

# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**5c**

**This application should only be completed by the Licence Holder  
of the appropriate Premises Licence or their Agent.**

## 1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary – (Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

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**2. PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises** EL093

**2(b) Name and Address of Premises** Tower Inn, 128-130 Church Street

Tranent

Post Code EH33 1BL

Tel. No. \_\_\_\_\_

Email \_\_\_\_\_

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

Four Sisters Properties Ltd

51 Craighouse Avenue, Edinburgh

Post Code EH10 5LP

Tel. No. \_\_\_\_\_

Email address \_\_\_\_\_

**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

**3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and detail below the proposed changes. **(See Note 1)**

- To add an additional Activity providing that food may be supplied for customers, having been prepared at other premises, but consumed on these premises.
- To add Outside Drinking Facilities as an Activity, including before licensed hours.
- To permit access for Children, if accompanied by an adult. Children must vacate the premises by 8pm and Young Persons by 11pm unless either are attending a private pre-booked function in which case they may remain until the end, subject to management discretion.

**3(c) Variation to the Layout Plan of the Premises Licence**

A copy of the proposed Layout Plan must accompany this application. **(See Note 2)**  
In addition please provide details below of the proposed change to the layout of the Premises.

To substitute a new Layout Plan showing the outside area.

**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)

**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)

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**5. FEE PAYABLE**

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2)

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.**

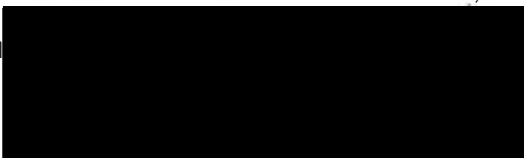
I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the 

Signature \_\_\_\_\_ (See note 5 overleaf)

Date 17/2/21

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

**If agent, please provide details**

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.com

**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.)

## OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Tower Inn 128-130 Church Street Tranent East Lothian EH33 1BL
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### Question 1

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

<i>Will alcohol be sold for consumption on the premises?</i>	NO
<i>Will alcohol be sold for consumption off the premises?</i>	NO
<i>Will alcohol be sold for consumption both on and off the premises?</i>	YES
<i>Delete as appropriate</i>	

### Question 2

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

<i>Date</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Final time</i>
<i>Monday</i>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	1am
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	Midnight

**Question 3**

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

<i>Day</i>	<i>Off Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11am	10pm
<i>Tuesday</i>	11am	10pm
<i>Wednesday</i>	11am	10pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	11am	10pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the licence or trade apply to seasonal variations?</i>	YES
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*\*If YES – provide details*

We would seek to take advantage of any extended period of trading granted by the Board for significant local/ national events e.g. festive period and bank holidays etc.

**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 along with core licensed hours please confirm YES/NO
Accommodation	No	N/A	N/A
Complimentary facilities	No	No	No
Restroom facilities	No	No	No
Activities	No	No	No
5(b) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided along with core licensed hours please confirm YES/NO
Social functions including:			
Receptions including weddings, christenings, etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes
5(c) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided along with core licensed hours please confirm YES/NO
Entertainment including:			
Recorded music - see 5(g)	Yes	Yes	Yes
Live performances - see 5(g)	Yes	Yes	No
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	Yes	Yes	No
Indoor/outdoor sports	Yes	Yes	No
Televised sport	Yes	Yes	Yes



5(a) Activity	YES/NO	during core licensed hours – please confirm YES/NO	also to be provided outwith core licensed hours please confirm YES/NO
Outdoor facilities	Yes	Yes	Yes
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Airch entertainment	No	No	No

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

Receptions – we have the facility to offer a range of reception facility. This may include funeral parveys that require alcohol on the premises from 9am. This activity would be subject to the expedient grant of an Extended Hours Application.

Club Meetings – we have the facility to host local community meetings. This may include events that require alcohol to be available on the premises from 9am e.g. golf day. This would be obtained through an Extended Hours Application.

Recorded Music – this may be played outwith core hours during reception.

Televised Sport – we anticipate that certain major sporting events e.g. Olympics, Football World Cup may be televised outwith core hours and we would wish to offer the sale of alcohol on premises at these times. This would be obtained through an Extended Hours Application.

Outside Drinking facilities-may be used by customers if the premises are open before the commencement of licensed hours

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.

We may provide a range of activities during core hours such as quiz nights, dominoes, charity nights, or similar social activities appropriate to the target market. Activities requiring alcohol outwith core hours will be subject to an Extended Hours Application being granted. No additional activities shall take place after core hours (with or without the provision of alcohol) unless under the authority of an Extended Hours Application.

