



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 27 JUNE 2019
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Goodfellow
Councillor J Henderson
Councillor Innes
Councillor J McMillan

Clerk of the Licensing Board:

Mr C Grilli, Service Manager, Legal and Procurement (Depute Clerk)

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms C Sheil, Licensing Officer
Ms M Winter, Licensing Officer
PC H Bowsher, Police Scotland

Present:

Ms E Oldcorn, NHS Lothian

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

None

Declarations of Interest:

Councillor McMillan declared an interest in item 3d as he has attended various meetings where the applicant has been present and is also a residential neighbour of the premises.

1 MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 23 May 2019 were approved as a true record.

2 GRANT OF PROVISIONAL LICENCE

(2a) Hector's 32a High Street, Dunbar

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr N Adams, Director of the applicant company, was also present.

Mr Macdonald talked through the proposals for a new restaurant and provided background information about the applicant. He acknowledged the representation from Police Scotland and advised that the operating plan had been amended accordingly. He noted that no objectors were present and commented that the objections relate to the opening hours being applied for (which are standard Board policy hours) and not the actual opening of a restaurant; adding that there would be prominent notices about respecting neighbours and that Mr Adams would be actively managing the front of house.

PC Bowsher stated that the operating plan discrepancies had been rectified and that she had no further comments.

The Licensing Standards Officer (LSO) confirmed that the opening hours applied for are within Board policy. He complimented the applicant on the high quality of the supplementary information that had been submitted and supported the application.

Mr Adams answered questions from Board members about gambling; access for children in relation to gaming, fundraising events and meals; the consistency of the operating plan; and assurances that had been given to objectors regarding noise issues. In particular, he stressed that staff would phone for taxis and that patrons would not be waiting outside for taxis to arrive.

Councillor Bruce commented on the excellent business profile which is ideal for Dunbar and supported the application. Councillors Henderson and McMillan echoed these comments and added their support.

Decision

East Lothian Licensing Board agreed to grant the Provisional Premises Licence.

(2b) Thomson's of Tranent, 22b Winton Place, Tranent

The applicant and/or a representative were not present.

The Clerk stated that the item would be postponed to the end of the meeting to allow further time for them to appear.

Following the conclusion of item 4, the Board agreed to deal with this item of business in the absence of the applicant and/or their representative.

PC Bowsher referred to the Police Scotland letter dated 27 May 2019. She explained the concerns about the size and location of the outside area, and suggested a terminal hour of 20.00 hrs. She noted that the applicant will install CCTV but indicated that

Police Scotland would be seeking a licence condition that CCTV be installed inside and outside the premises immediately.

The LSO provided information on the newly reconstructed premises and highlighted the number of off-sales premises within 800 metres of Thomson's of Tranent. He shared Police Scotland's concerns about the large outside area and stressed the need for conditions which included delineation, footpath access, the requirement for a fully seated area, the use of plastic glasses only, no music to be played outside, the terminal hour, the need to remove all furniture at the terminal hour, and the requirement to keep the outside area clear of rubbish. He suggested an additional condition enabling a Council Officer or Police Scotland to temporarily suspend the external area for reasons of public safety. The LSO supported the application and remarked that he would have welcomed a declaration of the capacity of the internal alcohol display section for off-sales.

The Licensing Officer advised that there were no comments from NHS Lothian.

Board members discussed the details provided in the application and commented about the vagueness of where food would be served; the fact that Civic Square, Tranent has a different dynamic during the day and at night, with the potential for patrons and local youth groups to clash; and the lack of information on the layout plan regarding the alcohol display area for off-sales.

Councillor Innes commented that the refurbished premises were a great addition to Tranent and expressed a desire to move the application forward. As there are still matters to be clarified regarding the outside area, he wondered if it would be possible to grant the licence for the internal area and ask the applicant to reapply and attend the Board in order to determine the licence for the outside area.

PC Bowsher advised that the premises are currently operating on Occasional Licences.

The LSO advised that the sale of alcohol is predominantly off-sales at the moment and informed members that the premises could continue to operate under Occasional Licences until the Board determines this application, adding that Occasional Licences are in place until 5 September 2019.

Decision

East Lothian Licensing Board agreed to continue this item to the Board meeting in August 2019 and that the applicant be requested to attend in person, with or without professional representation.

3 MAJOR VARIATION OF PREMISES LICENCE

3a) Lodge St John Kilwinning No.57, Masonic Hall, 71 Hardgate, Haddington

Mr C Colquhoun, Lodge Master and Chairman was present to represent the applicant. Mr D McKay, Past Master and Assistant Treasurer, was also present.

The application seeks to change to an open licence, include off-sales 10am to 10pm daily, vary Sunday opening hours from 12.30pm to 11am, include receptions, club meetings, and music, live performances may be held outwith core hours, and televised sport and film evenings.

Mr Colquhoun outlined the reasons for applying to change the premises from a club licence to an open licence, highlighting that this would avoid the need to apply for occasional licences for the 12-15 functions that are held each year. He referred to the

comments that had been received from NHS Lothian regarding the opening hours and explained that the current licence already has a terminal hour of midnight on Mondays to Wednesdays. He stressed the procedures that are in place to avoid noise nuisance and potential complaints about smoking and empty glasses being left outside the premises, including the fact that live band events are fully ticketed. Mr Colquhoun confirmed that the Lodge would be applying to join Pubwatch, which had been a recommendation from Police Scotland and stated that the comments from the Police about installing CCTV would dependant on affordability and that the committee would be consulted on this matter. He pointed out that only selective functions are allowed, which exclude 18th birthday parties, although occasional 21st parties would be permitted.

PC Bowsher referred to the Police Scotland letter dated 22 May 2019 and fully supported the application. She appreciated the situation regarding CCTV and remarked that this could be added as a condition in future, if required.

The LSO referred to his report and advised that no complaints or issues had been raised with the LSO or Police Scotland regarding the operation of the premises. He supported the application.

Ms E Oldcorn, NHS Lothian, acknowledged that the existing licensing hours for the Lodge are historic, but stated that it would be preferable if these were now changed to the Board's current licensing hours. She referred to Mr Colquhoun's statement about the midnight terminal hour only being used for Lodge meetings and suggested that this be included as a condition on the licence. In response to her comments about off-sales, Mr Colquhoun advised that this would be very infrequent, say if a driver wanted to purchase alcohol for home consumption.

In response to a question from Councillor Bruce, Mr Colquhoun advised he would be agreeable to a condition that the terminal hour of midnight would only be for Lodge members attending a formal meeting. In response to a question from Councillor Henderson, Mr Adams replied that he would be happy with a condition that there would be no 18th birthday parties.

The Board discussed the issue of alleged complaints and were of the view these were not corroborated. The LSO suggested that when there are live bands, the committee take ownership and carry out sound checks outside the premises and at neighbouring premises.

The Board adjourned in private to debate the matter. On reconvening, Councillor Dugdale, Licensing Board Convener, delivered the decision.

Decision

East Lothian Licensing Board agreed to grant the major licence variation subject to the following condition:

- Eighteenth (18th) and Twenty-first (21st) birthday parties are not permitted at the premises.

Sederunt: *Ms Oldcorn left the meeting.*

3b) Prestonpans Labour Party Social Club, Kirk Street, Prestonpans

No one was present to represent the applicant.

The application seeks to add a beer garden to the south of the main entrance.

The LSO advised that he had made the club aware that it would be beneficial for someone to attend. He added that the premises are well run with no issues. Turning to the outside drinking area, he commented that this is a significant area with a delineated boundary and described the location. He supported the application.

PC Bowsher referred to the Police Scotland letter dated 27 May 2019, and in particular the recommended terminal hour of 22.00 hours for the outside area.

Board members debated the exact details of the outside drinking area, including CCTV and the terminal hour; the LSO answered questions in this regard. The LSO suggested that a condition be attached to the licence requiring all non-fixed furniture to be removed from the beer garden at the terminal hour.

Decision

East Lothian Licensing Board agreed to grant the major licence variation subject to the following conditions:

- The outside drinking area is not be used after 22.00 hrs, due to the close proximity of residential properties
- All non-fixed furnishings are to be removed when the beer garden is not being used.

3c) The Seaglass Inn, (The Wemyss House Hotel), Links Road, Port Seton

Ms J Hood, Licensing Associate, was present to represent the applicant. Ms C O'Brien, staff member, and Mr J Williams, Heineken Punch, were also present.

The application seeks to change layout and location of kitchen, remove bar in function area and replace with seating, install fixed booth seating in place of the existing kitchen, relocate male toilets and bar servery, install fixed seating the in existing servery area, enhance the external drinking area, change the premises name to The Seaglass Inn, permit conferences, receptions, club meetings, recorded music, live performances, indoor/outdoor sports, and outside drinking facilities outwith core hours (no alcohol available outwith core hours).

Ms Hood provided detailed information about the premises, including the future business plans. Her presentation included details of the food offerings, security measures and outside drinking area. She indicated that she did not share the LSO's view that all patrons using the outside area must always be seated; stating that this would be unnecessarily restrictive.

PC Bowsher confirmed that the concerns raised by police Scotland in their letter of 27 May 2019 had been addressed; she supported the application

The LSO referred to his report dated 4 May 2019 and asked the Board to consider the requirements for the outside area due to the proximity to residential neighbours and complaints about noise that had been received in the past.

Councillor Henderson questioned the premises capacity of six hundred and sixty (660) persons. Ms Hood explained the background as to how this had been historically calculated and stated that there was no requirement for her client to amend this, although in practice the occupancy numbers would be restricted to a comfortable level for the running of the premises. The Clerk confirmed the figure to be accurate for the licence and the LSO advised that the figure has currently been approved by Building Standards.

Councillor McMillan supported the reasons why the LSO had recommended a fully seated outside area and invited Ms Hood to reflect on this part of the application. Ms Hood referenced potential issues for smokers who use this area if there is no free seating; stressed that the area would be fully monitored by premises staff; advised that the garden wall has been raised to help reduce noise; and commented that should there be complaints, her client would further consider the LSO's suggestion for an all seated outside area.

Board members discussed the outside area including smoking areas and planning permission. Councillor Innes commented positively on the investment in the premises and supported the application; however, he did not support the suggestion of a fully seated outside area.

Councillors Bruce and McMillan added their support to the application.

The Clerk sought confirmation that the proposed conditions which had been proposed by Police Scotland, the LSO, and East Lothian Council Planning had been accepted. Ms Hood advised that these had all been accepted by her client.

Decision

East Lothian Licensing Board agreed to grant the major licence variation, subject to the following conditions:

- No customers shall be allowed to use the rear external area of the premises after 22.00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be taken into the rear external area after this time.
- Young persons will be allowed entry until 22.00 hours daily and if attending a pre-arranged private function or consuming a meal until the end of core hours for on sales.
- The premises will join and be an active member of any Pubwatch scheme that operates in the area.
- CCTV to be installed both internally and externally which will cover the rear external area and outside the front of the premises. CCTV shall be maintained in good working order.
- Staff will regularly monitor customers in the beer garden.
- No entertainment or amplified music shall be played or be intrusively audible outside the premises.

3d) Tyneside Tavern, 10 Poldrate, Haddington

Sederunt: *Councillor McMillan left the meeting.*

Mr P Kinnock, applicant, was present.

The application seeks to introduce a beer garden Monday to Sunday, 11am to 7.30pm, and amend off-sales and on-sales on a Sunday from 12.30pm to 11am.

Mr Kinnock advised that he obtained planning permission for the beer garden which was currently operating on Occasional Licences with no complaints. He provided background information about the premises, the decision to open a beer garden, and the communication with neighbouring residents.

PC Bowsher referred to the Police Scotland letter dated 27 May 2019 and pointed out that the applicant had voluntarily suggested a terminal hour of 19.30 hrs for the beer

garden, and that Police Scotland asked that CCTV be considered for the outside area. She supported the application. Mr Kinnoch stated that external CCTV would be added when the internal CCTV is upgraded.

The LSO referred to his report dated 23 May 2019, drawing attention to a public object and stating that he welcomed the voluntary conditions offered by the applicant. He suggested that the voluntary terminal hours of 19.30 hrs be made a condition of the licence.

Board members asked questions about monitoring of the outside area, table service, location of seating, noise complaints, and smoking areas, which Mr Kinnoch answered to their satisfaction.

Councillor Innes remarked that Mr Kinnoch was a respected, experienced licensee, and he supported the application subject to conditions.

Councillor Henderson expressed her support for the application.

The Clerk advised that CCTV for the outside area would be added as a condition to the licence.

Decision

East Lothian Licensing Board agreed to grant the major premises licence variation subject to the following conditions:

- The beer garden should not be used after 19.30 hours.
- The premises join and be an active member of the Pubwatch scheme that operates within Haddington.
- CCTV to be installed to monitor the beer garden and to be maintained in good working order.

4 STATEMENT OF EXTENSION OF LICENSED HOURS – SCOTTISH GOLF CHAMPIONSHIP 2019

Councillor Dugdale, Chair of East Lothian Licensing Board, made the following statement on behalf of the Board:

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 Golf Championship 2019. This extension will apply from Monday 8 to Sunday 14 July 2019 inclusive and will allow an extension of the terminal hour for the sale of alcohol during the period 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 2019. There is no need for licensees to apply for the general extension to 1am. On sales premises can utilise these hours to the extent they consider appropriate.

Councillor Goodfellow commented that there is no reference to the geographical area that the statement applies to. Board members discussed this point and agreed a slight change to wording, as reflected in the decision.

Decision

East Lothian Licensing Board agreed the statement on occasional extended hours for the Golf Championship, subject to the first sentence reading ... the East Lothian Licensing Board ...

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

DRAFT

EAST LOTHIAN

Meeting 29 August 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	THOMSON'S OF TRANENT 22B WINTON PLACE TRANENT EAST LOTHIAN EH33 1AE	PARTNERSHIP OF GEORGE THOMSON AND SUSAN THOMSON	22 May 2019	Cafe, Coffee Shop with small bar & grocery store and post office.

ELO363

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.



Thomson's OF TRANENT
22 b WINTON PLACE
TRANENT
EAST LoTHIAN EU 33 1AE

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, telephone number & email address.



SUSAN ANNE THOMSON

DoB
PoB



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



GEORGE RITCHIE THOMSON



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





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



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. *



* 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



Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence ()	YES/NO*
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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

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty
/				

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)

	Cafe, coffee shop with small bar + grocery store and Post office
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Question 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the	YES/NO*
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requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	
* 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 [REDACTED] * (see note below)
 Date 19-02-19 — 19-02-19
 Capacity Applicant APPLICANT/AGENT (delete as appropriate)
 Telephone number and email address of signatory [REDACTED]

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

*** 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.

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

For use by the Licensing Board only	
If application is for a premises licence	
Documents required	

Operating plan
Layout plan
Planning certificate
Building standards certificate
Food hygiene certificate

For use by the Licensing Board only	
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.

