

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	<p>LODGE ST JOHN KILWINNING NO. 57 MASONIC HALL 71 HARDGATE HADDINGTON EAST LOTHIAN</p>	<p>LODGE ST JOHN KILWINNING NO. 57</p>	17 May 2019	<p>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.</p>
4	<p>PRESTONPANS LABOUR PARTY SOCIAL CLUB STREET ONLY KIRK STREET PRESTONPANS EAST LOTHIAN</p>	<p>PRESTONPANS LABOUR PARTY SOCIAL CLUB</p>	23 May 2019	<p>Variation to premise licence to add a beer garden to the south of the main entrance.</p>

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

EL 0258

2(b) Name and Address of Premises

PRESTONPANS LABOUR PARTY SOCIAL CLUB
5 KIRK STREET
PRESTONPANS

Post Code	EH 32 9EA	Phone No.	01875 810876
------------------	-----------	------------------	--------------

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

ANTHONY JOHN COURTNEY HARRIS

Post Code		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

PROPOSE TO USE GROUND TO THE SOUTH OF
MAIN ENTRANCE AS A BEER GARDEN

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)

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.

USAGE OF PAVED AREA ADJACENT TO SOUTH
DOOR AS A BEER GARDEN.

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 **£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

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  (See note 5 below)

Date 14/05/19

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 **Phone:** 01620 827217 / 827867 / 820114
Licensing Office **Fax:** 01620 827253
John Muir House **Email:** licensing@eastlothian.gov.uk
Haddington, East Lothian
EH41 3HA

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

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 WOULD LIKE TO PROVIDE OUTSIDE SEATING FOR UP TO 30 PEOPLE IN A BEER GARDEN WHEN WEATHER IS SUITABLE STAFF WOULD BE ATTENDING AREA REGULARLY TO CLEAN TABLES ETC. NO MUSIC OR TV WOULD BE AVAILABLE.

(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) -

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

b)

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:

NONE

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:

NONE

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:

NONE

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:

THE PROPOSAL IS FOR A BEER GARDEN SEATING APPROX 30 PEOPLE. THE STAFF WILL MONITOR THE AREA REGULARLY, AND THE AREA IS COVERED BY CCTV.

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: WE HAVE PROMINENT NOTICES DISCOURAGING ILLEGAL SUBSTANCES. WE HAVE LITTER BINS AND PROMINENT LIGHTING OUTSIDE. WE HAVE AN INCIDENT BOOK WHICH INCLUDES REFUSALS AND ACTIONS TAKEN BY STAFF. CUSTOMERS ARE MONITORED BY CCTV. WE HAVE ASKED COMMUNITY POLICE OFFICERS TO VISIT WHEN AVAILABLE WITHOUT PRIOR NOTICE. WE HAVE SECURITY POLICIES AND REGULAR TOILET CHECKS.

Securing Public Safety: WE CARRY OUT DYNAMIC RISK ASSESSMENTS DAILY. WE HAVE AN EFFECTIVE AND RESPONSIBLE MANAGEMENT SYSTEM. OUR CCTV SYSTEM IS EFFECTIVE AND WE MAKE IT AVAILABLE TO POLICE FOR OTHER INCIDENTS OUTSIDE OUR PREMISES. ALL FURNITURE WILL BE STORED AWAY AT CLOSING TIME. ALL PATRONS ARE ENCOURAGED TO BE SEATED, DISCOURAGING VERTICAL DRINKING. FIRST AID; SENIOR STAFF ARE TRAINED, FIRST AID KITS READILY AVAILABLE. ELECTRICS, GAS AND HEATING REGULARLY TESTED. PREMISES ARE ALWAYS CLEAN AND TIDY.

Preventing Public Nuisance: WE ADHERE TO CONDITIONS IMPOSED BY LICENSING BOARD AND PLANNING DEPT. STAFF ARE TRAINED TO PREVENT PUBLIC NUISANCE. PATRONS ARE PROPERLY MANAGED ENTERING AND LEAVING. WE HAVE AN EFFECTIVE POLICY ON NOISE INDOOR AND OUTDOOR. WE WILL PURCHASE TYPE S GLASSES IF LICENSE GRANTED. THERE WILL BE NO MUSIC OUTSIDE. WE DON'T ALLOW 18TH BIRTHDAY PARTIES.