Food may be supplied for customers, having been prepared at other premises, but consumed on these premises.

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?	N/A
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<i>Delete as appropriate</i>	N/A
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**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

<i>6(a)</i>	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry.</i>	YES
	<i>Delete as appropriate</i>	

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

Children and Young Persons will be admitted only when accompanied by an adult.

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

No restriction (0-17 years).

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

Children must vacate the premises by 8pm and Young Persons by 11pm unless attending a private pre-booked function in which case they may remain until the end of the function, subject to management discretion.

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

Children and Young Persons will be admitted to all public areas.

**Question 7**

**CAPACITY OF PREMISES**

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

On Sales - 156

**Question 8**

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

*Personal details*

8(a) *Name*

John Reynolds

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2009	East Lothian Licensing Board	EL401

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

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

The content of this declaration is true to the best of my knowledge and belief.

Signature ..... (please note below)

Date ...

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

Telephone number and email address of signatory .....

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

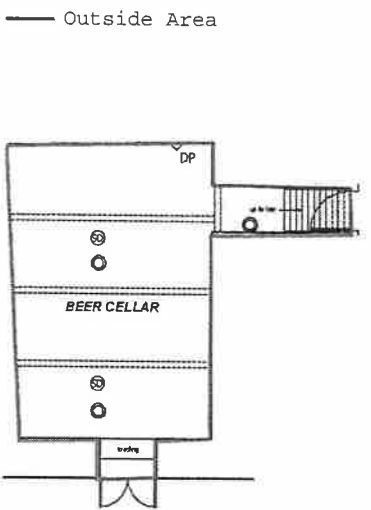
0131 229 6181, alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

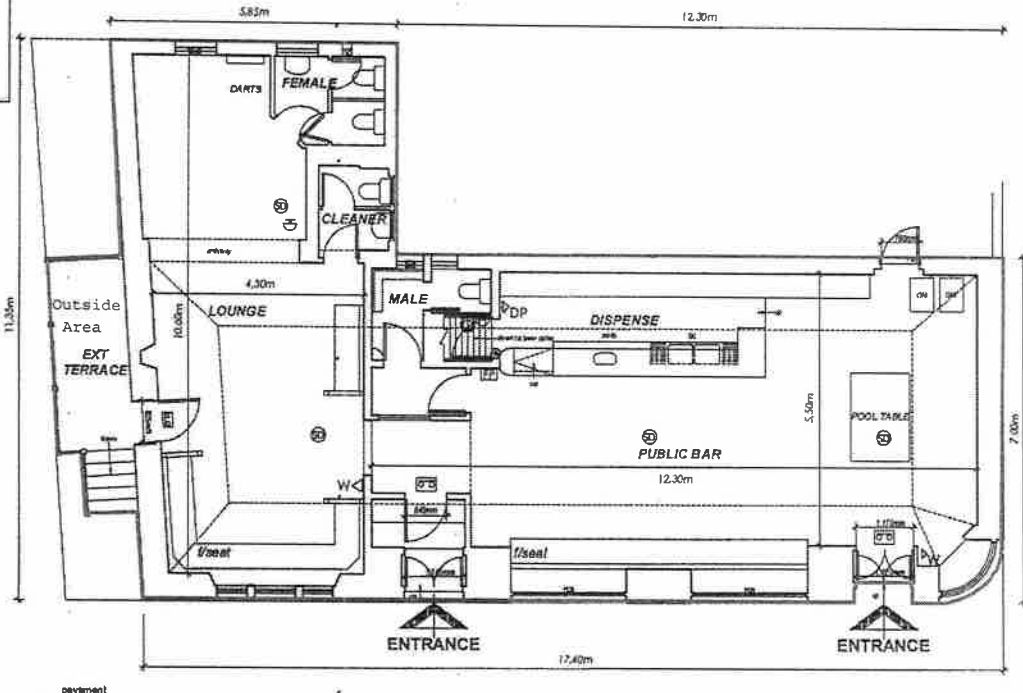
The information on this form may be held on an electronic public register which may be available to members of the public on request.

