

000084/21

APPLICATION FOR OCCASIONAL LICENCE

PC  
RF  
TS  
ENW  
ENW  
SC  
WED 14

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

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

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

LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	EL308
Personal licence number (if applicable)	
Name of voluntary organisation (if applicable)	

2

PERSONAL DETAILS	
TITLE (delete as appropriate): Mr	
Surname	STEWART
Forenames	STIRLING HUNTER
DATE OF BIRTH	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]
TELEPHONE NUMBERS	
Mobile	[REDACTED]
FAX NUMBER	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	
bookings@netherabbey.co.uk	

**3. THE PREMISES**

Description of premises      The Rocketeer Restaurant opened in 2012 as a restaurant and takeaway

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

Temporary measure - During social distancing measures we would look to put our tables and chairs out on the grass area as internally there is not enough space to keep customers the required distance apart. We would use our biodegradable plates, boxes, cutlery and glasses that we use for our takeaways.

The Owner of the land and the Seabird Centre who lease the land have confirmed that they are happy for us to use this area.

Full postal address of premises which this application refers to

ROCKETEER RESTAURANT

26 VICTORIA ROAD, NORTH BERWICK, EH39 4JL

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

From: *MONDAY 26 APRIL 2021*

To: *SUNDAY 9 MAY 2021 INC.*

**5. Times for sale of alcohol on & off the premises (YES/NO) - Provide relevant detail as to hours requested where alcohol will be sold on/off the premises - delete as appropriate**

Times for sale of alcohol for consumption on premises

11.00am – 8.00pm

Times for sale of alcohol for consumption off premises

11.00am – 8.00pm

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


**6. CHILDREN (YES/NO)**

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry  <p style="text-align: center;">AGES 0 TO 18</p>	Times at which children or young persons permitted entry  CHILDREN AND YOUNG PERSONS MAY BE ADMITTED UNTIL 9PM UNTIL THE END OF THEIR MEAL OR THE END OF ANY PRIVATE EVENT OR FAMILY EVENT
Parts of premises to which children or young persons permitted entry  CHILDREN AND YOUNG PERSONS WILL BE ADMITTED TO ALL PUBLIC AREAS	

<b>7. CHECKLIST</b> Please tick (✓) for YES	
<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>	<input checked="" type="checkbox"/>

<b>8. Signature and declaration by applicant (see note 3)</b>	
<b>DECLARATION</b> The contents of this Application are true to the best of my knowledge and belief	
SIGNATURE 	DATE 18/3/2021

**NOTES**

- Section 56 of the Licensing (Scotland) Act provides that only:-
  - The holder of a premises licence;
  - The holder of a personal licence; or
  - A representative of any voluntary organisation is eligible to apply for an occasional licence
- Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry
- 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 OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)



EAST LoTHIAN LICENSING BOARD  
 OCC 085/21  
 APPLICATION FOR OCCASIONAL LICENCE

RF  
 TS  
 END  
 ENT  
 59  
 Wes/19

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

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Personal licence number (if applicable)	
Name of voluntary organisation (if applicable)	

PERSONAL DETAILS	
TITLE (delete as appropriate): Mr	
Surname	STEWART
Forenames	STIRLING HUNTER
DATE OF BIRTH	
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES	
Post town	
Post code	
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
FAX NUMBER	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	
bookings@netherabbey.co.uk	

**3. THE PREMISES**

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

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The Owner of the land and the Seabird Centre who lease the land have confirmed that they are happy for us to use this area.

