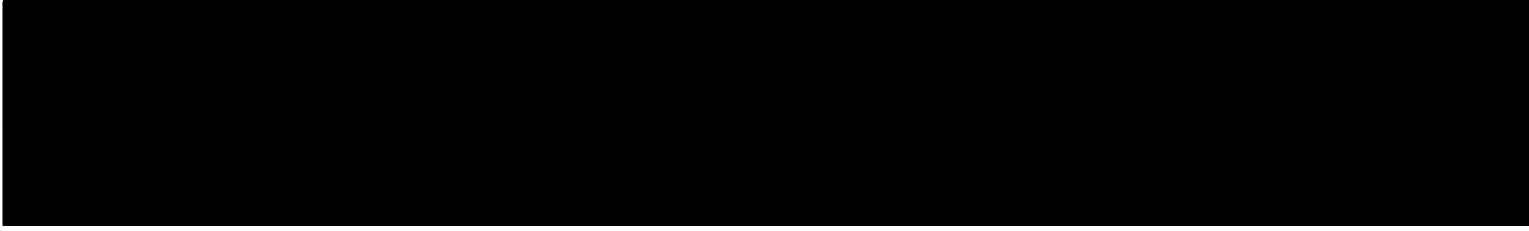
[REDACTED]

[REDACTED] Access to the Bowling Club is via a footpath which runs at the side of 2 of the properties [REDACTED] and the other access is by road which runs along side the other 2 properties causing more traffic. [REDACTED] car doors banging, engines revving and head lights shining into [REDACTED] homes. Two [REDACTED] bungalows have their bedrooms to the back of the houses which is next to the entrance to the bowling club.

[REDACTED] main concern is the noise factor at that time of the morning. Like the rest of the village this is a quiet area which [REDACTED] elderly really appreciate. [REDACTED] do NOT want to lose our peace and quiet being disturbed by revellers coming to, or more importantly, when leaving the club at that time of the morning. Not only is the noise factor a big concern but also litter possibly being caused by people going to Pizza Den. As I presume the club will not be providing food! There is no street lighting adjacent to the club therefore making that area very dark. This area also gives access to the park where the revellers could spill onto and the probability of them causing more disruption.

I would like to ask why does the club need an extension for an extra **2 hours a week?** and why do they need to have a licence for **all** the year round when there already is a perfectly good Miners Club just down the road and on the main street and has been good enough up until now for residents **etc** to make use off. How many pubs/clubs do

we need in a village? Is the bowling club therefore going to be open to **non-members**, hold social events eg. discos, bands etc? is this the real reason for the extension request? if so, I strongly disagree in regards to the noise factor to an extension.



To summerise - I do **NOT** agree to this application for an extension of their license. Reasons stated as above. I hope you will take all my concerns into consideration and refuse/recpnsider this request.

Yours faithfully



Resident

Winter, Maree

---

**From:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk  
**Sent:** 20 July 2018 14:27  
**To:** Licensing  
**Subject:** RE: Major Variation - Macmerry Bowling Club [OFFICIAL: POLICE AND PARTNERS]

**OFFICIAL: POLICE AND PARTNERS**

Afternoon,

No objection or adverse comment.

Thanks

John

**PC John Fortune (J5943) | Divisional Licensing Officer (Dalkeith) | 0131 561 6141  
Police Scotland | Dalkeith Police Station | Newbattle Road | EH22 3AX |**

email: [john.fortune@scotland.pnn.police.uk](mailto:john.fortune@scotland.pnn.police.uk)  
team email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)  
website: [www.scotland.police.uk](http://www.scotland.police.uk)  
twitter: [@policescotland](https://twitter.com/policescotland)  
facebook: [www.facebook.com/policescotland](https://www.facebook.com/policescotland)



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**From:** Winter, Maree [mailto:[mwinter@eastlothian.gcsx.gov.uk](mailto:mwinter@eastlothian.gcsx.gov.uk)]  
**Sent:** 05 July 2018 10:49  
**To:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi  
**Subject:** Major Variation - Macmerry Bowling Club

[Routed via PSN Network]  
Hi

Please find the attached major variation for Macmerry Bowling Club for report. The last day for representations/objections is Wednesday 1<sup>st</sup> August 2018.

Kind regards  
Maree

Maree Winter  
Licensing Officer  
East Lothian Council  
01620 827867

\*\*\*\*\*  
\*\*\*\*\*

Email Disclaimer - East Lothian Council  
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they

# 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: 20 July 2018

**LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE VARIATION APPLICATION**

**Macmerry Bowling Club, Westbank Road, Macmerry, EAST LoTHIAN EH33 1PL**

I refer to the above subject and can confirm that the LSO has visited the premises and met with Mr David Dickson, Treasurer, Macmerry Bowling Club.

This small club is well run by a group of dedicated volunteers. Although the premises are predominantly used by members of the bowling club, local groups are also encouraged to make use of the premises for meetings, functions and fundraising activities.

Like most non-profit making clubs, annual membership subscriptions alone do not realise enough income to provide for the maintenance of the fabric of the building or the bowling facilities for which the club is constituted. Therefore, in order to generate enough money to sustain the quality of this local community amenity it is sought after to move to an open licence where more fuller use of the premises can be made all year round.

I can confirm that since the Premises Licence was granted on 24 November 2016 no complaints have been received in relation to the operation of the licence. I can also confirm that the site notice in relation to this application was clearly posted on the entrance gate of the premises.

I support this application.

R. Fruzynski  
Licensing Standards Officer





**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
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. Extension 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

<b>Post Code</b>	EH39 4DG	<b>Phone No.</b>	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*)

**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 <sup>20+</sup> 7<sup>th</sup> 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](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; 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.*

<b>North Berwick Rugby Football Club</b> <b>Recreation park</b> <b>Dunbar Road</b> <b>North Berwick – East Lothian EH394DG</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>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>
--	-------------

*\*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

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<b>COL. 4</b> <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.

--

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>
--	------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES</i>
---	------------

<i>*Delete as appropriate</i>	
-------------------------------	--

**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

[Redacted contact address]

8(d) Email address and telephone number

[Redacted 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 [Redacted] (see note below)

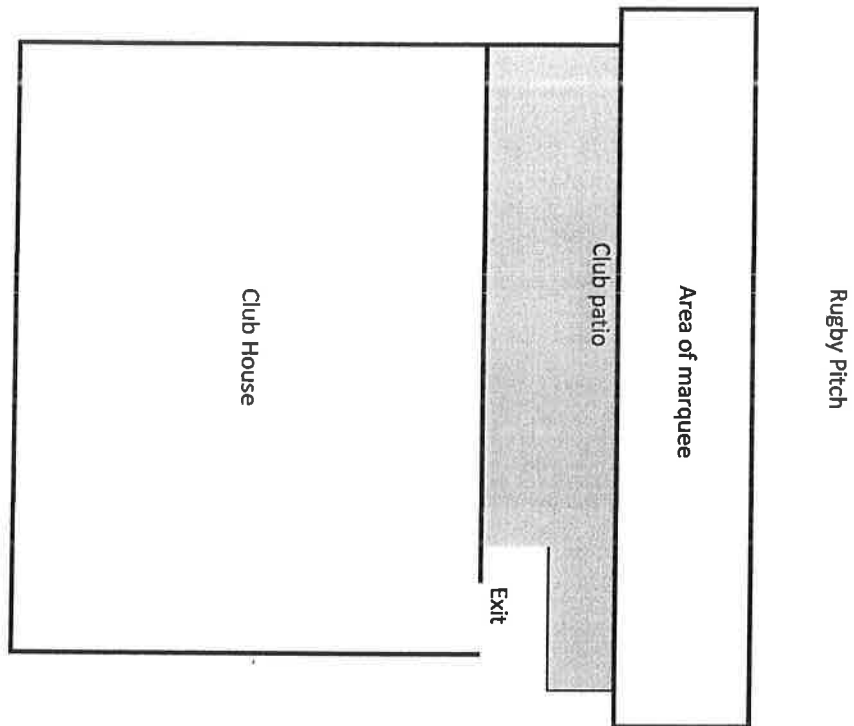
Date ...18<sup>th</sup> June 2018.....

Capacity ..... APPLICANT

Telephone number and email address of signatory [Redacted]

**\* 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.

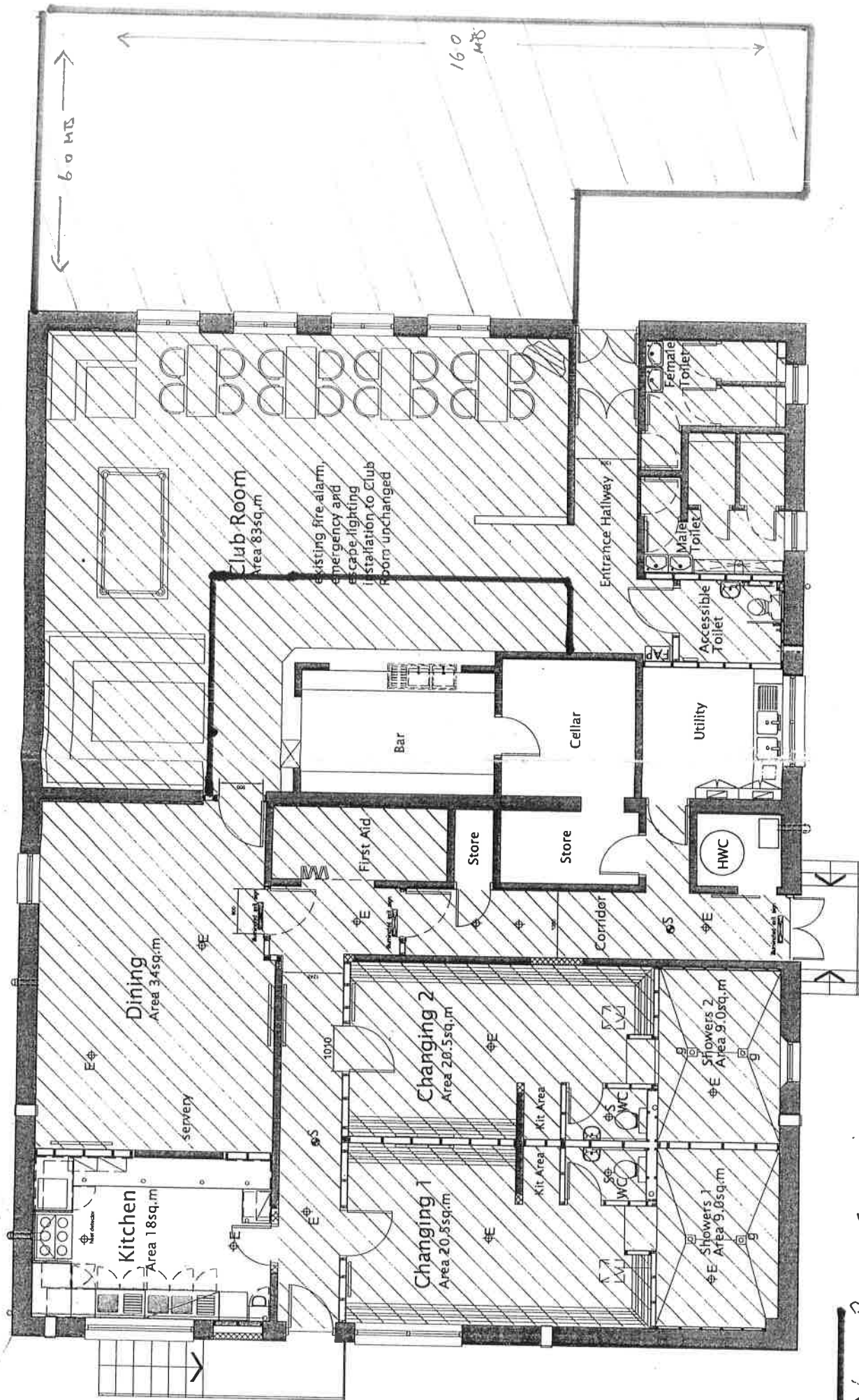


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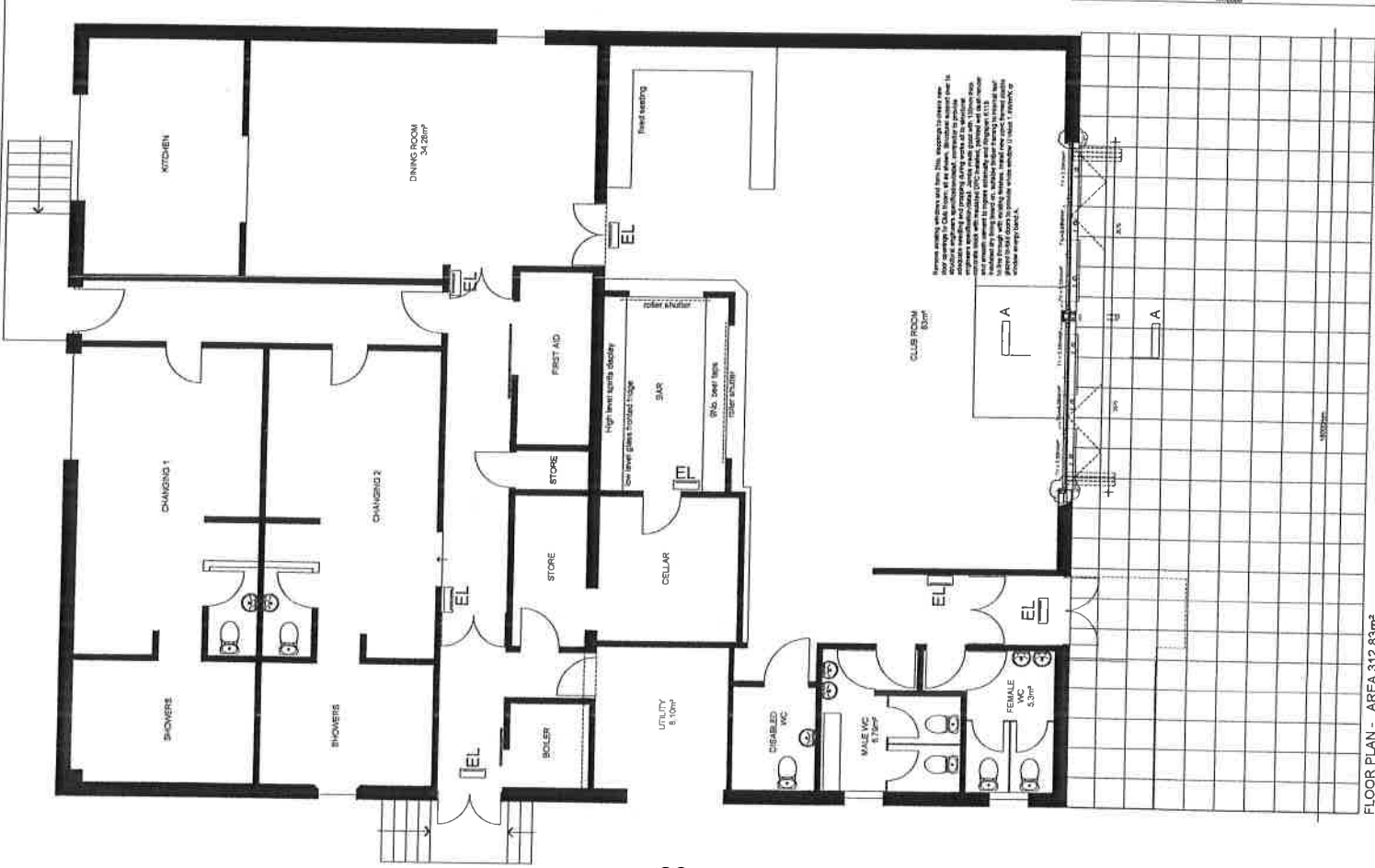
Dunbar road

