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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)

5e

- 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)

East Lothian Council  
Licensing  
22 APR 2021  
Received

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0246

2(b) Name and Address of Premises

[Redacted box for name and address]

Macmerry Miners Welfare & Social Club  
13a Main Road  
Macmerry  
EH33 1PB  
01875 610 381  
macmerryminerswelfare@gmail.com

Post Code | Phone No.

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

[Redacted box for name and address]

Rebecca Strachan AS ABOVE  
[Redacted box]

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

Allow sale of alcohol outdoors within our grounds. (2(1))  
Local conditions - no.10  
Could this be amended to 'a committee member' rather than 'personal licence holder'. Our personal licence holder is a committee member and not a paid member of staff. This would be a big commitment to volunteer at every private function.  
All other conditions to remain the same.

**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)  
Change to restaurant and bar meals. (@5a) This may be something we hope to provide to the community in the future due to COVID restrictions which may be ongoing.  
Change outdoor drinking facilities (@5d)  
All other information to remain the same.

**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.

We are requesting an outdoors alcohol licence for the consumption of alcohol within the area (highlighted in green) on the layout plan. This grass area is within our fenced/walled boundary and can be closed to the general public access by our 2 gates. We would provide tables with benches for patrons.

**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 changes other than to receive an outdoors alcohol licence. We would request the hours for the consumption of alcohol outdoors to be 12pm - 9pm Monday - Sunday.

**SECTION 4: LICENCE TO BE AMENDED**  
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

**YES**

**NO**

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

The licence has not yet been issued by the Board

The licence has already been returned to the Board in respect of an earlier application for variation or transfer

Other (provide details)

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£200**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£220** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

Application for Transfer of Premises Licence followed by Application for Variation


Application for Variation followed by Application for Transfer of Premises Licence

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

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ is enclosed.

**Signature**



(See note 5 below)

**Date**

19/4/21

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

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

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

**East Lothian Licensing Board Phone: 01620 827217 / 827867 / 820114**

Licensing Office

**Fax: 01620 827253**

John Muir House

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

Haddington, East Lothian

EH41 3HA

**FOR OFFICE USE ONLY**

*Received & Receipt No.    System Updated    Licence Issued*

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

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

Maomery Miners Welfare & Social Club  
 13a Main Road  
 Maomery  
 EH33 1PB

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

### 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>
Monday	11.00	23.00
Tuesday	11.00	23.00
Wednesday	11.00	23.00
Thursday	11.00	12 Midnight
Friday	11.00	01.00
Saturday	11.00	01.00
Sunday		12 Midnight

**Question 3**

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11.00	22.00
Tuesday	11.00	22.00
Wednesday	11.00	22.00
Thursday	11.00	22.00
Friday	11.00	22.00
Saturday	11.00	22.00
Sunday	12.30	22.00

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	<del>YES</del> NO*
---	--------------------

\*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 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours - please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	Yes	Yes	Yes
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.	Yes	Yes	Yes
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	Yes	Yes	Yes
Theatre	Yes	Yes	Yes
Films	NO	NO	NO
Gaming	Yes	Yes	NO
Indoor/outdoor sports	Yes	Yes	Yes
Televised sport	Yes	Yes	Yes

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

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

Same as current operating plan.



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.

Same as current operating plan
--------------------------------

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* N/A
---	----------------

When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
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*Delete as appropriate	N/A
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**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/ <del>NO</del> *
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Same as current operating plan .

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

Children of all ages .

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

Children are allowed on the premises at all times when adhering to our policy .

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

All public areas

**Question 7**

**CAPACITY OF PREMISES**

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

On Sales - 250

**Question 8**

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

Personal details

8(a) Name

Rebecca Strachan

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted contact address]

8(d) Email address and telephone number

[Redacted email address and telephone number]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
30 October 2020	East Lothian Licensing Board	EL1693

**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 ... 19.14.21 .....

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

Telephone number and email address of signatory .. [Redacted]

