

EAST LOTHIAN

Meeting 27 June 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
3	LODGE ST JOHN KILWINNING NO. 57 MASONIC HALL 71 HARDGATE HADDINGTON EAST LOTHIAN	LODGE ST JOHN KILWINNING NO. 57	17 May 2019	Change to an open licence, include off-sales 10am to 10pm daily, vary Sunday opening hours from 12.30pm to 11am. Receptions, club meetings, music, live performances may be held outwith core hours, Addition of Televised sport, film evenings to the operating plan.
4	PRESTONPANS LABOUR PARTY SOCIAL CLUB STREET ONLY KIRK STREET PRESTONPANS EAST LOTHIAN	PRESTONPANS LABOUR PARTY SOCIAL CLUB	23 May 2019	Variation to premise licence to add a beer garden to the south of the main entrance.

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

EL0242

2(b) Name and Address of Premises

LODGE St JOHN KILWINNING No.57
Masonic Hall
71 Hardgate
HADDINGTON

Post Code EH41 3NX

Phone No.

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

LODGE St JOHN KILWINNING No.57
Masonic Hall
71 Hardgate
HADDINGTON

Post Code EH41 3NX

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

Would propose to change our current club style Licence to an open Licence, with the inclusion of

- Receptions, club and group meetings before the commencement of licensed hours.
- Music and live performances may be facilitated, prior to the commencement of licensed hours.
- We may offer the facility of televised sport to our customers in the future and would therefore wish to have this facility included in our operating plan.
- We may also show recorded films, ie Film evenings/club, we would therefore also wish to have this facility included in our operating plan.

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)

Q2. Retain existing on consumption hours with respect to Monday-Saturday, Move 11:00hrs – 23:59hrs on Sunday.

Q3. We would wish to offer off sales facilities between 10:00hrs-22:00hrs each day.

Seasonal variations-: we wish to take advantage of any general extensions to licenced hours. In respect of any local and national importance including the festive period.

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 change to current layout plan.

3(d) Variation to any other information contained or referred to in the 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.

LODGE St JOHN KILWINNING No.57
Masonic Hall
71 Hardgate
HADDINGTON
EH41 3JN

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	12 Midnight
<i>Tuesday</i>	11:00	23.00
<i>Wednesday</i>	11:00	12 Midnight
<i>Thursday</i>	11:00	12 Midnight
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	12 Midnight

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	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>
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**If YES – provide details*

We would wish to take advantage of any general extension to licensed hours granted in respect of events of national interest, including the festive period.

Question 5

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

COL. 1 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	N/A	N/A	N/A
<i>Conference facilities</i>	Yes	Yes	Yes
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>			
<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	Yes
<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	Yes
<i>Live performances –</i> <i>see 5(g)</i>	Yes	Yes	Yes
<i>Dance facilities</i>	Yes	Yes	Yes
<i>Theatre</i>	Yes	Yes	Yes
<i>Films</i>	Yes	Yes	Yes
<i>Gaming</i>	Yes	Yes	Yes
<i>Indoor/outdoor sports</i>	Yes	Yes	Yes
<i>Televised sport</i>	Yes	Yes	Yes
<i>5(d)</i>	<i>Please confirm</i>	<i>To be provided</i> <i>during core licensed</i>	<i>Where activities are</i> <i>also to be provided</i>

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

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

Lunch Club, Haddstock Music festival or similar, TV may be purchased in the future. We could be a venue for film club and similar activities

To be clear no alcohol will be supplied at activities out with our core hours, except on the grant of an occasional licence

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.

Fund raising events such as poker, casino or race nights.

Club presentation nights. Suppers, Dances and any other events deemed appropriate.

To be clear no alcohol will be supplied at activities out with our core hours, except on the grant of an occasional licence

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?	NO*
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When fully occupied, are there likely to be more customers standing than seated?	NO*
*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 and young persons will be allowed entry when alcohol is being sold. They will be excluded from the Kitchen and cellar.

They will maintain the minimum distance from the bar as per current regulations and any future changes to the laws.

