

**NOTICE OF THE MEETING OF
THE LICENSING SUB-COMMITTEE**

**THURSDAY 11 NOVEMBER OCTOBER 2021, 2.00pm
VIA DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

- 1. Minutes for Approval**
 - a. Licensing Sub-Committee, 14 October 2021 (**pages 1-6**)
- 2. Notification of Revised Conditions for Public Entertainment Licences – Report by the Head of Corporate Support (**pages 7-24**)**
- 3. Application for the Grant of a Public Entertainment Licence**
 - a. Bpositive Fitness Solutions (**pages 25-26**)

PRIVATE

- 4. Application for the Grant of a Window Cleaner Licence**
 - a. *One applicant invited to attend (**pages 37-46**)*
- 5. Application for the Renewal of a Taxi Driver Licence**
 - a. *One applicant invited to attend (**pages 47-62**)*
- 6. Application for the Grant of a Taxi Driver Licence**
 - a. *One applicant invited to attend (**pages 63-83**)*

NOTE: Access to Information.

The Committee will exclude the public from items 4-6 in terms of paragraph 6 (information relating to the business affairs of particular persons of Schedule 7A to the Local Government (Scotland) Act 1973).

**Monica Patterson
Chief Executive
John Muir House
Haddington**

4 November 2021



MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY 14 OCTOBER 2021
ONLINE DIGITAL MEETING FACILITY

1

Committee Members Present:

Councillor C McGinn
Councillor J Findlay
Councillor J Henderson
Councillor J McMillan
Councillor J Williamson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Aitken, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms F Haque, Solicitor
Mr B Moffat, Service Manager – Transport and Waste
Mr A McLellan, Senior Transport Officer
Ms R Pringle, Senior Housing Strategy Officer
Ms E Clater, Service Manager – Children and Young People's Community Resources

Others Present:

None

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor T Trotter

Declarations of Interest:

None

The Convener announced that a piece of urgent business would be brought before the Sub-Committee, which related to the removal of the requirement for the display of a public notice for an HMO application. The Convener advised that the business could be considered urgent because the properties in question would be ready too late for the incoming unaccompanied asylum seeking children should a decision be left until the following meeting. The Sub-Committee agreed to hear this private business as the last item on the agenda.

1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 9 SEPTEMBER 2021

The minutes were approved as an accurate record of the meeting.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Committee agreed to exclude the public from: item 2 in terms of paragraph 6 (information relating to the business affairs of particular persons); item 3 in terms of paragraph 3 (information relating to information relating to any particular recipient of a service provided by the Authority); and the urgent business heard at item 4 in terms of paragraph 2 (information relating to particular tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

The Sub-Committee agreed to grant the application.

3. EDUCATION DEPARTMENT REQUEST FOR DEPARTURE FROM AGE OF VEHICLE POLICY FOR REGISTRATION OF A TAXI

The Sub-Committee agreed to grant the request.

4. URGENT BUSINESS: REQUEST FOR THE REMOVAL OF REQUIREMENT FOR DISPLAY OF PUBLIC NOTICE FOR HMO APPLICATION

The Sub-Committee agreed to grant the request.

REPORT TO: Licensing Sub-Committee

MEETING DATE: 11 November 2021

BY: Head of Corporate Support

SUBJECT: Notification of Revised Conditions for Public Entertainment Licences

2

1 PURPOSE

- 1.1 To advise the Sub-Committee of the proposed revision and updating of the conditions attached to Public Entertainment Licences.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee –
- (i) Approve and formally adopt the terms of the revised licence conditions attached as Annex 2 hereto; and
 - (ii) Authorise the Head of Corporate Support or such officers as she may appoint to arrange for the publication of the new conditions in such manner as she sees fit, in accordance with Section 3B of the Civic Government (Scotland) Act 1982, per paragraph 3.6 below.
 - (iii) Agree that the revised conditions shall take effect from the day immediately following the date of publication in terms of the previous paragraph.

3 BACKGROUND

- 3.1 The Sub-Committee adopted in March 2021 an updated resolution listing the activities for which a Public Entertainment licence will be required in East Lothian. That updated resolution is due to take effect in December 2021.
- 3.2 In light of this update, the opportunity has been taken to prepare an update and revision of the conditions which attach to such licences, as the present conditions have not been reviewed for some time and are no

longer particularly fit for purpose, given the various revisions to the listed activities in several updates to the resolution in recent years.

- 3.3 This revision has also made allowance for specific conditions for certain activities, namely fairgrounds, outdoor fitness activities and the use of public halls, as well as the general conditions applying to all public entertainment licences.
- 3.4 The proposals have been circulated to relevant officers for comment and what is presented in this report is the finalised wording following those discussions.
- 3.5 The current conditions wording is attached as Annex 1 hereto and the proposed revised wording is attached as Annex 2.
- 3.6 In terms of the Civic Government (Scotland) Act 1982, Section 3B, a Licensing Authority may determine any standard licencing conditions it considers appropriate. They are required to publish, in such manner as they see fit, such new conditions, which conditions shall be of no effect unless they have been so published.

4 POLICY IMPLICATIONS

- 4.1 None. The he Council has the statutory power to impose such standard licence conditions as it deems appropriate.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Civic Government (Scotland) Act 1982

AUTHOR'S NAME	Ian Forrest
DESIGNATION	Senior Solicitor
CONTACT INFO	x7389
DATE	3.11.21