Full postal address of premises which this application refers to

ROCKETEER RESTAURANT

26 VICTORIA ROAD, NORTH BERWICK, EH39 4JL

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

From: ~~MONDAY 26 APRIL 2021~~ 10/5/21  
To: ~~SUNDAY 9 MAY 2021 INC.~~ 23/5/21

**5. Alcohol to be sold on shall be for consumption on premises. Provide relevant details as to hours requested when alcohol will be sold on/off the premises - delete as appropriate**

Times for sale of alcohol for consumption on premises

11.00am – 8.00pm

Times for sale of alcohol for consumption off premises

11.00am – 8.00pm

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

**6. CHILDREN (section 1)**

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry  AGES 0 TO 18	Times at which children or young persons permitted entry  CHILDREN AND YOUNG PERSONS MAY BE ADMITTED UNTIL 9PM UNTIL THE END OF THEIR MEAL OR THE END OF ANY PRIVATE EVENT OR FAMILY EVENT
Parts of premises to which children or young persons permitted entry  CHILDREN AND YOUNG PERSONS WILL BE ADMITTED TO ALL PUBLIC AREAS	


**CHECKLIST**

Please tick (✓) or cross (✗)

• Made or enclosed payment of the fee for the application	✓
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**DECLARATION**

I hereby declare that the information provided in this application is true and correct.

**SIGNATURE** 

**DATE** 18/3/2021

**NOTES**

- Section 56 of the Licensing (Scotland) Act provides that only:--
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EAST LOTHIAN LICENSING BOARD

OCC 086/21

APPLICATION FOR OCCASIONAL LICENCE

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entd  
GHS  
RF  
SG  
TS  
WES 12/13

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Premises licence number (if applicable)	EL308
Personal licence number (if applicable)	
Name of voluntary organisation (if applicable)	

PERSONAL DETAILS	
TITLE (delete as appropriate): Mr	
Surname	STEWART
Forenames	STIRLING HUNTER
DATE OF BIRTH	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]
TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	
FAX NUMBER	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	
bookings@netherabbey.co.uk	

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

Temporary measure - During social distancing measures we would look to put our tables and chairs out on the grass area as internally there is not enough space to keep customers the required distance apart. We would use our biodegradable plates, boxes, cutlery and glasses that we use for our takeaways.

The Owner of the land and the Seabird Centre who lease the land have confirmed that they are happy for us to use this area.

Full postal address of premises which this application refers to

ROCKETEER RESTAURANT

26 VICTORIA ROAD, NORTH BERWICK, EH39 4JL

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

From: MONDAY 24 MAY 2021

To: SUNDAY 6 JUNE 2021 INC

**5. Times for sale of alcohol for consumption on and off premises** - Provide relevant details as to hours requested when alcohol will be sold on the premises. Details as appropriate

Times for sale of alcohol for consumption on premises

11.00am – 8.00pm

Times for sale of alcohol for consumption off premises

11.00am – 8.00pm

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


**6. CHILDREN**

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry  AGES 0 TO 18	Times at which children or young persons permitted entry  CHILDREN AND YOUNG PERSONS MAY BE ADMITTED UNTIL 9PM UNTIL THE END OF THEIR MEAL OR THE END OF ANY PRIVATE EVENT OR FAMILY EVENT
Parts of premises to which children or young persons permitted entry  CHILDREN AND YOUNG PERSONS WILL BE ADMITTED TO ALL PUBLIC AREAS	

<b>CHECKLIST</b>	
Have I checked for yes	
<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>	

<b>Signature and date of application (Scotland)</b>	
<b>DATA PROTECTION</b>	
SIGNATURE 	DATE 18/3/2021

**NOTES**

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  - The holder of a personal licence; or
  - A representative of any voluntary organisation is eligible to apply for an occasional licence
- Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry**
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**Herkes, Gillian**

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**From:** Licensing  
**Sent:** 22 March 2021 07:55  
**To:** Herkes, Gillian  
**Subject:** FW: OCC084-21.pdf [OFFICIAL]

Hi,

Another one...

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**From:** Lothian Scot Borders Licensing East Mid Lothian  
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>  
**Sent:** 20 March 2021 15:27  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** RE: OCC084-21.pdf [OFFICIAL]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Good afternoon.

No Police objections.

Thanks

Graeme.