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

All ages will be permitted entry, provided they remain under the guardianship of their Parents/Guardian/family

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

Children and Young persons watershed will be 22:00hrs when they will vacate the premises, With the exception of attending a pre organised event

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 excluded from the Kitchen, cellar and immediate bar area.
Only passing through the bar area to access the toilets and the temple area, Temple area may be used for special functions, ie Childrens Christmas parties and exhibitions.

Question 7

CAPACITY OF PREMISES

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

On Sales-100

Question 8

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

Personal details

8(a) Name

FALKO MANFRED BURKERT

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

[REDACTED]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
7 th August 2017	East Lothian	EL1418

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 15/05/19

Capacity RIGHT WORSHIPFUL MASTER (CHAIRMAN) APPLICANT/AGENT (delete as appropriate).

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.

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



CALLUM COLBURN

(See note 5 below)

Date

15/05/19

Capacity: APPLICANT (delete as appropriate)

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

.....
.....
.....

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

FOR OFFICE USE ONLY

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

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 **£200**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£220** (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

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

Business Profile

Please describe your business offering.

We are one of the oldest Masonic Lodges in the world, having been in existence for at least 5 Centuries.

We currently operate as a Masonic Lodge/social club and host other Masonic Groups i.e The Royal Arch, the premises also allow occasional functions.

We have recently had a request to allow a lunch club to use the premises, whilst the Corn Exchange undergoes an extensive refurbishment.

The Royal British Legion (Haddington branch) recently reformed, this is made up with a large proportion of lodge members, They have held several meetings within the premises.

The local business association have also used the premises to hold meetings

Last year the premises were one of the venues to accommodate local talent at Haddstock, live music performances.

Local bands have used the lodge for practices/rehearsal

As there is a lack of small local venues in the Town of Haddington, we wish to make our premises more readily available, to allow for community groups, local clubs and families an alternative venue for social functions and fund raising.

We have a large building that is vastly underused, As a lodge we currently hold 16 meetings a year, predominately on a Monday evening, September to April. Currently attracting 30-50 members.

The Royal Arch chapter meet 8 times per annum on a Wednesday evening. Previously the Eastern Star met on a Thursday but are currently in abeyance.

There is a possibility that in the future we may resurrect a pool and dart team to compete in the local league, Normally mid week.

We would very much like to increase the buildings use and we are currently undergoing external and internal work to the building to enhance its appearance.

Having the opportunity to allow patrons to use the building more freely would benefit the community and the Lodge.

meals will be prepared on the premises for the lunch club and burns suppers, installations etc. in our Kitchen that has a current health and hygiene certificate.

(extend this box if you require additional space)

On/Off Consumption	
(a) Please describe the type of business you intend to operate in respect of On consumption.	a) <u>We offer drink sales and occasional food, buffets (self supplied)</u>
(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries	b) <u>Some of the patrons are drivers and would like the opportunity to take alcohol away</u>

Clarification is required in relation to the content of your proposed Operating Plan
(extend the boxes below if you require additional space)

To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

We have a building that we would like to offer on request for conferences or as a training facility, i.e First Aid, Road/Bike safety talks(held in the past)

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

We would like the facility, to hold Weddings, Birthday, Funerals, retirement and any other social event that the lodge could accommodate. We currently have 6 trained staff and a premises manager,(voluntary). In general, we currently have about 6-10 occasional functions per year. The frequency would be, if and when required, normally a Friday or Saturday evening, not usually both! I can only estimate but I can only suggest 2 per month

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming;

Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

If in the future we purchase a TV and license I would envisage weekends only and for major sports, we have no plans to install Sky TV. If a film club or theatre group requested the use of the hall, we would accommodate.

Live bands play in the premises several times a year, We would like to accommodate more local live talent in the future. Possibly monthly.

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

We do not have the facility to accommodate any outdoor drinking

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

There may be rare occasions when we have adult only acts. This would adult guest speakers and comedians, with adult humour and content, No persons under the age of 18 will be permitted on the premises at those times.

Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

We have had a request to host a lunch club, they will require to be on the premises at 0900hrs to prepare for the meal. At present the lunch club is still accommodated at the corn exchange and cater for 10-14 elderly pers. Should the lunch club take up the offer of our premises, it is estimated that it will be for a 9 month period.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Unable to confirm any frequency, as we have had limited enquires to the buildings availability.