Protecting and Improving Public Health: WE WILL PROMOTE MODERATE DRINKING AND GUIDELINE ~~SEE~~ SCHEMES. WE WILL ALSO DISPLAY ANTI DRINK DRIVING LITERATURE. NON ALCOHOLIC DRINKS ARE REASONABLY PRICED, AND TAP WATER AND ICE ARE FREE. THE STAFF ARE TRAINED TO REFUSE PATRONS WHO APPEAR DRUNK. THE COMMITTEE ARE IN DISCUSSIONS REGARDING A DEFIBRILLATOR. WE COMPLY WITH THE LEGISLATION REGARDING RESPONSIBLE DRINKS PROMOTIONS.

Protecting Children and Young Persons From Harm: DYNAMIC RISK ASSESSMENT FOR AREAS WHERE CHILDREN HAVE ACCESS. COMMITTEE WILL DISCUSS A POLICY ON SEXUAL EXPLOITATION AT NEXT MEETING, 21ST MAY. CHILDREN ARE EXCLUDED FROM GAMING MACHINES AND BAR SERVING AREA. HIGH CHAIRS WILL BE AVAILABLE. WE DO NOT APPROVE OF 'ADULT ENTERTAINMENT' AS WE ARE A FAMILY FRIENDLY CLUB.

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:

N/A

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:

N/A

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:

N/A

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.

WE HAVE BABY CHANGING FACILITIES IN THE DISABLED TOILET.

[Empty box]

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

WE WILL PROVIDE A TEMPORARY BARRIER TO SEPERATE THE CLUB PREMISES FROM THE PUBLIC FOOTPATH WHEN THE AREA IS IN USE.

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

WE HAVE A GOOD RELATIONSHIP WITH THE LOCAL POLICE, AND HAVE A GOOD RECORD REPUTATION AS A WELL RUN CLUB, OPEN TO ALL IN THE COMMUNITY AND FURTHER AFIELD.