THOMSON'S OF TRANENT
 22b WINTON PLACE
 TRANENT
 EAST LoTHIAN E13 3 1AE

Question 1

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

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

Question 2

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

Day	ON Consumption

	Opening time	Terminal hour
Monday	11.00	23.00
Tuesday	11.00	23.00
Wednesday	11.00	23.00
Thursday	11.00	23.00
Friday	11.00	23.00
Saturday	11.00	23.00
Sunday	12.30	23.00

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10.00	22.00
Tuesday	10.00	22.00
Wednesday	10.00	22.00
Thursday	10.00	22.00
Friday	10.00	22.00
Saturday	10.00	22.00
Sunday	10.00	22.00

Question 4

SEASONAL VARIATIONS

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

Question 5

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

COL. 1	COL. 2	COL. 3	COL. 4
5(a) 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
Accommodation	NO	N/A	N/A
Conference facilities	NO	N/A	N/A
Restaurant facilities	YES	YES	YES
Bar meals	YES	YES	YES
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.	NO	—	—
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)	YES	YES	YES
Live performances – see 5(g)	YES	YES	YES
Dance facilities	NO		
Theatre	NO		
Films	NO		
Gaming	NO		
Indoor/outdoor sports	NO		
Televised sport	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	17 YES

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	NO		

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

Coffee Shop will open from 8.00 am over
morning, background music will be playing.
Grocery Store will open at 09.30am back
ground music will be playing

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

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO *
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	No

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/NO
	*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	

They will be allowed into the cafe, coffee shop, alcohol will be served mostly with food. young kids and young people will be closely monitored to make sure there is no Suraphitas drinking all tables are waiter/waitress served

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

Young people will be allowed to have food, ice cream, coffee, milk shakes etc. but no alcohol

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

08:00 - 22:00

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

All parts of Shop, Post office
Cafe, Coffee Shop, toilets

Question 7

CAPACITY OF PREMISES

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

70 outdoors
70 indoors

Question 8

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

Personal details

8(a) Name

SUSAN THOMPSON

8(b) Date of birth

[Redacted]

8(c) Contact address

THOMSON'S OF TRANENT
22b WINTON PLACE
TRANENT
EAST Lothian EH 33 1AE

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

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 [Redacted]

Capacity Applicant..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory [Redacted]

* Data Protection Act 1998

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.

Grocery Store and Post office plus cafe,
Coffee shop, kitchen ~~and~~ with small wine bar.

(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.

Cafe, coffee shop with small bar

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

Grocery Store / Post office

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:

Food will be served on site from 08.00 - 22.00
and offsite from 09.30 - 22.00

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:

/

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:

Background music will be playing

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:

Outdoor drinking with food under canopy and in the war memorial triangle, well stocked and maintained with emphasis on food.

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:

/

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:

Food in morning ~~bar~~ from 07.00 outside, served with coffee, tea, soft drinks etc

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:



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.

In disabled toilet we will cater for baby changing, high chairs for infants

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:

Well stocked premises, where food is the main items, with drink as an addition

Securing Public Safety:

Well stocked and alcohol served mostly with food

Preventing Public Nuisance:

Well stocked and outside area well controlled with staff


Protecting and Improving Public Health:

We will not encourage drinking on its own, but encouraging people to eat on our premises

Protecting Children and Young Persons From Harm:

**Application Supporting Comments / Any Other
Additional Information**
(extend the boxes below if you require additional space)
Additional Information:

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

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 19-02-19

SCHEDULE

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

Level access to shop (slight incline, very slight) Level access all the way through to disabled toilets
Table Service

Question 3

Facilities available

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

All areas on the level, disabled toilets provided, ^{tables} seats at catered level, plus table service

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 will of course
be very welcome and there
will be large print menus

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 19-09-19

Capacity APPLICANT APPLICANT/AGENT 

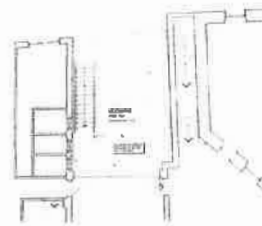
Telephone number and email address of signatory. 

*** Data Protection Act 1998**

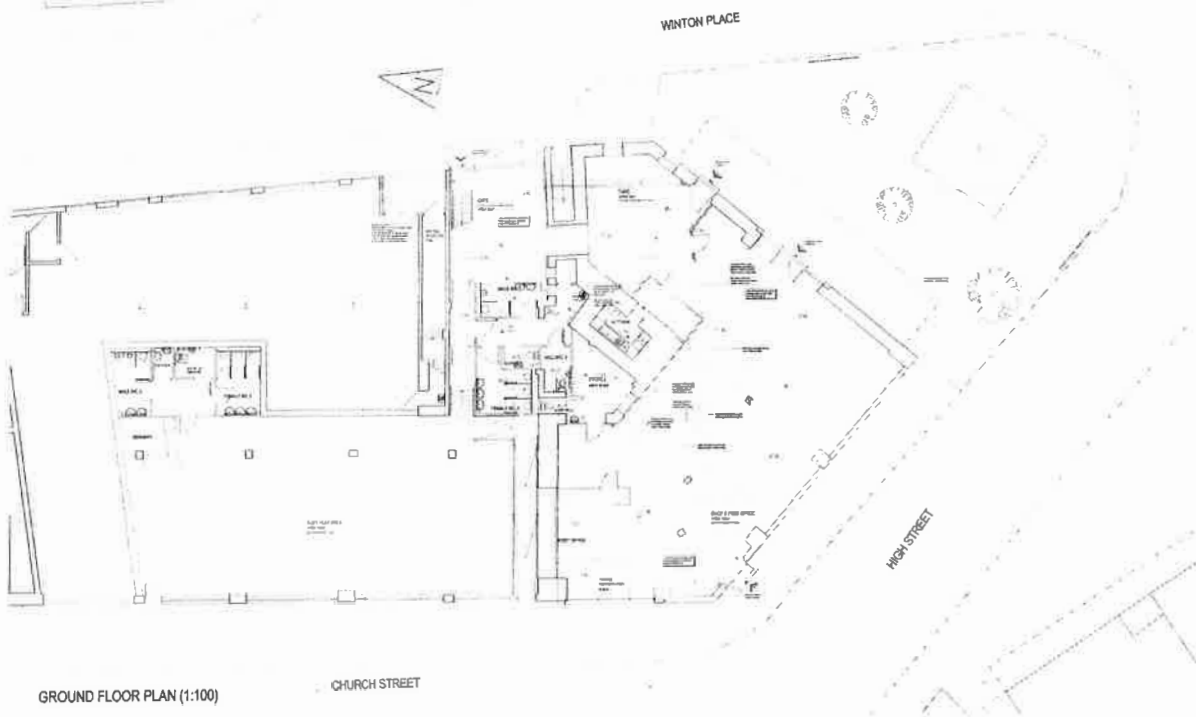
The information on this form may be held on an electronic public register which may be available to members of the public on request.



LOCATION PLAN (1:1250)



PART FIRST FLOOR PLAN (1:100)



GROUND FLOOR PLAN (1:100)

These Plans have been prepared for the purpose of showing the proposed development and are not to be used for any other purpose. The user of these Plans is responsible for ensuring that the proposed development complies with all applicable planning and building regulations. The user of these Plans is also responsible for ensuring that the proposed development is in accordance with all applicable planning and building regulations. The user of these Plans is also responsible for ensuring that the proposed development is in accordance with all applicable planning and building regulations.

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HEALTH AND SAFETY
The user of these Plans is responsible for ensuring that the proposed development complies with all applicable health and safety regulations. The user of these Plans is also responsible for ensuring that the proposed development is in accordance with all applicable health and safety regulations. The user of these Plans is also responsible for ensuring that the proposed development is in accordance with all applicable health and safety regulations.

16003 - P60 A

INDEXED TO FORM
DATE AND SIGN AS
WINTON PLACE /
CHURCH STREET, TRAMONTI

FLOOR PLANS
AND LOCATION PLAN
FOR LICENSING

alorch wood architects

The Author's Name:
Alorch Wood Architects
16003 - P60 A
16003 - P60 A
16003 - P60 A

Date 27/05/2019

Your Ref:

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 GRANT OF A
PROVISIONAL PREMISES LICENCE - REPRESENTATION
THOMSONS OF TRANENT
22B WINTON PLACE, TRANENT, EAST LoTHIAN, EH33 1AE.
SUSAN ANNE THOMSON, [REDACTED]
[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.

Whilst I have no adverse comment to make on the application, I am concerned about the size of the licensed outdoor area to the front of the building. The attached Layout Plan shows the whole of the pavement area, beyond the War Memorial.

This area is currently a public footway, used by pedestrians on a frequent basis. I would therefore request that the applicant consider reducing the licensing area to a more manageable and immediate area outside the premises. I would also request that this area is not used beyond 2200 hours due to the close proximity of residential properties.

I note that the applicant has CCTV fitted and would request that, as a condition of the licence, this is maintained to a good standard. I would also request that the premises join and be an active member of the 'Pub Watch' which operates within Tranent.

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 April 2019

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

Thomson's of Tranent, 22B Winton Place, Tranent, East Lothian EH33 1AE

I refer to the above subject and can confirm that the LSO has visited the premises regarding this application.

I can confirm the hours applied for both on and off consumption facilities are within policy.

This application emphasises that on consumption will relate to being ancillary to the provision of food, the capacity being 70 indoors and the same number outdoors. It also relates to off-sales, there being an alcohol section in the shop section of the premises, but the relevant display capacity is not declared in response to question 7 of the application. In relation to Part 4 of the Boards Statement of Licensing Policy on Overprovision this capacity requires to be taken into account when deciding proposals which have a particular off-sales impact on alcohol availability in an area within 800 metres of the applicants premises.

To assist the Board determine this application the following premises are within 800 metres of the applicants premises that have licensed off-sales facilities:

Asda 115-157 High Street - display capacity 39m²
Tranent Post Office, 43 High Street - display capacity 9.9m²
Day Today, 26-28 Bridge Street - display capacity 27m²
Tranent Superstore, 32-34 Bridge Street - display capacity 11.2m²
Tranent Mini Market, 76 New Row - display capacity 12.57m²

Premises with on consumption and off-sales facilities:

New Plough, 63 High Street
Whispers, 95 High Street
Giancarlo's, 119 High Street
Keepers Arms, Bridge Street
Brig Inn, Bridge Street
Tower Inn, 128 Church Street

The applicant has applied for an outdoor area under the canopy at the east entrance and includes the whole area of the war memorial triangle. The capacity will be for 70 persons.

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

If granted, the applicant will require to apply to East Lothian Council Transportation Services Division for a tables and chairs permit to use the public footpath for commercial purposes. In addition, I would ask that the following conditions be applied:

- That the outdoor drinking area be clearly delineated.
- The surrounding public footpath should not be blocked or obstructed and no extension of permitted area should be made without further application to the Licensing Board and Transport Services Division.
- That the area will only be used for persons seated at tables.
- That no music or entertainment will be permitted in the external licensed area.
- For safety purposes only approved plastic glasses to be used in the outdoor area.
- That the terminal hour of use of the area will be no later than 22:00. (Practically, to prevent crime and disorder, a terminal hour of 20:00 is a more realistic option).
- That the area will be cleared of furniture no later than 15 minutes after the outdoor terminal hour. Such furniture to be stored securely in an area off the footpath.
- The premises licence holder must ensure that the defined area is kept clear of all waste, including cigarette litter, associated with their business.
- An authorised officer of the Council or Police Scotland may temporarily suspend use of the external area for reasons of public safety.
- Access to any public utility plant or fire hydrant in the area must be made available when required.
- When in use, the area must be capable of being monitored by staff either physically or via an approved CCTV system.

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

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: T&ECC Secretary <tecc.secretary@aol.co.uk>
Sent: 03 June 2019 10:22
To: Winter, Maree
Subject: RE: Thomson of Tranent Provisional Licence application & Layout Plan

Hi,
Tranent & Elphinstone community council have no objections to this.

Angela Martin
Secretary
T&ECC

On Thursday, 23 May 2019 Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

Dear all,

Please find attached provisional licence application and layout plan. Could I please have any objections/representations by 13th June 2019.

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

Meeting 29 August 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

Applicant

Date Received

Comments

2	NORTH BERWICK GOLF CLUB NORTH BERWICK GOLF CLUBHOUSE BEACH ROAD NORTH BERWICK EAST LOTHIAN EH39 4BB	NORTH BERWICK GOLF CLUB	9 July 2019	Vary licence from a Club Licence to an Open Licence. Remove Local condition No 5 - no more than 6 guests may be signed in by any one member. Add to activities Gaming and Outdoor Drinking Facilities and change of Layout plan to extend licensed area to the front of the Club house.
3	PRESTONPANS ROYAL BRITISH LEGION CLUB (SCOTLAND) 19D ROPE WALK CUTHILL PRESTONPANS EAST LOTHIAN	PRESTONPANS ROYAL BRITISH LEGION CLUB	13 June 2019	Amend licence to include Outdoor Drinking Facilities and amend layout plan to include outdoor drinking on the west side of the premises.

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)

East Lothian Council
Licensing
 09 JUL 2019
 Received

- 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

EL0253

2(b) Name and Address of Premises

North Berwick Golf Club
 North Berwick Golf Club House
 Beach Road
 North Berwick
 East Lothian

Post Code	EH39 4BB	Phone No.	01620 897144
------------------	----------	------------------	--------------

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

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

Removal of Local Condition No. 5 – No more than 6 guests may be signed in by any one member.

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)

Add the following activities: -

Gaming

Outdoor Drinking Facilities

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.

Extend the licensed area to the front of the Club House shown delineated in red on the Layout Plan.

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)

Change from a “Club Licence” to an “Open Licence”

The removal of this condition whilst in effect giving the Club an “open licence” would not mean that we would operate in the real sense of an “open licence”. This change is purely to give members the opportunity to hold family celebrations etc without the 1:6 signing in ratio.

There is absolutely no intention by the Club to open the doors to the general public.

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



..... (See note 5 below)

Date

8th July 2019

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

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

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

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>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.

North Berwick Golf Club
New Club House
Beach Road
North Berwick
EH39 4BB

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>	10.00	23.00
<i>Tuesday</i>	10.00	23.00
<i>Wednesday</i>	10.00	23.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	01.00
<i>Saturday</i>	10.00	01.00
<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>	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/NO*</i>
--	----------------

**If YES – provide details*

--

Question 5

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

COL. 1 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
5(b) Activity <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
5(c) <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	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	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	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.

CONFERENCE FACILITIES: may start outwith core hours but not before 8am

RESTAURANT & BAR SNACK FACILITIES: may start outwith core hours but nor before 8am

RECEPTIONS INCLUDING WEDDINGS, BIRTHDAYS ETC: – may start outwith core hours but not before 9am.

CLUB OR OTHER GROUP MEETINGS: – may start outwith core hours but not before 8am

RECORDED MUSIC WHICH WOULD BE BACKGROUND MUSIC: – may start outwith core hours but not before 8am.

FILMS: – may start outwith core hours but not before 8am

GAMING: – may start outwith core hours but not before 9am

INDOOR/OUTDOOR SPORTS: – golfing facilities are normally available weather and light permitting dawn until dusk.

TELEVISED SPORT: – may start outwith core hours but not before 8am.

OUTDOOR DRINKING FACILITIES: may start outwith core hours but not before 8am and no later than 10pm

NO ADDITIONAL ACTIVITIES WILL TAKE PLACE UNLESS UNDER THE AUTHORITY OF AN EXTENDED HOUR APPLICATION

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.

Charity Functions Significant celebratory nights eg. Burns Nights, Festive Celebrations, Prize Giving Functions Open Golf Competition Functions Wi-fi, Internet Supplier promotional events Seminars Exhibitions Live Performances – DJs Dances
--

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

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/NO*
	<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*

Children & Young Persons are permitted access to all public parts of the premises at all times the premises are open. If children are in the premises after 21.00 hours, they must be accompanied by an adult or on the authority of the Starter or Junior Convenor.

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

0-17 years

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

Children and Young Persons can be in any public part of the premises at all times from 7.30am for changing purposes and collecting golf equipment. Children would be permitted to remain in the premises until 10.30pm. Young persons would be permitted to remain in the premises until the premises 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 permitted entry to all public parts of the premises.

Question 7

CAPACITY OF PREMISES

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

120

Question 8

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

Personal details

8(a) Name

Naim Abbas

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

fandbmanager@northberwickgolfclub.com
[REDACTED]


8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
25 June 2019	East Lothian Licensing Board	EL1594

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 8th July 2019

Capacity GENERAL MANAGER APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory  /generalmanager@northberwickgolfclub.com

*** 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.

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

The business is a golf club with golfers from all over the world coming to partake in the game of golf.