---

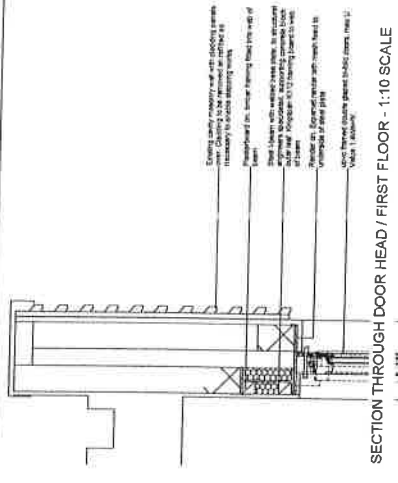




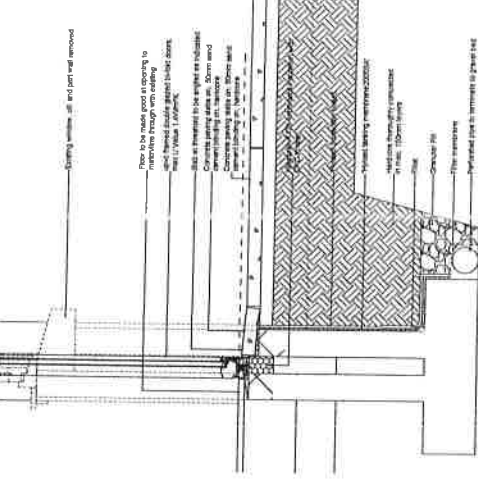
*Young Person Exclusion Area.*



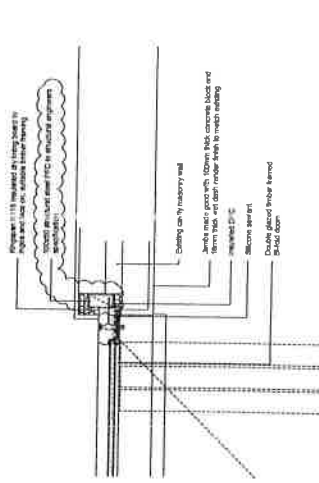
FLOOR PLAN - AREA 312.53m<sup>2</sup>



SECTION THROUGH DOOR HEAD / FIRST FLOOR - 1:10 SCALE



SECTION THROUGH DOOR THRESHOLD - 1:10 SCALE



PLAN DETAIL THROUGH DOOR JAMB - 1:10 SCALE

**CONTRACTOR'S OBLIGATIONS**  
 The contractor shall be responsible for obtaining all necessary permissions and consents for the proposed alterations and for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.

**GENERAL NOTES**  
 1. All work shall be carried out in accordance with the relevant building regulations and other applicable legislation.  
 2. The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 3. The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.

**CONSTRUCTION**  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.

**FINISHES**  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.

**PERMITS**  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.  
 The contractor shall be responsible for ensuring that the proposed alterations are carried out in accordance with the relevant building regulations and other applicable legislation.

COLL: CHS at price revised 05/10/2017  
 architecturefid  
 1 01833 34 555  
 1 architecturefid@bt.com 1 01833 34 555  
 Proposed alterations  
 North Berwick Rugby Football Club  
 Recreation Park  
 North Berwick  
 Building Warrant  
 Floor plan & details  
 15/09/17 Sep 17 jf/mm  
 drawing no 14.146  
 PROJECT NO 14.146

We certify that the work has been carried out in accordance with the Building Warrant issued by the Council of North Berwick.  
 Approved on 14/09/17  
 Approved on 14/09/17  
 Approved on 14/09/17



Date 27<sup>th</sup> 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

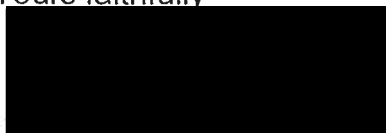
opportunity to request bespoke/individual conditions depending on the type of event being held in the marquee is lost.

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](mailto:sgrant@eastlothian.gov.uk) | Visit our website at [www.eastlothian.gov.uk](http://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](mailto:sgrant@eastlothian.gov.uk)>; Slight, Lynn <[lsight@eastlothian.gov.uk](mailto: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](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi <[rfruzynski@eastlothian.gov.uk](mailto:rfruzynski@eastlothian.gov.uk)>; Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>; Environment Reception <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>; Devine, Brian <[Brian.Devine@firescotland.gov.uk](mailto: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](mailto:gherkes@eastlothian.gov.uk)>  
**Sent:** 25 June 2018 10:35  
**To:** Herkes, Gillian <[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)>  
**Subject:** Attached Image





**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Occasional(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
5 BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	JOEL GHODKE	18 June 2018	Start date of event: 31/08/2018 End Date of Event: 01/09/2018 Wedding Of [REDACTED] 80 Guests. Children and young persons are permitted during the following times: At all times.
6 BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	JOEL GHODKE	31 July 2018	Start date of event: 08/09/2018 End Date of Event: 09/09/2018 Wedding Reception For [REDACTED] [REDACTED] - 50 Guests. Children and young persons are permitted during the following times: At all times.
7 BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	JOEL GHODKE	31 July 2018	Start date of event: 15/09/2018 End Date of Event: 16/09/2018 Wedding Reception For [REDACTED] [REDACTED] 50 Guests. Children and young persons are permitted during the following times: At all times.

**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Occasional(s)**

**Premises**

**Applicant**

**Date Received**

**Comments**

8 BROXMOUTH HOUSE  
BROXMOUTH PARK  
DUNBAR  
EAST LOTHIAN  
EH42 1QW

JOEL GHODKE

31 July 2018

Start date of event:  
22/09/2018  
End Date of Event: 23/09/2018  
Wedding Reception For 150  
Guests  
Children and young persons are  
permitted during the following  
times: At all times.

OCC 311/18  
Adv 22/6

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.

4a

<b>1. LICENCE DETAILS (see note 1)</b>	
Premises licence number (if applicable)	
Personal licence number (if applicable) 365040 (EDINBURGH)	
Name of voluntary organisation (if applicable)	

<b>2. PERSONAL DETAILS</b>			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	GHODKE		
Forenames	JOEL		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	Post code [REDACTED]		
TELEPHONE NUMBERS			
[REDACTED]			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
[REDACTED]			

E.L.C.  
Customer Services  
15 JUN 2018  
RECEIVED

**3. THE PREMISES**

Description of premises

**MARQUEE IN LARGE GROUNDS**

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

**WEDDING RECEPTION FOR [REDACTED]  
80 GUESTS**

**APPLICATION MADE FOR OCCASSIONAL LICENSE AS UNABLE TO PROGRESS FULL LICENSE AS PLANNING FOR MARQUEE NOT YET RECEIVED. HOWEVER, PER ATTACHED EMAIL FROM OUR PLANNING CONSULTANT AS OF 13<sup>TH</sup> APRIL, PLANNING OFFICER WAS HAPPY WITH THE APPLICATION AND WRITTEN A REPORT FOR APPROVAL UNDER DELEGATED POWERS.**

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: SATURDAY 1<sup>ST</sup> SEPTEMBER 2018 FROM 11AM TO 1AM THE FOLLOWING MORNING  
FRIDAY 31<sup>ST</sup> AUGUST 2018 FROM 6PM TO 11PM**

**To:**

**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 PER THE ABOVE**

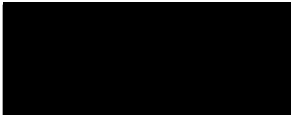
Times for sale of alcohol for consumption off premises N/A

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

**N/A**

<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 TO 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.	
SIGNATURE 	DATE 9 <sup>th</sup> MAY 2018

**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>)**

Date: 21<sup>st</sup> June 2018

Your Ref: OCC 308,309,310,311

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  
OCCASIONAL LICENCE APPLICATION 308, 309, 310 and 311  
PREMISES: BROXMOUTH ESTATE, BROXMOUTH PARK, DUNBAR, EH42  
1QW.  
APPLICANT: JOEL GHODKE, [REDACTED]**

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

At the Licensing Board on the 26th April 2018, following similar applications, it was agreed that the occasional licences would be granted and that the applicants solicitor should provide an update on the progress of the planning application prior to the next Board meeting and that a decision on delegation of pending applications for occasional licences would be taken at that time.

The applications listed above are new applications for weddings being held in July, August and September 2018.

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

Police Scotland are of the opinion that the responsibility for confirming the identity of the applicant, and the validity and current status of any Premises or Personal Licence (including details of any previous or existing suspensions, variations, written warnings or endorsements) quoted on the application form where it was

issued in another Board area, rests with the Local Authority and the Licensing Board, not with the Police. When the Police receive such applications we will assume that these checks have been adequately conducted at the point of application and prior to the enquiry being submitted to Police Scotland.

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

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147





OCC404/18  
ADV 3/8

# 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.

4b

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable)	365040 (EDINBURGH)
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	GHODKE		
Forenames	JOEL		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	Post code [REDACTED]		
TELEPHONE NUMBERS			
[REDACTED]			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
[REDACTED]			

E.L.C.  
Customer Services  
31 JUL 2013  
RECEIVED

**3. THE PREMISES**

Description of premises

MARQUEE IN LARGE GROUNDS

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

WEDDING RECEPTION

50 GUESTS

APPLICATION MADE FOR OCCASSIONAL LICENSE AS UNABLE TO PROGRESS FULL LICENSE AS PLANNING FOR MARQUEE NOT YET RECEIVED. ALL INFORMATION SUPPLIED TO PLANNING OFFICER AND AWAIT APPROVAL UNDER DELEGATED POWERS.

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: SATURDAY 8<sup>ST</sup> SEPTEMBER 2018 FROM 11AM TO 1AM THE FOLLOWING MORNING

To:

**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 PER THE ABOVE

Times for sale of alcohol for consumption off premises N/A

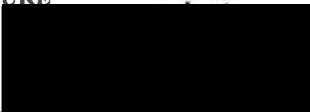
Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

N/A

**6. CHILDREN (see note 2)**

<b>This section must be completed where alcohol is for sale for consumption on the premises</b>	
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 TO 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.	
SIGNATURE 	DATE 23 <sup>RD</sup> JULY 2018

**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>)

Date: 1<sup>st</sup> August 2018

Your Ref: OCC 404,405

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  
OCCASIONAL LICENCE APPLICATION 404 and 405  
PREMISES: BROXMOUTH ESTATE, BROXMOUTH PARK, DUNBAR, EH42  
1QW.  
APPLICANT: JOEL GHODKE; [REDACTED]**

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

At the Licensing Board on the 26th April 2018, following similar applications, it was agreed that the occasional licences would be granted and that the applicants solicitor should provide an update on the progress of the planning application prior to the next Board meeting and that a decision on delegation of pending applications for occasional licences would be taken at that time.

The applications listed above are new applications for weddings being held in September 2018.

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

Police Scotland are of the opinion that the responsibility for confirming the identity of the applicant, and the validity and current status of any Premises or Personal Licence (including details of any previous or existing suspensions, variations, written warnings or endorsements) quoted on the application form where it was

issued in another Board area, rests with the Local Authority and the Licensing Board, not with the Police. When the Police receive such applications we will assume that these checks have been adequately conducted at the point of application and prior to the enquiry being submitted to Police Scotland.

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

Yours faithfully

A large black rectangular redaction box covering the signature of the sender.

Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

## Herkes, Gillian

---

**From:** Fruzynski, Rudi  
**Sent:** 31 July 2018 14:14  
**To:** Herkes, Gillian  
**Subject:** RE: LILAC\_QXM04806\_2397\_001.pdf OCC404/18

I now have no idea where we are at with Licensing Board decisions on these premises and their events, therefore, have no comment on this application.

Rudi Fruzynski  
Licensing Standards Officer  
Accredited Paralegal  
East Lothian Council



01620827363

---

**From:** Herkes, Gillian  
**Sent:** 31 July 2018 11:24  
**To:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>  
**Subject:** LILAC\_QXM04806\_2397\_001.pdf OCC404/18

Hi

Please find attached Occasional Licence application from Joel Ghodke for Wedding at Broxmouth House on 8<sup>th</sup> September, 2018.

Gillian

OCC405/18  
AeU-3/8

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.