Schedule of Conditions of Licence

1. The Site must be provided with adequate toilet and hand washing facilities and fresh water supply to the satisfaction of East Lothian Council at all times during the currency of the Licence, these facilities could be liable to inspection by an official from the Council's Environmental Health Team.
2. The licensee will be responsible for the maintenance of cleanliness throughout the Site and for ensuring that the Site is left clean and tidy on its vacation.
3.
 - (a) The licensee shall locate any generators and control the volume of any amplified music/speakers to ensure that residential properties are not affected by unreasonable levels of noise emanating from the Site and the licensee shall comply with any instructions given by or on behalf of East Lothian Council or by the police with regard to noise control.
 - (b) The licensee shall ensure that spotlights operating from within the Site shall not directly illuminate nearby residential properties.
 - (c) The licensee shall ensure that fumes from generators shall not cause a nuisance to nearby residential properties.
4. The display, offering and giving of live prizes at the Site is prohibited.
5. The use of animals on the Site shall be restricted to the use of domestic animals only.
6. The licensee shall be responsible for ensuring that any dogs on the Site are kept under strict control and chained or leashed at all times.
7. Any breach of these conditions by the licensee or by anyone present on the Site with the permission of the licensee may result in prosecution of the licensee or to suspension of this licence by East Lothian Council.
8. The licensee will indemnify East Lothian Council against any claims whatsoever arising as a result of this permit being granted.
9. The following requirements of the Head of Communities and Partnerships shall be complied with at all times: -

Prior to the event:

E.Coli 0157 Precautions must be considered and incorporated into the Event Organisation.

- Keep farm animals off the field for the proceeding 28 days prior to the use of the land for the event.
- Remove any visible droppings, ideally at beginning of 3-week period.
- Cut grass should be removed prior to event
- Ensure adequate supervision of children, particularly those less than 5 years of age.
- Always wash hands before eating, drinking or smoking i.e. use soap, clean towels and preferably, hot running water.

The Event Organiser must ensure that all businesses including, stall holders have prior to the market undertaken a risk assessment of their business activity in respect of their health and safety at work, the health and safety of their employees at work, those not in their employment and members of the public. Where electrical or gas appliances are used as part of the business activity at the event, current safety certificates from competent persons must be available for inspection for the duration of the event.

The Event Organisers must advise traders who wish to trade at the event that they must for the duration of the event display the name and address of the stallholder or the name and address of the business. This can be by a notice displayed on the stall or be included on the packaging of the goods offered for sale. The Event Organiser must ensure prior to the opening of the Event that this condition is met.

The Licensee or the Event Organiser shall provide to the Business Regulation Manager (Food and Safety) East Lothian Council John Muir House Court Street Haddington, not less than **14 days** prior to the event a list of those businesses attending the event who will provide food and or drink to the public. The list must include the name of business, address and telephone number of the proprietor of the food
Where LPG Gas Cylinders are to be used Code of Practice 24 Use of LPG cylinders Part 4: 1999 Use of LPG for Catering at Outdoor Functions should be followed.

Food Safety

The Event Organisers must advise traders who wish to sell food pre-packed for direct sale that the food must be labelled. Further advice on labelling of food pre-packed for direct sale can be obtained from the Food and Safety section Tel: 01620 827365.

All businesses selling food **must** provide to the Event Organiser prior to the event evidence that they have a written food safety management system for their business and in particular for the food activity to be carried out at the event. This document **must** be available for inspection during the event. The document should include details of the monitoring and recording of any matters, which are essential to food safety prior to and during the event.

Temperature recording equipment must be available to the stallholder and food business records should be maintained and available for inspection to demonstrate that temperature monitoring was practiced prior to attending and on-site for the duration of the event.

All businesses selling food must provide suitable equipment and utensils appropriate to the food activity proposed.

All businesses selling food must provide suitable hygienic work wear for all persons involved in the preparation, cooking, dispensing or sale of the food and in the immediate proximity to the place of sale and or preparation of the food a sufficient number of hand wash facilities with soap and hand drying

arrangements for the duration of the event. The use of the term food includes the preparation, dispensing and sale of any drink. Sale includes the giving away of food samples.

Any business providing a demonstration of a particular food or demonstrating the correct cooking of food or the presentation of a food must have suitable hygienic work wear for all persons involved in the preparation, cooking, dispensing or sale of the food and provide hand wash facilities with soap and hand drying arrangements at the stall for the duration of the event. Sale includes giving away of food samples.

Any food and drink businesses operating at the event shall comply with the provisions of the Food Hygiene (Scotland) Regulations 2006 and Regulation (EC) No. 852/2004.

In addition each wash hand basin for food handlers must be provided with a supply of soap and hand drying facilities. As an alternative to fixed wash hand basins I would accept the provision of a non-plumbed facility similar to that manufactured by Teal Patents Ltd.

Food and Drink Facilities must include the following:

Provision of a fixed wash hand basin with a piped supply of hot and cold water in the dispense bar.

Provision of a fixed wash hand basin with a piped supply of hot and cold water in the food preparation area and food servery areas.

Provision of a fixed twin sink with a piped supply of hot and cold water within the food preparation area.

General

For the duration of the event:

“No Smoking” signs are displayed within tents, marquees and other enclosed places in such a way as to make staff, customers and visitors aware that they must comply.

The “No Smoking” signs must also state the name of a person to whom a complaint may be made by anyone who observes someone smoking.

Staff must also be instructed to inform anyone smoking that he/she is committing an offence. Request that they extinguish their smoking material immediately or leave.

Public Toilets

Toilet facilities must be provided to the standard recommended in BS6465: Part 1 1994 and to calculate this the numbers attending must be estimated. The assumption can be made that the expected number of visitors will be equally divided between the sexes. The toilets must be inspected hourly using suitably experienced competent workers to ensure that they are kept safe, clean and hygienic.

For events with gate opening time of 6 hours
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Female	Male
1 toilet per 100	1 toilet per 500, plus 1 urinal per 150.

Public Hand washing

Handwashing facilities should be provided in the ratio of 1 per 5 toilets

Each hand washing facility should include hand-drying facilities preferably disposable, together with warm water and supplies of soap. It is recommended the licence-holder adopts a ratio of 1 per 5 toilets for this event.

Sanitary Provision for People with Special Needs

One toilet with hand washing facilities should be provided per 75 people with special needs. This provision should be close to any areas set aside for persons with special needs.