We are very much a private members club but run a Club House operation that needs flexibility to meet the needs of all our members and also the thousands of visitors who come to the West Links in a year.

This application is not to change the business but purely to give the business a more flexible approach to member events and member functions. Many members have in the past asked if they can hold a wedding anniversary event or a birthday event in the Club House and we have had to turn these down due to the 6:1 ratio which is a great shame for the member.

(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) Club premises with the sale of alcohol very much an ancillary to the main golf operation

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

b) Allows the opportunity for members /visitors to purchase alcohol for consumption of the premises (likely to be wine).

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:

The Club House is used primarily for the provision for the sale of food and alcohol to members and visitors to the West Links.

On occasion we host seminar events for Scottish Golf and other local bodies.

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 to hold members birthday parties, and special events at the Club. This will not form a large part of the business but will allow the flexibility to host these without the requirement to have the 1:6 ratio for guests.

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:

Outdoor Drinking – to allow the flexibility to give golfers the opportunity to sit outside with their drinks and food following their golf (weather permitting)

Indoor/Outdoor Sports – we are a golf club and the primary purpose is for the provision of the game.

Televised Sport – the club provide televised sport both via terrestrial and sky tv.

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:

These facilities will be provided to the front of the building overlooking the 18th green. This area will be supervised by both out food and beverage staff but also we have front door attendants who will also monitor the area.

We would be happy to cease the sale and consumption of alcohol outside the building at 8pm should it be felt necessary.

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:

Not Applicable

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:

Our Club House opens to the members and their guests from 7am, as the first tee time on the course is 7.30am. Many of our business activities such as bar meals, restaurant meals, conference, recorded music etc may well start before the 10am commencement of the sale of alcohol.

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:

Not Applicable

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 are very much a family business and encourage our members to embrace the club and its environment. We provide baby changing facilities in both our gents and ladies toilets. We also provide high chairs for use in the bar and restaurant areas of the Club House.

We also have a Children's Menu and will provide any assistance on food warming.

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 do not foresee any of our activities would contribute to any crime and disorder however we will ensure on patrons leaving our premises they do so in a quiet, and orderly manner. Noise will be kept to a minimum and no drunk or violent behaviour would be tolerated.

All our food and beverage team have been trained in the Licensing (Scotland) Act 2005, and all new staff will be trained.

We currently work closely with our neighbours and do not see that changing. We have a very robust CCTV system covering both the internal areas of the front door and surrounding outside areas.

All our staff would work, and co-operative with the Police and any authority should any anti-social or otherwise criminal nature occur.

Securing Public Safety:

The Club is very proactive in ensuring all members and guests to the premises are kept safe and complete on a regular basis various risk assessments. We carry out weekly fire alarm testing and have a robust fire risk assessment in place.

At all times when the premises are opened a responsible fully trained member of staff will be on duty. The majority of our staff are trained in First Aid and defibrillation.

The safety of our members and visitors is paramount to the Club.

Preventing Public Nuisance:

The Club will close in a timely manner with last orders called well in advance of the closing time to ensure there is no late night spillage in the surrounding area. The Club will not be entertaining "parties" such as 18th or 21st birthday parties. They may host a birthday meal but not a "party".

The Club will ensure that no noise or little noise will emanate from the premises and any cars/taxis attending will be asked to close of their engines whilst waiting.

Protecting and Improving Public Health:

We will always encourage a designated driver and ensure that we always provide a varied soft drink/low alcohol drink selection.

All staff involved in the sale of alcohol will be fully trained in the measurements of alcohol

and ensure that these are strictly followed, and we will use the Challenge 25 scheme.

Protecting Children and Young Persons From Harm:

Children and Young person will be allowed on the premises, but these will be members. Any other children or young persons would be allowed access provided they are accompanied by a responsible person (eg junior coaching pvg registered coach).

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

We are a world-renowned golf club with a great history – none of the changes that we are seeking with this application should make any difference to how we currently operate. We have had no previous issues as a licensed premise and do not envisage that this change would bring anything different.

The key reason to apply for a change of licence is to allow the Club to provide an opportunity for members to enjoy the Club's facilities to hold family celebrations. The current licence restrictions do not seem to be congruent in allowing us to provide a true member environment and give members the opportunity to enjoy the facilities and maximise the benefits of being a member of the Club.

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

We are a very well known, well run club with no previous history. We have complied with the Licensing (Scotland) Act 2005 since its inception and see no change now. The Club is very much a members club and we would always have the members and their needs at the forefront of any of our decisions.

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

8th July 2019

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

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

The access to the Club House is via the ground level front door.
We have a dining/bistro area together with bar facilities on the ground floor and the disabled toilets are also on the ground floor.

Question 3

Facilities available

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

All disabled facilities are provided on the ground floor of the Club House – we have no lift to the upper level.

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.

We permit guide dogs in to the premises only.

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 *8 July 2019*

Capacity ... *GENERAL MANAGER* APPLICANT/AGENT

Telephone number and email address of signatory.  *general manager@northberwickfc.co.uk*

*** 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."

18/07/2019

Your Ref:

Our Ref: VA/436802/19

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



**POLICE
SCOTLAND**

Keeping people safe

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

FOR THE ATTENTION OF EAST LOTHIAN BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
NORTH BERWICK GOLF CLUB, BEACH ROAD, NORTH BERWICK, EAST
LOTHIAN, EH39 4BB.**

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;

- Removal of local Condition 5.**
- Addition of gaming and outdoor drinking as activities.**
- Extension of the licensed area to include the area to the front shown delineated in the layout plan submitted.**
- Change the type of Premises Licence from a 'Club Licence' to an 'Open Licence'**

In terms of Section 29(5) this request can be considered a variation.

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

Yours faithfully



John McKenzie
Chief Superintendent

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

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 24 July 2019

LICENSING SCOTLAND ACT 2005
PREMISES LICENCE VARIATION APPLICATION

North Berwick Golf Club, Beach Road, North Berwick, East Lothian EH39 4BB

I refer to the above subject and can confirm that the LSO has visited the premises and met with various representatives of the North Berwick Golf Club management team concerning this application.

The Club is very well run and I can verify that no complaints or licensing concerns have become known in respect of the premises.

The variation to change the status of the Premises Licence to an open licence, and the inclusion of the additional facilities of gaming and outdoor drinking area to the Operating and Layout Plans, is within policy.

I request that the voluntary closure time of 22:00 in respect of the outdoor drinking area be made a formal condition of the licence. In addition, to protect nearby residents from disturbance, I would request a condition that there be no music or amplified entertainment in the outdoor area.

I support this variation.

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

From: Kathryn Smith [redacted]
Sent: 01 August 2019 15:54
To: Licensing
Subject: FW: Major Variation - North Berwick Golf Club

From: Kathryn Smith [mailto:[redacted]]
Sent: 01 August 2019 15:52
To: 'Winter, Maree'
Subject: RE: Major Variation - North Berwick Golf Club

Dear Maree

The Community Council has had an opportunity to consider the major variation application from North Berwick Golf Club to change to open status, add Gaming and outside drinking to their licence and remove the local condition No 5.

Apart from some concerns about the extension of the terminal hour to 1.00 am on Fridays and Saturdays, we confirm that we have no objection to the proposed variation.

Regards

Kathryn

Kathryn E Smith
Secretary, NBCC

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 10 July 2019 10:16
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; douglas.harvey@firescotland.gov.uk; Licensing; Grant, Shona; [redacted]
Cc: Fitzpatrick, Sheila
Subject: Major Variation - North Berwick Golf Club

Dear all,

Please find attached major variation application from North Berwick Golf Club, to change to open status, add Gaming and outside drinking to their licence and remove the local condition No 5.

Could I please have any representations/objections by Friday 2nd August 2019.

Kind regards
Maree.

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

Herkes, Gillian

From: Douglas, Andrew
Sent: 11 July 2019 16:32
To: Licensing
Subject: FW: Major Variation - North Berwick Golf Club
Attachments: major variation application - North Berwick Golf Club.pdf; Layout Plan -North Berwick Golf Club.pdf

I have no objections to the granting of this licence, subject to the standard conditions.

Regards

Andrew Douglas
Environmental Health Team Manager - Business Regulation
Tel: 01620 827455

From: Environmental Health/Trading Standards
Sent: 10 July 2019 10:25
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Major Variation - North Berwick Golf Club

From: Winter, Maree
Sent: 10 July 2019 10:16
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; douglas.harvey@firescotland.gov.uk; Licensing <Licensing@nhslothian.scot.nhs.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Cc: Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>
Subject: Major Variation - North Berwick Golf Club

Dear all,

Please find attached major variation application from North Berwick Golf Club, to change to open status, add Gaming and outside drinking to their licence and remove the local condition No 5.

Could I please have any representations/objections by Friday 2nd August 2019.

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

Meeting 29 August 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
2 NORTH BERWICK GOLF CLUB NORTH BERWICK GOLF CLUBHOUSE BEACH ROAD NORTH BERWICK EAST LOTHIAN EH39 4BB	NORTH BERWICK GOLF CLUB	9 July 2019	Vary licence from a Club Licence to an Open Licence. Remove Local condition No 5 - no more than 6 guests may be signed in by any one member. Add to activities Gaming and Outdoor Drinking Facilities and change of Layout plan to extend licensed area to the front of the Club house.
3 PRESTONPANS ROYAL BRITISH LEGION CLUB (SCOTLAND) 19D ROPE WALK CUTHILL PRESTONPANS EAST LOTHIAN	PRESTONPANS ROYAL BRITISH LEGION CLUB	13 June 2019	Amend licence to include Outdoor Drinking Facilities and amend layout plan to include outdoor drinking on the west side of the premises.

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

EL 0259

2(b) Name and Address of Premises

Prestonpans Royal British Legion Club (Scotland)
19 D Rope Walk
Prestonpans
EH32 9BN

Post Code

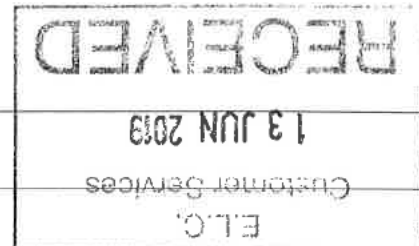
EH32 9BN

Phone No.

01875 811446

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

Prestonpans Royal British Legion Club (Scotland)
19 D Rope Walk
Cuthill
Prestonpans
East Lothian
EH32 9BN



Post Code	EH32 9BN	Phone No.	01875 811446
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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

The Club wishes to operate with a beer garden. Members have been canvassed and there have been no objections.

The purpose for the change is to allow for a more family orientated atmosphere and companionship.

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)

To include Outdoor Drinking facilities.

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.

To include an outdoor drinking area on the west side of the premises as shown in the updated Layout Plan.

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)

No change.

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 £ [redacted] is enclosed.

Signature [redacted] (See note 5 below)

Date 13th June 2019

Capacity: APPLICANT

Please provide name, address, phone number and (if applicable) email address

Mr A. Davie
Club Secretary
[redacted]

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>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Prestonpans Royal British Legion (Scotland)
19D Rope Walk,
Prestonpans,
EH32 9BN

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	0100
<i>Saturday</i>	11:00	0100
<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>	1100	2200
<i>Tuesday</i>	1100	2200
<i>Wednesday</i>	1100	2200
<i>Thursday</i>	1100	2200
<i>Friday</i>	1100	2200
<i>Saturday</i>	1100	2200
<i>Sunday</i>	1100	2200

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

We would wish to take advantage of any general extension to core hours afforded by the Licensing Board in relation to event of local or national importance 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> 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	NO
<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	NO
<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>Indoor/outdoor sports</i>	Yes	Yes	NO
<i>Televised sport</i>	Yes	Yes	Yes

5(d) <i>Activity</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>Outdoor drinking facilities</i>	Yes	Yes from 1100 hours until 20:00 hours	Yes
5(e) <i>Activity</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>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 premises may open prior to core hours for the purposes of conferences, funerals, group meetings, or to watch televised sport, but not before 1000 hours.

The Beer Garden will operate between 1100 hours and 2000 hours. Children will access the Garden through the Main gate or through the hall door.

To be clear, alcohol will not be sold prior to the commencement of core hours except on the grant of an occasional extended hours application.

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 Beer Garden will operate between 1100 hours and 2000 hours. Children will access the Garden through the Main gate or through the hall door.

The Club has Bingo on Tuesdays, Thursdays, Saturdays and Sunday evenings.

Live bands play after the Bingo on Saturday nights with Cabarets some Sunday afternoons.

Friday nights the hall is open for members to book for birthdays etc.

We also offer the premises for funerals christenings.

Local football supporters clubs convene their meetings in the lounge

Our Pipe band practice on Mondays and Wednesdays.

The bars in the hall and lounge do not open on these evenings

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>N/A</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*

The terms are the same at all times in that they must be accompanied by an adult and that they are restricted to the hall, Lounge and Beer Garden.

They are allowed to attend private functions on the Friday nights, Christenings on Sundays etc and must be accompanied by an adult at all times.

Funerals, Weddings Birthdays the rules are the same.

There are few times or occasions when Children and Youths would be allowed in this Club

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

All children and young persons are allowed entry if accompanied by an adult in accordance with 6(b) within core hours. Baby changing facilities are available in the disabled toilet on the ground floor.

Depending on where the function is the children/Youths are contained either in the Hall or upstairs Lounge where toilets lead onto these rooms.

They will be allowed in the beer garden during operating hours for the same.

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

Both children and young persons would be allowed entry during core opening times but only at events previously described.

They would have to leave the Club after the beer garden closes at 2000 hours but can stay if attending a private function in the Club.

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

They can only use the Hall or the Lounge during functions where they are accompanied by their parents or responsible adults. The toilets are allocated in these areas.

The Beer garden will operate the same where they are accompanied by their parents. Ladies toilets are accessed through the hall where the gents are in the lobby.

Question 7

CAPACITY OF PREMISES

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

Hall 150

Bar 80

Upstairs Lounge 60

Beer Garden 30 This is a new capacity to the original licence.

Question 8

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

Personal details

8(a) *Name*

Andrew Gorrian

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>
31 August 2009	East Lothian Licensing Board	EL 120

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.

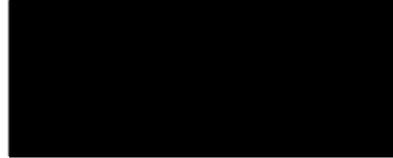
Signature 

Date *13th June 2019*

Capacity *Secretary* APPLICANT

Telephone number and email address of signatory:

Mr A. Davie
Club Secretary



*** 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.

SCHEDULE

“SCHEDULE 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	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

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.

Ramp into the premises, double doors for wheelchair and electric vehicle access into the club and ground floor rooms.

Question 3

Facilities available

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

All tables accessible by moving chairs, disabled toilets fully alarmed and marked.

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, carers, are all welcome in the Club, signage in place.

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 13th Nov 2019

Capacity Director 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.”

SCHEDULE

“SCHEDULE 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	YES /
1(b)	Do you have facilities for those with a disability	YES /
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES /
*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.

We have a ramp into the premises wide enough for wheel chairs and mobility scooters going into a large foyer. Double doors going into the hall and games room. Disabled toilet is just to the left as you come into the foyer. Tables have access at the ends for wheel chairs and scooters. Disabled toilet clearly marked along with access points. Bar staff are told to pay particular attention to disabled customers and their needs without being intrusive. Dance floor etc has easy access. Assistance dogs welcome notices displayed on front door.

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 13th Jun - 2019

Capacity Secretary 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.”

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.

The Club has Bingo on Tuesdays, Thursdays, Saturdays and Sunday evenings.

Live bands play after the Bingo on Saturday nights with Cabarets some Sunday afternoons.