4c

<b>1. LICENCE DETAILS (see note 1)</b>	
Premises licence number (if applicable)	
Personal licence number (if applicable) 365040 (EDINBURGH)	
Name of voluntary organisation (if applicable)	

<b>2. PERSONAL DETAILS</b>			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	GHODKE		
Forenames	JOEL		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	Post code [REDACTED]		
TELEPHONE NUMBERS			
[REDACTED]			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
[REDACTED]			

E.L.C.  
Customer Services  
31 JUL 2013  
RECEIVED 107

**3. THE PREMISES**

Description of premises

MARQUEE IN LARGE GROUNDS

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

WEDDING RECEPTION

50 GUESTS

APPLICATION MADE FOR OCCASSIONAL LICENSE AS UNABLE TO PROGRESS FULL LICENSE AS PLANNING FOR MARQUEE NOT YET RECEIVED. ALL INFORMATION SUPPLIED TO PLANNING OFFICER AND AWAIT APPROVAL UNDER DELEGATED POWERS.

Full postal address of premises which this application refers to

BROXMOOUTH PARK

DUNBAR

EH42 1QW

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

From: SATURDAY 15<sup>ST</sup> SEPTEMBER 2018 FROM 11AM TO 1AM THE FOLLOWING MORNING

To:

**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-<sup>s</sup> delete as appropriate**

Times for sale of alcohol for consumption on premises

AS PER THE 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

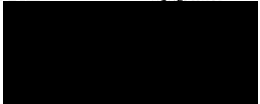
N/A

**6. CHILDREN (see note 2)**



<b>This section must be completed where alcohol is for sale for consumption on the premises</b>	
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 TO 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.	
SIGNATURE 	DATE 23 <sup>RD</sup> JULY 2018

**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

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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>)

Date: 1<sup>st</sup> August 2018

Your Ref: OCC 404,405

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  
OCCASIONAL LICENCE APPLICATION 404 and 405  
PREMISES: BROXMOUTH ESTATE, BROXMOUTH PARK, DUNBAR, EH42  
1QW.  
APPLICANT: JOEL GHODKE, [REDACTED]**

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

At the Licensing Board on the 26th April 2018, following similar applications, it was agreed that the occasional licences would be granted and that the applicants solicitor should provide an update on the progress of the planning application prior to the next Board meeting and that a decision on delegation of pending applications for occasional licences would be taken at that time.

The applications listed above are new applications for weddings being held in September 2018.

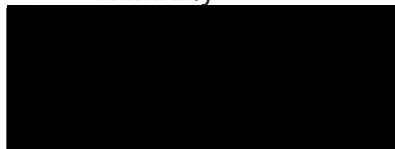
I therefore refer all of the above applications to the Board for their consideration.

Police Scotland are of the opinion that the responsibility for confirming the identity of the applicant, and the validity and current status of any Premises or Personal Licence (including details of any previous or existing suspensions, variations, written warnings or endorsements) quoted on the application form where it was

issued in another Board area, rests with the Local Authority and the Licensing Board, not with the Police. When the Police receive such applications we will assume that these checks have been adequately conducted at the point of application and prior to the enquiry being submitted to Police Scotland.

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

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

## Herkes, Gillian

---

**From:** Fruzynski, Rudi  
**Sent:** 31 July 2018 14:17  
**To:** Herkes, Gillian  
**Subject:** RE: Attached Image OCC405/18

As per response to Occ404/18

Rudi Fruzynski  
Licensing Standards Officer  
Accredited Paralegal  
East Lothian Council



01620827363

---

**From:** Herkes, Gillian  
**Sent:** 31 July 2018 11:37  
**To:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>  
**Subject:** FW: Attached Image OCC405/18

Hi

Please find attached occasional licence application for wedding at Broxmouth on 15<sup>th</sup> September, 2018 for report.

Gillian

**From:** "Herkes, Gillian" <[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)>  
**Sent:** 31 July 2018 11:34  
**To:** Herkes, Gillian <[gherkes@eastlothian.gov.uk](mailto:gherkes@eastlothian.gov.uk)>  
**Subject:** Attached Image

EAST LoTHIAN LICENSING BOARD

OCC406/18  
Adv 3/8

APPLICATION FOR OCCASIONAL LICENCE

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

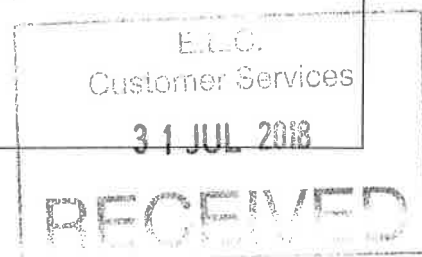
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4d

<b>1. LICENCE DETAILS (see note 1)</b>	
Premises licence number (if applicable)	
Personal licence number (if applicable) 365040 (EDINBURGH)	
Name of voluntary organisation (if applicable)	

<b>2. PERSONAL DETAILS</b>			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	GHODKE		
Forenames	JOEL		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	Post code [REDACTED]		
TELEPHONE NUMBERS			
[REDACTED]			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
[REDACTED]			



**3. THE PREMISES**

Description of premises

MARQUEE IN LARGE GROUNDS

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

WEDDING RECEPTION [REDACTED]

150 GUESTS

APPLICATION MADE FOR OCCASSIONAL LICENCE AS UNABLE TO PROGRESS FULL LICENSE AS PLANNING FOR MARQUEE NOT YET RECEIVED. ALL INFORMATION SUPPLIED TO PLANNING OFFICER AND AWAIT APPROVAL UNDER DELEGATED POWERS.

Full postal address of premises which this application refers to

BROXMOOUTH PARK

DUNBAR

EH42 1QW

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

From: SATURDAY 22ND SEPTEMBER 2018 FROM 11AM TO 1AM THE FOLLOWING MORNING

To:

**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 PER THE 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)**

<b>This section must be completed where alcohol is for sale for consumption on the premises</b>	
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Parts of premises to which children or young persons permitted entry NO CHILD TO 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.	
SIGNATURE 	DATE 23 <sup>RD</sup> JULY 2018

**NOTES**

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Date: 1<sup>st</sup> August 2018

Your Ref: OCC 404,405

Our Ref: J/LIC/3705/HB



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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

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**LICENSING (SCOTLAND) ACT 2005  
OCCASIONAL LICENCE APPLICATION 404 and 405  
PREMISES: BROXMOUTH ESTATE, BROXMOUTH PARK, DUNBAR, EH42  
1QW.  
APPLICANT: JOEL GHODKE, [REDACTED]  
[REDACTED]**

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

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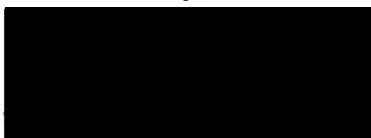
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This representation is submitted for your attention in consideration of this application.

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147

**Herkes, Gillian**

---

**From:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk  
**Sent:** 02 August 2018 16:09  
**To:** Licensing  
**Subject:** FW: OCC406 app.pdf OCC406/18 [OFFICIAL]  
**Attachments:** OCC406 app.pdf

**OFFICIAL**

Gillian

please see attached amended letter for 404, 405 and now 406

cheers

**PC 3705J Heather Bowsher  
Divisional Licensing Officer**

**Divisional Coordination Unit, J Division  
Police Scotland  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE**

**Tel / Fòn: 01620 826 147**

**Email/Post-d: heather.bowsher@scotland.pnn.police.uk  
Team Email / Post-d na Sgioba: LothianScotBordersLicensingEastMid@scotland.pnn.police.uk  
Website / Làrach-lìn: www.scotland.police.uk  
Twitter: @policescotland  
Facebook: www.facebook.com/policescotland**

---

**From:** Herkes, Gillian [mailto:gherkes@eastlothian.gcsx.gov.uk]  
**Sent:** 02 August 2018 09:50  
**To:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Grant, Shona  
**Subject:** OCC406 app.pdf OCC406/18

[Routed via PSN Network]

Hi

Application from Joel Ghodke for wedding at Broxmouth on 22<sup>nd</sup> September, 2018

Gillian

\*\*\*\*\*  
\*\*\*\*\*

Email Disclaimer - East Lothian Council

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**Herkes, Gillian**

---

**From:** Fruzynski, Rudi  
**Sent:** 02 August 2018 10:08  
**To:** Herkes, Gillian  
**Subject:** RE: OCC406 app.pdf OCC406/18

I have no comment on this application.

Rudi Fruzynski  
Licensing Standards Officer  
Accredited Paralegal  
East Lothian Council



01620827363

---

**From:** Herkes, Gillian  
**Sent:** 02 August 2018 09:50  
**To:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>  
**Subject:** OCC406 app.pdf OCC406/18

Hi

Application from Joel Ghodke for wedding at Broxmouth on 22<sup>nd</sup> September, 2018

Gillian



**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Personal Licence(s)**

**Applicant**

**Date Received**

**Comments**

14 IAN ROBERT ROSS  
C/O MACDONALD LICENSING  
LIMITED  
21A RUTLAND SQUARE  
EDINBURGH  
EH1 2BB  
JOSEPH WILSON SCOTT

18 June 2018

12 July 2018



Winter, Maree

---

**From:** Alistair Macdonald [REDACTED]  
**Sent:** 23 July 2018 14:48  
**To:** Winter, Maree  
**Cc:** [REDACTED]  
**Subject:** RE: Personal Licence Application - Ian Robert Ross [REDACTED]

Hi Maree

What is the date of your Board Meeting?

[REDACTED]

regards

Alistair I Macdonald  
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)  
21a Rutland Square  
Edinburgh  
EH1 2BB

LP182 Edinburgh 2

Tel: 0131 229 6181  
Fax: 0131 221 1282  
[www.macdonaldlicensing.com](http://www.macdonaldlicensing.com)

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---

**From:** [REDACTED]  
**Sent:** 23 July 2018 14:25  
**To:** [REDACTED]  
**Subject:** FW: Personal Licence Application - Ian Robert Ross [REDACTED]

---

**From:** Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]  
**Sent:** 23 July 2018 14:23  
**To:** [REDACTED]  
**Subject:** RE: Personal Licence Application - Ian Robert Ross [REDACTED]

Hi [REDACTED]

Mr Ross will be required to appear at the August Board [REDACTED]  
[REDACTED]

Kind regards  
Maree.

FL1497  
PCRF 18/6

## East Lothian Licensing Board

### Application for a personal licence

**FIRST APPLICATION/~~RENEWAL APPLICATION~~ (delete as appropriate)**

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.

<b>1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1</b>	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	Ross
Forenames	Ian Robert
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
<b>TELEPHONE NUMBERS</b>	
Daytime	
Evening	
Mobile	[REDACTED]
<b>FAX NUMBER</b>	
E-mail address (if you would prefer us to correspond with you by e-mail)	
Address for correspondence associated with this application (if different to the address above)	
Macdonald Licensing, 21a Rutland Square	
Post town Edinburgh	Post code EH1 2BB

<b>2. Your licensing qualification</b>		
<b>Read note 2</b>		<b>Please tick</b>
I hold an accredited qualification	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		
<b>3. FIRST APPLICATIONS ONLY</b>		


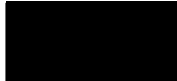


<b>This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.</b>		
<b>Note: You may only hold one personal licence at a time</b>		<b>Please tick</b>
Do you currently hold a personal licence?	Yes	No ✓
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	Yes	No ✓
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No ✓
Licensing Board		
Licence number		
Date of issue		
Date of expiry		
Any further details		
<b>4. RENEWAL ONLY</b>		
<b>This section should be completed only if you are applying for a renewal of your existing licence</b>		
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below		
<b>Details of current personal licence</b>		
Licensing Board		
Licence number		
Date of issue		
Date of expiry		
Any further details		
If you cannot provide your personal licence, provide a statement explaining why		
<b>Other personal licence</b>		
<b>Note: You may only hold one personal licence at a time</b>		<b>Please tick</b>
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes	No
<b>5. CHECKLIST</b>		
I have	<b>Please tick yes</b>	
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	✓	
• Enclosed a copy of any licensing qualification I hold	✓	

• Enclosed my current personal licence (renewal only)	
• Made or enclosed payment of the fee for the application	✓

**6. Previous Convictions**  
 You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty
NONE			

7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
<b>SIGNATURE</b> – read note 5		<b>DATE</b>	



**Scottish Certificate for Personal  
Licence Holders at SCQF Level**

**6**

R352 04



is awarded to  
**Ian Ross**

who attended  
**Licensing Training Services Ltd**

and was successful in the following 1 module

**SCQF 6 Licensing for Personal Licence Holders (1  
credit)**

**Pass**



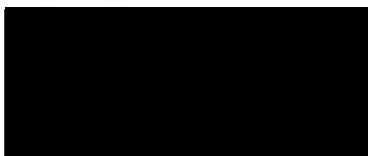
**Accreditation**



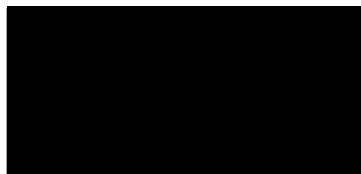
**scottish credit and  
qualifications framework**

Awarded 13 June 2018  
7U8V-8234-Y63F-5N9Z-7Y96

130618/7104-11/072650/YLM2392/M/300682  
0001053301  
5502283726



**Chris Jones**  
Director-General  
The City and Guilds of London Institute



**Kirstie Donnelly MBE**  
Group Director  
City & Guilds

Awarded by



**The City and Guilds  
of London Institute**

The City and Guilds of London Institute is the awarding body / awarding organisation for City & Guilds qualifications.  
The Institute was founded in 1878 and granted Royal Charter in 1900.  
City & Guilds is a City & Guilds Group business