**Graeme Bairden**  
**Constable 4269 J**  
**Licensing officer**  
**Police Scotland - J Division- East Lothian**  
**Telephone - 07866 195214**  
**Email - [graeme.bairden@scotland.pnn.police.uk](mailto:graeme.bairden@scotland.pnn.police.uk)**



**POLICE**  
**SCOTLAND**  
Keeping people safe  
**POILEAS ALBA**

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**From:** Winter, Maree [mailto:mwinter@eastlothian.gov.uk]  
**Sent:** 19 March 2021 08:50  
**To:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environment Reception; Environmental Health/Trading Standards; Trading Standards; Grant, Shona  
**Subject:** OCC084-21.pdf

## Winter, Maree

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**From:** Fruzynski, Rudi  
**Sent:** 09 April 2021 09:28  
**To:** Licensing  
**Subject:** Occ 84 to 86/21 - Outdoor extended seating area at the Rocketeer

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

No objections.

With reference to previous applications, I have visited the outdoor site on more than one occasion and noted that the site was set up for social distancing; there was no noise; no litter; no disruption to nearby pedestrian traffic; no sign of any adverse impact on the grass area; and no additional parking issues.

R. Fruzynski  
Licensing Standards Officer  
Accredited Paralegal  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

01620827363

*Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation. It is recommended that you consult with a licensing agent or solicitor if you are looking for legal advice on matters.*

*If your enquiry relates to the temporary measures under the Coronavirus Regulations, Licensing is not permitted to provide guidance on such matters and you should refer you enquiry to our Environmental Health Officers at [ehs@eastlothian.gov.uk](mailto:ehs@eastlothian.gov.uk)*

### NHS Coronavirus Information



**FACE  
COVERINGS**



**AVOID  
CROWDS**



**CLEAN  
HANDS**



**TWO  
METRES**



**SELF-  
ISOLATE**

**Herkes, Gillian**

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**From:** Gunning, Laura  
**Sent:** 22 March 2021 08:17  
**To:** Winter, Maree  
**Cc:** Licensing  
**Subject:** Re: OCC085-21.pdf - amended doc - wrong dates on previous version sent

OCC 086-21  
OCC 084-21

Hi Maree

As this is an application for moving tables outside, not to accommodate additional tables, no adverse comments from EH. Can you apply this response to the various applications from Rocketeer that came in on Friday please?

Thanks  
Laura

Laura Gunning  
Senior Environmental Health Officer

On 19 Mar 2021, at 09:25, Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> wrote:

Karen Baikie | Business Support Administrator | Council Support | East Lothian Council | John Muir House | Brewery Park | Haddington | East Lothian EH41 3HA  
Direct Dial 01620 828755, ext 6755 | [kbaikie@eastlothian.gov.uk](mailto:kbaikie@eastlothian.gov.uk) | [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

\* As a result of the coronavirus outbreak, I am working from home and therefore, only contactable via email at this time\*

Thank you for your email. East Lothian Council is currently concentrating on maintaining essential services. This may mean a delay in responding if your enquiry is not considered urgent. Our website provides up-to-date information and guidance [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)  
Thank you for your understanding.

---

**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 19 March 2021 09:10  
**To:** Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>  
**Subject:** OCC085-21.pdf - amended doc - wrong dates on previous version sent

Hi,

Please find the attached amended application as previous one sent had wrong dates.

**From:** [Andrea Hardie](#)  
**To:** [Winter, Maree](#)  
**Subject:** Objection to license  
**Date:** 25 March 2021 19:08:24

---

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Winter,

I would like to object to the applications:

Occ 084/21

Occ 086/21

Occ 086/21

For Stirling Hunter Stewart to have an outside drinking area at the Rocketeer, North Berwick: 25/04/21-9/05/21

10/05/21-23/05/21

24/5/21-6/6/21

There is no area by the Rocketeer except the green, which would be suitable as “an outside drinking area”, and the Green is totally unsuitable for an outside pub. If customers are able to buy alcohol without a meal unruly behaviour will be more likely. Victoria road is a residential street and Rocketeer customers drinking outside would cause considerable noise.

It would take away from others the choice to sit on the Green, especially in the evening.

The road is very close by and could be dangerous to any customers’ children accompanying them, if the children are not being suitably observed.

If customers spill out onto either beach it would be likely to cause rubbish and glasses to be left on the beach. The grass on the green was badly worn last summer and had to be resown, which looked very unsightly.