Friday nights the hall is open for members to book for birthdays etc.

We also offer the premises for funerals christenings.

Local football supporters clubs convene their meetings in the lounge

Our Pipe band practice on Mondays and Wednesdays.

The bars in the hall and lounge do not open on these evenings

(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) As Above

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries	a) <u>Off Sales as per operating plan</u> <u>No Deliveries</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:

None of the above

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:

The main hall and Lounge are hired out on Fridays and Sundays for weddings, Birthday, Retirement parties and fund raisers.

Last year it was one wedding 10 Birthdays and 4 fund raisers.

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:

We have a live band playing every Saturday night. We have a Juke Box in the main bar. Cabarets are in the main hall up to and around 6 per year. Music played at fund raisers in the main hall.

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 Beer Garden will operate between 1100 hours and 2000 hours. Children will access the Garden through the Main gate or through the hall door. No Amplified music or noise nuisance.

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:

No adult entertainment will be held in the Club

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:

No Activities outwith Operating plan

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:

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.

Baby changing facilities for under 5's are provided in the disabled toilets. Relevant safety notices for parents and charges to adhere to.

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 are always on the lookout for and give advice to people that may be using a vehicle to leave their keys in the Club. We refuse alcohol to people who may have had too much. Display notices about the misuse of drink and drugs. Drug notices are prominent in the club. We report the use of drugs use. Monitor situations at all times, minimum of cash kept on premises.

Securing Public Safety:

We liaise with the Police and Licensing standards officer on regular occasions. We work with other Clubs and Pubs in the area. Monitor all situations at all times. Good clear signage on underage drinking and Drug related offences. Cameras operate on all parts inside and out of Club

Preventing Public Nuisance:

We keep records of incidents, Bar people after consideration and warnings. Clear notices regarding safety.

Protecting and Improving Public Health:

We promote alternative drinks to alcohol, avoid promotions. We train staff on the effects of alcohol. Our staff are first aid and **defibrillator** trained, one kept on premises.

Protecting Children and Young Persons From Harm:

Notices are displayed at all times. Proof of age for under 25's is inspected at the door as well as the bar, passports and driving licenses are only accepted in this Club. Refusal book is kept behind the bar. We make sure that no adult purchases drink for under 18's.

We comply with Personal license holders guide.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

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

The Club has a good reputation in the past to the present and all efforts are and will be made to adhere to the Law.

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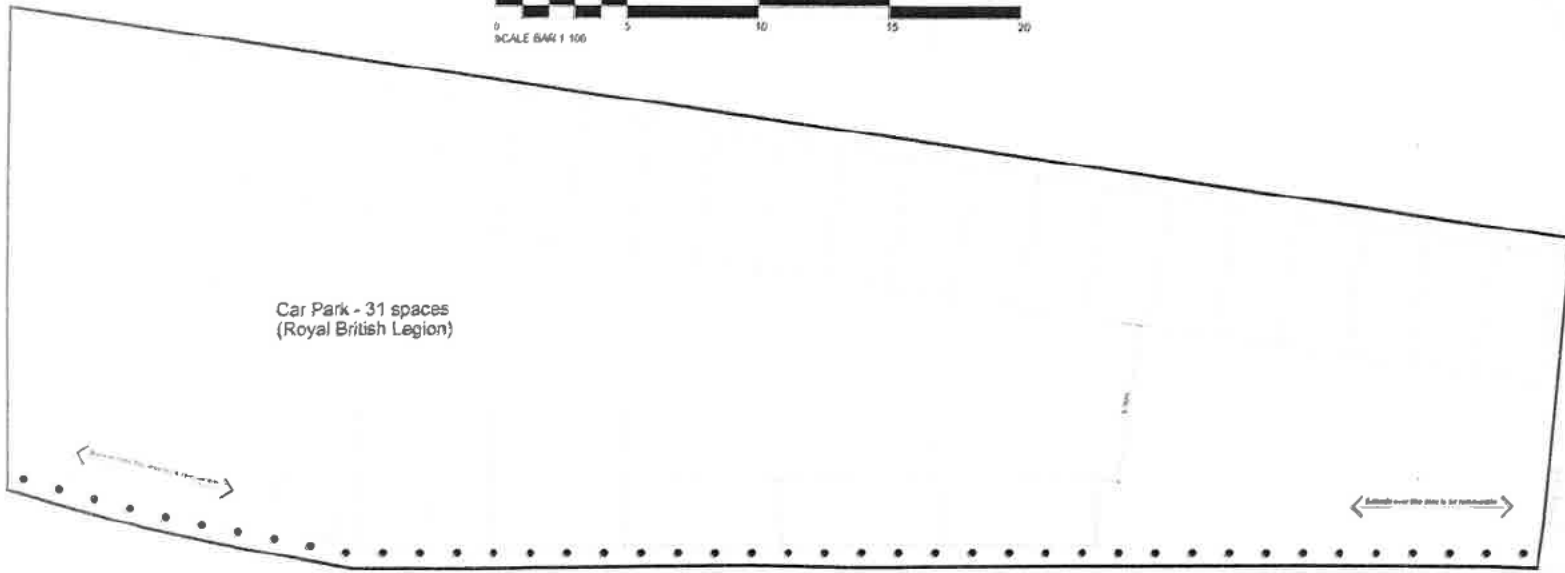
SIGNATURE AND DECLARATION BY APPLICANT

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

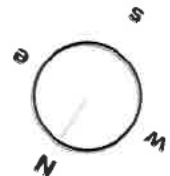
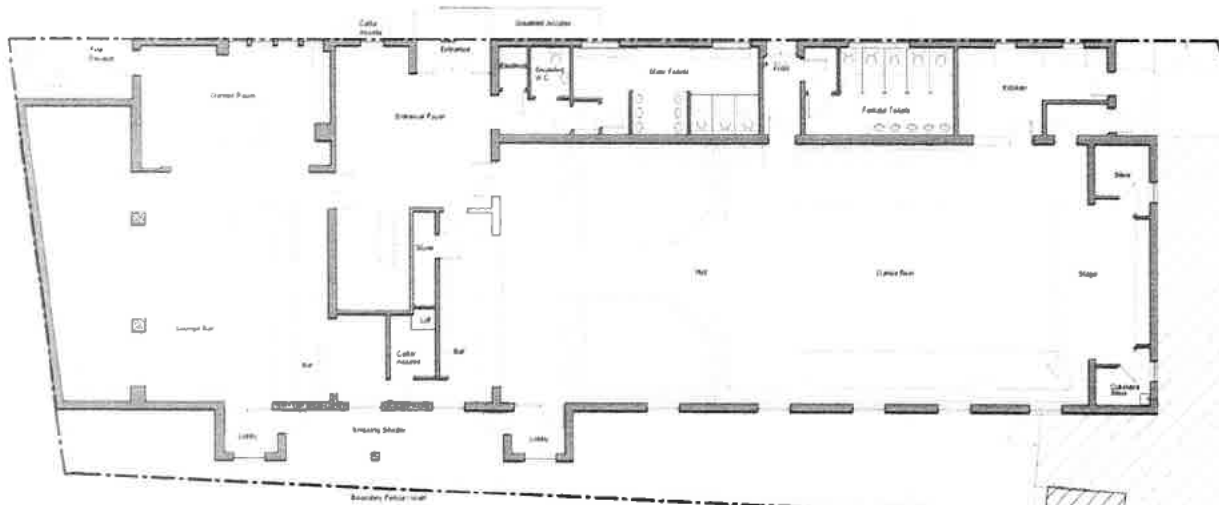
(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature		Date	13 th June 2019
-----------	---	------	----------------------------



Non-Structural High a System 55a galvanized steel
underneath the secondary edge of existing pavilion roof
shall be installed at 1 the external edge of
each System 55a high-rise roof
Substrate concrete or steel fixed on accordance
with manufacturer's instructions
Minimum ground level shall be in accordance with
contour lines
All materials to be fixed shall be fixed to substrate
of existing structure as indicated unless otherwise
indicated with the particular area to be fixed
Dimensions shall be verified for accuracy at the
time of construction of site



Building 500 - 500m radius shall be used
after checked and required as necessary

1 to the nearest plants garden and others

Denotes area of proposed beer garden
Denotes location of proposed storage shed

proposed ground floor plan / car park layout 1:100

© 18.11.17 Planning author: JMB
© 18.11.17 Planning author: JMB

revisions
1) see history sheet and this is not all a copy
of one of the plans submitted to the planning
department

Design:

architectural
services

14th Street, Prestonpans
East Lothian EH32 6EA
Tel 01875 814385
mail@archserv.co.uk
www.archserv.co.uk

Client:
Prestonpans
Royal British Legion

Project:
Proposed Alterations to
Car park, erect shed and
form beer garden.

Site:
Proposed Layout

Scale: 1:100
Drawn: CJ
Date: November 2017
Dwg no: 3417A-01 Rev B

10/07/2019

Your Ref: EL259

Our Ref: 435746

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



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Chief Superintendent

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 LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
ROYAL BRITISH LEGION SOCIAL CLUB PRESTONPANS,
19D ROPE WALK, CUTHILL, PRESTONPANS, EAST LOTHIAN, EH32 9BN.**

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 variation of the Operating Plan to include a 'beer garden' as an outside drinking area, which will operate between 1100 - 2000 hours.

In terms of Section 29(5) this request can be considered a variation.

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

Yours faithfully



John McKenzie
Divisional Commander

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 24 July 2019

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

Prestonpans Royal British Legion Club (Scotland), 19D Rope Walk, Prestonpans, East Lothian EH32 9BN

I refer to the above subject and can confirm that the LSO has visited the premises regarding this application.

The applicant has applied for an outdoor area located in the northwest corner of the premises. It is proposed that the area be used between 11:00 and 20:00 each day. The Club has voluntarily stated that no music or amplified entertainment will be provided in this area to protect nearby neighbours from disturbance. The capacity of the area will be for up to 30 persons.

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

The Club was issued with consecutive Occasional Licences to trial operate their beer garden between 01/07/2019- 09/09/2019. At the time of writing of this report there had been no complaints received concerning the use of this outdoor facility.

If granted, I would ask that the following conditions be formalised as follows:

- That no music or entertainment will be permitted in the licensed area.
- That the terminal hour of use of the area will be no later than 20:00.
- When in use, the area must be capable of being monitored by staff either physically or via an approved CCTV system.

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

R. Fruzynski
Licensing Standards Officer





Winter, Maree

From: Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> on behalf of Licensing <Licensing@nhslothian.scot.nhs.uk>
Sent: 22 July 2019 12:39
To: Winter, Maree
Subject: RE: Major Variation Application - Prestonpans Royal British Legion.pdf

Hi Maree

No objections from NHS Lothian on this application.

Many thanks, fiona

Fiona Boyle
PA/Administrator to:

Dr Fredi Garbe, Consultant in Public Health
Mr. Jim Sherval, Consultant in Public Health

Direct Dial 0131 465 5817 (35817)

PHM Tel: 0131 465 5460

Email: <mailto:fiona.boyle@nhslothian.scot.nhs.uk>

Address: NHS Lothian, Public Health & Health Policy, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

* Please note my working hours are Mon - Friday, 8.00am to 1.00pm *

From: Boyle, Fiona **On Behalf Of** Sherval, Jim
Sent: 08 July 2019 09:51
To: Licensing
Subject: FW: Major Variation Application - Prestonpans Royal British Legion.pdf

From: Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]
Sent: 08 July 2019 09:19
Subject: Major Variation Application - Prestonpans Royal British Legion.pdf

Dear all,

Please find attached major variation from the above, can I please have any objections/representations you may care to make by Friday 2nd August 2019.

Jim/Elizabeth - tried to send this through the generic email address for NHS but it came back saying no longer valid.

Kind regards
Maree

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
To: Clerk to the Licensing Board
Per: Licensing Board
Cc:

Date: 12th July 2019

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Royal British Legion, 19D Rope Walk, Prestonpans
Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

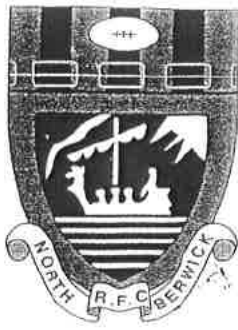
I can confirm that, on 9th March 2018, planning permission (Ref: 17/01109/P) was granted for '*Change of use of yard to form beer garden, erection of storage shed and installation of bollards to car park*' at this premise. In particular, Condition 1 of planning permission 17/01109/P states that, '*The beer garden shall not be used after 2000 hours on any day*'. I note from the application forms that the beer garden is to be licensed from 1100 hours to 2000 hours which complies with Condition 1 imposed on the Decision Notice.

EAST LOTHIAN

Meeting 29 August 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Extended Hours(s)	Premises	Applicant	Date Received	Comments
	4 NORTH BERWICK RUGBY FOOTBALL CLUB RECREATION PARK DUNBAR ROAD NORTH BERWICK EAST LOTHIAN	NORTH BERWICK RUGBY FOOTBALL CLUB	4 July 2019	Open the clubhouse earlier for to serve breakfasts and have a drink while watching The Rugby World Cup which is televised from Japan.
	59 NORTH BERWICK RUGBY FOOTBALL CLUB RECREATION PARK DUNBAR ROAD NORTH BERWICK EAST LOTHIAN	NORTH BERWICK RUGBY FOOTBALL CLUB	9 July 2019	Open the clubhouse earlier for to serve breakfasts and have a drink while watching The Rugby World Cup which is televised from Japan.



NORTH BERWICK RUGBY FOOTBALL CLUB
RECREATION PARK, NORTH BERWICK, EH39 4DG
Telephone: 01620 893503 www.northberwickrfc.co.uk

East Lothian Licensing Board
Haddington
East Lothian

East Lothian Council
Licensing

- 9 JUL 2019

2nd July 2019

Received

Dear Sirs;

Please find enclosed along with this letter two applications for extended hours to our license.

On advice from yourselves, I have spread the application over two forms in order to comply with The Licensing Board rules which state that any one application maximum time length can not exceed 1 month.

I have also enclosed a cheque for £20.00 being the fee for two applications.

If on reviewing the applications, you find errors or faults please advice and I will rectify.

North Berwick Rugby Club is keen to have as many members and their guests to be able to enjoy The Rugby World Cup within the rugby clubhouse; where they can all get involved watching the games on the big screen.

Because the RWC is being held in Japan many of the games are scheduled to start in early morning. The applications we have submitted is to allow us to have a family friendly atmosphere and serve breakfast for the earlier starting games.

The club has only requested an extension in hours for the games that Scotland are playing in; or for games that we think many of the members and guests would like to see. Additionally we hope that Scotland will have a presence in the final rounds, however if not then the other home nations will.

President; Iain A. Dove, [REDACTED]

Secretary: Victoria Hogg, [REDACTED]

Treasurer: Rob Key, [REDACTED]

The list below shows the games that we have requested the extended hours for:

Day	Date	Match	Kick off
Sunday	September 22 nd	Scotland V Ireland	8.30am
Saturday	October 5 th	England V Argentina	9.00am
Saturday	October 12 th	England V France	9.00.am
Saturday	October 19 th	Quarter Final 1	9.00am
Sunday	October 20 th	Quarter Final 2	9.00am
Saturday	26 th October	Semi Final 1	9.00am
Sunday	27 th October	Semi Final 2	9.00am
Friday	November 1 st	Bronze Final	9.00am
Saturday	November 2 nd	Final	9.00am

NBRFC will be showing several other of the games, but all the other games that we would be showing will fall within our normal licensing hours.

I would be grateful to be advised if the applications enclosed will require to be heard at a licensing board meeting, as I would be keen to attend that meeting in order to answer any questions the board may have.