OCCUPANT CAPACITY  
156 PERSONS  
ALCOHOL DISPLAY FRONTAGE  
10.80 sqm

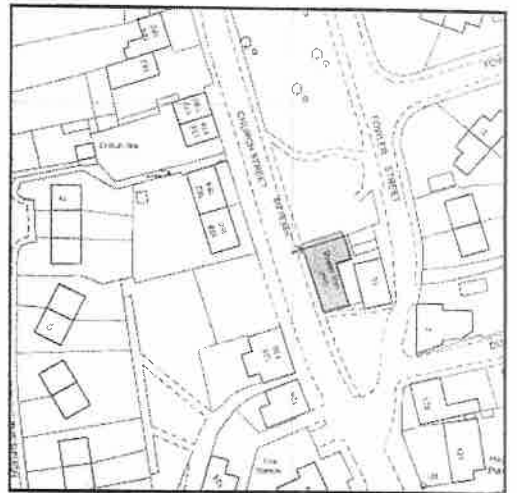
- FIRE & EQUIPMENT LEGEND**
- ⊙ 3hr mntd emerg light
  - ⊙ 3hr mntd emergency incl Euro Legends
  - ⊙ Fire Alarm Sounder
  - ⊙ F-Alarm Break Glass Pnt
  - ⊙ Fire Blanket
  - ⊙ Smoke Detector (Combined SD & Sounder)
  - ⊙ Heat Detector (Combined HD & Sounder)
  - ⊙ Fire Alarm Control Panel
  - ⊙ PB Emergency Push Bar
  - sc30/60 Self closing FR doors
  - sc Self closing door
  - ▷W Fire Ext-Water 9L
  - ▷DP Fire Ext-Dry Powder 2.3kg
  - ▷Co2 Fire Ext-Carbon Dioxide 2.3kg (Type 21b)
  - ▷DF Dry Foam
  - ⊙ Hose Reels



LOWER GF PLAN 1:100



GF PLAN 1:100



LOCATION 1:1250 N^

ACTIVITY	Public bar	Single bar	Restaurant	Eventual	W/ing bar	Games room	Bedrooms
accommodation							
conference							
restaurant							
bar meals							
reception	✓	✓					
club meetings	✓	✓					
recorded music	✓	✓					
live performances	✓	✓					
dance facilities							
theatre / films							
gaming	✓	✓					
indoor sports	✓	✓					
televised sports	✓	✓					
outdoor drinking							
adult entertainment							
children/young persons	✓	✓					

**ROUGH DESIGN PARTNERSHIP**  
ROUGH DESIGN PARTNERSHIP LTD  
CREATIVE INTERIOR + ARCHITECTURAL CONSULTANTS  
38 BIDDLEIGH STREET EDINBURGH EH8 9LP  
T 0131 4894411 F 0131 967 8851  
E ROUGH-DESIGN@TALK 21.COM

PROJECT TOWER INN 130 Church Street Tranent EH03 1BL	CLIENT BELHAVEN Pubs LTD Atrium House & Back Walk Strung FK9 2QA	DRG. PLAN EX	SCALES 1:100
PROJECT REF <b>3560</b>	DRG.NO TOW DATE OCT.07	REV	DATE

DRAWING FOR THE BENEFIT OF THE PROJECT  
ALL MEASUREMENTS AND APPROVALS  
E DO NOT PART OF THIS CONTACT

22/02/2022

Your Ref: **EL093**

Our Ref: **616485/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
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  
TOWER INN  
131 CHURCH STREET, TRANENT, EAST LOTHIAN, EH33 1BL.**

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

- 1: To add an additional activity providing that food may be supplied for customers, having been prepared at other premises, but consumed on these premises.
2. To add outside drinking facilities as an activity, including before licensed hours.
3. To permit access for children, if accompanied by an adult. Children must vacate the premises by 8pm and young persons by 11pm unless they are attending a private pre-booked function in which case they may remain until the end, subject to management discretion.

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

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following comment on the requested variations as above;

1. No Police objections or recommendations.

**OFFICIAL**

2. The outside area must be adequately supervised by staff and covered by CCTV.

No amplified music or speech is to be broadcast in the outside area.

Any activities in relation to the outside area will cease at 22.00hrs.

All alcohol to be consumed in the outdoor area to be contained in plastic receptacles.

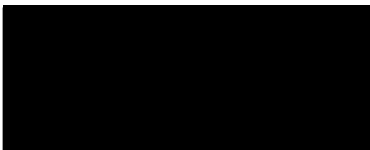
It is respectfully requested that the board give consideration to the number of patrons permitted to use the area at any given time.

3. No police objections or recommendations.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that consideration to the variation in its current form should be modified as above and that the concerns raised in this letter are addressed.