Mr Stewart has other premises in North Berwick, so would be unlikely to struggle with income due to social distancing at the Rocketeer, due the pandemic.

Kind Regards,  
Andrea Hardie



**From:** [Jan Boggon](#)  
**To:** [Licensing](#)  
**Cc:** [Winter, Maree](#)  
**Subject:** Rocketeer North Berwick  
**Date:** 25 March 2021 16:17:05

---

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I wish to object to The Rocketeer s Application for licensing Application no's OCCO84/21  
OCCO85/21 OCCO86/21.

There will be no control of where the alcohol will be drunk.

Anchor Green and the Harbour are perfect resorts providing benches with scenic views to enjoy alcoholic beverages. Beer cans and wine bottles are already filling the litter bins. There are plenty of premises in the area with licences. Public safety is a big consideration especially the area of sea surrounding the Rocketeer. The police have a lot on their hands already. Finally we are having a lot of visitors already even with Covid restrictions. With the improvement of sunny days I can see North Berwick becoming a mini Blackpool without the illuminations ! I do hope that you can help and preserve Anchor Green and the Harbour as beautiful Conservation areas which will be appreciated by many Thank you

Yours sincerely

Jan Boggon. 

**From:** [REDACTED]  
**To:** [Winter, Maree](#)  
**Subject:** Rocketeer  
**Date:** 25 March 2021 10:44:58

---

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I object strongly to the plans for an outdoor license for the above property are totally inappropriate for the character of the specific area of North Berwick. A public space for families and holidaymakers is being hijacked by a private interest which will be to the gross detriment to the 'seaside' experience.

Yours

Janey Brogan

[REDACTED]

**From:** [Ingrid Gibson](#)  
**To:** [Winter, Maree](#)  
**Subject:** Re: FW: Emailing: Occ Advert 22 March 2021.pdf  
**Date:** 25 March 2021 16:15:01

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thanks Maree

Does his advert mean he wants to sell alcohol with his take away food? And are his customers meant to sit around on benches and harbour walls drinking the said alcohol ? I thought the consumption of alcohol in public places was against the law. Am I wrong? If that is his intention I want to object to his three applications on the above grounds. We have enough problems down at the harbour and area with people hanging around, drinking and eating, leaving behind overflowing bins and empties. It was not so bad when people just had an ice cream, went for a walk and went home. Now they sit around for hours and get quite noisy.

The Rocketeer and the Lobster Shack have become extremely popular and the customers have squeezed out the locals and walkers who come down for a seat at the harbour. In fact the memorial benches, paid for by the public, are not being replaced against the harbour wall because the queues to the Lobster Shack are so big and wide with prams and dogs, there is no room for social distancing.

Life down at the harbour is certainly changing.

Sorry for the rant Maree but I know there are a lot of upset people among the residents.

Kind regards  
Ingrid

On Thu, 25 Mar 2021 at 3:26 pm, Winter, Maree <[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)> wrote:  
HI Ingrid,

Please find attached advert, the last three on the list is for the Rocketeer.

Kind regards  
Maree.

Your message is ready to be sent with the following file or link attachments:

Occ Advert 22 March 2021.pdf

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

NHS Coronavirus Information

**From:** [Gary Hawthorn](#)  
**To:** [Licensing](#)  
**Subject:** Rocketeer occasional licence  
**Date:** 24 March 2021 17:02:26

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

I would like to strongly object to yet another occasional licence application by the Rocketeer

Application number

Occ084/21

Occ085/21

Occ086/21

The restaurant has already had planning application 20/01241/P refused for many different reasons so I fail to see why making it occasional should be any different.

The idea is ridiculous, making the area look untidy with more rubbish than ever, noisy with people eating and drinking and above all certainly not keeping in touch with the renowned Conservation status the area has.

Is this the image we really want not just for our beautiful harbour but also the town in general.

The last thing the area needs is loss of green space so people can get drunk and use the harbour area as a toilet.