Douglas Paul

EAST LoTHIAN LICENSING BOARD

Licensing (Scotland) Act 2005

Application for Extension of Licensed Hours

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. Application must be lodged 14 days prior to the event.

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

1. LICENCE DETAILS (see note 1)	
Premises licence number	
Premises name and full postal address (including post code, which this application refers to)	North berwick Rugby Football Club
	Recreation Park, North Berwick
	East Lothian
	EH39 4DG

2. APPLICANTS DETAILS	
Name of individual	Douglas B Paul (Personal license Number EL 1431)
Company/Partnership	North Berwick Rugby Club
TELEPHONE NUMBERS	
Daytime	██████████
Evening	██████████
Mobile	██████████
FAX NUMBER	
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail)	
████████████████████	

East Lothian Council
Licensing

- 9 JUL 2019

Received

5. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)

Day	Commencement Time	Terminal Hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Sunday September 22 nd	8.30am	As per License 11am - 11.00pm
Saturday October 5 th	9.00am	As per license 11.00am - 1.00am Sunday
Saturday October 12 th	9.00.am	As per license 11.00am - 1.00am Sunday
Saturday 19 th October	9.00.am	As per license 11.00am - 1.00am Sunday
Sunday October 20 th	9.00am	As per License 11.00am - 11.00pm

4. DURATION OF LICENCE

From: [enter date] as per above listing only on those specific dates September 22nd October 5th October 12th October 19th October 20th
 To: [enter date]

3. THE EVENT OR OCCASION

Specify the type of event or occasion to be catered for on the premises and the organiser
 The Rugby world Cup is in Japan September 22nd – November 2nd 2019 – because the RWC is being held in Japan this time there is a considerable time difference and this means most games are early morning for UK viewers.
 North Berwick Rugby Club would like to show the Rugby world Cup games, and serve breakfasts and or cooked filled morning rolls on each occasion
 The rugby club intend to have people wanting to watch the rugby at the club house and have breakfast pre book their attendance in advance of the date.
 The dates requested are for either Scotland games or games that we think would be popular with many of the rugby fans in North Berwick, and/ or the final stages of the competition.

7. CHECKLIST (Please tick yes/no)

• I have Made or enclosed payment of the fee for the application	YES/
--	------

8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)

DECLARATION

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

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

SIGNATURE

DATE

2/7/19

NOTES

1. Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
 - i) a special event or occasion to be catered for on the premises, or
 - ii) a special event of local or national significance.
2. This application must be lodged at least 28 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.
3. The extension of licensed hours may be for such period as is specified in the application or such other period as the Board considers appropriated, but it must not exceed one month.
4. 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
5. Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)
6. East Lothian Licensing Board may extend the licensed hours as per Section 68 of the Act. It should be noted that, as per the Statement of Licensing Policy 2018 -2023, the following considerations will be applied to each application:

Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall outwith the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protecting and improving public health.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- the hours sought
- a detailed description of the special event or occasion
- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.

The Board will not normally grant applications for early drinking prior to travelling to sporting events.

5. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)		
Day	Commencement Time	Terminal Hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday October 26 th	9.00am	As per license 11.00am - 1.00am Sunday
Sunday October 27 th	9.00.am	As per License 11.00am - 11.00pm
Friday November 1 st	9.00.am	As per license 11.00am 1.00am Saturday
Saturday November 2 nd	9.00am	As per license 11.00am - 1.00am Sunday

4. DURATION OF LICENCE

From: [enter date] as per above listing only on those specific dates October 26th, October 27th, November 1st November 2nd
 To: [enter date]

3. THE EVENT OR OCCASION

Specify the type of event or occasion to be catered for on the premises and the organiser
 The Rugby world Cup Japan, September 22nd – November 2nd 2019 – because the RWC is being held in Japan this time there is a considerable time difference and this means most games are early morning for UK viewers.
 North Berwick Rugby Club would like to show the Rugby world Cup games, and serve breakfasts and or cooked filled morning rolls on each occasion
 The rugby club intend to have people wanting to watch the rugby at the club house and have breakfast to pre book their attendance in advance of the date.
 The dates requested are for either Scotland games or games that we think would be popular with many of the rugby fans in North Berwick, and/ or the final stages of the competition.

7. CHECKLIST (Please tick yes/no)

• I have Made or enclosed payment of the fee for the application	YES/
--	------

8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)

DECLARATION
IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION
 The contents of this Application are true to the best of my knowledge and belief.

SIGN.

DATE

2/7/19

NOTES

1. Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
 - i) a special event or occasion to be catered for on the premises, or
 - ii) a special event of local or national significance.
2. This application must be lodged at least 28 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.
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5. Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)
6. East Lothian Licensing Board may extend the licensed hours as per Section 68 of the Act. It should be noted that, as per the Statement of Licensing Policy 2018 -2023, the following considerations will be applied to each application:

Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall outwith the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protecting and improving public health.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- the hours sought
- a detailed description of the special event or occasion
- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.

The Board will not normally grant applications for early drinking prior to travelling to sporting events.

17/07/2019

Your Ref:

Our Ref: 436299

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



**POLICE
SCOTLAND**

Keeping people safe

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
EXTENDED HOURS APPLICATION
LICENCE NO: EL255
PREMISES: NORTH BERWICK RUGBY FOOTBALL CLUB
RECREATION PARK, DUNBAR ROAD, NORTH BERWICK, EAST LOTHIAN,
EH39 4DG.
PREMISES LICENCE HOLDER: NORTH BERWICK RUGBY CLUB**

I refer to the above premises and an application for extended hours to be granted on various dates between 22/09/19 and 20/10/19, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I make the following objection.

The applicant currently holds a premises licence allowing the sale of alcohol for 'on-sales';

Sun-Wed	-	1100hrs to 2300hrs
Thur	-	1100hrs to 0000hrs
Fri-Sat	-	1100hrs to 0100hrs

The applicant has applied for the following extensions;

22/09/19 (Sun)	-	0830hrs to 1100hrs
05/10/19 (Sat)	-	0900hrs to 1100hrs
12/10/19 (Sat)	-	0900hrs to 1100hrs
19/10/19 (Sat)	-	0900hrs to 1100hrs

Section 68(1)(b) of the Licensing (Scotland) Act 2005 allows applications for extended hours to be granted if the Licensing Board consider it appropriate to do so in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance.

The applicant has indicated that the extended hours requested are required to allow patrons to watch the Rugby World Cup.

If the application is granted, the terminal hour for the premises would be outwith the guidelines contained within the Licensing Board's Statement of Licensing Policy 2018-2023.

Section 17 of the policy refers to licensing hours, and states that the general policy for licensed hours for the consumption of alcohol on premises is;

11.00 am to 11.00 pm Monday to Wednesday (inclusive)
11.00 am to 1.00 am Thursday to Saturday (inclusive)
11.00 am to 12.00 midnight on Sunday

and that applications to open outwith these hours will only be granted in exceptional circumstances, and only when the applicant demonstrates how they will promote the licensing objectives.

In addition, the requested hours on three out of the four days will result in the premises being open in excess of the Government's recommended maximum period of 14hours, with the fourth day matching the recommendation.

If the extended hours applied for are granted, Police Scotland are of the opinion that this would set a precedent which other licensed premises in East Lothian would be likely to seek to replicate.

Alcohol fuelled violence and disorder continues to be a problem in East Lothian. In a number of crimes of assault or serious assault recorded by the Police, which has taken place within East Lothian, the perpetrator, victim, or both, have been under the influence of alcohol which was consumed within licensed premises. Recorded crime figures demonstrate that the longer and later licensed premises are open, the higher the likelihood of crimes of violence occurring.

Any extension to the operating hours for the applicant premises, or any other premises enjoying similar licensed hours, may exacerbate this and result in an increase in crime and disorder.

For these reasons, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I object to the application for the purposes of the preventing crime and disorder, preventing public nuisance and protecting and improving public health licensing objectives.

It is pertinent to note that Police Scotland has no objection to the premises opening early to allow patrons to watch the Rugby World Cup and breakfasts to be sold, if there is no alcohol for sale or supply.

It is pertinent to note that Police Scotland has no objection to the premises opening early to allow patrons to watch the Rugby World Cup and breakfasts to be sold, if there is no alcohol for sale or supply.

Yours faithfully



John McKenzie
Chief Superintendent

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

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 10 July 2019 09:27
To: Herkes, Gillian
Subject: RE: LILAC_QXM04806_2233_001.pdf

The police have indicated that they will object to this application in order to be consistent with their approach to other sporting events. I will therefore not comment on this application.

Rudi Fruzynski
Licensing Standards Officer
Accredited Paralegal
East Lothian Council



01620827363

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 09 July 2019 10:16
To: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>;
Grant, Shona <sgrant@eastlothian.gov.uk>
Subject: LILAC_QXM04806_2233_001.pdf

OCCEXT033/19 – Extension for North Berwick Rugby Club for Rugby World Cup for matches on 22 September, 5th October, 2019, 12 October, 19th October and 20th October, 2019 for report.

Gillian

00067038/19

EAST LoTHIAN LICENSING BOARD

Licensing (Scotland) Act 2005

Application for Extension of Licensed Hours

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

4b

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. Application must be lodged 14 days prior to the event.

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

1. LICENCE DETAILS (see note 1)	
Premises licence number	
Premises name and full postal address (including post code, which this application refers to)	NETHER ABBEY HOTEL 20 DIRLETON AVENUE NORTH BERWICK.

2. APPLICANTS DETAILS	
Name of individual	COLIN ROSS MACDONALD
Company/Partnership	
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
FAX NUMBER	
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail)	bookings@netherabbey.co.uk

£10

Licensing
20 AUG 2019
Received

5. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)

Day	Commencement Time	Terminal Hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday	8.15am	11am.

4. DURATION OF LICENCE

From: [enter date] 22/09/19
 To: [enter date] 22/09/19.

3. THE EVENT OR OCCASION

Specify the type of event or occasion to be catered for on the premises and the organiser

WE would like to offer champagne breakfasts for the opening rugby world cup game for Scotland.

7. CHECKLIST (Please tick yes/no)


I have Made or enclosed payment of the fee for the application YES NO

8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)

DECLARATION

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

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

SIGNATURE  DATE 16-08-19.

NOTES

- Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
 - a special event or occasion to be catered for on the premises, or
 - a special event of local or national significance.
- This application must be lodged at least 28 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.
- The extension of licensed hours may be for such period as is specified in the application or such other period as the Board considers appropriated, but it must not exceed one month.
- 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
- Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

Date 22/08/2019

Your Ref: EXTHRS

Our Ref: 447353



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 - OBJECTION
EXTENDED HOURS APPLICATION
LICENCE NO: EL035
PREMISES: NETHER ABBEY HOTEL
20 DIRLETON AVENUE, NORTH BERWICK, EAST LOTHIAN, EH39 4BQ.
PREMISES LICENCE HOLDER:STIRLING STEWART**

I refer to the above premises and an application for extended hours to be granted on 22nd September 2019, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I make the following objection.

The applicant currently holds a premises licence allowing the sale of alcohol between

1100 – 2300 hours - Monday – Wednesday
1100 – 0045 hours - Thursday
1100 – 0100 hours - Friday & Saturday
1200 – 0000 hours - Sunday

The applicant has applied for an extension of hours from 0815 until 1100 on Sunday 22nd September 2019.

Section 68(1)(b) of the Licensing (Scotland) Act 2005 allows applications for extended hours to be granted if the Licensing Board consider it appropriate to do so in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance.

The applicant has indicated that the extended hours requested are required to facilitate an offer of 'Champagne Breakfasts' for the opening of the Rugby World Cup.

Board Policy states:

When the extended hours sought in respect of the on sale premises fall out with the on sale policy hours appropriate to the applicant premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

*The Board will **not grant** an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to **extra drinking time**. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place. The information will include:*

- *The hours sought*
- *A description of the special event or occasion*
- *The proposed activities to take place during these hours*
- *When each activity will take place*
- *Why the event or occasion is considered to be special*
- *Why the event or occasion cannot take place within the on sale policy hours appropriate to the applicant premises."*

If granted, the commencement hour for the premises would be outwith the guidelines contained within the Licensing Board's Statement of Licensing Policy 2018-2023.

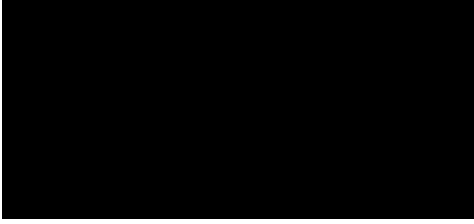
If the extended hours applied for are granted, Police Scotland are of the opinion that this would set a precedent which other licensed premises in East Lothian would be likely to seek to replicate.

Alcohol fuelled violence and disorder continues to be a problem in East Lothian, particularly in the late evening and the early hours. In almost every crime of assault or serious assault recorded by the Police, which has taken place within East Lothian, the perpetrator, victim, or both, have been under the influence of alcohol which was consumed within licensed premises. Recorded crime figures demonstrate that the longer and later licensed premises are open, the higher the likelihood of crimes of violence occurring.

Any extension to the operating hours for the applicant premises, or any other premises enjoying similar licensed hours, may exacerbate this and result in an increase in crime and disorder.

For these reasons, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I object to the application for the purposes of the preventing crime and disorder, securing public safety, preventing public nuisance and protecting and improving public health licensing objectives.

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147



5



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
EAST LoTHIAN LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2018 to 31ST MARCH 2019

NOT PROTECTIVELY MARKED

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM
Chief Constable
Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU 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.

During 2018/2019, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team responsible for 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.

LICENSING BOARD AREA

The East Lothian local authority area is policed by J Division. Chief Superintendent John McKenzie is the newly appointed Local Police Commander who has the responsibility for all day-to-day policing functions. However Chief Superintendent Lesley Clark was the Local Police Commander for the reporting period.

The Local Area Commander Chief Inspector Neil Mitchell is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Mitchell 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 Jocelyn O'Connor and Sergeant Colleen Hope.

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;

- Child Protection
- Child Sexual Abuse & Exploitation
- Missing Persons
- Cyber Crime

- Misuse Drugs & Alcohol, Crimes of Violence / Anti-Social Behaviour
- Adults at Risk
- Doorstep Crime & Fraud (Crimes of Dishonesty)

- Crimes of Violence
- Anti-Social Behaviour Incidents
- Racially Aggravated Conduct
- Domestic Abuse Incidents
- Road Casualties

- Drugs, Financial Harm & Fear
- Extremism & Terrorism

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Description of Board Area

The Command area of East Lothian serves approx. 105,840 local residents covering an area of 262 square miles from Musselburgh to the Dunbar area on the east coast and south into the Lammermuir Hills. The policing headquarters sit in the historic market town of Haddington.

There are currently 202 'on sales' and 89 'off sales' premises in East Lothian.

During this reporting year there have been 5 Provisional Premises Licences granted and 2 Premises Licences granted by the Board. Four of which were for off sales, two in the Musselburgh area, one in Pencaitland to facilitate the storage of alcohol for internet dispatch and one in West Barns to facilitate storage and distribution.

During this reporting year the East Lothian Licensing Board Statement of Licensing Policy (Nov 2018 – Nov 2023) was updated. There was a change from the previous Board Policy, declaring that there was now no overprovision in East Lothian but that the Board would consider closely all applications for new 'off sales' licences.

In the Alcohol Availability and Harm report (April 2018) published by Alcohol Focus Scotland, East Lothian is ranked 18th out of 30 local authority areas for alcohol outlet availability in Scotland. (13th for on sales and 21st for off-sales outlets) This is lower than Scotland as a whole. Other key findings for East Lothian include;

- Alcohol-related death rates in the neighbourhoods with the most alcohol outlets were 4 times higher than in neighbourhoods with the least.
- Alcohol-related hospitalisation rates in the neighbourhoods with the most alcohol outlets were double those in neighbourhoods with the least.
- Crime rates in the neighbourhoods with the most alcohol outlets were 2.5 times higher than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation, had been taken into account.
- The total number of alcohol outlets in East Lothian decreased by 17 (5.9%) from 286 in 2012 to 269 in 2016.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

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 356 recorded incidents in licensed premises between 1st April 2018 and 31st March 2019, this is a slight decrease on the previous year (384).