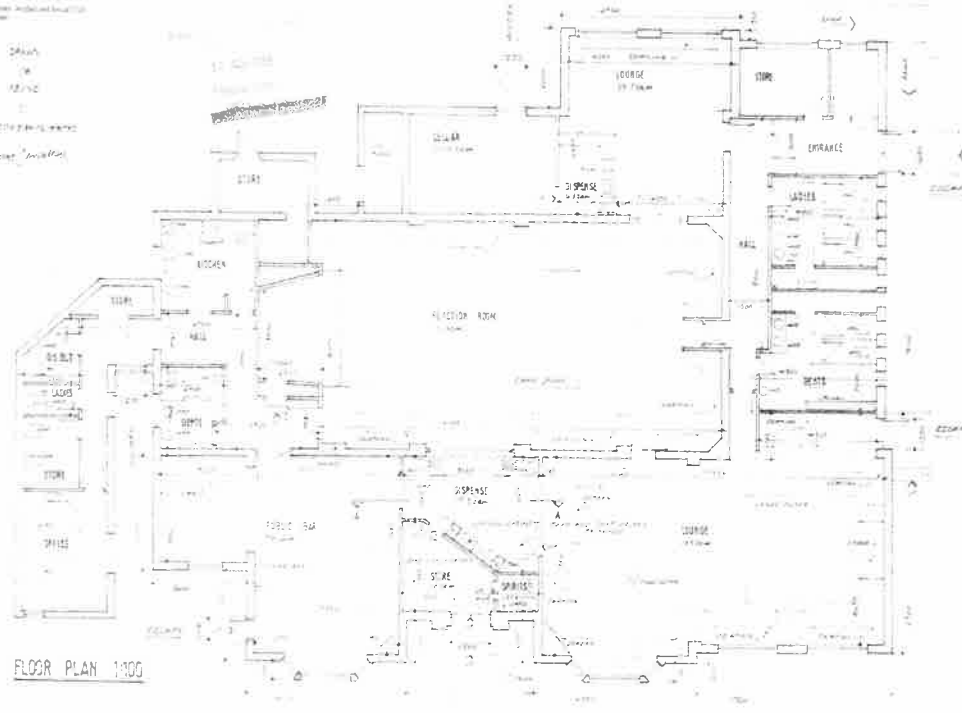
**\* Data Protection Act 1998**

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

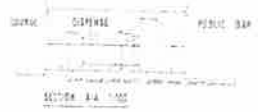
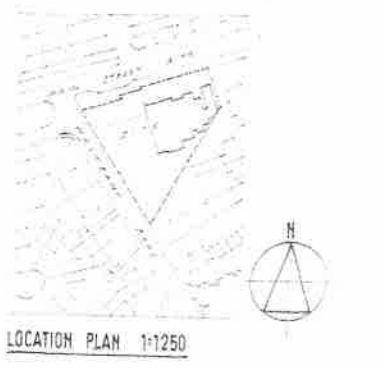
**JOHN WALKER**  
**ARCHITECTURAL PARTNERS**  
**17 AVONDALE ROAD, SUITE 200, NEW YORK, NY 10011**  
 TEL: 212 633 1000 FAX: 212 633 1001  
 WWW: www.johnwalker.com

SCALE: 1/8" = 1'-0"  
 DATE: 01/01/2011

THIS DRAWING IS THE PROPERTY OF JOHN WALKER ARCHITECTURAL PARTNERS AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.



- MECH. SYMBOLS**
- MECH. EXTRACT FAN
  - MECH. EXTRACT FAN
  - FL. LIGHT FIXTURE
  - POWDER FIRE EXTINGUISHER
- THE PROVIDER IS TO HAVE ADEQUATE VENTILATION CAPACITY FOR ALL EXTRACT FANS AND TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.*



**JOHN WALKER**  
**ARCHITECTURAL PARTNERS**  
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## 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.

<p><b>Business Profile</b> Please describe your business offering.</p> <p>Marmery Miners runs as a social club and Charitable Society. We aim to provide space and facilities to the local community to meet various needs. Many groups and organisations use our building and a number of fundraising events are also held here. We also have subcommittees who run social activities and recreation. We have a bar which serves alcohol and other drinks. We also have a kitchen area with the potential to serve meals and bar snacks (as has been done in the past.) The club is run by a committee and we also have paid staff who work in the bar and community volunteers who help with various aspects of the running and upkeep of the building.</p> <p>(extend this box if you require additional space)</p>	
<p><b>On/Off Consumption</b></p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption &amp; deliveries</p>	<p>a) Alcohol will be available in our bar and lounge area. During private functions the bar in the hall will also be in use.</p> <p>b) N/A</p>

**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:

Our main hall, lounge and cafe are used by various local groups and businesses eg fitness classes, over 50's club, line dancers. The community can also hire these areas for private functions and parties. We have a kitchen which is only used for food preparation for funerals and by individuals to store food for parties. We prepare a christmas meal for senior citizens too. The committee would like to serve food/meals/smacks in the future as we continue to apply for funding to make improvements to the building and facilities. We feel this is something the village lacks.

**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:

Individuals can hire our spaces for all types of social functions. The committee also host various fundraising events and entertainment (eg bands.). The local gals committee have various childrens discos and fundraising nights for adults too. All social events are usually at weekends, some during the day and some in the evenings. Our hall holds 120 people, lounge 60.