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

No changing facilities at the moment, we are upgrading the premises and will utilise the disabled toilet as the baby changing area and a baby changing unit will be installed as soon as reasonably practicable, if necessary.

Licensing Objectives - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

- **Consider underage drinking-check ID of persons who look under 21**
- **Staff are trained to monitor individuals behavior**
- **Offering non-alcoholic drinks at reasonable and affordable prices**
- **Provide tap drinking water free of charge**
- **Keep staff training records up to date**
- **Correct signage in place**
- **Continue to discourage drink driving**
- **Seek membership of pubwatch**

Securing Public Safety:

- **Ensuring all fire risk assessment are up to date,**
- **Carry out a full risk assessment and keep updated**
- **First aid kit on premises,**
- **Where possible, have a first aider on site**
- **Staff will ensure the building does not exceed maximum capacity**
- **Effective and responsible management of the premises**
- **Adequate number of suitable trained staff**

Preventing Public Nuisance:

- **Adhere to any local conditions imposed by EL Licensed Board**
- **Appropriate bar staff training to prevent public nuisance**

- Allow adequate “drinking up” time
- Monitor noise levels, reduce if necessary
- Call Police Scotland for assistance if necessary
- Join pub watch

Protecting and Improving Public Health:

- Ensure customers know the alcohol level of drink and measures
- Low alcohol/non-alcoholic drinks available
- Tap water available free of charge

Protecting Children and Young Persons From Harm:

- Young people and Children always accompanied by responsible adult
- Monitor behaviors
- Challenge any inappropriate behavior
- Ensure Alcohol is inaccessible to children and young people
- Refuse to serve a person who appears to be underage

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

5 staff currently trained and records in place
 1 x Personal License holder
 1 awaiting refresher training
 1 other will undergo training in the near future

Supporting Comments: i.e. reasons why the Board should support your application.

Haddington has a lack of affordable premises to hold social functions and fund raising events. It can also be used for community groups, ie Lunch club, business Association meetings, Royal British Legion/ex-service men/women club and other users
 The Masonic Lodge has a facility that is underused and would benefit the community in the future.

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature			Date	15/05/19.
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①

HAND DELIVERED.

East Lothian Council
Licensing

29 MAY 2019

Received

28th MAY 2019

YOUR LETTER

K MAC N / MJW / EN / L / L 1

DEAR SIR / MADAM

I refer to your recent correspondence to the council which I have noted and my comments are as follows.

I have no desire to return to the previous occasions when party goers were using my two living room windows as a "park bench" while consuming these various alcoholic beverages purchased from the hedge.

Foul and offensive language was clearly audible to all in my house including friends and my grandchildren who were visiting at those times.

Plus mugs and half empty beer bottles were regularly left on my window sills for myself or my wife to dispose of on Friday, Saturday and Sunday mornings. Further more the chaos between my house and the hedge was being used as a public toilet.

On more than one occasion the police had to be in attendance for various fights and brawls which on two occasions spilled on to the main road causing traffic disruption.

P.T.O.

(2)

These are some of the facts that I base my total objection to a review of this because Surely this cannot be acceptable given the location and the higher risks involved. as my previous comments highlights.

Finally the residents in [redacted] and [redacted] have asked that these objections be noted in this letter

The resident in [redacted] being in the same facts as mine, [redacted] however has requested that the objection he would like to mention is that the "smoking area" at the hedge is directly adjacent to his bedroom. as he works shifts and worked work the noise generated from this area seriously will affect his sleep pattern, as it did previously.

There are not all of the reasons for the total objections of myself and my two neighbours but certainly enough for you, to totally reject the application

I await your early responses

Yours Faithfully

[redacted]

[redacted]

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

Date 11th June 2019
Your Ref
Our Ref JS/EO/fb
Enquiries to Jim Sherval
Extension 35436
Direct Line 0131 465 5436
Email jim.sherval@nhslothian.scot.nhs.uk

Dear Ms Winter

MAJOR VARIATION APPLICATION - LODGE ST. JOHN KILWINNING

With respect to this application for a variation to the license, NHS Lothian is submitting a representation regarding the proposed hours and the request for an off-sales license on the grounds of Protecting and Improving Public Health.