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There continues to be a notable trend in thefts of alcohol from 'off sales' premises over the reporting year, with continued work being carried out by our dedicated shoplifting team and ongoing work by the police licensing officer in regards to crime prevention.

Police Scotland carried out 463 recorded inspections of licensed premises during the reporting year, a large percentage of these were carried out by the licensing officer in her day to day role 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.

The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

Violence and ASB Data Where Alcohol Is A Factor

Violence recording indicates an "Alcohol" marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 871 recorded crimes of violence for the reporting year 2018-19, a total of 230 had the alcohol marker attached to the crime report. Of that total, 119 were in residential locations leaving 111 acts of violence in a public space where alcohol featured.

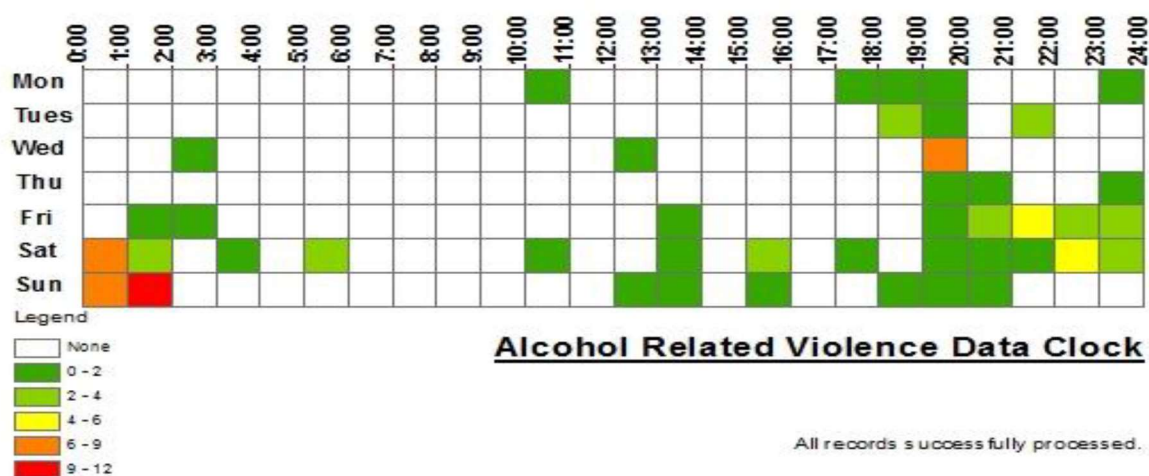
The following map has been produced indicating the locations of public space violence where alcohol is a factor. The red dots indicate alcohol while the green dots are the other crimes where no such aggravator has been added.



The most prominent areas are Musselburgh, Port Seton, Dunbar and Haddington. These areas have the highest outlet density in the East Lothian region.

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The data clock below is based on alcohol related acts of violence and clearly shows the time span later in Friday/Saturday evenings into the early hours of Saturday / Sunday mornings.



Partnerships

Renewal of the East Lothian Alcohol Prohibition - Bylaws

The police licensing officer has worked in partnership with the clerks to the Licensing Board in relation to the renewal of the bylaws for the county this reporting year. The police are in support of the whole of East Lothian, with the exception of the Lammermuir Hills being covered by the renewed bylaw.

Currently in East Lothian there are some towns and villages that are not covered by the prohibition. This causes confusion not only for members of the public but also for police authorities and visitors to the area. Having the whole of the county covered by the prohibition would provide a clear and consistent message.

Over the last 10 years almost every town in the county has expanded with new builds in areas that have been redeveloped for housing and leisure. As a result of this, there are some facilities that are now out with the current prohibition zones.

Anti-social behaviour (ASB) is an issue throughout the whole of the county, not just in certain towns, alcohol is a huge factor in this. There are several areas in the county that attract persons, who, wish to drink outside in public. These areas are often in remote parts of the countryside and seaside areas. ASB can also be of a transient nature as it flows around the county and there is a need for this prohibition to address this variable.

It is hoped that in the very near future the renewal of the bylaws will be agreed by the Scottish Government. The cost of alcohol abuse to the county is huge, so anything that can be done to improve residents' health and reduce alcohol consumption is a priority.

Licensing Standards Officer (LSO)

The 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 the East Lothian area.

Also in this reporting year there has been several months of collaborative work around updating the new Statement of Licensing Policy, with the police licensing officer having a direct input to the content of this document. I believe the Board have come up with a very positive and effective Board Policy Statement which will carry us through to 2023.

East Lothian Licensing Forum

The police licensing officer is an active member of the East Lothian Licensing Forum and over the last year there has been a lot of good work carried out around the Statement of Licensing Policy as well as consultation and feedback on other licensing policy and guidance.

In January 2019 the forum invited the Police Scotland Youth Volunteers (PSYV) to participate in one of our sessions. This proved to be a very positive engagement which gave the forum members a better understanding of the issues faced by young people and how they access alcohol and the peer pressures around consuming alcohol. This is something the Forum will continue to do in the future.

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 15 premises that took part in the BBN scheme. 2 premises in Port Seton and North Berwick attained a Bronze Award. 3 premises in Whitecraig, North Berwick and Haddington attained a Silver Award. 10 premises in Dunbar, Gifford, Musselburgh, Haddington, Ormiston, and North Berwick attained a Gold Award with two premises, one in Musselburgh and one in Dunbar going through as finalists to the National Awards.

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The BBN Scheme 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.

This reporting year the local community police officer in Dunbar has assisted licensees in resurrecting the Dunbar Pub Watch, which although still in the early stages is proving to be a positive step in the right direction. Plans are ongoing to do the same in North Berwick once a new community police officer is identified.

Campaigns

During this reporting year there were a number of campaigns including the 'Ask Angela' campaign which is a simple code-word campaign for people feeling unsafe on a date. Supported by Rape Crisis, East Lothian Council and Police Scotland, the poster is a visual aid which could provide a vital life-line to someone who finds themselves in a difficult situation and can't get out of it.

We also continue to run the 'One Punch Two Lives' campaign to raise awareness of the consequences that one punch can have on two lives – the victim and the attacker. The hope is to encourage people to think about the consequences of their actions and the effect alcohol can have on their behaviour.

Posters for both these campaigns were handed into several licensed premises within East Lothian and were very well received.

Further to the national campaigns, a local initiative on 'fake ID's' was rolled out on the run up to Christmas 2018. Following a notable increase in fake ID's being available, the police licensing officer compiled a guidance document which was made available to licensees via the Forum website and pub watch. It contains information about what to look for in a fake ID and what to do in the event that someone presents one in their premises.

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

NOT PROTECTIVELY MARKED

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.	2
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.	1
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.	3
No Action	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	2

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. There was one such premises in Dunbar that fell into this category.

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. There were 3 such premises in Macmerry, Tranent and Musselburgh. Two resulted in no further action and the other premises went to review.

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.

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.

In September 2018, the police licensing officer carried out checks on all of the premises licence holder companies in East Lothian and discovered that 4 companies had dissolved over a period of time. Because the premises licence hadn't been transferred the premises licences for these businesses were now gone and the premises were no longer permitted to sell alcohol. The police licensing officer made contact with these businesses and informed them of the situation. Two businesses were not operating at that time, one resorted to a BYOB and the other applied for a new licence. All of these premises were located in the Musselburgh area.

Section 22 - Applications

Over the course of the reporting year there has been 1 New Premises Licence granted and 1 Premises Licence confirmed.

There have also been 5 applications received by the Board for Provisional Premises Licences. All of which were granted and in some cases the Board took steps to refuse 'off sales' 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 2 Review Applications submitted by Police Scotland. One was for a premises in Macmerry due to a breach in the conditions of their licence, they received a Written Warning and the other was for a premises in Dunbar following a serious assault, alleged underage drinking, out with licensed hours. There was no further action taken as the premises licence was being transferred and the licence holder/Designated Premises Manager (DPM) had left the premises.

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.

The licensing officer received information that a premises in Musselburgh 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 was placed on the Monitored list and after a period of time no further action was taken.

Section 72 – Personal Licence Applications

There were 150 applications made for personal licences during this reporting year in East Lothian. These were a combination of new applications and renewals.

The amendment to legislation permitting the Chief Constable to request refusal for the purposes of ‘any’ Licensing Objective and provide the Board with ‘any other relevant information’ 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 a male applicant had a pending case for theft and fraud from a previous employer. A request for refusal was submitted by Police Scotland and the applicant, through his agent, ‘withdrew’ the application prior to it reaching the Board.

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 the Premises Licence Review in the Dunbar area following a serious assault on the premises. The DPM’s personal licence was reviewed and the Board supported the Police recommendation to ‘revoke’ it.

Another occasion was a DPM from a Musselburgh premises, who had been involved in a couple of incidents where his actions were very concerning and his conduct was inconsistent with the licensing objectives. He too had his personal licence ‘revoked’ by the Board. This was 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.

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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)	2
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)	2
Section 116 (refusal to leave licensed premises)	9

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

We all recognise the positive impact children and young people can have, though they are at an age group often unfairly stereotyped and stigmatised.

Children and young people are at a period of their lives where they face choices and it is important they are supported to make the best possible decisions for their future.

Keeping young people safe is a priority of Police Scotland but it is important that adults (including parents, teachers, carers and youth workers) know how they can help them too.

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.

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.

Due to a new 'code of practice' introduced by Government on 1st March 2018, a Directed Surveillance Authority under the terms of the RIP(S)A (Regulation of Investigatory Powers Scotland Act) must now be sought before a Test Purchase Operation is carried out.

Because of this Police Scotland have had to update the SOP (Standard Operating Procedure) for Test Purchase Operations. This was only completed on the 12th March

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2019 and so unfortunately there has been no Test Purchase Operations carried out in the East Lothian area in this reporting year.

Fake ID's

One of the campaigns which the licensing officer ran on the run up to Christmas 2018 was 'Fake ID's'. The police licensing officer compiled a 'Guidance Document for the Licensed Trade' which covered what to do in the event of a fake ID being presented.

The trade in fake ID's is a very lucrative one and there appears to be more fake ID's than every circulating among our young people.

In order to keep up with trends and how our young people access alcohol as a member of the Licensing Forum, the police licensing officer, invited the PSYV (Police Scotland Youth Volunteers) to one of the Forum meetings. This proved to be a very positive and worthwhile exercise for all involved, giving a better understanding of the issues faced by our young people and how they access alcohol and the peer pressures around consuming alcohol.

Number of offences reported to COPFS	
Section 102 (sale of alcohol to a child or young person)	0
Section 103 (allowing the sale of alcohol to a child or young person)	0
Section 104A (supply of alcohol to a child)	1
Section 104B (supply of alcohol to a young person)	2
Section 105 (purchase of alcohol by or for a child or young person)	0

Section 104A and 104B is a relatively new addition 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 carry out test purchasing in the coming year, in accordance with the new code of practice.

To continue with the work involving the PSYV (Police Scotland Youth Volunteers) with the local Licensing Forum.

TACKLING SERIOUS AND ORGANISED CRIME

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.

Examples of Serious and Organised Crime (SAOC) Activity in the Board area -

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 DPM (Designated Premises Manager) position and therefore are not 'relevant' persons.

The police licensing officer continues to monitor the persons connected to licensed premises in East Lothian, who are known to have links to SOCG's. All opportunity is taken to disrupt the running of these licensed premises whenever an opportunity arises. Proactive visits to these premises by the police licensing officer keeps the pressure on these operators and ultimately they tend to leave an area as quickly as they arrived.

The use of intelligence is now an option when objecting to a licence and in an effort to educate and prepare the East Lothian Licensing Board members, the police licensing officer arranged an input in November 2018 by specialized officers based at the Scottish Crime Campus, Gartcosh. This was well received by the Board members and something that could be repeated in the future.

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PROPOSED ACTIVITY FOR THE YEAR AHEAD

The division has begun a new operation which focuses on violence in all forms and recognises that alcohol has a significant part to play in a large amount of the recorded crimes and incidents. In order to tackle this in a more pro-active manner the new Local Area Commander has put additional focus on Licensed Premises. Currently and in the year ahead the police licensing officer will be given additional support through extra staff at peak demand times. More Licensed Premises will be checked and more often, focussing even more on prevention. The police licensing officer now tasks front line police officers on a weekly basis through a local tasking process and is providing additional training to younger in service officers.

In areas where alcohol fuelled disorder occurs, local community officers will be tasked in advance of events to visit Licensed Premises and provide advice. All reports of proxy purchasing will be prioritised and highlighted on social media to ensure awareness. We will provide more awareness of our local activity using our social media pages and link in with national media campaigns, but in a local context.

Where violence and disorder occurs we will pro-actively seek to ascertain where the alcohol has been purchased and robustly pursue anyone who has committed offences.

Through the new Board Policy Statement, we are looking at the crime prevention side of things and what operators can do to reduce theft of alcohol and support the 'preventing crime and disorder' Licensing Objective. We will continue to work closely with licence holders when submitting new premises licence applications as well as variations to existing ones and encourage the use of CCTV and other crime prevention measures.

The Board will be aware that minimum unit pricing (MUP) has been in effect since 1st May 2018 and it was anticipated that this would bring other challenges as well as potentially, an increase in the theft of alcohol. It is probably too early to assess the impact of MUP at this stage but it is something that will be monitored in the coming year.

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.

To continue the work with the PSYV (Police Scotland Youth Volunteers) and the Forum, gaining a better understanding of young people and their relationship with alcohol.

To embrace the new legislation around Test Purchasing and resume this tactic, to increase awareness of underage drinking and test the working practices of our operators in East Lothian.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police,

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licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.

Ms Kirstie MacNeill
Clerk of the Licensing Board
East Lothian Licensing Board
John Muir House
Haddington
EH41 3HA

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26 July 2019

Dear Ms MacNeill

Progress Update Review (PUR) Final Report: East Lothian Council and East Lothian Licensing Board

Thank you for your authority's submission of a Progress Update Review (PUR) for assessment and comment by the Public Records (Scotland) Act 2011 Assessment Team. We commend participation by authorities in undertaking, and reporting on, regular self-assessments and reviews of their records management arrangements. We anticipate that through uptake of the PUR tool, a stronger sense of collaboration and mutual support will be achieved between authorities and the Assessment Team. This will continue to enhance the culture of records management across Scotland's public authorities.

The Assessment Team has now evaluated the submission and consider that **East Lothian Council and Licensing Board** continues to take their statutory obligations seriously and are working to maintain all the elements of their records management arrangements in full compliance with the Act and fulfil the Keeper's expectations.

I enclose the Assessment Team's findings in the accompanying Final Report. We would welcome you publishing this Final Report as an indication of the good work and progress your authority is making in its record management arrangements and to aid colleagues by sharing good practice with other authorities. The National Records of Scotland will publish the Final Report on its website in due course.

As the PUR process is now being rolled out to all public authorities we have developed a new schedule based on the anniversary of the agreement of each Records Management Plan. **East Lothian Council and Licensing Board** can therefore expect to receive its next PUR invitation in **January 2020**.

Yours sincerely

Pete Wadley
Public Records Officer
Direct Email: Pete.Wadley@nrscotland.gov.uk

The Public Records (Scotland) Act 2011

East Lothian Council and East Lothian Licensing Board

Progress Update Review (PUR) Final Report by the PRSA Assessment Team

17 July 2019

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1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal Assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor recordkeeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Final Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for East Lothian Council and East Lothian Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

East Lothian borders the City of Edinburgh, Midlothian and the Scottish Borders. Its administrative centre is Haddington, although its largest town is Musselburgh.