I hope common sense prevails and this application is nor considered or granted

Yours sincerely

Gary Hawthorn

Jane Murdoch



## Winter, Maree

---

**From:** [REDACTED]  
**Sent:** 26 March 2021 13:34  
**To:** Winter, Maree  
**Subject:** Objections to Licensing Applications OCC084/21, OCC085/21, OCC086/21, Rocketeer

**Importance:** High

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing,  
Objections to Licensing Applications OCC084/21, OCC085/21, OCC086/21, for the Rocketeer, Anchor Green, North Berwick

My objections are:

1. These applications are a major variation of the alcohol licence held by Mr Stewart which was granted for outdoor drinking, but that was for within his boundary wall. He is applying for a new area 'for outside drinking' on the grass area.

2. One of the main criteria for refusing licensing is 'a site is unsuitable'. In this case unsuitable for the Rocketeer's customers who are drinking alcohol, as the grass area 'for restaurant facilities' encompasses the hallowed grounds of the old church, the human bones buried there from the old graveyard, and the grass area dedicated to the memorial cross.

There is strong local feeling against the site being turned into an outdoor restaurant showing lack of respect for memorial, church, and graveyard.

3. The meaning of "restaurant facilities". "Restaurant" denotes food and drink, but 'facilities' is unclear and must be defined by the applicant and made a condition of any approved licence.

i.e. Tables? Chairs? Are the customers to stand on the grass holding plate and cup/glass?

4. Tables are implied but social distancing of any tables means that most of the green up to or near the Cross will be covered with tables if these are allowed.

5. What is the maximum number of covers applied for, as 'Restaurant facilities' include toilet and hand washing facilities. What provision is to be made for toilet/ hand washing especially under covid restrictions? The nearest public toilet is very small and closes at 8pm.

6. These applications come under Licensing of alcohol, but there is no reference to the hours that alcohol will be served especially the final time of serving and final time allowed for drinking of alcohol.

The only time mentioned is that "children and young persons are permitted during the following times: 11am to 9pm.(from 26/4 to 9/5) and from 11 to 8pm (from 10/5 to 6/6)"

So what happens after 8 or 9pm when children are present with family and the adults go on drinking? Are children escorted off the 'premises' or do adults leave with their children?

And a point to be noted is that under the North Berwick bylaws, customers will be prohibited from taking away an unfinished glass or bottle of alcohol.

All the applicant's answers should be made one of the conditions of approving the licence

**From:** [Katherine Hewitt](#)  
**To:** [Winter, Maree](#)  
**Subject:** The Rocketeer, North Berwick  
**Date:** 26 March 2021 07:04:20

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Licensing Applixation Numbers  
OCC084/21  
OCC085/21  
OCC086/21

We stay at [REDACTED] for two weeks every year. I wish to oppose the plans as I feel the Rocketeer unsuitable for alcohol drinking and selling.

Since the Rocketeer opened it has brought a significant level of disruption and noise to residents. The selling of alcohol will only exacerbate this. Already due to being open late into the evening and then staff clearing up there is noise and people milling about until late on. It used to be so peaceful but not anymore. More customers would exacerbate this issue.

The area it occupies, well immediately beside it is a memorial site so it doesn't feel appropriate to create a pub in such a space.

I am very happy to be contacted. My telephone number is [REDACTED]

Katherine Hewitt

[REDACTED]

## Winter, Maree

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**From:** Admin Team <info@pos.scot>  
**Sent:** 26 March 2021 12:14  
**To:** Winter, Maree  
**Subject:** Re: Objection to Rocketeer Licensing Applications

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Maree,

Thanks for your e-mail. Planning Objections Scotland note that potential grounds for refusal are set out under section 23(5) of Licensing (Scotland) Act 2005.

*(5) The grounds for refusal are—*

- a.
- b. *that the subject premises*
- c. *are excluded premises,*
- d.
- e.
- f. *that the application must*
- g. *be refused under section 25(2), 64(2) or 65(3),*
- h.