10. **The following requirements of the Scottish Fire Rescue Service shall be complied with at all times: -**

FIRE SAFETY INFORMATION FOR LICENCE APPLICANTS (NOT LIQUOR OR HOUSES IN MULTIPLE OCCUPATION)

Part of any licence application is consultation with the Fire and Rescue Service in order to ensure that the Fire (Scotland) Act 2005 as amended and the Fire Safety (Scotland) Regulations 2006 are being complied with. The responsibility for complying with these fire safety laws lies with the employer (or/and any other person who may have control of the premises e.g. owner/licensee/tenant/manager; this person is designated as the “*duty holder*”) **and they MUST ensure that a fire safety risk assessment is carried out by a competent person and the outcomes recorded.**

More detailed guidance on the Fire (Scotland) Act 2005 as amended, the Fire Safety (Scotland) Regulations 2006 and fire safety risk assessment is available on the Scottish Government website; <http://www.gov.scot/Topics/Justice/policies/police-fire-rescue/fire/FireLaw>

Also, detailed information regarding the benchmark standards for licensed premises can be found on the above website. These are contained within the sector specific guides “*Practical Fire Safety Guidance for Places of Entertainment and Assembly*” (PFSGPEA) and “*Practical Fire Safety Guidance for Offices, Shops and Similar Premises*” (PFSGOSSP). These sector specific guides can be downloaded free of charge from the above website.

In relation to your licence application, plans are NOT to be submitted to the Scottish Fire and Rescue Service. As part of the process to issue a licence the Scottish Fire and Rescue Service MAY require to visit and audit the fire safety arrangements in the premises. This may not be required in every instance.

Free advice is available from Scottish Fire and Rescue Service about issues relating to general fire safety, but it must be remembered that the duty holder is responsible for carrying out the fire safety risk assessment for their premises and identifying the fire safety measures necessary as a result of the fire safety risk assessment outcomes.

Scottish Fire and Rescue Service can be contacted using any of the following methods;

Phone – 01620 826360 (ask for the Fire Safety Enforcement Officer)

Email – brian.devine@firescotland.gov.uk

Postal address –

Fire Safety Enforcement Officer
Scottish Fire and Rescue Service,
Prevention and Protection
Haddington Fire Station
Court Street
Haddington
East Lothian
EH41 3AE.

Website - www.lbfire.org.uk

BENCHMARK FIRE SAFETY STANDARDS

- a) Emergency/Escape Lighting System(s) should comply with British Standard 5266: Parts 1, 7 and 8, current edition (BS EN 1838).
***See sector specific guides: Technical Annexe 13.10**
- b) Signs and Notices should comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/or British Standard 5499: Parts 1, 4 and 5, current edition.
***See sector specific guides: Technical Annexe 13.11**
- c) Fire Warning/Automatic Fire Detection System(s) should comply with BS 5839: Part 1, current edition (category M, L1, L2, L3, L4 or L5) ***if applicable**
***See sector specific guides: Technical Annexe 13.12**
- d) Firefighting Equipment should comply with British Standard EN3, British Standard 7863 (current edition), British Standard 5306 Part 3, current edition and British Standard 5306 Part 8, current edition.
***See sector specific guides: Technical Annexe 13.13**
- e) Furniture and Textiles should conform to the relevant guidance/standard(s).
***See PFSGPEA: Technical Annexe 13.15**
- f) Tents, Marquees, Air Supported and Pneumatic Structures should conform to the relevant guidance/standard(s).
***See PFSGPEA: Technical Annexe 13.16**
- g) Auditoria, Stages, Fixed Seating and Gangways should conform to the relevant guidance/standard(s).
***See PFSGPEA: Technical Annexe 13.18**
- h) Open Air Events should conform to the relevant guidance/standard(s).
***See PFSGPEA: Technical Annexe 13.19**

- i) Fire safety policy, emergency fire action plans, fire safety information, training, fire drills, maintenance of fire safety measures, recording information/keeping records should all conform to the relevant guidance/standard(s).
***See sector specific guides: Chapter 5 Managing Fire Safety**
- j) Any other fire related standard which is relevant to your premises (e.g. fire doors, dry risers, fire service access, water supplies etc)
***See sector specific guides and relevant Technical Annex(s)**

Any staff training needs that are identified from the fire safety risk assessment process are also the responsibility of the duty holder to address.

The above recommendations should not be regarded as the only option for achieving the benchmark standards. Other fire safety risk assessment methods or fire safety measures which achieve the same end should be considered.

Date

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Kirstie MacNeill, Service Manager

PUBLIC ENTERTAINMENT LICENCE**GENERAL CONDITIONS**

1. The Licensee shall display this licence, together with conditions pertaining thereto, in the premises, to be easily seen and read by members of the public using the premises.
2. It is the duty of the licence holder to comply with the conditions of a Public Entertainment Licence and in particular to co-operate with the Council and other statutory bodies and officers thereof in the interest of health and safety.
3. The Council may, in addition to the conditions described in this document, stipulate further conditions to apply to any particular licence application.
4. These conditions may be reviewed by the Council periodically or when the need to incorporate additional or strengthened conditions arise. They may also be reviewed following any changes to relevant legislation.
5. The licence holder shall be liable for any act or omission in contravention of, or non-compliance with, any of these conditions whether by himself, any of the owners of any structures, any of the operators of any of the devices or equipment on the site or any of the attendants whether employed by him or by the said owners or operators.
6. While the site is in use, the licence holder, or in the absence of the licence holder, a person holding authority from him must be in charge of the site. The licence holder or such authorised person must inspect the site and any structures thereon before members of the public are admitted and he must ensure that he will not be engaged in duties which might prevent him from exercising general supervision of the site. He must also remain on site for at least 30 minutes after all members of the public have left.
7. The licensee shall comply with all statutory provisions applying to the premises or his/her use thereof
8. The licensee or manager shall be responsible for the day-to-day running of the premises. There shall be sufficient staff on duty when the premises are open to the public
9. The licence holder will ensure that at all times an adequate system of monitoring and controlling numbers of those permitted entry is in place and that the licensed capacity is not exceeded
10. All entrances and exits whether for emergency purposes or not, will be clearly marked by signs that comply with the Health and Safety (Safety signs and Signals) Regulations 1996 and kept clear of all obstruction
11. The licence holder shall ensure that suitable and sufficient recorded risk assessments are undertaken in regard to all activities covered by the licence
12. The licensee shall effect and maintain a Public Liability Insurance Policy to the satisfaction of the Council and shall exhibit on demand, the policy
13. The licence holder must comply with any requirements of the Scottish Fire and Rescue Service in respect of the Fire (Scotland) Act 2005 as amended, and Fire Safety (Scotland) Regulations 2006
14. The licence holder shall ensure that they comply with the requirements of the Health and Safety at Work etc. Act 1974 and all relevant Regulations thereunder
15. The licence holder shall ensure that the electrical installation for the premises shall be inspected, tested and maintained in accordance with BS7671 by a competent person as defined in the Electricity at Work Regulations 1989 and are members of an organisation such as the National Inspection Council for Electrical Installation Contracting (NICEIC) or the