The council area was created in 1996, replacing the East Lothian district of the Lothian region. The district had been created in 1975 under the Local Government (Scotland) Act 1973, consisting of the old county of East Lothian plus the burghs of Musselburgh and Inveresk, which until then had been in the county of Midlothian.

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. East Lothian Licensing Board consists of 6 Board members.

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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				updated as work on this element progresses.			
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Progress Update Review (PUR) Template: East Lothian Council and East Lothian Licensing Board (2019)

Element	Status of elements under agreed Plan, Jan 2015	Status of evidence under agreed Plan, Jan 2015	Progress assessment status, Oct 2016	Progress assessment status, Nov 2017	Progress assessment status, May 2019	Keeper's Report Comments on Authority's Plan, Jan 2015	Self-assessment Update Oct 2016	Progress Review Comment, Oct 2016	Self-assessment Update Sep 2017	Progress Review Comment, Nov 2017	Self-assessment Update as submitted by the Authority since Nov 2017	Progress Review Comment, May 2019
1. Senior Officer	G	G	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.	No Change	No immediate action required. Update required on any future change.
2. Records Manager	G	G	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.	East Lothian Council appointed Zarya Rathe as Team Manager for Information Governance and Data Protection in 2018. Due to maternity leave commencing in October 2018 Maureen Henderson was appointed interim Team Manager for Information Governance and Data Protection.	The Assessment Team thanks East Lothian Council for this update which we have noted.
3. Policy	G	G	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.	No change has taken place due to the implementation of GDPR and other priorities so the review of the Information and Records Management Policy has not been done at this present moment but works is currently about start as it's been decided that a rewrite is required of East Lothian Council	The Keeper's Assessment Team note the Council intends to review and update their Records Management Plan (see element 13 below). This is apparent in the PUR text for several elements below and will be an important step going forward.

											Records Management Plan which will coincide with the Launch of the new Records Management Plan.	<p>The Act requires an authority to keep its Records Management Plan under review and this is a good indication that East Lothian Council is committed to complying with this aspect of the legislation.</p> <p>They look forward to being kept updated on this work in subsequent PURs.</p> <p>The PUR notes that, because of this review, there has been some slippage in the review dates of other information governance documents (The Records Management Policy particularly). This is to be expected.</p> <p>The Keeper accepts that the current Records Management Policy is operational until superseded. However, if this were a formal re-submission under section 5 of the PRSA, the RM Policy would have to be 'in-date' to attain the Keeper's agreement.</p>
4. Business Classification	A	G	A	A	A	The Keeper would like to know when this survey is complete and potentially view the 'targeted plan for implementation of classification scheme.'	The survey has been declared 'complete' with a good response rate, but not 100% coverage.	The Assessment Team received a copy of the completed Records Management Survey. The survey and accompanying results and	Evidence of guidance and dissemination: Copy of guidance (A1), screen capture from intranet (A2) and Council newsletter 'eNews'	At the time of the Keeper's statutory assessment the authority had developed a comprehensive Business Classification Scheme (BCS).	No change work continues on the BCS but due to the RM manager leaving and other priorities but East Lothian Council are committed to carrying on this work and implement the BCS standard throughout the council.	<p>The BCS roll-out continues. The roll out of this major piece of work is bound to be incremental and further time must be allowed for it to bed in and become fully operational.</p> <p>This element remains at 'amber' for the moment as the work progresses.</p>

						<p>The Keeper requests that he is kept informed on the development of the proposal and that he may view the outcome of the "EDRMS Review" planned for 2015. He would be especially interested in information regarding any alternative solution should the CIVICA proposal be rejected.</p> <p>The RMP indicates that a restructuring of paper file store 'may' be undertaken. The Keeper will be interested to know what decision is taken regarding this.</p>	<p>Later additions will be incorporated to expand this assessment as and when they become available. Sufficient information has been gathered to support the initial stages of the process. A separate summary report will be made available soon.</p> <p>File Naming convention guidance has been made available to all staff.</p> <p>The EDRMS Review was commenced in October 2015 with an initial survey of all 'software systems' being used within East Lothian Council and known to</p>	<p>analysis provide a useful insight into records management practice within East Lothian Council. Whilst the survey did not receive a 100 per cent response rate it provides a valuable benchmark from which to assess future developments. It clearly identifies areas where improvements can be made to enable the Council to continue to take steps towards achieving full compliance under this element.</p> <p>Making file naming convention guidance available to staff should eliminate some of the risks of non-standard naming conventions.</p>	<p>from April 2016 (A3). There is currently no assessment of uptake, but is being promoted as best practice.</p> <p>As regards the EDRMS review, preliminary outline of different systems completed. Summary of all systems obtained and analysis commenced on types of data held, to determine requirements. More in-depth assessment being undertaken by EDRMS project manager.</p> <p>The restructuring of physical filing is still a matter under consideration. With the movement towards reducing paper this may</p>	<p>However, this had not yet been fully rolled-out across all service areas, and work was on-going to ensure that the BCS informed the structure of the hybrid records management systems operated by the authority. This latter task was complicated by the fact that several different systems were in operation across the service areas.</p> <p>It is clear from the PUR templates received by the Assessment Team that the Council continues to work hard towards restructuring its hybrid document management systems around its published BCS. This is reflected in the BCS extract (A4), which shows how a new electronic filing structure based upon the BCS is being implemented</p>	<p>No change in regards to EDRMS still being looked into by East Lothian Council</p> <p>No change to the paper filing system but as paper files are still generated and East Lothian Council still have legacy paper files this will form part of the EDRMS project which will look at options for the paper records going forward.</p> <p>No changes have been made to the naming guidance.</p>	<p>The Assessment Team notes the update of the EDRMS project and look forward to being kept updated on this work in subsequent PURs.</p>
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						<p>the IT department.</p> <p>A further detailed investigation into the informational content of these systems and if they are 'Records' systems is on-going.</p> <p>The restructuring of physical filing is still an option, but has not at this time been implemented beyond the trial done with the Records Management Team.</p>	<p>The Assessment Team would like to be kept informed of the progress of the EDRMS Review, and asks that the Keeper is able to view the outcome of the EDRMS Review when appropriate.</p> <p>As restructuring of physical filing is still being considered, the Assessment Team requests that the Keeper is kept informed of any further developments in this area.</p> <p>The Assessment Team has assessed the progress report and considers that the Council continues to make a strong commitment to restructuring</p>	<p>become unnecessary.</p> <p>Pilot implementation of new filing structure within Licensing progressed, and nearing final completion - structure developed (A4) - awaiting file relocation stage. After completed additional stages will be considered for the roll out of this pattern to other teams.</p>	<p>within the Licensing service area. The Assessment Team commend this work and ask that they continue to be kept informed as this pattern is rolled-out to other service areas.</p> <p>Progress has also been reported as regards the EDRMS review. The Council are committed to investigating the possibility of imposing a Corporate EDRMS across the service areas. Whilst this must remain a business decision for the authority, the Team consider use of a centralised, comprehensive EDRMS as a valuable tool for records management.</p> <p>The update concerning the completion of preliminary investigations of the various software</p>		
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							<p>its hybrid document management systems around its published business classification scheme.</p> <p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>		<p>systems used by the Council, and news of the commencement of analysis of the data held within these systems, is therefore welcomed. As this is a long-term project requiring further in-depth assessment by the EDRMS project manager, the Assessment Team would be grateful to be kept up-to-date on progress in future PUR submissions.</p> <p>The restructuring of paper filing systems is still under consideration but may become redundant due to the increasing paucity of paper records being generated. The Team would like to be kept informed should a definitive decision in this area be taken.</p>		
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									<p>Due to the hybrid nature of the document management systems employed by the Council it was recognised that instituting file naming conventions would be an effective means of improving control.</p> <p>This submission makes clear that file naming rules have been created; the File Naming Rules (A1) outline the importance/purpose of observing file naming conventions and provides guidance and examples of how to name documents in a consistent manner. This is commended by the Assessment Team.</p> <p>The intranet screenshot (A2) and extract from the Council eNews (A3) shows that staff have been made aware of these rules and have access to the guidance.</p>		
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							<p>within the Council.</p> <p>The Assessment Team looks forward to learning about the authority's 'destruction recording implementation' process and asks that the Keeper is informed of developments made in this area.</p> <p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>	<p>The spring cleaning can be evidenced a little by the destruction activity and is still undertaken consistently within the Council's Records Store. A5</p>	<p>This is reflected by the accessibility of this document; staff accessed the retention schedule document 33 times in the last quarter of 2016. The Assessment Team thanks the authority for this update.</p> <p>The Council is currently engaged in a project to impose the retention/disposal decisions outlined in the BCS upon the hybrid records management systems in operation across the authority. This endeavour is commended as it will ensure that pre-determined retention/disposal decisions are assigned for all records being generated and that such decisions will be applied consistently and correctly.</p>		
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										<p>The Council have identified 2018 as the target date for completion of this project. As such, the Assessment Team request future updates on the progress of work in this area.</p> <p>It is evident from this submission that the authority continues to engage in 'spring cleaning' activities across several departments to destroy records held in the Council's Records Store. This is shown in the Destruction Summary (A5) which demonstrates the number of boxes destroyed by different departments. The destruction of records in line with the retention schedule is crucial for ensuring business efficiency and regulatory/statutory compliance.</p>		
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										<p>The Team would welcome receiving on-going updates concerning this work in future PUR submissions.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>		
6. Destruction Arrangements	A	G	A	A	A	<p>The Council is planning to set protocols for the use of internal shredders. The Keeper requests sight of these protocols when they are available.</p> <p>Electronic Records Destruction. The Keeper accepts that the Council has properly identified a gap in provision</p>	<p>Draft Protocols disseminated, implementation plan proposed for May 2016.</p>	<p>The Assessment Team commends the dissemination of draft protocols for the use of internal shredders. The Assessment Team requests that the Keeper is given sight of these protocols when appropriate</p> <p>The Assessment Team considers that progress is being made and that this element should</p>	<p>The Council implemented a new Destruction Register in November 2016 which begins to capture this activity. You will find a screen capture of our Reporting form, redacted extracts from the register itself (A6) and also some of the guidance which has been issued to users. (A7 & A8).</p>	<p>The Council has submitted guidance documents concerning the use of internal shredders for paper records. The <i>Confidential Waste Checklist</i> (A7) is a useful document which helps staff identify sensitive or confidential data and explains the importance of destroying such material in a secure manner. The creation of such guidance is commended by the Team, particularly as it will help the authority avoid data breaches following implementation</p>	<p>No Change but will be consider during the rewrite of the Records Management Plan</p>	<p>Along with many other Scottish public authorities the controlled, timely and secure destruction of digital records remains a potential weakness.</p> <p>East Lothian Council will be in a better position to address this when the BCS/Retention Schedule is fully implemented.</p> <p>This element remains at 'amber' for the moment as this work progresses.</p> <p>The Assessment Team acknowledges the planned development of a new Records Management Plan.</p> <p>They look forward to being kept updated on record destruction provision in subsequent PURs.</p>

						and has appropriate mechanisms in place to close that gap.		remain under improvement.	<p>We have included the functionality in the Destruction Register to record the deletion of electronic records. (A6).</p> <p>This was a specific user request so we can report that the individuals taking responsibility for this area are actively engaging with the process and helping to improve it.</p>	<p>of GDPR in 2018.</p> <p>The <i>Shredding FAQs</i> (A8) states that the Council no longer use an external firm for destruction of paper records (Shred-It).</p> <p>The Team thanks the authority for this update. The document therefore outlines the processes now in place which staff must comply with to ensure the secure and timely disposal of paper records.</p> <p>It explains how and when boxes are to be emptied and the procedure for sealing bags and using tamper-proof numbered zip-ties to ensure that disposal is secure and can be audited.</p>		
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									<p>Staff are required to use the Destruction Register to list what they have put in the boxes in order to help the records management team identify what has been destroyed.</p> <p>The processes outlined in the evidence received from the Council indicate that robust procedures have been established for the secure and irretrievable destruction of paper records and that such destruction is now recorded and can be audited. The Team applauds this work and would be happy to receive updates on how this new system is working in future PUR submissions.</p> <p>An area identified by the Council as requiring further work was the destruction of electronic records.</p>		
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									<p>This is a significant challenge due to the Council's use of several document management systems and shared drives. This submission makes clear that the destruction of electronic records is both considered and taking place; the Destruction Register screenshot (A6) shows that electronic destruction is an option when entering details into the Register. This is commended by the Assessment Team, who would welcome updates concerning this feature as improvements continue to be made.</p> <p>However it is likely that no until the imposition of the combined BCS/Retention Schedule upon the hybrid document management systems, and the future implementation</p>	
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									of an EDRMS, that a comprehensive solution for ensuring that electronic records are destroyed in a timely, secure, and appropriate manner will be created. There is a clear commitment under elements 4 and 5 to achieve this and the Team recognise that this is likely to take some time due to the complexity of the challenge. As such the Team ask that they are kept informed as progress in this area continues.			
									The Assessment Team consider that progress is being made and that this element should remain under improvement.			
7. Archiving and Transfer	G	G	G	G	G	The Keeper requests the two new documents (Acquisitions Policy & Transfer Procedure	Archive Acquisition Policy approved at April Cabinet meeting.	The Assessment Team commends the development of the Council's Archive Acquisition	Details of the Cabinet minute at which the Archive Acquisition Policy was approved can be	The Council continue to demonstrate compliance under this element through their commitment to revising and/or creating formal	No change but the policy will be reviewed during the re-write of the Records Management Plan	No immediate action required. Update required on any future change. The Assessment Team acknowledges the planned development of a new Records Management Plan.