**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 juke box and many of our groups/classes also use recorded music. Parties/discos/fundraisers usually include singers, bands or DJ's providing music. In the bar we have a 'fruit machine and pool table. The local pool league and domino league use our facilities. Fitness classes and dancing are held in our main hall for various ages. TV's in the lounge and bar show live sports games. Most music would be at weekends.

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

We would like to serve alcohol at tables with benches in our outside garden at the front of the building. This area is fully enclosed by fences/walls with access

through 2 gates. One on the main road side and one towards the carpark. We would request permission to use this area between the hours of 11am and 9pm Monday - Sunday.

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

N/A

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

Various groups within the community use our facilities; Gala fundraising, over 50's club, line dancers, country dancers, fitness classes, Accordion club, community cafe, local elections (ELC), Domino / pool league, history club. We also provide space / facilities for various parties and social events. The committee also provide entertainment eg singers / bands.

**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:

Other events may occur dependent on community needs.

**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.

Children & young people are allowed access when under the supervision of parents or a responsible adult (eg dance class teacher or party children). Children also attend our community cafe with parents on a Friday.



We have baby changing facilities located in our disabled toilet. (changing bed, bin, extra nappies/wipes).

**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:**

CCTV is in operation throughout the building and in the carpark. Challenge 25 checks are made and outcomes recorded where necessary. Security is booked (SIA) for 18<sup>th</sup> and 21<sup>st</sup> birthday parties and a guest list is submitted by the hosts. We have a drugs policy put in place. A committee member is present at private functions. We have a visitors sign in book. Incidents are recorded.

**Securing Public Safety:**

Regular fire safety checks are made by CHRS. We have first aid facilities in various locations and a first aider on the premises at functions. CCTV is installed. We have various policies in place that staff are aware of. We inform the police in advanced of bookings for 18<sup>th</sup> / 21<sup>st</sup> birthday parties and hire SIA staff.

**Preventing Public Nuisance:**

Visitors are required to sign in. Use of CCTV. Staff have appropriate training in managing conflict. Staff ensure customers have left the grounds in a safe and controlled way. They will phone taxis for those in need. Recycling bins and general waste bins are located in the carpark. Our garden and carpark area are enclosed, no customers should be out on the street.

**Protecting and Improving Public Health:**

Appropriate signage is on show regarding alcohol consumption. We provide non-alcoholic drinks and soft drinks. Dried snacks are available. We do not use drink promotions.

**Protecting Children and Young Persons From Harm:**

Children should always be accompanied by an adult while on the premises. Children should leave the bar and lounge area by 9pm. They are only permitted to

Stay after this time when at a private function.  
Challenge 25 Checks are made and records kept.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

Due to COVID19 restrictions and health and safety measures we feel it would be safer to encourage customers to be outdoors as much as possible and spread them across a larger area to support social distancing. The growing community and lack of cafes/restaurants has encouraged the committee to utilise our kitchen area and bar to allow us to serve meals in the near future.

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

Macmerry Miners club is the hub of the community and is used for the majority of community activities. The village hall is currently closed so this space is no longer available. We would like to encourage the use of our facilities, especially with the housing construction which will increase community numbers. We have a lovely, well kept garden area which we feel is wasted. Allowing customers to socialise outside may encourage others to see what we have to offer.

**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	19/4/21
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10/05/2021

Your Ref: EL0246

Our Ref: 407938/GB

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



**POLICE  
SCOTLAND**

Keeping people safe

John McKenzie  
Divisional 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  
MACMERRY MINERS WELFARE & SOCIAL CLUB TRANENT  
MACMERRY MINERS WELFARE, MAIN ROAD, MACMERRY, EAST LoTHIAN,  
EH33 1PB.**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of

- The addition of outdoor seating to the North of the premises.
- The addition of restaurant and bar meals.
- A request not to have a personal license holder at private events.

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

In terms of Section 22(1)(a) of the same Act, I make the following objections-

Historically this premises has been the subject of considerable Police intervention in regards to Anti-Social behaviour and incidents of violence. The premises was issued a written warning from the board on 24/05/2018.

## OFFICIAL

- The area defined in the plan provided highlights an extensive area to the North of the premises. This area is bound by a low fence and beyond this is the main footpath and roadway through the village. Directly opposite and to the East and West of this area there are residential properties.

In the application the seating area has not been defined in terms of numbers of tables or patrons.

Whilst it is appreciated that residential premises can reasonably expect some degree of noise from traffic and day to day life in the village, the associated noise and potential for anti-social behaviour within a large area such as this where patrons are consuming alcohol outdoors cannot be discounted.

- The application states that the premises can currently hold a total of 180 patrons. This is a significant amount of customers and would require resource intensive stewarding to a very high standard. To add an as yet to be defined additional number of patrons outdoors would be a further commitment in regards to the supervision of patrons and it is unknown as to whether or not current committee members and staff would be able to cope adequately with the increase in numbers.