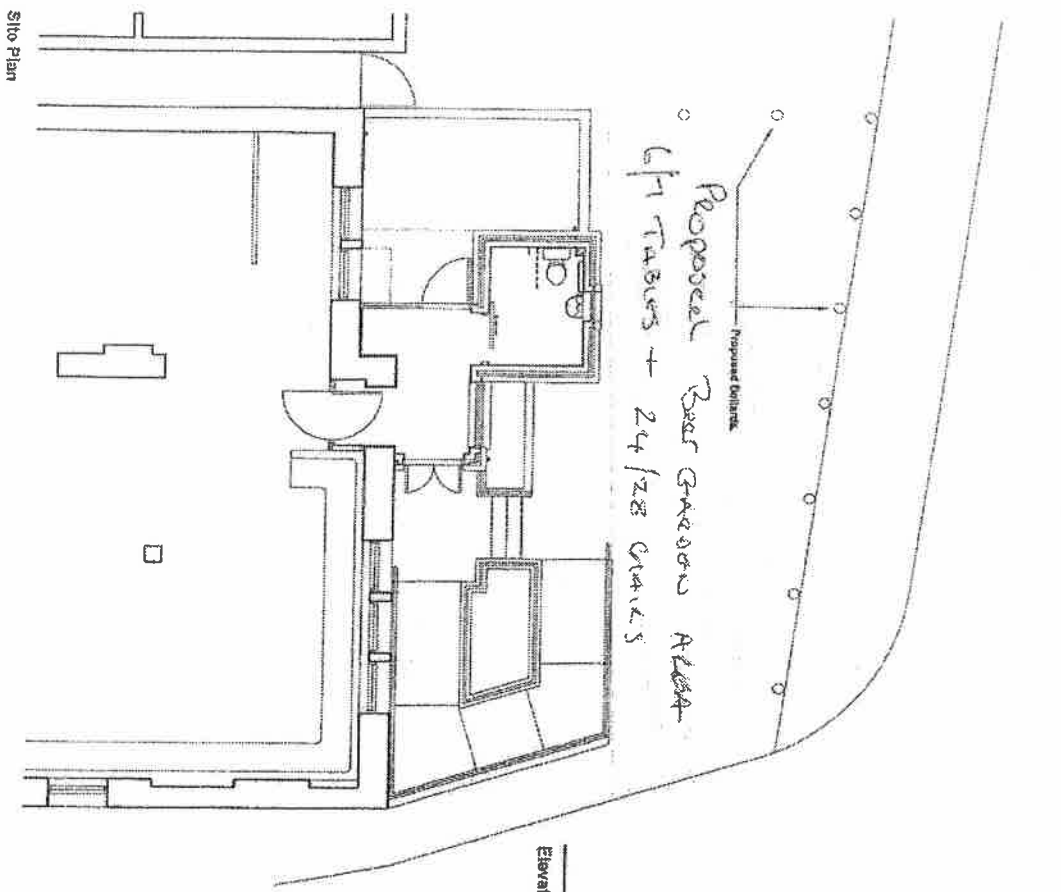
SIGNATURE AND DECLARATION BY APPLICANT

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

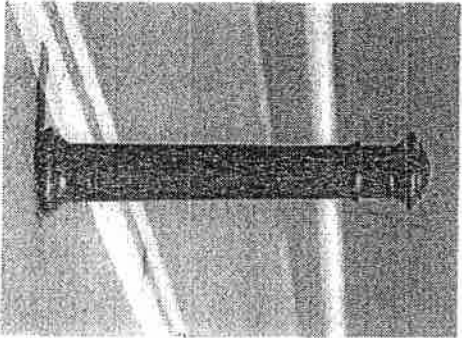
(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature		Date	14/05/19
-----------	---	------	----------



Elevation of Bollards



PRESTON PANS CARBON CLUB

Date 27/05/2019

Your Ref: EL258

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
PRESTONPANS LABOUR PARTY SOCIAL CLUB
PRESTONPANS LABOUR PARTY SOCIAL CLUB, KIRK STREET,
PRESTONPANS, EAST LOTHIAN, EH32 9EA.
COMMITTEE**

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 vary the layout plan and operating plan to include an outside licensed drinking area to the front of the building.

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

Should the Board be minded to grant this variation, I would request that the licensed area be clearly delineated and stewarded by the staff to ensure there is no drink taken from this area. I would also request that it is not used after 2200 hours due to the close proximity of residential properties.

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

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147

Winter, Maree

From: Anthony Harris [REDACTED]
Sent: 07 June 2019 12:51
To: Winter, Maree
Subject: RE: Prestonpans Labour Club - Major Variation Application

Maree,
We agree to these conditions. I've been in touch with planning, and attending to their requests.
Regards Tony.

Sent from AOL Mobile Mail

On Friday, 7 June 2019 Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

Dear Sir,

Please find attached a representation from Police Scotland are you happy to agree to their conditions and also a report from planning advising that you do not have planning permission in place for the Beer Garden, you may want to contact planning asap.

Kind regards

Maree.

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:

Haddington: EH41 3HA

01620 827867

mwinter@eastlothian.gov.uk

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 04 April 2019

LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

Prestonpans Labour Party Social Club, 5 Kirk Street, Prestonpans, East Lothian EH32 9EA

I refer to the above subject and can confirm that the LSO has visited the premises and met with Mr Matthew Edmund, DPM, regarding this application.

The Labour Club is a well run premises and there have been no relevant complaints received concerning its operation under an open licence.

To assist the Board, I have attached coloured photographs of the outdoor area to be licensed.

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

R. Fruzynski
Licensing Standards Officer





EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 6th June 2019

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Prestonpans Labour Party Social Club, 5 Kirk Street, Prestonpans
Application type: Variation other than a minor variation of premises licence

In 2009 planning permission (Ref: 09/00477/FUL) was granted for an extension to the building, erection of walls, steps, formation of access ramp and a smokers shelter at this address.

It is now proposed, through this licensing application, to form a beer garden to the south of the main entrance within the grounds of the premises. I can confirm that planning permission would be required for the outdoor seating as specified and shown for it in the submitted plan.