Date 27<sup>th</sup> June 2018

Your Ref: EL1497

Our Ref: J/LIC/3705/HB

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



**POLICE  
SCOTLAND**

Keeping people safe

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,

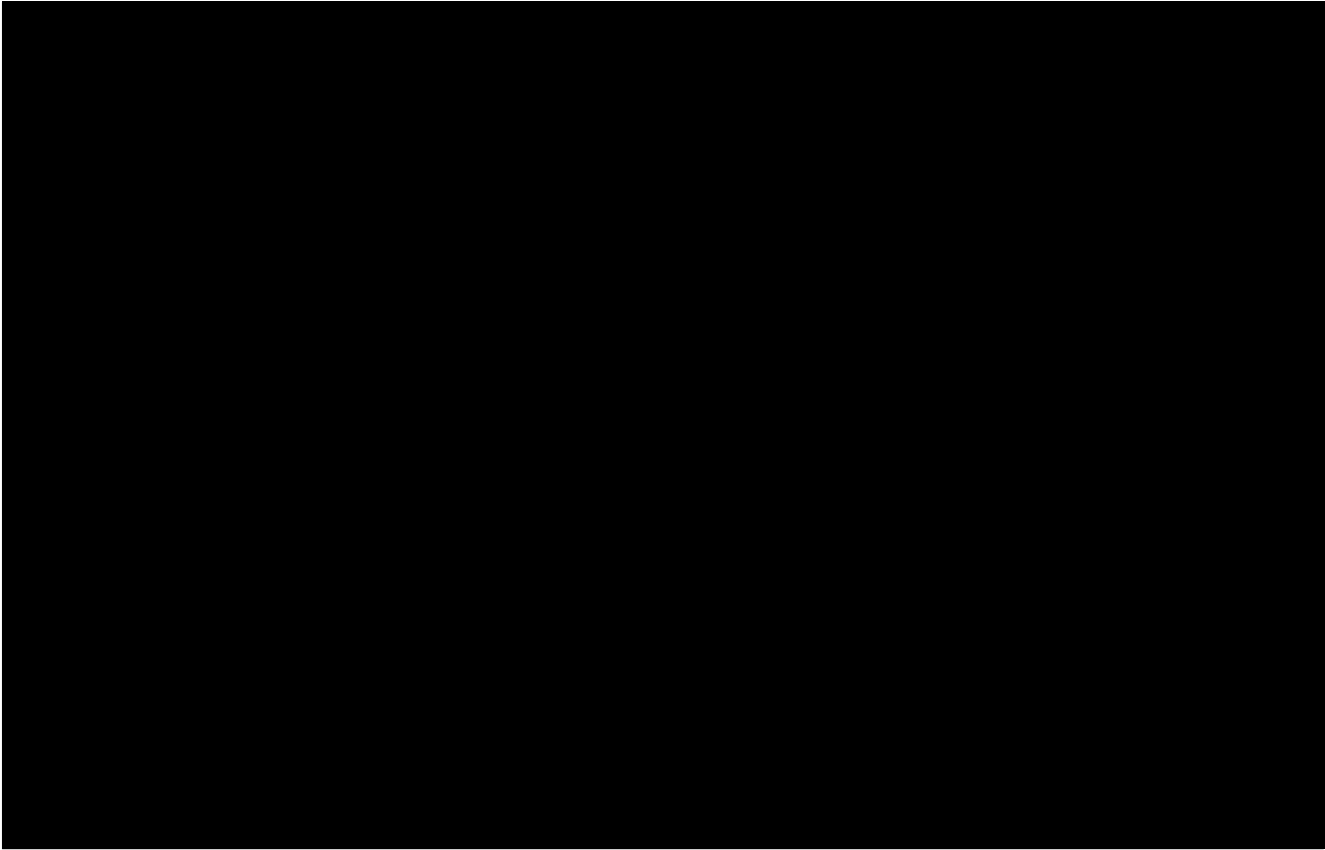
**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PERSONAL LICENCE - OBJECTION**  
**IAN ROBERT ROSS, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(a) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has not been convicted of any relevant offence.

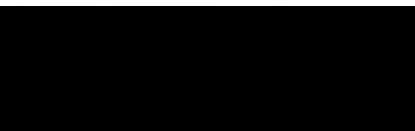
I am unable to confirm the existence of any foreign offence in respect of the applicant.

In terms of Section 73(5) of the 2005 Act the Chief Constable provides the following information in relation to the applicant which is relevant to the Board's consideration of the application:-

[REDACTED]



Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01620 826147



**EAST LOTHIAN**

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

**Licensing (Scotland) Act 2005**

**Personal Licence(s)**

<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
14 IAN ROBERT ROSS C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	18 June 2018	
15 JOSEPH WILSON SCOTT	12 July 2018	





Winter, Maree

---

From: Joe Scott [REDACTED]  
Sent: 09 July 2018 11:16  
To: Licensing  
Subject: Re: Informing licensing board

Hi

I would like to update you with my conviction

[REDACTED]

Regards  
Joe Scott

Sent from my iPhone

12/07/2018

Your Ref:

Our Ref: PL/

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



**POLICE  
SCOTLAND**

Keeping people safe

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

FOR THE ATTENTION OF EAST LOTHIAN BOARD

Dear Sir/Madam,

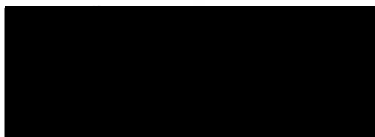
**LICENSING (SCOTLAND) ACT 2005 - PERSONAL LICENCE APPLICANT'S  
DUTY TO NOTIFY LICENSING BOARD OF CONVICTIONS**  
**JOSEPH SCOTT, [REDACTED]**  
**[REDACTED]**

I refer to the above and your correspondence. In terms of Section 75(6)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
02/07/2018	Selkirk Sheriff Court	[REDACTED]	[REDACTED]

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 0131 561 6141.





7



**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
EAST LOTHIAN LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2017 to 31<sup>ST</sup> MARCH 2018

## Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2017/18, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

I would like to acknowledge the contributions made to effective licensing regulation in the past year. Working in partnership is vital to ensure a fair and consistent approach to licensing whilst maintaining a focus on preventing alcohol fuelled violence, disorder and antisocial behaviour. Police Scotland is committed to continuing to work with partners in the 32 Local Authorities across Scotland to achieve positive outcomes.

Over the past year, Police Scotland has continued to achieve success with a focus on prevention, underpinned by early intervention and enforcement. This has only been possible with the support of the many active partnerships that exist in local areas. I will ensure that all officers and staff continue to work with the licensed trade and other key partners, utilising the range of options available to them to achieve improved licensing standards, reducing violence, disorder and antisocial behaviour across Scotland.

On 1<sup>st</sup> May 2018, Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation. The coming year will present many challenges but I am confident that through collaborative working, we will meet these challenges and continue to improve licensing standards and deliver a service to the communities of Scotland.

Mr Iain Livingstone QPM  
Deputy Chief Constable Designate  
Police Service of Scotland

## **Police Scotland Licensing Overview**

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Office, Glasgow.

The NLPU is responsible for the two tier structure for licensing which supports both national and local priorities. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams.

Each of the 13 Local Policing divisions have locally based officers dedicated to the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

Police Scotland Licensing is supported and governed by a National IT solution known as 'Innkeeper'.

The NLPU and Licensing practitioners within Police Scotland develop partnerships and identify best practice which assist in a better understanding of the challenges faced by the Licensed Trade. This approach enables us to continue to work with local communities and key partners to prevent alcohol related crime and offences.

The NLPU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

## **National Perspective**

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Policing Plans that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues that impact on the safety of the public to provide a firm evidence base for local policing teams to prevent crime and disorder and Keep People Safe.

Our National Priorities are

- Violence, disorder and antisocial behaviour
- Serious organised crime
- Counter terrorism and domestic extremism
- Protecting people at risk of harm
- Road safety and road crime
- Acquisitive crime

### **Licensing Board Area**

The East Lothian local authority area is policed by J Division. Chief Superintendent Lesley Clark is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Steven Duncan is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Duncan is supported by Inspector Andrew Harborow who is based at Tranent. The East Lothian Licensing Boards are attended by Inspector Harborow.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector Andrew Toombs and Sergeant John Fleming.

The local Licensing Department is based at Haddington Police Station, one police officer supplemented by administration staff based at Dalkeith Police Station controls the day-to-day function.

### **Local Policing Priorities**

Following our public consultation process, the policing priorities for East Lothian, as set out in our Local Policing Plan are as follows;

- Protect children, young people and the most vulnerable within our communities.
- Support the victims of sexual crime.
- Investigate child protection concerns.
- Work in partnership to prevent drug and alcohol misuse.
- Encourage the responsible management of licensed premises.
- Investigate adult protection enquiries.
- Prevent and reduce antisocial behaviour and crimes of violence.
- Identify those perpetrators who present the greatest risk of harm.
- Influence road user behaviour and improve road safety awareness.

### **Description of Board Area**

The Command area of East Lothian serves approx. 103,000 local residents along 40 miles of coastline and in an area covering 262 square miles. The policing headquarters sit in the historic market town of Haddington.

There are currently 193 'on sales' and 88 'off sales' premises in East Lothian.

East Lothian Licensing Board Statement of Licensing Policy Nov 2013 – Oct 2016 includes an overprovision statement, declaring that East Lothian has sufficient on and off sales outlets and that there should be a rebuttable presumption against the grant of an application for any new premises licence or increase in capacity of an existing premises licence within the Boards area as a whole.

During this reporting year there have been 9 Provisional Premises Licences granted and 1 Premises Licence granted by the Board. One of the Provisional Premises



Licences was refused by the Board but was overturned on appeal by the High Court in Edinburgh.

The Statement of Licensing Policy is due for renewal this year (2018) and overprovision will be looked at again. There are currently no particular areas of East Lothian that place any significant demands on police resources due to night time economy, with no premises trading beyond 1am.

## **Operation of the Licensing (Scotland) Act 2005**

### **Introduction**

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In East Lothian there were 384 recorded incidents in licensed premises between 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018, this is an increase on the previous year. There has been a notable increase in thefts of alcohol from 'off sales' premises over the reporting year. The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

Police Scotland carried out 608 recorded inspections of licensed premises during the reporting year, a large percentage of these were carried out by the licensing officer and local officers on the run up to major football and sporting events.

On Friday and Saturday evenings police officers are deployed on foot, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0200.

### **Partnerships**

#### **Licensing Standards Officer (LSO)**

The local police licensing officer works regularly with a number of partner agencies including the LSO. Sharing information and carrying out joint visits to licensed premises, dealing with any noise complaints or antisocial behaviour issues. This unified approach has resulted in a number of successful resolutions.

In this reporting year the LSO teamed up with the licensing officer to investigate a report of a premises in the Prestonpans area selling 'slush puppies' with vodka shots in them. The licence holder was spoken to and the activity stopped.

There was also an increase in anti social behaviour recorded in the Haddington area. The LSO and the licensing officer followed up an allegation made by a member of the public that the youths were being sold alcohol from local 'off sales' in Haddington. This was found not to be the case.

There were several joint visits made to a premises in the Musselburgh area, following information that the licence holder was selling alcohol to school children. A thorough check of the premises and their processes were discussed with the licence holder as well as 'challenge 25'. There has been no further information received suggesting that this is still the case.

### **Best Bar None (BBN)**

Best Bar none is a unique National Award Scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out.

The purpose of the Best Bar None Scheme is to

- Reduce alcohol related crime
- Promote social responsibility and duty of care.
- Improves knowledge and skills to assist in responsible management.
- Promotes partnership working to identify good practices and areas for improvement.
- Supports due diligence
- Awards both locally and nationally to reward success.
- Operating more responsibly can improve the commercial viability and attractiveness of a venue and locality.

During this reporting year there were 19 premises that took part in the BBN scheme. 3 premises in Port Seton, Dunbar and North Berwick attained a Bronze Award. 4 premises in Musselburgh, Port Seton and Tranent attained a Silver Award. 12 premises in Dunbar, Gifford, Musselburgh, Haddington, Ormiston, Prestonpans, Port Seton and North Berwick attained a Gold Award with one premises in Ormiston going through as a finalist to the National Awards.

The BBN Scheme is increasing in participants year on year and is something that Police Scotland will continue to drive forward, promoting and encouraging responsible management of licensed premises.

### **Pub Watch**

Pub watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local Community Police Officers.

There are a number of pub watch schemes operating in East Lothian all of which are working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers. Police Scotland fully support these schemes and would encourage all licensees to become members of a scheme operating in their area.

### **Campaigns**

During this reporting year there were a number of campaigns including the 'One Punch Two Lives' campaign to raise awareness of the consequences that one punch can

**NOT PROTECTIVELY MARKED**

have on two lives – the victim and the attacker. The hope was to encourage people to think about the consequences of their actions and the effect alcohol can have on their behaviour. Posters were handed into the majority of licensed premises within East Lothian and were very well received.

Another campaign was a National Drink Drive initiative involving beer mats being handed into our licensed premises comprising of three scots words (Choob, Numpty and Eejit) together with definitions on the reverse relating to drink driving. A humorous take on a serious message. Again, they were very well received.

**Problem solving**

**The Intervention Process**

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established interventions process. Incidents connected to premises are identified by licensing officers who evaluate the licensing objectives to determine if any have been compromised.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

Police Interventions Categories		Number this reporting year
Red	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.	3
Amber	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.	0
Green	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.	0
No Action	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

During the reporting year there were 3 Problematic premises in East Lothian which resulted in a request for a review of their premises licences. Two were as a result of failed test purchases and the third due to a breach in the conditions of their premises licence.

## **Summary**

### **Section 1 – Unlicensed Sale of Alcohol**

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. As the Licensing (Scotland) Act 2005 is well bedded into everyday working practices.

Earlier this year it was highlighted to the Licensing Officer that an unlicensed premises in Levenhall was advertising alcohol sales and deliveries via a facebook account. Contact was made with the operator of the shop and the facebook page removed. The page had been misleading, in that the alcohol was actually being supplied from another of his shops in Prestonpans.

### **Section 22 - Applications**

Over the course of the reporting year there has been 1 New Premises Licences granted and 2 Premises Licences confirmed, one of which was refused at the Board. This related to an 'Excluded' premises in North Berwick. Following an appeal at the High Court in Edinburgh, by the applicants agent, the Board's decision to refuse was overturned and the licence was granted.

There have also been 10 applications received by the Board for Provisional Premises Licences. One of which was withdrawn by the applicant. The remaining 9 were granted and in some cases the Board took steps to refuse 'off sales' and 'deliveries' in the operating plans. This is a step in the right direction to prevent antisocial behaviour and reduce the number of outlets for persons to access alcohol as well as reduce the risk of children accessing alcohol.

### **Section 36 – Application for Review of Licence**

Police Scotland only seek review of a Premises Licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

In this reporting year there were 3 Review Applications submitted by Police Scotland. Two of which were as a result of failed test purchase operations and another due to a breach in the conditions of their licence. In all three cases the Board supported the

Police applications for review and various conditions were attached to the licences as well as written warnings given.