*[F1(ba) that the Licensing Board consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence,]*

*(c) that the Licensing Board considers that the granting of the application would [F2otherwise] be inconsistent with one or more of the licensing objectives,*

*(d)that, having regard to—*

- (i) the nature of the activities proposed to be carried on in the subject premises,*
- (ii) the location, character and condition of the premises, and*
- (iii)the persons likely to frequent the premises,*

*the Board considers that the premises are unsuitable for use for the sale of alcohol,*

*(e) [F3that] the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of [F4the same or similar description as the subject premises,] in the locality.*

In this case our client is concerned that the granting of the licences would result in public nuisance. The public nuisance has been detailed in our planning objection for the site and I would refer you to paras 3.8 - 3.16 as well as the human right implications at 4.1 - 4.2 which are also engaged.

Kind Regards,

## Winter, Maree

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**From:** Hope Johnston [REDACTED]  
**Sent:** 25 March 2021 12:27  
**To:** Winter, Maree  
**Subject:** Objection to planning application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Madam

### OBJECTION TO APPLICATION FOR OUTSIDE LICENCE

Ref. Licensing Applications

OCC084/21  
OCC085/21  
OCC086/21

I object to the above applications on the ground that the site is unsuitable for outside consumption of alcohol.

If it only applies to indoor drinking, that accords with previous use.

Yours faithfully

Mrs F H Johnston  
[REDACTED]



## Winter, Maree

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**From:** Mark Hardie [REDACTED]  
**Sent:** 25 March 2021 22:35  
**To:** Winter, Maree  
**Subject:** Rockateer

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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*Maree Winter*

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

**Haddington: EH41 3HA**

**01620 827867**

**[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**

FAO : Marie Winter

**Licensing Application numbers.**

0CC084/21

0CC085/21

0CC086/21

Dear Madam

I would like to object to multiplayer applications for occasional licence.

ROCKETEER RESTAURANT (FORMERLY COASTGUARD STATION)

26 VICTORIA ROAD

NORTH BERWICK

EAST LOTHIAN EH39 4JL

Applicant STIRLING HUNTER STEWART

Licensing (Scotland) Act 2005

TEMPORARY MEASURE - DURING SOCIAL DISTANCING MEASURES,

Occasional licence should not be permitted on an on going basis.

Planning permission has already been declined for Temporary hard standing.

Damage to grassed area within a conservation area and historic public memorial green.

Excessive noise adjacent to private dwellings is an on going issue in particular during evening periods and high season.

Toilet facilities, welfare and personal hygiene and are not suitable or sufficient for diners far less having to deal with potential increased hygiene issues currently imposed onus by the COVID pandemic best practice requirements.

Public drinking outside of a restaurant environment is not appropriate in particular within a highly visible public space and residential area.

No guarantee can be given to ensure public safety or the safety of local residents and their property.

Consumption of alcohol should not be permitted in a highly visible public conservation area where non participating families and children will be present.

Alcohol can often fuel bad behaviour and security cannot be guaranteed.

Last year without alcohol licensing it was observed that there was on going obstructions to public rights of way. Increased traffic congestion due to patrons causing parking issues with inconsiderate parking causing considerable inconvenience for residents and day visitors to the town.

I hope the above will be taken into account when the application is made

The above concerns were experienced last season by local residents.

Although we do not fundamentally object to local business operating, the pursuit of personal gain should not be allowed to set a presence at the expense of local residents rights or visitors simple pleasures.

It should also be noted that mr Stewart has multiple licensed business ventures within the town and is not solely reliant on the Racketeer for sole trader income.

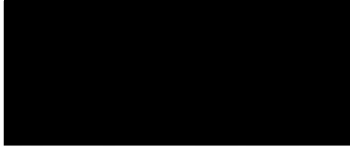
Yours sincerely

Mark Hardie

**From:** [REDACTED]  
**To:** [Winter, Maree](#)  
**Subject:** Opposition to Anchor Green Development.  
**Date:** 25 March 2021 12:43:04

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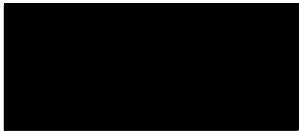
Maree Winter



REF. Application no.OCCO84/21,OCCO85/21

Dear Madam, I write to express serious concern regarding the proposal to extend further commercial trading on the above consecrated ground of Saint Andrew'sAuld Kirk with a private land grab which would deprive the community of the existing use of this green area. The unsightly and irreverent intrusion of a cafe/public house on the sedate area of the distinguished Celtic Cross memorial to the Victorian heroine who sacrificed her life saving a drowning child in the adjoining bay would be a disrespect unworthy of a community which valued honour. I hope that those who have the power to stop this proposed atrocity will ensure that this legacy which has been entrusted to us as mortal custodians is passed on untarnished to future generations.