This application is proposing to change from a club license to an open licence. We therefore feel that the licensing hours should be in line with those of the East Lothian Alcohol Licensing Policy. When developing the Licensing Policy, the Board reached their decision regarding the terminal hour after due consideration of the evidence and in order to uphold the 5 licensing objectives. Section 17.2 states that *"The Board considers that the on sale policy hours are appropriate for East Lothian and represent a balance between the interests of the public, residents, licensed businesses and patrons of licensed premises."*

The proposed terminal hour for Monday and Wednesday of 12 midnight is not in keeping with the Board policy of 11pm on these days. We are aware that the premises already has a terminal hour of 12 midnight for Tuesdays, granted under the premise's status as a private members club. As the applicants are seeking a transfer to an open license, it would seem appropriate therefore that a terminal hour of 11pm for Monday and Wednesday is made a condition of the license.

The premises is also seeking off-sales. The NHS is particularly concerned about the increases and impact of sales of alcohol from off-sales premises, given that nearly 75% of all alcohol sold in Scotland is from off-sales premises and that Haddington has some of the highest density of alcohol outlets in East Lothian (<https://creshmap.com/shiny/alcoholtobacco/>). Therefore we would request that careful consideration should be given by the Board to the potential of increasing availability of alcohol in this area from off-sales given the concerns regarding levels of alcohol-related harm associated with high outlet density (<https://www.alcohol-focus-scotland.org.uk/campaigns-policy/availability-and-licensing/>).



Headquarters
Waverley Gate
2-4 Waterloo Place
Edinburgh EH1 3EG

Chair Brian G. Houston
Chief Executive Tim Davison
*Lothian NHS Board is the common
name of Lothian Health Board*

Yours sincerely



ELIZABETH OLDCORN
Senior Health Promotion Specialist



JIM SHERVAL FFPH
Consultant in Public Health

Date 22/05/2019

Your Ref: EL242

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

John McKenzie
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith
EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
LODGE ST JOHN KILWINNING No. 57
MASONIC HALL, 71 HARDGATE, HADDINGTON, EAST LOTHIAN, EH41 3JN.
Lodge St John Kilwinning No.57**

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 request to operate as an 'open licence' as opposed to the current 'club licence'. To vary the operating plan and to increase the licensed hours with the addition of 'off sales'.

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

I would request that the premises join and be an active member of the Pub Watch scheme that operates within Haddington.

The club should also consider, if they haven't done so already, installing CCTV as a crime prevention measure.

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

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 04 June 2019

LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

LODGE St John Kilwinning No. 57, East Lothian EH41 3NX

I refer to the above subject and can confirm that the LSO has visited the premises and met with Mr Colquhoun, Lodge Chairman, regarding this application.

This application is to change the status of the club licence to an open licence. This means that the Lodge will be able to remove the need for only members and signed in guests to use the premises, except on the grant of the limited number of 12 Occasional Licences per annum, which is a facility only permitted to clubs and voluntary organisations. The Lodge will then be able to openly advertise events, functions and the like to non-members. It will create the opportunity to raise finance to support the upkeep and improvements to the premises that membership fees do not realise. As suggested by the applicant, this type of change of status can be used to open up club premises, which have restricted access, to allow more use of affordable halls, function rooms and spaces that there is normally a shortage of in small communities.

The Lodge currently has the following licenced hours:

Licensed hours		
ON SALES		
<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	12 Midnight
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	12 Midnight
<i>Thursday</i>	11:00	12 Midnight
<i>Friday</i>	11:00	01.00
<i>Saturday</i>	11:00	01.00
<i>Sunday</i>	12:30	12 Midnight

OFF SALES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Although the on consumption hours on Monday and Wednesday are outwith policy, these were granted at the time of transition to the new licensing regime to accommodate Lodge meetings. In this respect there have been no identified licensing problems.

I submit this report for the information of the Board in determining this application.

R. Fruzynski
Licensing Standards Officer