In light of the above, the request to have conditions changed to not having a personal license holder present when a private function is ongoing is not acceptable. The premises has a significant history of anti-social behaviour mainly in relation to 18<sup>th</sup> and 21<sup>st</sup> birthday parties and has conditions placed on it as follows;

*Conditions attached at the Licensing Board Hearing on 22/02/2018 CCTV to be installed in and outside the premises to the satisfaction of the Police (implemented within 3 months). SIA stewards at all 18th & 21st parties (with effect from 9th March 2018). Written policies in relation dispersal of premises, drug misuse and search policies (with effect from 9th March 2018). **Personal License Holder present at all private functions (with effect from 9th March 2018).***

Events such as these require professional leadership. The license holder is the person who must be present in order to ensure the running of events is carried out in a safe and controlled environment and ensure that all staff present are fully trained and entirely clear on what is expected of them.

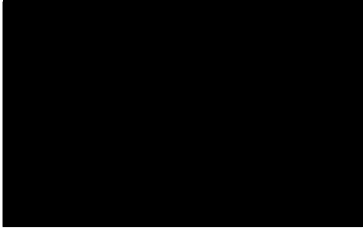
In reference to the above and in terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation to the outdoor seating area and the non-attendance of a Premises license holder at events should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder
- securing public safety
- preventing public nuisance

**OFFICIAL**

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

Yours faithfully



John McKenzie  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6119.

# EAST LoTHIAN COUNCIL

## PEOPLE & GOVERNANCE

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

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

**Date:** 25 May 2021

**Subject:** LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE MAJOR VARIATION

**MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB, 13 MAIN ROAD, MACMERRY, EAST LoTHIAN EH33 1PB**

Macmerry Miners Welfare Social Club changed to an open licence in 2012. This means that no signing in procedures are required and that the premises must have a designated premises manager, who is the holder of a current Personal Licence.

The premises licence provides for both on and off consumption. The indoor capacity of the club is 250 persons.

This application requests the following additions to facilities and amendments to conditions:

1. To add an outdoor drinking area on the north side of the premises. Currently the area in question is laid out as a grass area bounded by some flower borders and a waist high metal fence. Access to the area is via two gates. No outdoor capacity has been shown for this area.
2. It is proposed that restaurant and bar meal facilities be included in the operating plan. In the past, food for functions was prepared off the premises and brought in for self-service style buffets.
3. A request is made to remove the condition in the existing licence requiring a Personal Licence Holder to be present at 18th and 21st birthday parties and all other private functions. It is stated that events and functions are run by a volunteer committee and that having a Personal Licence Holder on duty at all events is too onerous.

In relation to point 1 above, I have attached a photograph of the proposed area to assist Board members determine this request. Should this facility be granted, I would ask that the following conditions be attached:

- a The beer garden area must be supervised by staff on a regular basis and covered by CCTV maintained to a standard approved by Police Scotland.
- b There will be no vertical drinking facilities in the outside area. All patrons must be seated.
- c All drinks to be served in the beer garden to be in approved plastic containers.
- d There should be no amplified entertainment in the outside drinking area to prevent disturbance to any neighbouring residential properties.
- e The outdoor area must be closed by no later than 21.00 each day.

With regard to point 2 above, I have no objection to meal facilities being granted.

Point 3 is not supported by Licensing Standards. The condition was called for by Board members following two reviews in 2012 and again in 2018 that the club was not properly managing events and functions leading to frequent breaches of the licensing objectives of disturbance, nuisance and crime and disorder. The poor management of 18<sup>th</sup> and 21<sup>st</sup> birthday parties was a significant factor in these reviews. During consultation through the review process it became clear that the club allowed individuals and parties to book functions and relied on the organisers to maintain control. It was also apparent that bar staff were often reluctant to intervene when issues arose and as such the Board imposed conditions that SIA authorised door staff be employed for birthday parties, and to ensure that the management take responsibility for bookings, that the presence of a Personal Licence Holder was made a mandatory requirement for all private events and functions.

Since the imposition of these conditions there have been no complaints received by the LSO. Indeed the employment of Lynsey MacDonald as DPM, around the period of the last review, made a significant difference to the running of the premises until it closed under the temporary coronavirus lockdown in March 2020. I am aware that the DPM has recently changed to a club office bearer in order that it could re-open after 17<sup>th</sup> May 2021 when restrictions were lifted on inside opening, and allowing consumption of alcohol indoors.

This report is submitted for the information of Licensing Board members.

R. Fruzynski  
Licensing Standards Officer

Photograph of the Garden at Macmerry Miners Welfare Social Club