- Electrical Contractors Association (ECA, trading as SELECT). The Inspection Certificate shall be kept at the premises and made available for inspecting officers
16. The licence holder shall ensure that all gas appliances and installations at the premises shall be maintained and inspected for safety at intervals not exceeding 12 months by a Gas Safe Registered engineer. The Inspection Certificate shall be kept at the premises and made available for inspecting officers
 17. Where relevant, all food safety legislation shall be complied with
 18. The licence holder shall ensure that the premises are kept clean and in a good state of repair
 19. The licence holder shall ensure that they have a suitable trade waste contract in place and that they retain the waste transfer notes for at least two years
 20. The licence holder shall ensure that there is a first aid kit, which is readily available and appropriately stocked, on the premises at all times.
 21. The use of stage and sound effects, smoke bombs, smoke generators, flash powder, flash boxes, detonators and similar items shall not be used except with the approval of the Firemaster.
 22. Except with prior permission of the Council, no exhibition, demonstration or performance of hypnotism within the meaning of the Hypnotism Act 1952 shall be given within the site.
 23. Good order and decency shall be maintained on the site, and in the case of the Police being required to deal with any incidence of disorder, the Licence holder and the said owners, operators and attendants shall assist to their utmost in the restoration of good order.
 24. The Council or any person authorised by them and any police officer or duly authorised representative of any statutory authority shall have access to the site at any reasonable time for the purpose of inspecting and examining the same.
 25. The licence holder shall surrender the Licence if and when called upon by the Head of Service to do so for the purpose of alteration in accordance with any decision of the Council.

PUBLIC ENTERTAINMENT LICENCE

FAIRGROUND CONDITIONS

1. The licence must be displayed on the site in such a place and in such a manner to be easily read by the public showing the maximum number of persons allowed on the site.
2. The use of the site is restricted to that of a Fairground or Circus on the date or dates specified on the Licence. The entertainment shall finish at the time in the evening shown on the Licence.
3. The licence holder shall be liable for any act or omission in contravention of, or non-compliance with, any of these conditions either by himself, any of the owners of any structures, any of the operators of any of the devices or equipment on the site or any of the attendants whether employed by him or by the said owners or operators.
4. While the site is in use as a Fairground or circus the licence holder, or in the absence of the licence holder, a person holding authority from him must be in charge of the site. The licence holder or such authorised person must inspect the site and any structures thereon before members of the public are admitted and he must ensure that he will not be engaged in duties which might prevent him from exercising general supervision of the site. He must also remain on site for at least thirty minutes after all members of the public have left.
5. In the case of a Fairground the licence holder shall exhibit to the council valid Test Certificates issued by or on behalf of reputable insurers certifying that each item of passenger carrying equipment has been tested and is insured. The appropriate 'Certificate of Engineer's Inspection' issued by the Showmen's Guild must be displayed at or near to each device. For both Fairgrounds and Circuses, a policy of public liability insurance with a reputable insurance company for a sum acceptable to the Council shall be exhibited to the Council, who may demand at any time, evidence that the premiums in respect of such policy have been timeously paid.
6. The licence holder must ensure that a minimum horizontal distance of 8 metres is maintained between the boundary of any dwelling house or building and all devices, equipment, structures etc., on the site. The layout of the site must take into account the following fire safety factors:
 - a) Access and egress for the public, emergency vehicles and equipment;
 - b) Proximity of surrounding buildings and vegetation and risks in the spread of fire;
 - c) The need for a telephone call to the Scottish Fire and Rescue Service;
 - d) The availability of mains services; and
 - e) The slope or unevenness of the ground
7. The layout of the site should be arranged so as to allow for adequate means of access by fire fighting vehicles to within 50 metres of any part of the site. Access routes should not be less than 4 metres wide and should have no overhead structure or cable less than 4.5 metres above the ground. Access routes must also be capable of taking the weight of fire-fighting appliances (approx. 12.5 tons) in all weathers. Access to hydrants and other water supplies must not be obstructed or obscured.
8. All approaches, passages, alleys and gaps between stalls shall be kept entirely free from obstruction and shall be of such arrangement, width and pattern as approved by the Firemaster. The spacing between caravans and other structures shall not be less than 6 metres.
9. Exits from the site shall not be secured in a manner likely to prevent or impede safe means of escape in the event of any emergency. All exits necessary to provide means of escape

must be clearly and conspicuously indicated and must be kept lit by normal lighting and a system of emergency lighting. All fire safety signs, notices and graphic symbols must conform with BS5499:Part1.