### **Section 63 – Sale or Supply out with licensed hours**

Officers in East Lothian monitor the sale or supply of alcohol out-with licensed hours closely. Local Officers continue to make pro-active visits to licensed premises particularly at weekends, to ensure premises are being managed appropriately.

Earlier this year the Licensing Officer received information that a premises in Levenhall were having regular 'lock ins'. The DPM was spoken to and advised of his responsibilities in relation to the consumption of alcohol after hours. The premises has since been placed on the Monitored list for this coming year.

### **Section 72 – Personal Licence Applications**

There were 94 applications made for personal licences during this reporting year in East Lothian.

The amendment to legislation permitting the Chief Constable to request refusal for the purposes of 'any' Licensing Objective has widened the scope for making appropriate representations to the Board.

This legislation was used by the Police Licensing Officer on one such occasion when an applicant, a female operating a restaurant in the Haddington area applied to East Lothian Licensing Board for her personal licence. A request for refusal was submitted by Police Scotland under the 'preventing crime and disorder' Licensing Objective, due to her having a 'pending case'. The Board continued the application for 6 months.

### **Section 84 (84A) – Personal Licence Reviews**

Police Licensing Officers are responsible for monitoring the conduct of Personal Licence Holders. In particular, there have been occasions when the holders of a personal licence have failed to report conviction(s) for relevant offence(s) to the Court and/or the Licensing Board. Again, the amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There were 2 Personal Licence Reviews requested by Police Scotland in this reporting year, one in relation to a male from the North Berwick area who had been convicted of a drink driving offence but had failed to notify the Board of this within the month. A review request was submitted and prior to the hearing date the personal licence holder surrendered his licence to the Board.

Another occasion was a DPM from a Tranent premises, again convicted of a drink driving offence, on this occasion she had notified the Board. She was called to a hearing and her personal licence was endorsed for 5 years, a decision that was fully supported by Police Scotland.

**Section 94 – Exclusion Orders**

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises a request for an Exclusion Order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction' and can exclude a person from specific licensed premises for between 3 months and up to 2 years. The Police Licensing Officer proactively drives the use of Exclusion Orders whenever appropriate. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian.

**Section 97 – Closure Orders**

There were no closure orders used within East Lothian during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

**Sections 111-116 – Drunkenness / Disorder Offences**

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 111 (drunk persons within licensed premises)	0
Section 112 (obtaining alcohol by or for a drunk person)	0
Section 113 (sale of alcohol to a drunk person)	0
Section 114 (DPM drunk whilst on duty)	0
Section 115 (disorderly conduct within licensed premises)	0
Section 116 (refusal to leave licensed premises)	4

The numbers reported to COPFS above remains relatively low as a result of officers using their discretion in many cases. We are committed to keeping people safe and improving the quality of life for residents in East Lothian.

**Preventing the Sale or Supply of Alcohol to Children or Young People**

**Introduction**

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

**Activity**

In terms of Section 105 of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a young person to buy or attempt to buy alcohol to determine whether an offence is being committed.

## NOT PROTECTIVELY MARKED

The use of young persons to conduct Test Purchase Operations provides Police with an effective tool in the fight against underage sales and represents an important safeguard against underage drinking and the resultant antisocial behaviour that adversely affects many communities.

There were 6 Test Purchase Operations carried out in East Lothian during the reporting year with a total of 67 'off sales' premises tested, this resulted in 4 failures in the Dunbar, Musselburgh, North Berwick and Prestonpans area.

All 4 premises passed a re-test, which was carried out within 14 days of the original fail date. Two of the premises were taken to Review due to other issues within the store in relation to signage and training records etc.

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 102 (sale of alcohol to a child or young person)	5
Section 103 (allowing the sale of alcohol to a child or young person)	3
Section 104A (supply of alcohol to a child)	0
Section 104B (supply of alcohol to a young person)	3
Section 105 (purchase of alcohol by or for a child or young person)	0

Section 104A and 104B you will note is a new addition from last years report following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015. This has proved to be a very useful weapon in the fight against 'agent purchase' or 'proxy purchasing' and will continue to be used by local officers whilst out on patrol.

### Proposed Activity

Officers will continue to routinely proactively visit premises licensed for 'off sales' to ensure that they are aware of their responsibilities under the 2005 Act and in particular in the run up to school holidays.

Likewise officers will continue to routinely proactively visit premises licensed for 'on sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

The provision of 'Test Purchasing', in terms of Section 105 of the principal legislation, is a tactic that is used by Police Scotland and the East Lothian Command Area will continue to use this tactic as and when required.

### Tackling Serious and Organised Crime

#### Introduction

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG's pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

### **Activity**

Over the past year, the Police Licensing Officer has scrutinised and interrogated licence applications to identify where OCG's may be trying to enter legitimate businesses. This is particularly detailed when processing New Premises and Transfer applications, where the applicant may be asked to evidence the source of any financing. Unfortunately a lot of SOCGs already have a foothold in licensed premises which makes it very difficult to object to these applications because more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are 'tenants', who neither hold the premises licence or the managers position and therefore are not 'relevant' persons.

The Licensing Officer continues to monitor the persons connected to licensed premises in East Lothian who are known to have links to SOCG's.

### **Proposed Activity for the Year Ahead**

Since Christmas 2017 there have been two dedicated police officers dealing with theft shoplifting in the East Lothian area and it is anticipated that this will continue. I mentioned earlier in the report that there has been a considerable increase in the number of incidents on licensed premises, a lot of which are the theft of alcohol from off sales. We are now, through the Board Policy Statement, looking at the crime prevention side of things and what operators can do to reduce this figure and support the 'preventing crime and disorder' Licensing Objective.

The Board will be aware that minimum pricing will come into effect this coming year (1<sup>st</sup> May) and it is anticipated that this will bring other challenges as well as potentially, an increase in the theft of alcohol.

Police Scotland and the Fire Service continue to work closely with the Scottish Business Resilience Centre to evolve the Best Bar None scheme. Organisers recognise that standards are improving on a year by year basis and hope to continue in the coming year, increasing the number of premises taking part.

Test Purchasing will also continue to be used as a tactic to increase awareness of underage drinking and the associated antisocial behaviour that can result.





Department for  
Digital, Culture,  
Media & Sport

**8**

## **Consultation on Society Lottery Reform**

**29 June 2018**

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## Foreword by the Minister for Sport and Civil Society



Since the introduction of the Gambling Act 2005, there have been significant changes in the lottery sector and the environment in which lotteries operate. Society lotteries are now a fundamental part of the giving landscape, and, alongside The National Lottery, play an important role in supporting good causes across the UK.

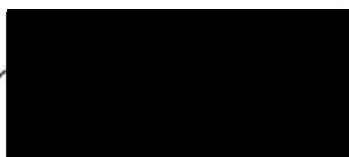
Society lotteries raise hundreds of millions of pounds every year for many good causes and I greatly appreciate the impact they have as a fundraising tool for their charities and non-commercial organisations. Through the Call for Evidence launched in December 2014, we received many examples of ways in which society lotteries support the third sector. Often this funding is relied on to support the day-to-day running of charities, and can generate further revenue when used as match funding or invested in fundraising activities.

Recipients of funding for valuable projects from both The National Lottery and society lotteries tell me that these are “complementary sources of funding that enable us, in different ways, to carry out our vital work.”

The Government is committed to ensuring both society lotteries and the National Lottery are able to thrive. Our aim in this consultation is to achieve a balance between enabling the sustainable growth of society lotteries on the one hand while also protecting the unique position of the UK-wide National Lottery as established under the National Lottery etc. Act 1993, which has raised £38 billion for good causes since it started in 1994.

I note the Gambling Commission’s advice that to date the growth of the society lottery sector has not been at the detriment of National Lottery sales, and that a relatively small increase in the limits is unlikely to disrupt the current balance between the two sectors. I am keen to hear views from respondents on whether the options under consideration - and our preferred options in particular - will maintain this important balance and allow the lottery sector as a whole to grow in a sustainable and complementary manner to ensure we continue to support the third sector for many years to come.

I look forward to hearing your views.



Tracey Crouch MP

## How to Respond

This consultation covers Great Britain. We welcome comments from all stakeholders who may be interested. This consultation is being conducted via an **online survey, and will close on 7 September 2018**. Please respond via the link on the gov.uk webpage.

If you have any questions, or if you require any other format, please get in touch at: [societylotteriesconsultation@culture.gov.uk](mailto:societylotteriesconsultation@culture.gov.uk)

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The Department for Digital, Culture, Media and Sport (DCMS) is the data controller in respect of any information you provide in your answers. Your personal data is being collected and processed by DCMS, with your consent, as an essential part of the Society Lottery Consultation. We may also use this personal data to contact you about Society Lotteries and related matters. We will hold the data you provide for a maximum of 5 years.

Copies or a summary of responses may be published after the consultation closing date on the Department's website: [www.gov.uk/DCMS](http://www.gov.uk/DCMS). This will include a list of the organisations that responded, but not any individual's personal name, address or other contact details. All responses and personal data will be processed in compliance with the Data Protection Act 2018 and the General Data Protection Regulation.

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Your information may be shared with the Gambling Commission in the course of policy development.

If, during completion of the survey you decide to withdraw your response, you will need to return to this Disclosure of Responses page by using the 'Back' button, and select 'No' from the options below. Once you have submitted your response to the survey you will not be able to withdraw your answers from the analysis stage. However, under the Data Protection Act 2018 (and the General Data Protection Regulation), you have certain rights to access your personal data and have it corrected or erased, and you can withdraw your consent to us processing your personal data at any time.

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Telephone: 0303 123 1113

Textphone: 01625 545860 Monday to Friday, 9am to 4:30pm

If you need any further information please contact us: [dcmsdataprotection@culture.gov.uk](mailto:dcmsdataprotection@culture.gov.uk)

## Executive Summary

This consultation sets out the Government's proposals for society lottery reform. It is, in particular, informed by responses to the Department for Digital, Culture, Media and Sport (DCMS) Call for Evidence (December 2014 - March 2015), recommendations made by the then Culture, Media and Sport Select Committee in March 2015, and advice from the Gambling Commission. Having carefully considered the Select Committee's report, we asked the Gambling Commission to bear in mind three objectives in their advice:

- the regulatory framework for society lotteries should not be overly burdensome and new entrants should not face unnecessary barriers;
- public trust and confidence in society lotteries and the good causes with which they are associated should be maintained;
- reform should not jeopardise the position of the National Lottery and its returns to good causes.

Following careful consideration of their advice and the evidence we have received from stakeholders, we are consulting on options in the following four areas:

- Large society lotteries: Individual per draw sales limits;
- Large society lotteries: Individual per draw prize limits;
- Large society lotteries: Annual sales limits;
- Small society lotteries: Individual per draw and annual sales limits.

**We believe that Government's preferred options in these areas will support the society lottery sector to maximise returns, whilst ensuring that any changes are not to the detriment of The National Lottery, as well as ensuring regulatory requirements are consistent with a lottery's size.**

The consultation options are:

### Large society lotteries

- **Individual per draw sales limits**
  - Retaining the current limit of £4 million;
  - **Raising the limit to £5 million (Government's preferred option);**
  - Raising the limit to £10 million;
  - Reducing the limit to £2.5 million.
- **Individual per draw prize limits**
  - Retaining the current limit of £400,000;
  - **Raising the limit to £500,000 (Government's preferred option);**
  - Raising the limit to £1 million;
  - Reducing the limit to £250,000.
- **Annual sales limits**
  - Retaining the current limit of £10 million;
  - Raising the limit to £50 million;
  - **Raising the limit to £100 million (Government's preferred option).**

### Small society lotteries

Changing the thresholds at which smaller society lotteries require a Gambling Commission licence would bring more lotteries into a lighter touch regulatory regime, and therefore reduce regulatory burdens.

- **Individual per draw sales limits**
  - Retaining the rule that a society lottery is small and does not require a Gambling Commission licence if its proceeds cannot exceed £20,000;
  - Raising the limit to £30,000;
  - Raising the limit to £40,000.

**(Government has no preferred option)**
- **Annual sales limits**
  - Retaining the rule that a society lottery is small if the aggregate proceeds of society lotteries promoted by that society in that calendar year do not exceed £250,000;
  - Raising the limit to £400,000;
  - Raising the limit to £500,000.

**(Government has no preferred option)**

The DCMS Select Committee also asked us to consider recommendations on betting on lotteries from Camelot, including measures to prohibit betting on EuroMillions, banning betting on all lotteries, and to reclassify bets on lotteries as 'pure' lotteries (that all betting transactions on lotteries or lottery-style draws should be classed as lotteries, and therefore the operators would have to acquire a lottery licence and comply with all the restrictions applicable to lotteries). In response, we have introduced separate legislation to prohibit betting on the EuroMillions draw, including those held in other European countries, bringing it into line with other products in The National Lottery portfolio. The Government's consultation and response are available [here](#).

The Gambling Commission is addressing other issues raised by the DCMS Select Committee, including introducing measures on transparency, and triggers to determine future reviews. These actions address other recommendations set out in the [Culture, Media and Sport Select Committee's Report](#) on society lotteries, and the [DCMS Lotteries Call for Evidence](#).

## Chapter 1: Introduction

Since the Gambling Act 2005 (“the Act”) came into effect, the society lottery sector has seen year on year growth in proceeds, with a record £255.56 million raised for good causes in 2016-17. During this time the lottery market has become increasingly diverse, with the increased use of lotteries by major charities as a fundraising tool, and the promotion of large-scale ‘umbrella’ lotteries. The growth of the internet has enabled societies to sell more tickets remotely through their websites and reach greater numbers of potential players. Umbrella schemes - where an External Lottery Manager, a society lottery operator or a collective of society lottery operators, promote multiple society lotteries under a single brand - can provide marketing efficiencies, driving ticket sales and in turn prizes.

Between December 2014 and March 2015, DCMS ran a Call for Evidence, informed by market assessment provided by the Gambling Commission, which invited views on the changing lottery landscape, and in particular whether the current regulatory regime maintained an appropriate balance between The National Lottery and the wider gambling and lottery market.