Yours faithfully,  
Douglas J Milne.



**From:** [REDACTED]  
**To:** [Winter, Maree](#)  
**Subject:** objection to Rocketeer occasional licences  
**Date:** 26 March 2021 13:24:30  
**Attachments:** [pastedGraphic.png](#)

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear licensing,

I wish to object to the Rocketeer's temporary measures for outdoor drinking on Anchor Green.

OCC084/21 OCC085/21 OCC0846/21

1. This outdoor extension is a major variation from the existing restaurant licence of within Rocketeer's boundary wall.
2. The place proposed, Anchor Green, an ancient graveyard and the site of a memorial cross, is completely unsuitable for the consumption of alcohol, socially distanced or not.



3. "Restaurant Facilities" of tables and chairs on Anchor Green with alcohol equals an outdoor restaurant on ground that does not belong to him. Scottish Government suggested leniency in Covid Times does not mean someone is entitled to expand his business onto land that does not belong to him or to ignore local residents strong feelings against.

4. Selling or consuming alcohol or non-alcoholic drinks. No toilets available except the public toilets which close at 8pm. There will be an issue of full bladders needing to be relieved after this time. Definite detrimental effect on surrounding residential areas: This should be taken into account.

Morna Mulgray [REDACTED]

**From:** Liz MacColl [REDACTED]  
**To:** Winter, Maree  
**Subject:** Objection to licence applications  
**Date:** 26 March 2021 12:43:15

---

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Madam.

I write to object to the planning applications  
OCCO84/21  
OCCO85/21  
OCCO84/21

The applicant is proposing to sell alcohol to people sitting on Anchor Green which is at the entrance to the historic harbour here at North Berwick.

Not only is this consecrated ground but the Celtic Cross commemorating the loss of a brave girl sits here. It also an amenity site for family picnics especially on windy days when the sand blows about on the beach. It will not be possible to see who is consuming alcohol as it's a large site. Underage drinking could happen as the staff will be busy in the small confines of the Rockateer.

It is a known fact that drinking alcohol increases noise levels which would be intrusive not only to tourists walking about but to residents whose homes overlook Anchor Green

Another side effect to drinking esp. beer is the need to use the toilet. The Rockateer has only one toilet so I can envisage queues for that mixing with queues for people wanting takeaways, people ordering food, people waiting to pay.

There is only one door into the premises which does not bode well for all the traffic that will be using it. Social distancing will be very difficult to enforce.

There are many premises selling alcohol in North Berwick and one in such an unsuitable location is not necessary.

There is no mention of hours for selling alcohol on this application..

Hoping the Licensing Board will refuse this most unsuitable application.

Yours Sincerely

Elizabeth MacColl. BEM  
[REDACTED]

**From:** [Moyra Nimmo](#)  
**To:** [Winter, Maree](#)  
**Subject:** Licensing application nos: OCC084/21, OCC085/21 & OCC086/21  
**Date:** 25 March 2021 17:55:22

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Winter,

I refer to licensing applications 0C084/21, 0CC085/21 and 0CC086/21 and wish to lodge my objections.

Residents and visitors to North Berwick are already well supplied with outlets from which to purchase alcohol.

The noise attendant on such a venue will be disturbing for the residents of the Harbour area which is already a somewhat restricted space.

The added litter, that accompanies people is increased when liquor is involved, will detract from what should remain a place that is one of the attractions of the town.