10. Where the public are admitted inside structures, a sufficient number of competent attendants must be on duty. These attendants must be instructed as to their responsibilities in the event of a fire or other emergency.
11. In relation to tented structures, newly manufactured membranes and fabrics must be of inherently flame-retardant fabric or durably flame-retardant fabric when tested to BS5438 or such amending British Standard specification as may be in force at the time. Existing materials and structures manufactured to the previous BS3120 continue to be acceptable until replaced. All supporting poles, frames, guys, stakes, anchors, fastenings etc., must be regularly tested by the supplier and maintained in a safe condition. The structure must be erected by a competent person and must not readily collapse when exposed to fire. Rigid linings (e.g. wall boards) used in structures must have not less than a Class 1 surface spread of flame rating as described in BS486: Part 7 or such amending British Standard as may be in force at the time.
12. In all structures, any decorative surface finishing including any fabric which is permitted to be attached to any structure shall be non-toxic and either non-combustible, inherently non-flammable or durably flame-proofed. All staging, curtains, drapes and fabrics in use shall be rendered and maintained flame resistant.
13. A central fire point under the control and protection of either the licence holder or a person authorised by him must be established to contain portable fire-fighting equipment. Adequate numbers of fire-fighting appliances must be provided and such appliances and equipment must always be kept in good working order and condition to the satisfaction of the Firemaster. The fire point should comprise multi-purpose dry powder type extinguishers with a capacity of at least 2.5Kg per 200 square metres of entertainment area. The location of the fire point must be known not only to the licence holder and the authorised person but also to the owners and operators of any devices or equipment, the attendants and any performers of entertainment. The licence holder shall ensure that all owners and operators of equipment as well as employees and attendants, on duty while the site is in use, are instructed in the fire safety precautions to be observed and the action to be taken in the event of fire or other emergency and shall ensure in particular that adequate precautions are taken to provide for the safe evacuation of children and handicapped person in such circumstances.
14. No article shall be placed on top of, in front of or near any fire appliance to prevent, hinder or delay the said appliance being used immediately. Any direction issued by the Firemaster shall be complied with immediately.
15. The use of stage and sound effects, smoke bombs, smoke generators, flash powder, flash boxes, detonators and similar items shall not be used except with the approval of the Firemaster.
16. Except with the prior special permission of the Council, no exhibition, demonstration or performance of hypnotism with the meaning of the Hypnotism Act 1952, shall be given within the site.
17. All temporary or permanent electrical installations at the site shall comply with the current legislation or any subsequent replacement or renewal. Any temporary electrical installation must be carried out by or under the supervision of a competent electrician. Residual current protection devices shall be provided between any amplification or ancillary lighting system

and the electricity supply. The protection device must have an adequate load rating and a 30 milliamp tripping circuit with a maximum operating time of 30 milliseconds.

18. Any stage, platform, circus ring or element in a fairground to which the public are admitted shall be lit to the satisfaction of the Firemaster. Where the public have access inside structures which could be plunged into darkness if the lighting was to fail a separate system of emergency lighting shall be provided to comply with BS5266: Part 1, or such amending British Standard as may be in force at the time, and which shall be kept lit throughout the whole time the site is open to the public.
19. Every structure on the site shall comply with the following requirements where appropriate as regards exits and exit routes:
 - a) Where the structure or any room within a structure is intended to hold less than 50 persons, one emergency exit in addition to the normal exit will be sufficient;
 - b) Where the structure or any room within a structure is intended to hold more than 50 persons then there must be not less than two emergency exits in addition to the normal exit;
 - c) None of the exits must be less than 1.05 metres in width. They must also be distributed evenly around the structure in order to ensure that genuine escape routes are available from all parts of the structure;
 - d) From any part of a room or structure having more than one exit, the distance to travel for any person must not be more than 18 metres. For a room or structure having only one exit, the distance to travel must not be more than 6.5 metres;
 - e) While any person is within a structure, the doors of the structure and of any room within the structure which affords a means of exit, should not be locked or fastened in such a manner that they cannot easily and immediately be opened from the inside. All doors on an exit route should open outwards in order that in an emergency all persons can escape without impediment. Exit routes must be kept clear of obstruction at all times.
20. The licence holder shall ensure:
 - a) That the site is maintained in a clean and tidy condition;
 - b) That there are sufficient suitable refuse collection receptacles provided both at the site and within all structures for use by the public and by the said owners, operators and attendants;
 - c) That adequate toilet provision for use both by the public and the said owners, operators and attendants is made. The contents of chemical toilets shall be disposed of at the local public conveniences. The toilets must be left in a clean and tidy condition;
 - d) That adequate arrangement for the disposal of chemical toilets from residential caravans are made; and the site licence holder shall be responsible for making arrangement for the uplifting and removal of refuse and for ensuring the area is litter free. Waste from events is commercial waste and any waste collection should be made in accordance with the Duty of Care regulations.

Prior to leaving the site at the end of each day the licence holder shall ensure that it is left in a clean and tidy condition. Sites should be cleaned in accordance with the Code of Practice for Litter and Refuse (2006) issued under section 89 of the Environmental Protection Act 1990.

If no arrangements can be made and the site is not left in a clean and tidy condition at the end of the event, East Lothian Council or its appointed contractor may carry out the

necessary works to return the site to the required standard. The cost of this clean-up will then be recovered from the licence holder.

21. The Council or any person authorised by them, and any police officer or duly authorised representative of any statutory authority, shall have access to the site at any reasonable time for the purpose of inspecting and examining the same.
22. Good order and decency shall be maintained on the site, and in the case of Police Scotland being required to deal with any incidence of disorder, the licence holder and the said owners, operators and attendants shall assist to their utmost in the restoration of good order.
23. The licence holder shall comply with the terms of the Health and Safety Executive Booklet HS(G)175: Fairgrounds and Amusement Parks, A Guide of Safe Practice, published by HSE books.
24. If any entertainment provided at the site or any advertisement relating to the entertainment is, in the opinion of the Council, indecent, vulgar or lacking in good taste in whole or part, they may direct the licence holder to stop such entertainment or remove such advertisement or to modify it in such a way as to remove the cause of the offence, and if the Licence holder refuses or fails or neglects to comply with the direction of the Council he shall be deemed to be in breach of these conditions.
25. The licence holder shall surrender the Licence if and when called upon by the Head of Service to do so for the purpose of alteration in accordance with any decision of the Council.