In March 2015, the CMS Select Committee held an enquiry on society lotteries. The Committee’s report made a number of recommendations which the Government agreed to accept or explore with expert advice from the Gambling Commission.

This consultation sets proposals for reform, together with options and our preferences, which we hope will support fundraising by society lotteries while maintaining the distinct nature of the sector from the National Lottery.

In addition, the Gambling Commission is pursuing a series of measures to ensure lotteries are offered in a fair and open manner, addressing concerns raised by the Select Committee that societies could be perceived as devices to further commercial interests. Following its own consultation, the Gambling Commission made changes to licence conditions which came into effect in April 2018, to increase transparency over the breakdown of a total proceeds for large society lotteries, and incorporate current guidance on the promotion of umbrella lotteries. As good cause returns vary across operators, increased transparency will enable consumers to make an informed choice about whether to support a particular society through participating in a lottery and could benefit the sector as a whole by increasing public confidence in lotteries.

The law requires the name of the promoting society to be on the ticket and the Gambling Commission require it to be made clear to the consumer what society lottery they are participating in. Although there is no requirement within the Act to publish information on how the proceeds of a lottery are spent, society lotteries are required to supply a breakdown of the proceeds of each draw to the Gambling Commission within three months of the draw taking place. This data is published in aggregate form through the Commission’s Industry statistics, which shows the overall proportion the sector returns to good causes, returns to players in prizes and spend on expenses. Following a recent consultation, the Gambling Commission now requires operators to publish the proportion of proceeds returned to the good cause(s) in the previous calendar year. This requirement came into effect from April 2018.

The Commission has developed a series of triggers to determine when future reviews of sales and prizes should take place, and have issued guidance on the various ways the



private sector can support society lotteries, and how societies can run a lottery on behalf of another good cause.

We welcome your views on the range of proposals and options set out below.

## Chapter 2: Large Society Lotteries

### **Consultation Options:**

- **Individual per draw sales limits**
  - Retaining the current limit of £4 million;
  - **Raising the limit to £5 million (Government's preferred option);**
  - Raising the limit to £10 million;
  - Reduce the limit to £2.5 million.
- **Individual per draw prize limits**
  - Retaining the current limit of £400,000;
  - **Raising the limit to £500,000 (Government's preferred option);**
  - Raising the limit to £1 million;
  - Reduce the limit to £250,000.
- **Annual sales limits**
  - Retaining the current limit of £10 million;
  - Raising the limit to £50 million;
  - **Raising the limit to £100 million (Government's preferred option).**

Large society lotteries, also known as licensed lotteries, require a licence from the Gambling Commission, and are defined in the Gambling Act 2005 as any society lottery:

- for which the arrangements are such that its proceeds may exceed £20,000 for a single draw; or
- promoted by a society whose aggregate proceeds from lotteries exceed £250,000 in any one year.

The Act defines a 'society' as being established and conducted:

- for charitable purposes;
- for the purposes of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose not for private gain.

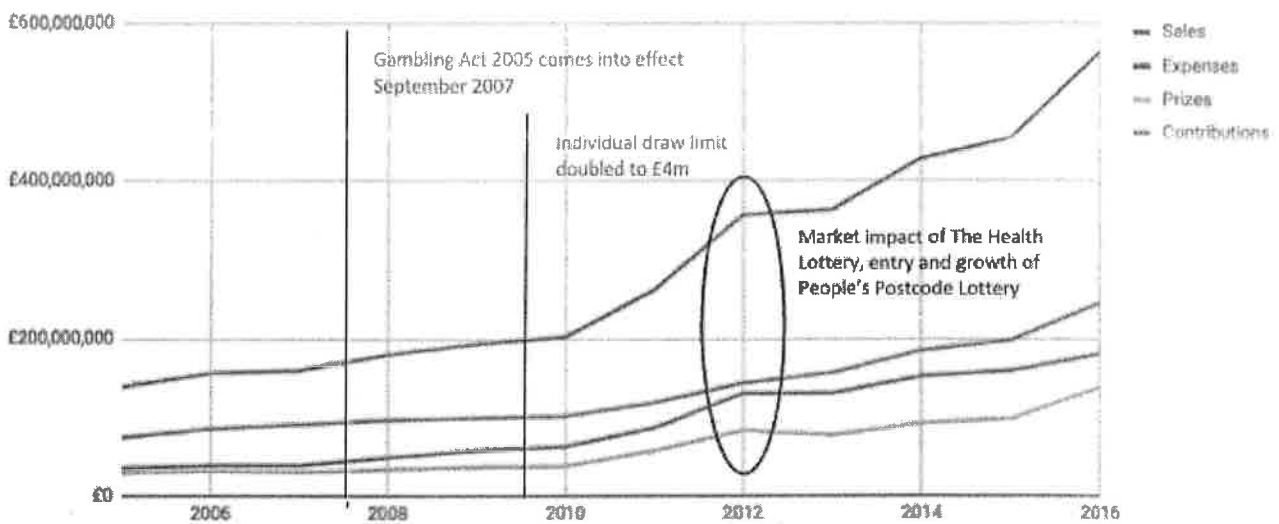
The Act deliberately imposes strict limits on the annual and individual draw sales, and on the prizes they can offer, which ensures that the primary purpose of society lotteries is to raise funds for good causes and that they remain distinct in size from the National Lottery.

Large society lottery limits were last amended in 2009, when the cap on individual lottery proceeds was increased to £4 million, which also had the effect of increasing the maximum prize that could be offered to £400,000. This change contributed to growth in the sector, and

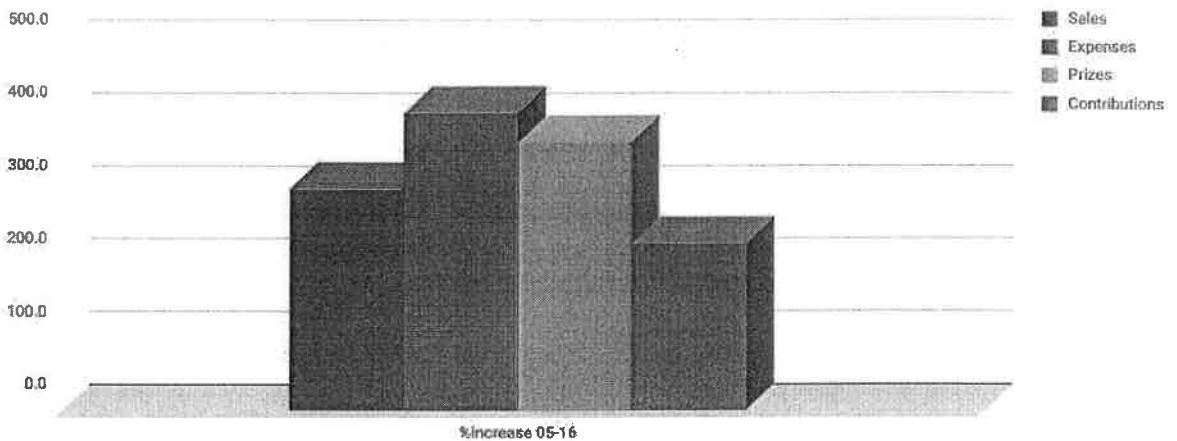
as a consequence, increased returns to good causes (see graph below), from £95 million in 2008-09 to a record £255.56 million in 2016-17.

At that time Government concluded that there was no need to increase the annual proceeds limit as no lottery was anywhere near reaching the £10 million limit. It is now apparent that, unlike in 2009, there are now a small number of operators who are close to the current limits or have adapted their model to expand within the limits, for example by setting up new societies.

### Large Society Lottery Growth 2005 - 2016



### Large Society Lottery Growth (% increases 2005 to 2016)



In the Call for Evidence, society lottery stakeholders noted that increased limits would generate greater funds for good causes through greater revenue and match-funding. We

heard that charities are able to leverage each £1 in income they receive to fundraise on average an additional £1.70 from other sources. Beneficiaries of society lottery funding were broadly in favour of moderate deregulation, retaining a balance between essential funding from The National Lottery and complementary funding from society lotteries.

### **The relationship between society lotteries and The National Lottery**

At present, it appears that competition between The National Lottery and society lotteries is marginal. Their markets are distinguished by the unique selling points of society good causes, and by the regulatory framework governing society lotteries. Society lotteries are generally characterised by lower prize, low frequency draws. This contrasts with the National Lottery, which was established as a UK-wide lottery to benefit a wide range of good causes. The National Lottery's size helps ensure returns to these good causes are maximised. This is not solely because of the pool of potential players, but also due to the ability of a large lottery with high proceeds to offer significant, life-changing prizes, which in itself is recognised as a key sales driver. Were society lotteries to significantly increase in size, the market could fragment into a number of larger lotteries. This risks decreasing overall returns to good causes from the lottery sector, as the ability of a single lottery to offer a very high jackpot would be constrained, meaning some existing players may drop out, and new players may be less likely to join.

The Gambling Commission has advised that small changes to existing limits are likely to have minimal impact on The National Lottery and that while society lotteries offer a differentiated product with smaller prizes, substitution between the two is likely to remain minimal. However, there is insufficient evidence at present to predict the full impact of further deregulation on The National Lottery, though this could have the potential to be significant. Larger increases to the limits for society lotteries may not see sales rise to a level that would challenge The National Lottery's monopoly, but they could change the landscape in which it operates.

Competition can drive improvements in performance, but we have also heard compelling evidence of the damaging effect a split sector can have. For example, in the Netherlands sales of the two national lotteries dropped following growth of a large society lottery, leading to the eventual merger of the two national lotteries. While different regulatory environments mean these risks do not translate directly into the Great Britain market, it nonetheless goes to show the degree of impact growth in the society lottery sector could have on The National Lottery.

In contrast to The National Lottery where 12% Lottery duty is paid on every ticket, society lotteries do not pay Lottery duty (or gambling duties) on ticket sales - they are treated on a par with fundraising for registered charities. External Lottery Managers however do pay corporation tax.

Although there have been strong calls from the society lotteries sector for an increase in sales and prize limits, we have also had concerns raised about growth in the sector (in particular by Camelot and National Lottery distributors) and the impact on The National Lottery since the limits were last increased in 2009. We wanted to look at this in more detail and consider whether more needs to be done with regard to sales and prize limits to maintain the separation between the sector and The National Lottery and ensure that there is no opportunity for substitution in the future. We have also asked the Gambling

Commission for information on possible impacts to the sector of cutting the per draw and prize limits.

### Governance of society lotteries

While there are well-established systems to ensure high levels of transparency about both the National Lottery's results and how the good causes money is spent, it can be less easy for the public to monitor the use of funds raised by the society lotteries sector. It is the responsibility of the society to ensure that they distribute the proceeds in line with their aims and objectives. While the Gambling Commission do not generally scrutinise how the proceeds of each society lottery have been distributed, if the Commission has concerns that profits are not being distributed appropriately, it is able to ask for information/evidence and take action on a case by case basis.

The lowest risk option in terms of The National Lottery would be to maintain or reduce current limits. However, this would restrict the ability of societies to raise additional funds through lotteries. It will therefore be important to weigh up the risks, and to seek to achieve a balance between allowing the further growth of society lotteries and protecting The National Lottery from direct competition.

It is also a consideration that changes to the wider landscape may affect the forthcoming competition for the Fourth National Lottery licence, and potentially deter bidders as a consequence.

## 2.1 Individual per draw sales limits

**Some society lotteries have reported that they are close to the per draw sales limits, and with the recent trends in growth within the sector, the current limits restrict returns to good causes. Increasing this limit will allow for some further growth.**

At present, the total proceeds for an individual lottery draw are capped at £4 million. The top prize is the greater of £25,000, or 10% of the proceeds (i.e. a maximum of £400,000).

Where lotteries are close to the limit, they will take action to ensure they do not breach the limits, and may potentially set up a second draw, or a second society.

As shown in the table below, the number of large draws taking place increased between 2011-12 and 2015-16 before dropping off in 2016-17. However the number of draws has increased over time and it may be that although the overall number of large draws remains comparatively low, this is because societies are taking action to avoid coming close to breaching limits. Indeed, the number of operators with draws above £2.5m increased sharply in 2017.

Table 1: Actual number and percentage of licensed societies operating within 20% of the current per draw proceeds limits

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
# draws	11,475	12,462	12,900	13,137	13,682	14,281
# operators running lotteries	440	442	438	428	436	432
# draws within 20% of £4m limit	1	0	3	2	5	0
% draws within 20% of £4m limit	0.01%	0%	0.02%	0.02%	0.04%	0%

Reducing individual limits - number of operators with individual sales above £2.5 million:			
	2015	2016	2017
Above £2.5m	15	10	70*
Above £3m	10	10	-
Above £3.5m	-	-	-

\*These figures are largely attributed to lotteries that form part of branded schemes.

### Consultation options

- **Individual per draw sales limits**
  - Retaining the current limit of £4 million;
  - **Raising the limit to £5 million (Government's preferred option);**
  - Raising the limit to £10 million;
  - Reduce the limit to £2.5 million.

#### Retaining the current limit

- Retaining the current limit is unlikely to maximise the potential for society lotteries to make greater returns to good causes, as increasing the limits in the past has led to growth in a proportion of society lotteries, with some now coming close to the new limits.
- Although the current trajectory suggests that for most societies, there is still some space for growth under the current framework, we are aware that a number of larger operators would likely be in a position to exceed the £4 million limit in the coming years.

Raising the limit to £5 million (Government's preferred option)

- We are proposing a preferred option to raise the per draw sales limit to £5 million, in line with the Gambling Commission's recommendation.
- This would enable the society lottery sector space to grow and increase their returns to good causes, while maintaining the clear distinction between society lotteries and The National Lottery.
- Such an increase would allow societies to offer larger per draw prizes (of up to £500,000) to their players.
- An increase of this scale permits the Commission to monitor the impact on the society lottery sector and The National Lottery to inform future policy. Understanding the impact of such an increase to the limits would contribute valuable information to future reviews.