					<p>s) planned relating to the management of archival material are forwarded to him when appropriate.</p>	<p>Policy and asks that the policy is forwarded to the Keeper when appropriate.</p> <p>The Assessment Team would like to be informed of the progress of the planned document on Transfer Procedures and again requests that a copy is forwarded to the Keeper when appropriate.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element.</p>	<p>accessed here: http://www.eastlothian.gov.uk/meetings/meeting/5703/cabinet (A9)</p> <p>The Transfer Procedures are still in development at this time.</p>	<p>policy documents concerning the transfer of records of enduring value to their own Archive Centre.</p> <p>The Assessment Team are particularly pleased to have receipt of the new Archive Acquisition Policy which was approved by the Cabinet in April 2016 (A9). This policy outlines the criteria by which records are identified as being worthy of permanent preservation and the regulatory environment in which a local authority archive operates. This document is commended by the Assessment Team as providing a useful tool for identifying Council material of enduring archival value.</p> <p>The Team are equally pleased to see that this Policy is</p>	<p>They look forward to being kept updated on this work in subsequent PURs.</p>
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									<p>publically accessible on the Council's website. This is considered good practice as it demonstrates transparency surrounding the decisions made as to which Council records are transferred to the Archive Centre.</p> <p>The Team recognise that the Transfer Procedures document is still being developed. The Team applaud the creation of such a document and ask that they have sight of it once available. In the event of a future statutory assessment, the Keeper will request that this document is forwarded for his consideration.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		
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8. Information Security	G	G	G	G	G	The Keeper requests that if any changes occur as part of the review of the Information Security Policy in December 2015 that he is provided with an updated version.	No updates	The Records Management Survey notes that a proportion of those surveyed felt there was a need for improvements in their security arrangements and this would be explored with the relevant teams in conjunction with Information Security Specialists. The Assessment Team would like to be kept informed of any changes or developments in this area. The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.	There is no update at this point	No immediate action required. Update required on any future change.	No change but the policy will be reviewed during the rewrite of the Records Management Plan	No immediate action required. Update required on any future change. The Assessment Team acknowledges the planned development of a new Records Management Plan. They look forward to being kept updated on this work in subsequent PURs.
9. Data Protection	G	G	G	G	G	The Keeper requests that he is	Number Provided: ZA112276 (notification made	As requested, the Council has provided the Keeper	Please find attached the slides which were used to	The submission shows that the Council continue to exhibit a high	A lot of change under this element due to the implementation of new Data Protection	As with all other Scottish public authorities East Lothian Council have been required to review

					<p>provided with the Board's registration number when it becomes available</p>	<p>20th April 2015 & will continue to be renewed).</p>	<p>with East Lothian Licensing Board's Registration number with the Information Commissioner's Office, fulfilling the Keeper's initial request. This was confirmed by checking against the registration listed on the Information Commissioner's website.</p> <p>The Records Management Survey notes that the Council has tightened controls on sharing information in line with Data Protection procedures, and that specialist training was delivered to all local authority schools. This was an area where the Council had identified a need to improve.</p>	<p>deliver sessions to all but one of East Lothian's Schools - the outstanding school is still to be given this training. (A10).</p> <p>Here you will find the up to date ICO Register Entries for: East Lothian Council: https://ico.org.uk/ESDW/ebPages/Entry/Z575957</p> <p>1 East Lothian Licensing Board: https://ico.org.uk/ESDW/ebPages/Entry/ZA11227</p> <p>6 And the ELC Returning Officer: https://ico.org.uk/ESDW/ebPages/Entry/ZA23744</p> <p>7 (A11, A12, A13).</p>	<p>level of compliance under this element. The Assessment Team thanks the authority for links (A11-13) to the Information Commissioner's website which demonstrates that the Council, Licensing Board, and Returning Officer are all registered.</p> <p>The Council are also committed to tightening controls on the sharing of information, particularly school records, as this was an area where the Council identified a need to improve. A presentation on Data Protection and Information Security (A10) which was delivered to all but one of East Lothian's schools has been submitted as evidence.</p>	<p>Legislation, so East Lothian Council have concentrated on updating guidance and this is evidence from E01-E07 and this information has been made available to staff and schools. We have also still been engaging with schools and attending meetings answering any relevant questions or concerns in relation to the new Data Protection Legislation. We are also midst drafting a Social Media policy for schools so they understand the rules in regards to social media in relation to children.</p> <p>We are also in the middle of renewing and updating our Data Sharing Agreements (E08) and Data Processing Agreements we have with suppliers and others so we are fully aware of who we are sharing information, ELC are also developing a register of these agreements which will hopefully linked to the Information Asset register and any relevant Data Protection Impact Assessments but all this is still in development but will be updated in rewrite of the Records Management Plan.</p>	<p>and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team acknowledge receipt of a suite of new GDPR compliant data protection policy and guidance documents. These will be stored to keep the East-Lothian Council submission up to date.</p> <p>The Assessment Team acknowledges the receipt of a screen-shot showing staff have access to the new GDPR staff guidance documents.</p> <p>The Assessment Team also note the updated information on the East Lothian Council website: https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies</p>
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							<p>The Assessment Team commends the authority for this initiative.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element.</p>		<p>This presentation highlights the relevant data protection principles, advises staff on the secure and safe use of emails and social media, and offers guidance and support to ensure that Council employees comply with regulatory obligations. The Assessment Team welcomes this proactive approach to disseminating information to Council staff and commends the highlighting of the mandatory online training on these topics.</p> <p>The Team would be pleased to receive updates in the future should further changes in data protection and information sharing arrangements take place.</p>		
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											<p>The Team are conscious that the implementation of GDPR in 2018 will likely have a significant impact on current practices and policies within public authorities.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		
10. Business Continuity and Vital Records	A	G	A	G	G	<p>The Keeper requires that the Council provide him with a redacted sample of a Service Business Continuity Plan when they are completed.</p>	<p>All current Business Continuity Plans make reference to the Vital Records Guidance. There is scope for further improvement on this area before seeking to evidence progress. Annual reviews are undertaken.</p>	<p>The Records Management Survey notes that additional guidance was created to advise people on how to identify vital records, and this has been included in the Business Continuity training. The Records Management Survey also notes that a Business Continuity AGM was introduced, as well as review reminders to</p>	<p>The AGM resulted in the improvement and adoption of a more integrated Business Continuity system. The attached guidance plan is dated 2017 (A14a), but had its basis in the work undertaken in 2016. There is also a screen capture showing the level of integration</p>	<p>The Council have engaged in extensive work under this element since the Keeper's formal agreement of the Plan in 2015. Individual Service Unit Business Continuity Plans have been developed and a sample example from Licensing, Administration & Democratic Services has been provided as evidence (A15). These Plans, which are signed off by the Heads of</p>	<p>East Lothian Council have recently published an updated Business Continuity Plan and is evidenced at E09</p>	<p>The Assessment Team acknowledge the receipt of the East Lothian Council Business Continuity Plan (v1.0) dated January 2019.</p> <p>As noted in previous PUR, the Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.</p> <p>It is likely that if this were a formal re-submission under section 5 of the PRSA this element would gain a 'Green' RAG status.</p>	

							<p>ensure Business Continuity plans are updated where necessary. The Assessment Team commends these efforts as they indicate continuing progress and development of the Council's business continuity strategy.</p> <p>The Assessment Team asks that the Keeper is provided with a redacted sample of a Service Business Continuity Plan as originally requested in the Keeper's report of 5th January 2015.</p>	<p>that 'vital records' now have in the business continuity process (A14(b)). This establishes the policy position and shows the result of the co-ordinated work to improve our support of this function.</p> <p>Please find attached the redacted Business Continuity Plan from 2016 for Licensing, Administration & Democratic Services. (A15). The new system has specific elements on Vital Records so this will be expanded further in future.</p>	<p>Service, detail the activities which need to be undertaken in the event of significant disruption and prioritises these actions based on a Business Impact Analysis. Particularly commendable is the inclusion of contact details, the delegation of staff responsibilities, and the discussion of mitigation options to ensure that disruption is kept to a minimum. The Assessment Team thanks the Council for sight of this robust and valuable document.</p> <p>The Team are also pleased to see that these localised Business Continuity Plans declare that recovery arrangements are to be reviewed on an annual basis and that there is provision for staff to receive training to help maintain</p>		
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							<p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>	<p>continuity of service. The Team would be happy to receive future updates following these reviews and training.</p> <p>Furthermore the <i>Business Continuity Policy and Management System (A14(a))</i> dated February 2017 is a comprehensive, high-level document which aims at compliance with ISO 22301. As well as stating that Heads of Service must have in place Business Continuity Plans, it also describes the Service Risk Registers for identifying potential risks and the provision of staff training using LearnPro to help staff become more aware of Business Continuity obligations. This is commended by the Assessment Team.</p>		
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										<p>Another key aspect of this element is the identification of vital records. The establishment of a dedicated Business Continuity AGM has led to an improved, integrated Business Continuity system and the development of new policies surrounding vital records. The extract from the Business Continuity software (A14(b)) shows that vital records forms a compulsory element within the system. Likewise the <i>Business Continuity Policy</i> includes specific guidance on how to identify vital records and to assign responsibility for these records to a named individual within each service. The Team believe such an approach will reduce the likelihood of significant disruption in the</p>		
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									<p>event of a disaster.</p> <p>The Team believe that sufficient progress under this element has taken place to award an improved RAG marking. It is clear from the submission that the Council has developed service area Business Continuity Plans and policies which take into consideration the importance of vital records.</p> <p>The Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.</p>			
11. Audit Trail	A	G	A	A	A	The Keeper requests that he is kept up to date with the project as it progresses .	No change - destruction protocols will support this development	The Assessment Team asks that the Keeper is kept informed of progress with the Council's EDRMS Audit Survey.	See Section 4 - general progress on EDRMS functionality is being made. New appointment of an EDRMS Project	The ability to track and locate records regardless of format is vital for ensuring their on-going authenticity and reliability. The Council recognised that	No change	No immediate action required. Update required on any future change. East Lothian Council will be in a better position to address this when the BCS/Retention Schedule is fully implemented.

							<p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>	<p>Manager will undertake a more co-ordinated look at these systems and the way in which this functionality is delivered across the Council</p>	<p>this is a challenge due to the use of several disparate electronic records management systems and shared drives and accept that a centralised solution will take time to implement.</p> <p>However it is evident that the Council are engaged in efforts to improve provision under this element. Comments made under Element 4 indicate that work is on-going to assess the current systems used by the Council prior to re-structuring them to match the BCS/Retention Schedule. Similarly a Project Manager has been appointed to develop and implement a centralised, corporate EDRMS solution. The Team consider these</p>	<p>The Assessment Team notes the update of the EDRMS project (see element 4) and look forward to being kept updated on this work in subsequent PURs.</p> <p>This element remains at 'amber' for the moment as this work progresses.</p>
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									<p>approaches to be effective means of imposing audit trail functionality upon the Council's recordkeeping systems. As such the Team would welcome updates in future PUR submissions as these projects continue.</p> <p>In the absence of a single records management system, and the employment of shared drives, it is crucial that the Council develop file naming conventions and version control procedures. This has been evidenced by the documents referred to under Element 4 (A1-A3) which demonstrate a commitment by the Council to provide guidance in these areas which should ultimately increase conformity and standardisation of naming practices.</p>	
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										<p>This is welcomed by the Team. As it is noted that there is currently no assessment of uptake of these procedures the Team would be interested to hear whether any such assessments are scheduled for the future.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>		
12. Competency Framework	G	G	G	G	G	Update Required on Any Change	RM training formally made compulsory by Council Management Team 21/01/16. Paper version & Electronic available.	The Assessment Team commends the Council Management Team's approach to formally make Records Management training compulsory earlier in the year. This supports previous evidence supplied in the authority's original submission and it is a strong	Please find attached the extract from the Council Management Team meeting from 21 January 2016 which approved the training (A16) and copies of the 'offline' version with scoring matrix, and guidance provided to trainers. (A17, A18, A19).	The Keeper's Model Plan expects an authority to recognise that records management is a separate and vital function which requires specific skills and training. The Council demonstrates a high-level of compliance with this expectation through their development of mandatory staff training. This PUR submission includes the action note	No change	No immediate action required. Update required on any future change.

							<p>indicator of the Council's commitment towards continuous improvement. The Assessment Team requests that the Keeper is kept informed of any further changes made in this area.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element</p>		<p>(A16) from the Council Management Team meeting dated 21 January 2016 at which it was agreed to make records management training for staff compulsory. This decision is welcomed by the Assessment Team.</p> <p>An offline version of the training (A17) defines records management and outlines its importance, as well as discusses the utility of the BCS and Retention Schedule. This approach is commended by the Team. The Training Guidance (A18) and Training Template (A19) are vital tools for identifying who has undertaken the training and for ascertaining who has passed. This information is then forwarded to the Records Manager for retention and reporting purposes.</p>	
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									<p>The Assessment Team applaud this initiative and believe that it will help bring about a culture of good records management across the authority as well as improve staff compliance with the records management arrangements detailed in the RMP. Should further training modules be created, the Team would be happy to receive updates in future PUR submissions.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>			
13. Assessment and Review	G	G	G	G	G	<p>The Keeper requests that if any changes result from the review he is provided with the</p>	<p>This report is the first full formal review of progress. Some elements are still progressing. Data Protection Health Check is underway.</p>	<p>Confirmation that the Data Protection Health Check is underway shows that the action points laid out in the initial submission are being</p>	<p>Please find attached a list of some of the activities of the Information Governance Compliance Officer relating to</p>	<p>Regular reviews of the RMP and accompanying policies is a requirement under this element to help ensure that documents remain fit for purpose and to</p>	<p>East Lothian Council have made the decision with the launch of the new Records Management Plan that they are going to do a re-write of the Records Management Plan this year.</p>	<p>Once the Records Management Plan has been revised and updated, the Council may choose to re-submit formally under section 5 of the Act. This would be welcomed.</p>

					<p>updated version.</p> <p>The Keeper would be interested in the results of the Data Protection Health Check, if appropriate.</p>	<p>addressed. The Assessment Team asks that the Keeper is provided with the results of the Health Check when completed.</p> <p>The Assessment Team has considered the improvement report and commends East Lothian Council's Records Management Survey as it reflects good records management practice.</p> <p>The survey demonstrates the active operation of the self-assessment procedure as used by the Council to direct and inform its programme of improvements within the Records Management Plan. It provides a detailed insight into</p>	<p>the 'Data Protection Health Check'. (A20).</p> <p>It is hoped that the above items of evidence, and the continued participation of East Lothian in the self-assessment process, are sufficient to satisfy the Keeper that improvements are still being made to records keeping practices in line with our Records Management Plan obligations.</p>	<p>enable authorities to gauge internal compliance with the agreed records management provisions. It is therefore heartening to see that since agreement of the Plan in 2015, the Council has reviewed or developed new policies such as the Archive Acquisition Policy and implemented new provisions such as mandatory data protection training. The RMP indicated that the <i>Information and Records Management Policy</i> would be reviewed by June 2016 and the <i>Information Security Policy</i> by December 2015. The Team would welcome updates on this work, particularly if this led to the creation of updated or revised policies.</p> <p>The use of the Records Management</p>	<p>Even though ELC have participated in the PUR we now feel a refresh of the RMP is required. The original plan was also dated 2013-2019 so its due review at the end of this year so this all coincides nicely with the launch of the new Records Management Plan.</p>	<p>However, it would be worth contacting the Assessment Team in advance to discuss what is required of an authority who chooses to do this. (The Assessment Team will also be happy to put East Lothian Council's Records Manager in touch with her opposite number in another local authority who has already been through the voluntary re-submission process)</p> <p>In the meantime the completion of this Progress Update Review can also be considered as evidence of a commitment to ensure the implementation of the Records management Plan is subject to internal review.</p>
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							<p>levels of staff confidence and awareness of records issues, as well as providing data on the physical storage of records. The survey also highlights areas where developments within the Council's records management practices are still needed. It is seen as providing a solid base from which to carry out future surveys and assess growing user confidence and measure culture change.</p> <p>The assessment team recognises the on-going initiative being undertaken by the authority under this element.</p>	<p>Survey to help identify areas requiring further work/resources and gauging staff compliance with records management arrangements was a valuable tool for informing future action plans. The Team would be interested to learn whether a similar survey continues to be used for this purpose.</p> <p>Since the previous PUR submission, the Council undertook a Data Protection Health Check in December 2016. This details some of the activities of the Information Governance Compliance Officer and records the updating of privacy notes and entries in the data processing register following this health check. The Team consider this initiative an example of good practice and</p>		
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										<p>would welcome receipt of the findings from other self-assessment exercises in the future.</p> <p>The Team commends the Council for being the first authority to voluntarily engage in the PUR process. This reflects the Council's commitment to conducting self-assessment reviews and using the mechanism to gauge progress and identify elements which require further work to bring them into full compliance. The Team look forward to receiving PUR templates from this authority in the future.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>		

14. Shared Information																				
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7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 15 May 2019. The progress update was submitted by Maureen Henderson, Team Manager – Information Governance and Data Protection Officer.

The progress update submission makes it clear that it is a submission for **East Lothian Council and East Lothian Licensing Board**.

PRSA Assessment Team's Summary

The Assessment Team has reviewed East Lothian Council and East Lothian Licensing Board's Progress Update submission and agrees that the proper record management arrangements outlined by the fourteen elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

General Comments

East Lothian Council and East Lothian Licensing Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

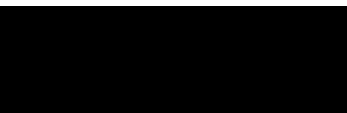
Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that East Lothian Council and East Lothian Licensing Board continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

- The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by,



Pete Wadley
Public Records Officer