PUBLIC ENTERTAINMENT LICENCE

OUTDOOR FITNESS CONDITIONS

1. The licence, showing the licensable area with a minimum separation distance of 50 metres from any facades of any residential property, and the maximum number of persons allowed to participate in the activity, must be available to be read by the public, the Council or any person authorised by them, any police officer or duly authorised representative of any statutory authority
2. The use of the licensable area is restricted to circuit-type exercise activity
3. The licensee will be responsible for the maintenance of cleanliness throughout the licensable area and for ensuring the site is left clean and tidy on its vacation
4. The licensee shall not permit the playing of amplified music or speech or allow generators to be used on the site. The licensee shall comply with any instructions given by or on behalf of East Lothian Council or by Police Scotland, with regard to noise control.
5. The licensee shall be responsible for ensuring that any dogs on the site are kept under strict control and chained or leashed at all times
6. Any breach of these conditions by the licensee or by anyone present on the site, with the permission of the licensee, may result in prosecution of the licensee or to the suspension of the licence by East Lothian Council
7. The licensee will indemnify East Lothian Council against any claims whatsoever arising as a result of this permit being granted

PUBLIC ENTERTAINMENT LICENCE

PUBLIC HALL CONDITIONS

1. The licence permits the use of the premises specified therein as a place of public entertainment. It shows the type and maximum occupant capacity of the premises. The licence must be exhibited in the premises in such a place and in such a manner as to be easily read by the public.
2. The licence holders or, in the absence of the licence holders, a responsible person authorised by them, must be in charge of the premises, must inspect them before the public are admitted and must not be engaged in duties which might prevent the exercising of general supervision of the premises. The licence holder or responsible person must be present at the premises at all times when it is open to the public.
3. No members of the public must be allowed to remain within the premises after midnight on any day unless the Council has given prior written permission at least 48 hours beforehand, which permission will include any occasional licence or occasional permission granted by the Licensing Board.
4. The licence holder shall be liable for any act or omission of their servants, agents or lessees in the contravention of, or non-compliance with, any of these conditions.
5. The licence holder shall ensure that the premises are covered by a policy of Third Party Liability insurance with a reputable company for not less than £5 million and shall exhibit to the Council, on demand, evidence that the premiums in respect of such policy have been timeously paid.
6. The licence holder must determine the number of stewards, if any, required to be in attendance, in addition to the licence holder or responsible person, to ensure safe management of the premises or any event held therein. A minimum of one steward will normally be required for any event that attracts 50 persons or more. Any stewards must be fully instructed in all safety precautions, including fire safety precautions, to be observed in the premises and the action to be taken in the event of an emergency.
7. The arrangement of seating, tables and any other furniture or equipment must be such as to allow free and unobstructed access to all stairways, passageways, entrances and exits including fire exits. Before admitting public access to the premises the licence holder or responsible person must ensure that all exits are unobstructed, unlocked and able to be opened.
8. The licence holder must carry out a fire risk assessment and comply with the Fire (Scotland) Act 2005 as amended and all other relevant legislation, to the satisfaction of the Chief Officer.
9. The licence holder shall ensure that all electrical installations at the premises are in safe working order and comply with all relevant statutory requirements at all times to the satisfaction of the Head of Protective Services.
10. All gas appliances, installations, pipework or flues installed shall be maintained in a safe condition, so as to prevent risk of injury to any person. Work on such appliances and installations shall be undertaken by suitably accredited engineers registered with the Gas Safe register.
11. Where relevant, all food safety legislation should be complied with.
12. Where toilet facilities are provided, the licence holder shall ensure that these are suitable, maintained in good working order and in a clean condition to the satisfaction of the Head of Protective Services.

13. The licence holder shall ensure that adequate medical/first aid provisions are made for events taking place within the premises.
14. The licence holder shall ensure that necessary measures to prevent statutory nuisance, including noise nuisance to neighbouring occupiers of the premises are taken, to the satisfaction of the Head of Protective Services.
15. On any occasion where disabled people are present on the premises, special arrangements as may be reasonable in the circumstances must be made to ensure their safety within the premises and also for their safe evacuation in the event of fire.
16. Except with the prior special permission of the Council, no exhibition, demonstration or performance of hypnotism within the meaning of the Hypnotism Act 1952 shall be given within the premises.
17. The Head of Planning Services, the Head of Protective Services, the Chief Officer, any Police Officer, the Manager of any Gas, Electric or other utilities company and their representatives, and any other person authorised by the Council must have access to the premises at any reasonable time for the purpose of inspecting and examining the same.
18. The licence holder must surrender the licence if and when called upon to do so by the Head of Service for the purpose of alteration in accordance with any decision of the Council.

Ad online 19/10.
PE008/21.
PC, ENV,



EAST LoTHIAN COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR THE GRANT / RENEWAL / VARIATION / SURRENDER
OF A PUBLIC ENTERTAINMENT LICENCE

3

Please read the accompanying guidelines before completing this form

This application form is in several parts for different things. Which parts you need to complete depends on what you are applying for:		
Part A	About you (the applicant)	Page 2
Part B	Day to Day Manager	Page 3
Part C	Grant of a New licence	Page 3
Part C	Renewal of an Existing licence	Page 3
Part D	Variation of an Existing licence	Page 4
Part E	Surrender of an Existing licence (surrender on death, sequestration or administration)	Page 4
Part F	Declaration	Page 5

Please select what you require the Council to process (tick all that apply):		
Grant a New licence	Complete parts A, B, C, and F	<input checked="" type="checkbox"/>
Renew an Existing licence	Complete parts A, B, C and F	<input type="checkbox"/>
Vary an Existing licence	Complete parts A, D and F (if the variation includes changing the Day to Day Manager's details, also complete Part B)	<input type="checkbox"/>
Surrender an Existing licence	Complete parts A, E and F (if you also want the vary the licence, complete part D)	<input type="checkbox"/>

Should you require extra space to answer any questions, please provide additional details on a separate sheet.