Raising the limit to £10 million

- The Lotteries Council (the major industry body for society lotteries), The Health Lottery, and charities supported by The Health Lottery's funding have argued for an increase to £10 million sales per draw, and in particular, a £1 million prize in order to generate increased funds for good causes.
- We do not see a pressing need for reform on this scale, and instead favour gradual increases in the size of the market. It will take time for lotteries to grow their sales from current levels to £10 million and we feel that more understanding of the impact on the sector is needed before deregulating to this level.

Reducing the limit to £2.5 million

- A reduction in maximum draw size is likely to decrease the amount of money societies can raise for good causes.
- It could force societies to adapt their structures to maintain current funding levels, which would increase admin costs by creating a greater number of smaller lotteries holding multiple licences (assuming no change to annual limits) and potentially mean a lower proportion of funds going to front-line good cause projects.
- Cutting the per draw limit would further distinguish society lottery draws from The National Lottery, halting the growth of society lotteries into a space currently only occupied by The National Lottery.
- However, we share the Gambling Commission's concerns that to cut the limit would stifle growth in the sector. As the current evidence suggests that society lotteries have not had a significant effect on National Lottery sales to date, we do not believe there is a clear rationale for a cut at present.
- For these reasons, we do not believe there is merit in reducing the maximum draw size, not least as keeping the current limits in place would maintain the distinction between the two sectors, without depriving charities of vital good cause funds.
- However there may be some merit in considering a cut to per draw limits alongside a significant increase to annual limits, as this would enable lotteries to increase fundraising for good causes while limiting the size of individual draws. Such a change may however require societies to reorganise and therefore increase administration costs.

## 2.2 Individual per draw prize limits

**We consider that it is important to retain the rule that individual per draw prize limits are £25,000 or, if more, no more than 10% of sales. This is because we believe that the primary purpose of society lotteries is to raise money for good causes. We do not believe that the current prize limits inhibit sales as few lotteries offer the current maximum prize, but there is scope to allow for an uplift in this limit, particularly if linked to an increase in per draw sales.**

Across the society lottery sector, the amount currently spent on prizes remains low in all but the largest schemes, normally those run under an umbrella brand. In part, this is likely to be because for many societies, the good cause, rather than the prize, is the primary motivating factor for playing. Also, after covering expenses and returns to the good cause, the proceeds of the lottery do not accommodate a high prize payout. As society lotteries otherwise offer a similar player experience, with number-based draws and a chance to win a jackpot, or smaller prizes through scratchcards, this may constitute an important difference in consumer participation between The National Lottery and society lotteries. The unique nature of each good cause may also help limit substitution between society lotteries.

The society lottery sector has argued for a significant uplift in maximum prizes, and argued that this would help increase returns to good causes. We have considered these views carefully. Academic literature on National or State Lotteries suggests that jackpot size may increase demand for lotteries. This is however based on evidence on the impact of higher jackpots resulting from rollovers as opposed to increasing prize limits. International comparisons suggest that the jackpot and the effective price (i.e. cost of the ticket minus the probability of winning) both separately affect lottery demand to some degree. In practice, the literature indicates that the impact of higher jackpots is relatively small, with a £1 million increase in the jackpot driving at most about £50,000 of additional demand for the lottery, when the total prize pool is kept constant. As we are not aware of any research on the impact of jackpot size on society lottery play, where player motivations may differ, it should not be assumed that this finding will track directly across the sector.

There is little research into the impact of large 'aspirational' prizes on state lotteries, and whether a relaxation of prize limits could drive competition with The National Lottery. We know that high jackpots drive sales, but not the specific effect on society lotteries. We are also seeking views on whether there is merit in reducing the maximum prize to £250,000. This option could cement the distinction between society lotteries and The National Lottery, ensuring that aspirational, life-changing prizes remain the preserve of the latter.

### Consultation options

- **Individual per draw prize limits**
  - Retaining the current limit of £400,000;
  - **Raising the limit to £500,000 (Government's preferred option)**;
  - Raising the limit to £1 million;
  - Reducing the limit to £250,000.

#### Retaining the current limit

- This would be combined with maintaining the individual per draw sales limit at its current level, £4 million.
- Although the Gambling Commission only started collecting data on the maximum prizes offered by society lotteries in April 2018, we know already that the majority of lotteries do not offer the top prize.

#### Raising the limit to £500,000 (Government's preferred option)

- This would be the maximum individual draw prize limit should we increase the individual per draw sales limit to £5 million, our preferred option, as at present, the maximum prize is either £25,000 or, if more, 10% of the proceeds of the lottery.
- An increase in the individual per draw prize limit to this level would be a positive response to those in the sector requesting greater flexibility to allow them to offer a larger prize, whilst remaining distinct from the life-changing prizes offered by The National Lottery, although it would parallel the current top prize offered by the Thunderball game.

#### Raising the limit to £1 million

- The call for an increase in the individual draw prize limit to £1 million was made by the Lotteries Council, coupled with its call for an increase in per draw sales to £10 million. However, we are only aware of one lottery (the Health Lottery) that is actively looking to offer such a prize.
- This would be a significant increase from the current limit, and runs the risk of bringing society lotteries into closer competition with The National Lottery.
- There is no evidence that current sales levels are such that a £1 million prize could realistically be offered for some time, unless we also changed the rule that the individual prize limit should be no more than 10% of sales.
- We believe that the 10% rule should be retained, to ensure that the primary purpose of society lotteries as catalysts for raising money for good causes is maintained.

#### Reducing the limit to £250,000

- Society lotteries are cause driven, rather than prize driven, and as such a reduction is likely to maintain the distinction between the sector and The National Lottery and ensure that a high proportion of proceeds goes to support good causes, rather than being returned to players.



- We do not have data on the maximum prizes currently offered, though we know many are already comparatively modest and well below this figure. Therefore a reduction would limit the freedom societies have to choose how best to run their lotteries, and may increase admin costs for lotteries who have to revise their business models, at least in the short-term.

### **Retaining the requirement that the maximum prize be no more than 10% of draw proceeds**

**We recommend that the 10% rule be retained, to ensure that the primary purpose of society lotteries as catalysts for raising money for good causes is maintained.**

The Lotteries Council has proposed that the individual top prize a lottery can offer be increased from 10% of proceeds (where that would exceed £25,000), to 50%. We believe this is to enable lotteries to offer higher prizes without necessarily achieving the respective higher sales levels.

The primary purpose of a society lottery is to raise funds for good causes. Allowing a lottery to use 50% of proceeds for prizes has the potential to turn the focus of that lottery away from fundraising as such. Indeed it is notable that many large charity lotteries offer prizes far lower than the current permitted maximum.

If we were to raise the per draw sales limit to £5 million, increasing this cap to 20% would allow society lotteries to offer a £1 million prize, and 50% would enable a maximum prize of £2.5 million.

Most society lotteries do not in any case currently offer top prizes up to the current limits, so allowing a greater percentage of sales to be used to facilitate higher prizes might only be beneficial to a small part of the sector.

A 50% prize could also pose wider problems for a society if the prize were drawn from proceeds rather than donated, as it would limit the amount available for other prizes, good causes and expenses to 50% - meaning societies may either reduce their good cause contribution to the statutory minimum of 20% or be unable to meet some costs due to a high level of prize payout.

A further option would be to retain a cap on the level of prize that a society can offer but increase the per draw sales limit. This would enable societies to sell more tickets, but would ensure that prizes are kept at a lower level and that more of the increase proceeds went to support good causes rather than be returned to players. **We are therefore interested in views on whether there is merit in increasing the per draw sales limit to £10 million if the maximum prize is capped at Government's preferred option of £500,000.**

## 2.3 Annual sales limits

It could be argued that the current annual sales limit of £10 million is more restrictive than the individual per draw limit, and is causing significant issues in combination with the per draw limit. Societies are having to circumvent the rules by setting up additional new distinct societies to enable them to raise more funding for good causes, and thus incurring additional administrative costs. We are therefore proposing to raise the annual limit to £100 million. This would encourage more sales, but taken alongside the per draw sales and prize limits would retain the distinct nature of the society lottery sector in contrast to The National Lottery.

The annual sales limit has not been increased since the introduction of the Gambling Act 2005. We are concerned that the current £10 million annual sales limit could restrict the fundraising activities of large society lotteries and propose that this be raised.

Table two shows that although the number of operators within the 20% limit is small, it is steadily growing and has increased from three in 2012-13 to 27 in 2016-17. In addition, a number of societies operating lotteries close to the £10 million limit, such as Macmillan Cancer Support have chosen to adopt a different structure, with multiple separate societies operating under a main charity, in order to continue growing.

Through submissions to the Call for Evidence, we are aware that running lotteries across multiple societies adds significant costs. The Lotteries Council estimated that the administrative costs of setup could total £10,000 in the first year. One operator reported that the cost of setting up a new lottery (including promotion, marketing, and an additional prize fund) came to £141,740. The subsequent running costs were estimated to be approximately £88,937 by another operator.

**Table 2: Actual number and percentage of licensed societies operating within 20% of the current annual proceeds limits**

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
<b># draws</b>	<b>11,475</b>	<b>12,462</b>	<b>12,900</b>	<b>13,137</b>	<b>13,682</b>	<b>14,281</b>
<b># operators running lotteries</b>	<b>440</b>	<b>442</b>	<b>438</b>	<b>428</b>	<b>436</b>	<b>432</b>
<b># operators within 20% £10m p.a. limit</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>9</b>	<b>15</b>	<b>27</b>
<b>% operators within 20% £10m p.a. limit</b>	<b>0%</b>	<b>0.67%</b>	<b>0.46%</b>	<b>2.10%</b>	<b>3.42%</b>	<b>6.14%</b>

Source – Gambling Commission Lottery returns (2011 to 2017). Data only relates to large society lotteries.

### Consultation options

- **Annual sales limits**
  - Retaining the current limit of £10 million;
  - Raising the limit to £50 million;
  - **Raising the limit to £100 million (Government's preferred option).**

The current annual sales limit is causing significant issues in combination with the per draw limit. There is a misalignment between the per draw sales limit of £4 million and the annual sales limit of £10 million which may only allow up to two annual lottery draws.

We have heard clear evidence from the sector about how the current limit is restricting their abilities to fundraise, with some societies only able to hold two draws per year. Frustratingly, the lack of alignment between the current per draw and annual limits means that successful societies reaching the top of current limits are unable to hold a third draw as to do so would take them over the annual threshold. Our proposal to raise the per draw limit to £5 million sales would address this misalignment, but would still see societies only able to offer a maximum of two draws.

In order to navigate their way around this, some societies, including major charities, have been setting up additional new societies to enable them to raise more funding for good causes, and thus incurring additional administrative costs, potentially amounting to tens of thousands of pounds. The Government therefore believes that it is sensible to increase the annual limits to enable societies to sell more tickets annually, which will potentially resolve both issues of allowing more draws and reducing the administrative burden of multiple licensing in a way which will maintain the distinction between society lotteries and the National Lottery.

#### Retaining the current limit

- Retaining the current limit would restrict further growth in the sector and thus their ability to raise funds for good causes, particularly if we were to increase the per draw limit.

#### Raising the limit to £50 million

- Raising the annual sales limit to £50 million would allow larger societies to grow substantially before hitting the upper limit, and may assist in long-term fundraising plans.
- A higher annual limit allows greater flexibility for societies to offer either larger draws, or more frequent draws. Some societies hold successful large raffle-style lotteries, or a combination of large quarterly raffles to complement and grow a weekly subscription. This can leave little left over for regular smaller weekly or monthly lotteries.
- At this limit, societies could hold a weekly lottery of c. £961,538 proceeds, with a top prize of £96,154; a monthly lottery of c. £4.2 million with a top prize of over £416,000;

or 12 lotteries in any year reaching the current maximum individual lottery proceeds limit of £4 million.

**Raising the limit to £100 million (Government's preferred option)**

- Raising the annual sales limit from £10 million to £100 million was a key request from the sector, including the Lotteries Council and the Institute of Fundraising, and was also the Gambling Commission's recommended option. This will enable them to raise significantly more money for the good causes they support.
- Allowing a significantly higher level of annual sales would allow the society lotteries sector to continue to grow, rule out the need for further increases in the foreseeable future, and align the sales limits with the proposed increases in prize and individual per draw sales limits.
- The Gambling Commission advise that increasing the annual limit to £100 million will not affect The National Lottery as there would still be significant limits on society lotteries prizes and individual per draw sales.
- Although this is a significant change, the per draw caps mean that societies will not be able to compete with the National Lottery, as under the preferred options in this consultation the proceeds of a single draw could not exceed £5 million sales, or have a prize higher than £500,000 (and would also be limited to twenty draws a year for a prize of this size).
- Increasing to this limit has the potential to reduce administrative costs by removing the need for some societies to adopt an umbrella structure or reducing the number of societies they operate.

## Chapter 3: Small Society Lotteries

### Consultation Options

Changing the thresholds at which smaller society lotteries would require a Gambling Commission licence would bring more lotteries into a lighter touch regulatory regime, and therefore reduce regulatory burdens.

- **Individual per draw sales limits**

- Retaining the rule that a society lottery is small and does not require a Gambling Commission licence if its proceeds cannot exceed £20,000;
- Raising the limit to £30,000;
- Raising the limit to £40,000.

**(Government has no preferred option)**

- **Annual sales limits**

- Retaining the rule that a society lottery is small if the aggregate proceeds of society lotteries promoted by that society in that calendar year do not exceed £250,000;
- Raising the limit to £400,000;
- Raising the limit to £500,000.

**(Government has no preferred option)**

Small society lotteries do not require a Gambling Commission licence but must be registered with the local authority in the area where the principal office of the society is located. A small society lottery is defined in the Gambling Act 2005 as:

- a lottery for which the arrangements are such that its proceeds may not exceed £20,000 for a single draw; or
- a lottery promoted by a society where the aggregate proceeds from all such lotteries promoted by that society do not exceed £250,000 in that calendar year.

This allows small society lotteries to operate at a minimum cost and a low level of regulatory burden.

**There has not been a strong call from the sector for us to change sales limits for small society lotteries, but increasing the limits would help towards our objective of minimising the administrative and regulatory burdens.**

### 3.1 Sales limits

The limits for small society lotteries have not been changed since the Gambling Act 2005 came into force in 2007. Despite this, feedback received by the Gambling Commission in response to a survey of local authorities suggests that current limits are not perceived as restrictive. Indeed some societies choose to be licensed with the Commission despite operating lotteries beneath the threshold required to do so.