Furthermore, selfish parking will reduce the width of Victoria Road, meaning emergency vehicles will be unable to gain access, putting Harbour residents at risk. In addition, the Yacht Club, the Seabird Centre and the Fishermen's property in the old Granary building will all be inaccessible and their members/visitors left at risk...all to allow more alcohol to be sold and consumed.

The reduced sense of decency which accompanies the consumption of alcoholic beverages may result in an accompanying increase in crime and the possibility of heightened public nuisance and crime must generate a concern for public safety.

There are insufficient public lavatories and we all know that the dunes were used as conveniences last year with a shocking display of indecency. Please, let that not be repeated because one man wants to up his sale of alcohol.

The proximity of the harbour is in itself a danger to the intoxicated - and even the slightly tipsy.

The even closer proximity of Anchor Green should be allowed to remain an attractive, quiet place of peace for contemplation. It is a site of historic importance and religious significance and should remain unsullied by the the unattractive behaviour that all too is manifested by those under the influence of alcohol.

The Harbour residents take pride in keeping the area attractive for (as well as themselves) the many, many visitors who wish to enjoy a walk in the fresh sea air without having to encounter the sale of alcoholic beverages and the resulting misbehaviour.

I hope that you will consider all these detractions to the Harbour area and ensure that these applications are not passed.

Kind regards,

Moyra Nimmo

**From:** Eleanor Sture  
**To:** Winter, Maree  
**Subject:** Objection to Licensing application  
**Date:** 24 March 2021 20:05:45

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CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening,

I would like to make an objection to the following application-  
OCC084/21  
OCC085/21  
OCC086/21

The site is a public area and is used by families, it should not be an area that alcohol is allowed to be served. It would mean a public area is restricted to use from the Rocketeer only and this is not right. If the Rocketeer puts tables on the grass it means people can't enjoy the space unless they purchase something from Rocketeer.

The rocketeer has caused damage to the area through churning up of the grass last year. It also produces large quantities of rubbish which causes a threat to the precious ecosystem.

The Rocketeers use of the grass area also means people have to walk on the road to get round to the opposite bay, this is dangerous.

Many thanks,  
Eleanor Sture

**From:** [Belinda Whitehouse](#)  
**To:** [Winter, Maree](#)  
**Subject:** Licensing application nos: 0CC084/21, 0CC085/21 & 0CC086/21  
**Date:** 25 March 2021 22:35:14

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**Licensing application nos: 0CC084/21, 0CC085/21 & 0CC086/21**

Dear Ms Winter,

I wish to object against Stirling Stewart's licensing applications.

We know many share concerns about this licensing application. Anchor Green is such a pretty spot with 360 degree views. It's a quiet place and the site of a respected memorial cross. A number of years back, this used to be a fenced off area but now kids already climb on the cross as food is now served outside The Rocketeer.

A later night licence will turn Anchor Green and gardens towards the Seabird Centre into a beer garden. The whole harbour area will be affected by the late night drinking and noise. We have seen the staff smoking by the steps to the harbour beach (outside residents' front doors) so this is what late night drinkers will do too. They will also drop or leave their litter of plastic gasses and food boxes when they've had a few drinks.

It's just too small an area to avoid local residents on the harbour being affected. There are plenty other late evening drinking places in North Berwick, without having one in this quiet, much loved spot.

This is such a pretty Haven for residents and visitors and it would be a tragedy for late evening drinking to start to dominate.

It would be ironic that a building that once housed volunteer life brigade life saving rocket lines could actually cause road blocks for emergency vehicles with over-parking for the late night drinking. There simply isn't room for all the residents' and visitors' cars, as it is, without adding late night drinkers' transport and taxis.

The problems will just grow and grow. The noise pollution, and light pollution, the need for extra toilets. Crime will increase. Accidents will happen as late night drinkers could jump in /fall off the harbour wall drunk. It's just not a safe place for late night drinking.

Hopefully in a pandemic world where well being and healing is of utmost importance, the quiet pretty space of Anchor Green will prevail and outweigh the greedy application for a money spinning noisy beer garden. We sincerely hope the application is not granted.

Kind regards,

Bel Whitehouse