Name of site or premises to be licenced	The Greenhills Port Seton Community Centre Bpositive Fitness Solutions
Address of site or premises to be licenced	The Greenhills, Prestonpans, East Lothian, EH32 9QJ Port Seton Community Centre Seton Park Port Seton

	East Lothian EH32 0BQ Bpositive Fitness Solutions 13a The Pottery Prestonpans EH32 9DS
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PART A

To be completed if a natural person (individual)

Surname (include any other surname you have been known by)	
Forename	
Home address	
Telephone number	
Email address	
Age	
Date of birth	
Place of birth	
Is applicant to carry out day-to-day management of the activity?	YES / NO

To be completed if a non-natural person (organisation, company, partnership etc)

Name	Bpositive Fitness Solutions
Address of Principal registered office	13a The Pottery Prestonpans EH32 9DS
Telephone number of principal registered office	██████████
Email address of principal registered office	████████████████████

Specify dates and times when it is proposed the premises will be open for the purposes of the above entertainment / recreation (TEMPORARY LICENCE)	Date	Time from	Time until
Maximum number of persons proposed to be admitted to the premises at any one time	100		
Provide details of toilet facilities to be made available	N/A		
Provide details of safety measure to be put in place and number of stewards provided	Risk assessment carried out <ul style="list-style-type: none"> • stewards are not required • First aider on hand • All equipment checked 		

Part D

Variation of an Existing Licence

What do you want to change?	Delete as appropriate
The applicant details (see D1)	YES / NO
The layout plan (see D2)	YES / NO
The licence conditions see D3)	YES / NO

Notes:

- D1. You must complete Part A with the new details if you are changing the applicant details
- D2. You must provide a copy of the new layout plan and may require planning consent for changes
- D3. You must details, in writing, what you want to change in the licence conditions

Part E

Surrender of licence on death, sequestration or administration of the Licence Holder

Which option applies (please tick)	
The license holder has died	
The licence holder is a sequestered individual	
The licence holder is a limited company in administration	

Part F

Names, home addresses and dates of birth of all directors, partners or other persons responsible for management	Robert Baillie [REDACTED]

Part B

To be completed by the day-to-day manager of the activity

Surname (include any other surname you have been known by)	Baillie
Forename	Robert
Home address	[REDACTED]
Telephone number	[REDACTED]
Email address	[REDACTED]
Age	[REDACTED]
Date of birth	[REDACTED]
Place of birth	[REDACTED]

Part C

Grant of License

Specify all types of public entertainment and / or recreation that is required to be licensed in the premises	Bootcamp Fitness Classes Personal Training
Specify dates and times when it is proposed the premises will be open for the purposes of the above entertainment / recreation (FULL LICENSE)	Mon 6.15pm – 7pm Tues 6.15pm – 7pm Wed 6.30am – 7.15am & 6.30pm – 7.15pm Thurs 6.30pm – 7.15pm Fri 6.30am – 7.15am Sat – 8.00am – 8.45am

Declarations

Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party name in this form ever been convicted of any crime or offence? If Yes, provide particulars below:				NO
Name	Date	Court	Offence	Sentence

NB All crimes and offences must be declared

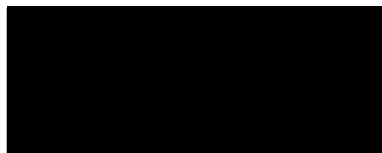
Has any party named in Parts A or B ever held or currently hold a Public Entertainment Licence If Yes: When was the licence granted When does it expire Which authority granted the licence	NO
Has any party named in Parts A or B ever applied for and been refused a licence for a Public Entertainment Licence If Yes: When was it refused Which authority refused the licence	NO

Delete as applicable:

- A) I declare that I shall, for a period of 21 days commencing with date hereof, display at or near the premises so that it can be conveniently read by the public, a Notice complying with the requirements of Paragraph 2(2)_ of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the particulars given by me on this form are correct to the best of my/our knowledge and belief

Signature of applicant



Signature of day to day manager

Any person who in, or in connection with the making of this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be found guilty of an offence and liable, on summary conviction

Please return the completed application form, relevant documents and fee to Licensing Office, East Lothian Council, John Muir House, Haddington, EH41 3HA

This application form must be lodged, together with the appropriate fee not less than 6 weeks before the proposed commencement date of the licence

Please note that the application fee is non-returnable

DATA PROTECTION ACT 2018

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information can be obtained from:

East Lothian Council's Data Protection Officer can be contacted at:

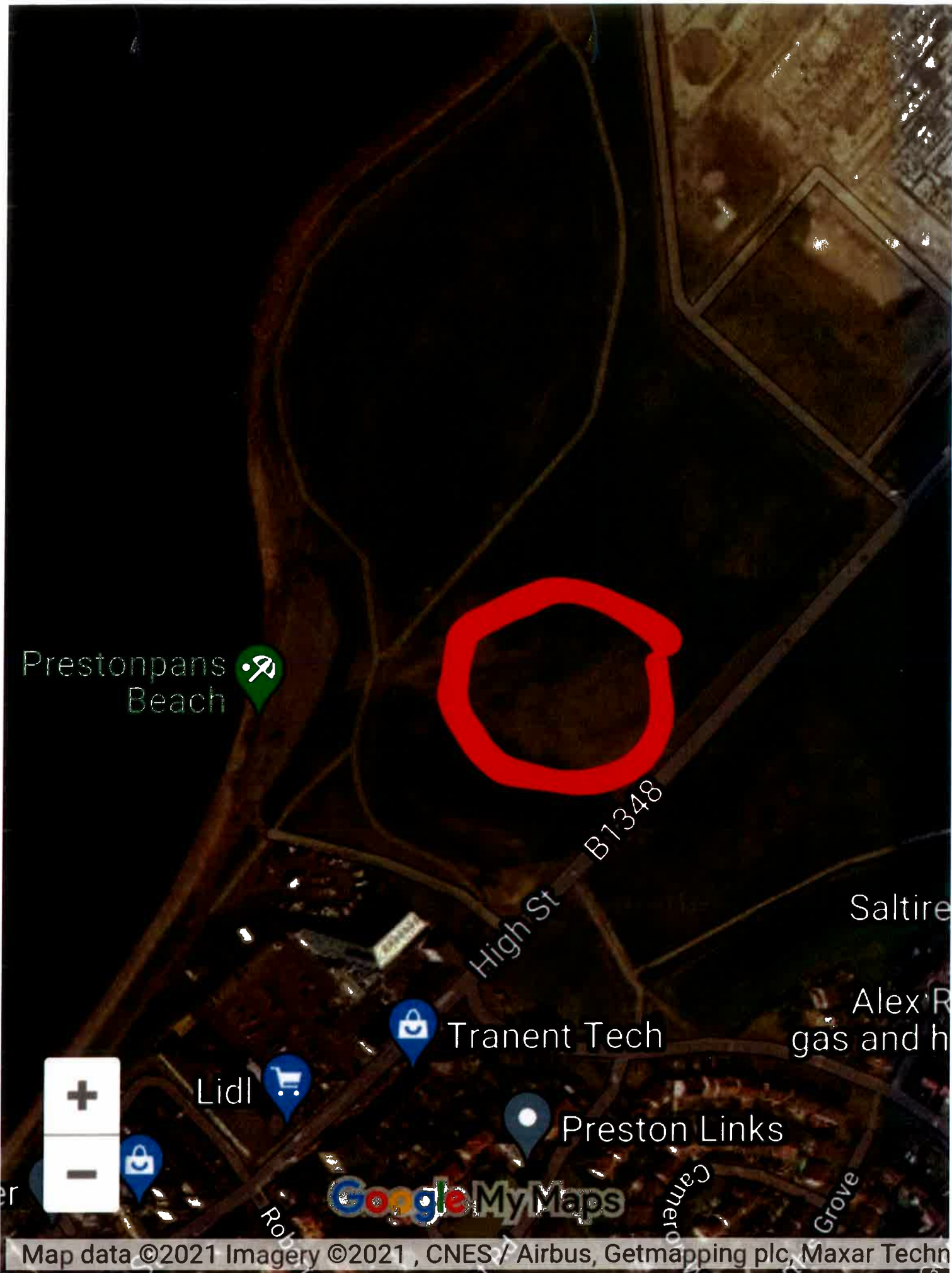
Data Protection Officer

Licensing, Administration and Democratic Services

John Muir House

Haddington

dpo@eastlothian.gov.



Herkes, Gillian

From: Bob Baillie [REDACTED]
Sent: 27 October 2021 15:19
To: Herkes, Gillian
Subject: Re: Greenhills & Port Seton Community Centre
Attachments: image001.png; Screenshot_20211027-151242_Samsung Internet~2.jpg

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.

Hi,

I've attached the area I request to use at Greenhills, Prestonpans and I use the Floodlit basketball court at Port Seton Community Centre which is paid for each session so don't need your permission to use that.

Hope this helps.

Also can I request a list of all bootcamps/outdoor fitness classes that have their entertainment licence to operate in East Lothian or how I go about to get this.

Many thanks

Robert Baillie

Fitness Specialist / Personal Trainer

[REDACTED]

Facebook: www.facebook.com/bpositivefitnesssolutions

Instagram: @bpositivefitness1

On Wed, 27 Oct 2021, 14:45 Herkes, Gillian, <gherkes@eastlothian.gov.uk> wrote:

Good Afternoon Mr Baillie

Further to us processing your application for the above. We require a plan of the area of the Greenhills site you wish to use and also the Port Seton Community Centre are you going to be in the centre or outside.

Kind regards

Gillian

Herkes, Gillian

From: Johnson, Darren
Sent: 20 October 2021 14:54
To: Licensing
Subject: FW: Emailing: Bpositive Fitness Solutions PE008.21 - Public Entertainment application.pdf
Attachments: Bpositive Fitness Solutions PE008.21 - Public Entertainment application.pdf

No objections subject to standard conditions.

Darren

-----Original Message-----

From: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Sent: 20 October 2021 14:37
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Emailing: Bpositive Fitness Solutions PE008.21 - Public Entertainment application.pdf

Darren,

Another SR for you.

Thanks

Andrew

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 20 October 2021 14:36
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Emailing: Bpositive Fitness Solutions PE008.21 - Public Entertainment application.pdf

-----Original Message-----

From: Aitken, Christine (Licensing) <caitken@eastlothian.gov.uk>
Sent: 20 October 2021 13:50
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Bookings - Accommodation <bookings@eastlothian.gov.uk>
Subject: Emailing: Bpositive Fitness Solutions PE008.21 - Public Entertainment application.pdf

Hi

Bpositive Fitness Solutions PE008/21 - Public entertainment application for Boot Camp at The Greenhills, Prestonpans & Port Seton Community Centre for report.

Thanks
Christine

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

Bpositive Fitness Solutions PE008.21 - Public Entertainment application.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.

25/10/2021

Your Ref: PE008/21

Our Ref: 594393/GB

The Clerk of the Licensing
Committee
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 COMMITTEE

Dear Sir/Madam,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE
(BOOTCAMP-BPOSITIVE FITNESS SOLUTIONS).**

APPLICANT: ROBERT BAILLIE

**PORT SETON COMMUNITY CENTRE, SOUTH SETON PARK, PORT SETON,
EAST LOTHIAN, EH32 0BG.**

THE GREENHILLS, PRESTONPANS, EAST LOTHIAN, EH32 9QJ.

I refer to the above application for the grant of a Public Entertainment Licence to be held at the following times and days of the week at the locations detailed above.

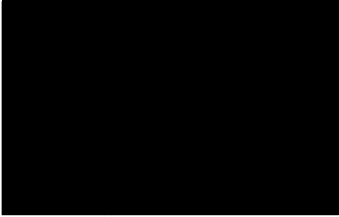
- Monday and Tuesday 1815hrs to 1900hrs.
- Wednesday. 0630 to 0715hrs and 1830 to 1915hrs.
- Thursday. 1830 to 1915hrs.
- Friday. 0630 to 0715hrs.
- Saturday. 0800 to 0845hrs.

There is no Police objection to the application, however, in terms of Section 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, I make the following representation in regards to the application.

OFFICIAL

It is respectfully requested that prior to the grant of the application the committee give due consideration to the operating hours of the license with regard to the potential disturbance to local residents of the area.

Yours faithfully



John McKenzie
Chief Superintendent

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