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

Yours faithfully



Catriona Paton  
Chief Superintendent

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

# EAST LOTHIAN COUNCIL

## Licensing Standards

From: Rudi Fruzynski,

Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

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Date: 09 March 2022

**Subject: LICENSING (SCOTLAND) ACT 2005**

**PREMISES LICENCE MAJOR VARIATION 2022**

**THE TOWER INN, 128 - 130 CHURCH STREET, TRANENT, EAST LOTHIAN  
EH33 1BL**

I can confirm that the applicant and premises have been visited in relation to this variation application. My observations are as follows:

The changes applied for are:

- To add food offerings prepared off the premises.
- To permit children on the premises, accompanied by an adult up to 20:00 each day or until the conclusion of a pre-organised event.
- To permit young persons on the premises until 23:00 daily or until the conclusion of a pre-organised event.
- To add an external drinking area to the north side of the premises. This area may be used outwith core hours. The proposed area will be on raised decking, on the same level as the north facing side door. In the future, the applicant has indicated that the area may be extended to measure approximately 3.5metres in width and 12.5 metres in length (43.75m<sup>2</sup>).

Licensing Standards has no objection to the foregoing proposals, but may recommend however, the following conditions if there was an application submitted in respect of an extended outdoor area:

- It is suggested that the capacity of any extended outdoor area be limited to no more than 40 persons. The current capacity of the indoor area is 156. (Please see the photographs submitted by the applicant).
- The boundaries of any extended outdoor area should be clearly delineated.
- CCTV should cover the outdoor area if it is extended in the future.
- The terminal hour for use of the outdoor area should be no later than 20:00 each day to protect neighbouring residences from disturbance and nuisance.



In summary, the proposed changes are supported by Licensing Standards.

R. Fruzynski  
Licensing Standards Officer

## Winter, Maree

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**From:** Chrissie Irvine <[REDACTED]>  
**Sent:** 18 March 2022 16:07  
**To:** Winter, Maree  
**Subject:** Re: Emailing: Tower Inn Layout Plan Feb 22.pdf  
**Attachments:** The Tower Tranent-Major Variation i\_Redacted.pdf; Layout Plan Feb 22.pdf

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

**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 afternoon Maree

Thank you for sending this information through.

After reviewing this I would like to raise my concerns with the plans at the Tower Inn. I do not object to all the changes, serving food and allowing children I do not have any objections too. It's the outdoor drinking that I have serious concerns about.

I appreciate that you have advised the drinking area is to be at the North side but the drawings provided are dated 2007 and show a small smoking area. Are we to believe that this will not be extended? If it is then should we not be provided up to date plans. If this area is to be extended then I would clarification on the following points:

1. That is will definitely be an 8pm curfew.
2. Will designated bins be put in place for patrons? The level of rubbish thrown in the green and shoved in our hedge is unbelievable.
3. If there is an outdoor area will the capacity increase? If so , where are you expecting customers to park? There is limited parking as it is and with an influx of vehicles will led to unruly parking in the surrounds. Cars are currently being left over night given a 'courtesy bus' is being laid on.

I am glad that someone has taken over this business and I wish them success but I feel further thought is required about these additions.

Kind Regards

Chrissie  
[REDACTED]

On 15 Mar 2022, at 09:29, Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

Dear Ms Irvine,

## Winter, Maree

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**From:** Johnson, Darren  
**Sent:** 21 February 2022 07:59  
**To:** Licensing  
**Subject:** FW: Major Variation application - Tower Inn, Tranent  
**Attachments:** The Tower Tranent-Major Variation i.pdf; The Tower Tranent-Operating Plan-Major.pdf

Good Morning

No objections.

Darren

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**From:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Sent:** 18 February 2022 12:02  
**To:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Cc:** Gunning, Laura <lgunning@eastlothian.gov.uk>; Slight, Lynn <lslight@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Tower Inn, Tranent

Hello Darren,

Can you please deal with this application when you get the chance.

Copied the e-mail to Laura and Lynn as they were also sent it by EHTS.

Thanks

Andrew

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**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 18 February 2022 11:32  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lslight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Tower Inn, Tranent

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 17 February 2022 16:02  
**To:** Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; tecc.secretary@aol.co.uk  
**Subject:** Major Variation application - Tower Inn, Tranent

Dear all,

Please find attached major variation application for The Tower Inn, Church Street, Tranent.

The layout plan will follow in due course,

Could I please have any representations/objections by 18<sup>th</sup> March 2022.

Kind regards  
Maree.

*Maree Winter*

**Licensing Officer: Accredited Specialist Paralegal in Licensing Law, Democratic & Licensing Services: East Lothian Council: John Muir House:  
Haddington: EH41 3HA  
01620 827867  
[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**



**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery

**To:** Clerk to the Licensing Board

**Per:** Neil Millar

**Per:** Licensing Board

**Cc:**

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**Date:** 24<sup>th</sup> February 2022

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Tower Inn, 128-130 Church Street, Tranent

**Application type:** Variation other than a minor variation of premises licence

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