By increasing the level at which lotteries become regulated by the Gambling Commission, we would significantly reduce the regulatory burden on the smaller large lotteries by moving them into a lighter local authority regime. The Commission advise that shifting this burden onto local authorities may impose a risk on their capacity to regulate an increased market. Local authorities receive fees to register and monitor lottery operations, but may not have the capacity to actively regulate an increased number of operators.

There would also be other considerations. For example, the law currently provides that once a society promotes a large lottery, none of the other lotteries which it promotes can be a small society lottery until the end of the fourth calendar year after the large lottery was promoted (paragraph 31(5) of Schedule 11 to the 2005 Act). If the limits are changed, we would need to consider how to apply the new limits and what regulatory changes might be required to deal with this requirement, for example through transitional arrangements. There may also be an impact on the current fee categories for Gambling Commission licences, and we are aware that the limit for small society lotteries has been applied as the threshold for other requirements, such as the limit for the remote ancillary licence and particular technical standards. The Gambling Commission may wish to review those areas for consistency of approach, should the limits change.

**We are consulting on proposals to retain the current limits, or to amend individual per draw sales limits to £30,000 or £40,000 and annual sales limits to £400,000 or £500,000. The two options are not linked, and Government has no preferred option.**

The tables below set out the Gambling Commission's estimates of how many operators and draws would be impacted.

**Table 3: Impact of raising the Individual draw threshold for small society lotteries**

<b>(2016-17) Raising the individual draw threshold to ...</b>	<b>to £30,000</b>	<b>to £40,000</b>
# Individual draws in scope*	11,590	12,319
% of total individual draws*	81%	86%
Average extra per local authority	31	32

Source – Gambling Commission Lottery returns (2016-17)

**Table 4: Impact of raising annual proceeds limit for small society lotteries**

<b>(2016-17) Raising the annual draw threshold to ...</b>	<b>to £400,000</b>	<b>to £500,000</b>
# operators in scope	196	224
% of all operators	45%	52%
Average extra per local authority	0.54	0.62

Source – Gambling Commission Lottery returns (2016-17)

Local authorities have also expressed concern regarding resource pressures of regulating increased numbers of small societies. We note that local authorities are able to recoup some costs through charging a registration fee and an annual fee.

## Chapter 4: Implementation

Changes to sales and prize limits can be implemented using the Secretary of State's powers under s99 of the Gambling Act 2005 (for large lotteries) and paragraph 60 of of Schedule 11 of that Act (for small lotteries) to vary the limits via a statutory instrument.

The limits are also detailed in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), which would need to be amended to match any changes to the legislation. The Gambling Commission may consult on how the LCCP ensures compliance with any legislative change separately.

## Chapter 5: Consultation Questions

Please note the questions below are for reference only. **ALL Consultation responses should be submitted via the online survey.**

### Large Society Lotteries

*Do you consider that the individual per draw sales limit should be amended?*

- No - the limit should remain at £4 million
- Yes - the limit should be reduced to £2.5m
- **Yes - the limit should be increased to £5 million (Government's preferred option)**
- Yes - the limit should be increased to £10 million
- Other: please specify

*Do you consider that the individual per draw maximum prize limit should be amended?*

- No - the limit should remain at £400,000
- Yes - the limit should be reduced to £250,000
- **Yes - the limit should be increased to £500,000 (Government's preferred option)**
- Yes - the limit should be increased to £1 million
- Other: please specify

*Do you think that if the maximum prize is capped at Government's preferred option of £500,000, the per draw sales limit should be increased to £10 million, as an exception to the general prize limit of 10% of sales?*

- Yes
- No
- Don't know

*If you run a large society lottery, do you think you are likely to offer higher prizes if we make changes to the maximum prize limits?*

- Yes
- No
- Don't know

*If yes, in what timeframe:*

- Less than 1 year
- 1-5 years
- 5-10 years
- 10+ years

*Do you consider that the annual sales limit should be increased?*

- No - the limit should remain at £10 million (no change)
- Yes - the limit should be increased to £50 million



- *Yes - the limit should be increased to £100 million (Government's preferred option)*
- *Other (please specify):*

#### **Small Society Lotteries**

*Should the sales thresholds for small society lotteries (£20,000 for an individual draw, and a £250,000 annual sales limit) be raised?*

- *Yes*
- *No*

*If yes, what would be an appropriate level for:*

- a) *the individual per draw sales limit*
  - *£30,000*
  - *£40,000*
  - *Other (please specify):*
- b) *the annual sales limit*
  - *£400,000*
  - *£500,000*
  - *Other (please specify):*

*Do you foresee any associated benefit to your company/charity as a result of this proposal (e.g. reduced admin costs)?*

- *Yes (please specify)*
- *No*

*Do you foresee any associated cost to your company/charity as a result of this proposal? If yes, please give details e.g. transitional costs, cost of changes to websites, etc.*

- *Yes (please specify)*
- *No*

*Over the next 5 years, if this proposal was implemented, how much would it cost to make necessary changes?*

- *Less than £1,000*
- *£1,001- £2,000*
- *£2,001 - £3,000*
- *£3,001 - £4,000*
- *Greater than £4,000 (please specify)*

*Do you consider that your customers are playing your lotteries because of the good cause or prize? Which is more important to your customers?*

- *Good cause more than prize*
- *Prize more than good cause*
- *Both*
- *Other (please specify):*

*Would your company/charity change the percentage of proceeds used to payout prizes as a result of this proposal? How would this change?*

*As a result of this proposal would your current advertising practice change in any other way?*

- *Yes (please specify)*
- *No*

*Do you think that as a result of these proposals returns to good causes will increase?*

- *Yes (please specify)*
- *No*

## Annex A: Lottery Sector at a Glance

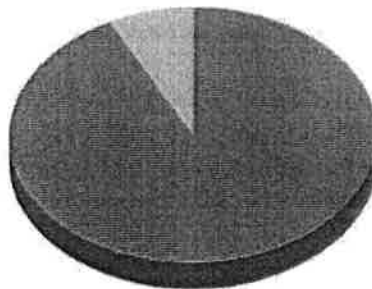
### The National Lottery

- Founded by The National Lottery etc. Act 1993
- Has raised over £37 billion for Good Causes to date
- Funding is distributed by 12 lottery bodies specified by the Act
- In 2016-17 £1.6 billion was raised for good causes.

### Society Lotteries

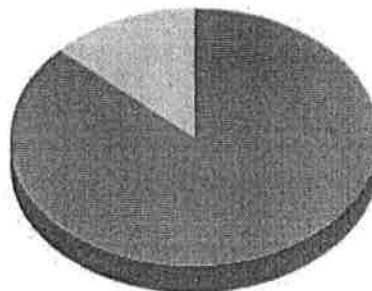
- Governed by the Gambling Act 2005
- Categorised as large or small according to thresholds set by the Act
- In 2016/17 large society lotteries raised approximately £255.56 million for good causes
- 491 non-commercial societies hold 847 large society lottery licences issued by Gambling Commission (2016-17)

### Total Sales (2016/17)



● National Lottery ● Large Society Lotteries

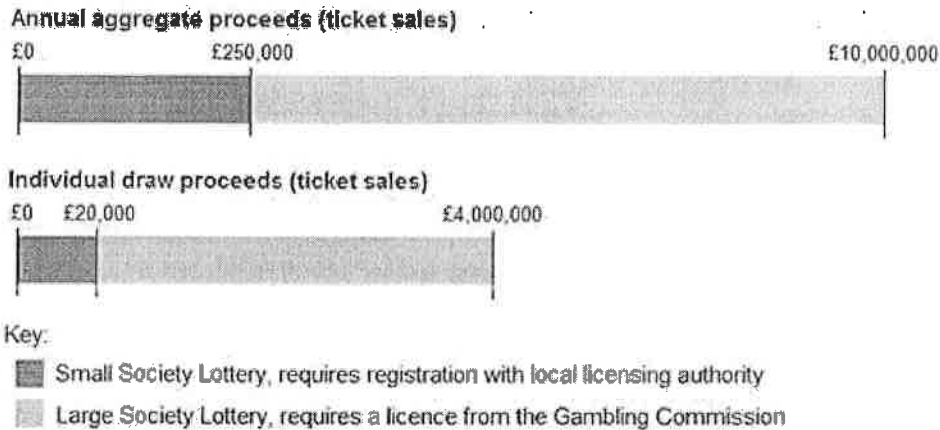
### Total Contribution to Good Causes (2016/17)



● National Lottery ● Large Society Lotteries

## Annex B: Current Regulatory Framework

Under the Gambling Act 2005, non-commercial societies (such as charities and voluntary organisations) must apply to be registered with a local authority to run a small lottery, or be licensed by the Gambling Commission to run a large lottery.



For a large society lottery, the maximum value of tickets that can be sold in respect of any lottery is £4 million, and the maximum aggregate value of lottery tickets in any calendar year is £10 million. The maximum prize in a single lottery is £25,000 or 10% of the proceeds (gross ticket sales), whichever is greater. Therefore, a society that sells the maximum number of tickets in a single large lottery (£4 million) could award a maximum top prize of £400,000. In contrast, the maximum draw size in a small society lottery is £20,000, with the annual maximum aggregate value set at £250,000. The maximum prize is £25,000. These levels apply regardless of whether the prize comes from lottery proceeds or has been donated.

	National Lottery	Large Society Lotteries	Small Society Lotteries
Percentage return to good causes	No minimum  (average 25% from 1994-present)	Must return 20% minimum  (46% average across all large society lotteries)	Must return 20% minimum
Maximum draw size	Unlimited	£4 million	£20,000
Maximum Prize	Portfolio of games: <ul style="list-style-type: none"> <li>• Lotto – unlimited</li> <li>• Euromillions - €190 million</li> <li>• Scratchcards etc – variable prize limits</li> </ul>	Higher of £25,000 or 10% of sales (up to £400,000)	£25,000
Maximum Annual Turnover	Unlimited	£10 million	£250,000
Tax	12% Lottery Duty	None. (ELMs pay corporation tax in usual manner).	None. (ELMs pay corporation tax in usual manner).

## Annex C: Respondents to the Call for Evidence

A New Direction (AND)  
Adur Voluntary Action  
Amgueddfa Cymru  
AMV BBDO  
Anonymous  
APOPO  
Arts Council England  
Arts Council of Northern Ireland (ACNI)  
Arts Council of Wales  
Association of British Bookmakers (ABB)  
Association of British Orchestras (ABO)  
Association of Charity Lotteries in the European Union (ACLEU)  
Association of Chief Executives of Voluntary Organisations (ACEVO)  
Association of Convenience Stores (ACS)  
Association of Independent Museums (AIM)  
Battersea Dogs and Cats Home  
Big Lottery Fund  
Blue Cross  
Book Aid International  
British Film Association  
British Heart Foundation  
British Paralympic Association  
British Red Cross  
British Swimming  
Camelot UK  
Canal and River Trust  
Cancer Research UK  
Cathedral and Church Buildings Division  
Chairs of the 13 Postcode trust X  
Chartered Institute for Archaeologists  
Child & Youth Finance International (CYFI)  
CHILDREN 1st  
Children North-East  
Children's Society  
Community Foundation for Northern Ireland  
County Sports Partnership Network (CSPn)  
Creative England  
Creative Industries Federation  
Creative Scotland  
Cryptic  
Daisy Chain  
Dementia Adventure CIC  
Destined Ltd  
Edinburgh Young Carers Projects  
England and Wales Cricket Board  
England Hockey  
Foundation and Friends of the Royal Botanic Gardens Kew  
Friends of the Earth Scotland

Frontier  
Gibran UK Ltd  
GTECH  
Hafal  
Head4Arts  
Health CICs  
Heritage Lottery Fund  
Historic Houses Association  
Hospice UK  
Independent Theatre Council  
Institute of Fundraising  
Into Film  
Knowsley Council  
Literature Wales  
Livity (individual)  
Llamau  
Local Hospice Lottery Ltd  
London Youth Games Foundation  
Mac Birmingham  
Macmillan Cancer Support  
McColl's Retail Group  
Mid Wales Opera  
Missing People  
Musgrave Retail Partners GB  
My Lotto 24 and Lotto Network  
National Ice Skating Association of Great Britain (NISA)  
National Museum Directors' Council (NMDC)  
National Trust  
NCVO National Council for voluntary Associations  
Ndlovu Care Group  
Nesta  
NfpSynergy  
Northern Ireland Council for Voluntary Action (NICVA)  
One Voice  
People's Health Trust  
People's Postcode Lottery  
Porchlight (individual)  
Poundland  
Quaker Action on Alcohol and Drugs  
Quarriers  
Remote Gambling Association  
RNIB  
Royal Botanic Garden Edinburgh  
Royal Zoological Society of Scotland  
RSPB  
Rural Shops Alliance  
Sadler's Wells  
Save the Children  
Scope  
Scottish Orienteering Association  
Scottish Sports Alliance

Scottish Wildlife Trust  
Sheffield City Council  
Snowsport Scotland  
Somewhereto\_ (individual)  
South Worcester Hospices Lottery  
Southbank Centre  
SPAR (UK)  
Spirit of 2012  
Sport England  
Sport Northern Ireland  
Sport Wales  
SportScotland  
St Raphael's Hospice  
Sterling Management Centre  
Sustrans  
The ASA  
The Bingo Association  
The Churches Conservation Trust  
The Co-operative Group  
The Conservation Volunteers (TCV)  
The Eden Project  
The European Lotteries  
The Fermanagh Trust  
The Heritage Alliance  
The Institute of Conservation  
The Lotteries Council  
The National Archives  
The National Lottery Retailer Forum (individual)  
The Playhouse Derry Londonderry  
The Power to Change  
Tottenham Hotspur Foundation  
UK Sport  
UK Theatre and Society of London Theatre  
Visible Fictions  
Vizeum UK  
Wales Council for Voluntary Action  
Welsh Government  
WHSmith  
Woodland Trust  
World Lottery Association  
WWF World Wildlife Fund

A number of individuals also responded to the call for evidence.