

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)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0345

2(b) Name and Address of Premises

North Berwick Bowling Club 17 Clifford Road North Berwick			
Post Code	EH39 4PW	Phone No.	01620 893737

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

N/A		E.L.C. Customer Services 24 JAN 2022 RECEIVED	
Post Code	N/A	Phone No.	N/A

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

- Removal of Condition 6
- Amendment to Condition 2 to read “the South side door of the premises shall remain closed at all time”

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)

Amendment – Opening hours amended and inclusion of off sales.

Addition – Restaurant Facilities & Bar Meals – yes to both activities, and yes to be provided during and outwith core hours.

Addition – Conference Facilities – yes to activity, and yes to provided during and outwith core hours

Addition – Club or other group meetings – to be provided outwith core hours as well as during core hours

Addition – Recorded Music – to be provided outwith core hours as well as during core hours.

Addition – Televised Sport - to be provided outwith core hours as well as during core hours.

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.

The layout plan is attached to this application and shows the red line encompassing the building curtilage, the outside area and the bowling green and surrounding seating.

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)

N/A

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

X YES NO

If the answer is NO, please provide an explanation.

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

- The licence has not yet been issued by the Board
 - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
 - Other (provide details)
-

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

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

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

Date

23/1/22

Capacity: APPLICANT / AGENT (delete as appropriate)

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

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

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

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

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

North Berwick Bowling Club
17 Clifford Road
North Berwick EH39 4PW

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00	23.00
<i>Tuesday</i>	10.00	23.00
<i>Wednesday</i>	10.00	23.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	01.00
<i>Saturday</i>	10.00	01.00
<i>Sunday</i>	10.00	00.00 (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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

Question 4

SEASONAL VARIATIONS

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

Question 5

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

COL. 1 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	NO
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	NO
<i>Dance facilities</i>	YES	YES	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES

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

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

RESTAURANT FACILITIES – these facilities may operate outwith core but not before 8am and not later than 11pm.

BAR MEALS - these facilities may operate outwith core but not before 8am and not later than 11pm

CONFERENCE FACILITIES – these facilities may operate outwith core but not before 8am and not later than 11pm

CLUB OR OTHER GROUP MEETINGS – these facilities may operate outwith core hours but not before 8am and not later than 11pm

RECORDED MUSIC – these facilities may operate outwith core but not before 8am and not later than 11pm

TELEVISED SPORT – these facilities may operate out with core hours but not before 8am and not later than 11pm.

OUTDOOR DRINKING FACILITIES - these facilities may operate out with core hours but not before 8am and not later than 10pm.

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.

<p>Member Guest Days</p> <p>“Open” Bowls Event</p> <p>Come and Try Events</p> <p>Charitable Events</p>
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5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

<p>Children under the age of 13 must be accompanied by an adult. Children aged between 13 and 15 who are members of the Club are permitted to access the Club Premises without adult supervision.</p> <p>No child will be permitted within 1.5 metres of the bar counter</p>
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6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

No age restriction

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

Children and Young Persons will have access normally from 9am to 11pm except when attending pre-arranged events when they will be permitted to attend throughout the licensed hours.

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 permitted to all parts of the property with the exception of the kitchen and immediate bar area.

Question 7

CAPACITY OF PREMISES

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

Lounge - 170

Outside - 60

Question 8

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

Personal details

8(a) Name

N/A

8(b) Date of birth

N/A

8(c) Contact address

N/A

8(d) Email address and telephone number

N/A

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature  ... * (see note below)

Date 23/11/22

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

Telephone number and email address of signatory 

*** Data Protection Act 1998**

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

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

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:

The club is governed by its rules and byelaws. Any member or their guest stepping out of order would be dealt with in line with these.

The Club in the past have had a very good working relationship with the local Police, and licensing officials and would wish this to continue.

Securing Public Safety:

At all times the safety of our members, guests, visitors and staff are our priority.

Preventing Public Nuisance:

We are a standalone building with nearby residential neighbours. We have a good working relationship with the neighbours and certainly with the nature of the business we would not want to or encourage any public nuisance.

The Club will at all times ensure that the neighbouring residents are not disturbed and will ensure that all doors and windows are closed to stop any sound of amplified entertainment which is ongoing in the clubhouse.

Protecting and Improving Public Health:

Without exception our members, guests, visitor and staff are our main priority. The members enjoy the facilities and the service of alcohol is well controlled with personal licence holders on duty and experienced trained staff on duty.

Protecting Children and Young Persons From Harm:

Without exception the Club are committed to protecting children and young persons from harm. We have a Child Protection Officer in place and all staff are fully aware of ensuring that all children and young persons are protected.

Business Profile

Please describe your business offering.

BOWLING
We are a Private Members ~~Club~~ Club. (*WSR*)

All of our business is from members, guests and any visitors to the bowling green

There is no access for members of the public to just walk in and use the facilities.

(extend this box if you require additional space)

On/Off Consumption

(a) Please describe the type of business you intend to operate in respect of On consumption.

Service of alcohol to members, guests and visiting bowlers.

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

This would only be on the odd occasion and would be for the members only.

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:

We would like on the agreement of Local Condition 6 being removed allow local groups and organisations to use the facilities for meetings and events outwith the bowling season. At these events food may or may not be consumed at these events.

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

The hosting of a social function would only be for members and their guests even with the removal of Local Condition 6. It is not the purpose of the Bowling Club to have any member of the public hosting events.

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:

Recorded Music – very rarely, if at all music would be played

Live Performances – a band may at times play at functions but not operating outwith our conditions.

Gaming – to allow the playing of the card games like bridge within the facilities.

Indoor/Outdoor sports – bowls is the primary sport and is played from dawn til dusk every day, and indoor during the winter months.

Televised Sports – the only time any television coverage would be shown is at the time of large sporting event.

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

These are areas delineated on the layout plan, and are areas whereby members and guests can sit or stand outside and enjoy a drink that they have purchased from within the Club House.

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:

All the activities that we have requested out with core hours are the exception to the rule, and not the norm.

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:

Member Guest Days – very infrequent

“Open” Bowls Event – around 6 events held annually

Come try events – around 4-6 in a year.

Charitable Events – 6- 10 per annum

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.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

The norm is for the Club to be very hospitable, and this application is to tidy up some matters in the operating plan and layout plan. None of the offerings we seek will change the operation of the current business but simply give more flexibility.

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

As previously stated this application is a tidying up of the current licence (mainly the operating plan and layout plan).

The Club works closely with the Licensing Standards Officer and have established a healthy relationship there. Prior to this submission we had a detailed meeting to discuss the proposed changes.

None of the changes sought will bring a change in the way we operate but will give us some flexibility and ensures that everything that may happen at the premises is covered.


We appreciate that the 10am opening sought is outwith the Licensing Board's Policy however we seek this to allow flexibility when holding open events, the bar can be open for early morning bowling competitions however these would be few and far between with these likely only to be at the weekend.

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	23/1/22
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“SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

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

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

This is a new build and is fully disabled accessible..

Question 3

Facilities available

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

Disabled toilets are available, and wheelchairs can be placed at our dining tables for consumption of food and drinks.

Question 4

Other provisions

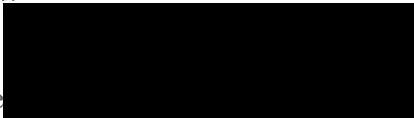
Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Whilst dogs are not permitted in the Club House – assistance dogs are permitted.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature  * (see note below)

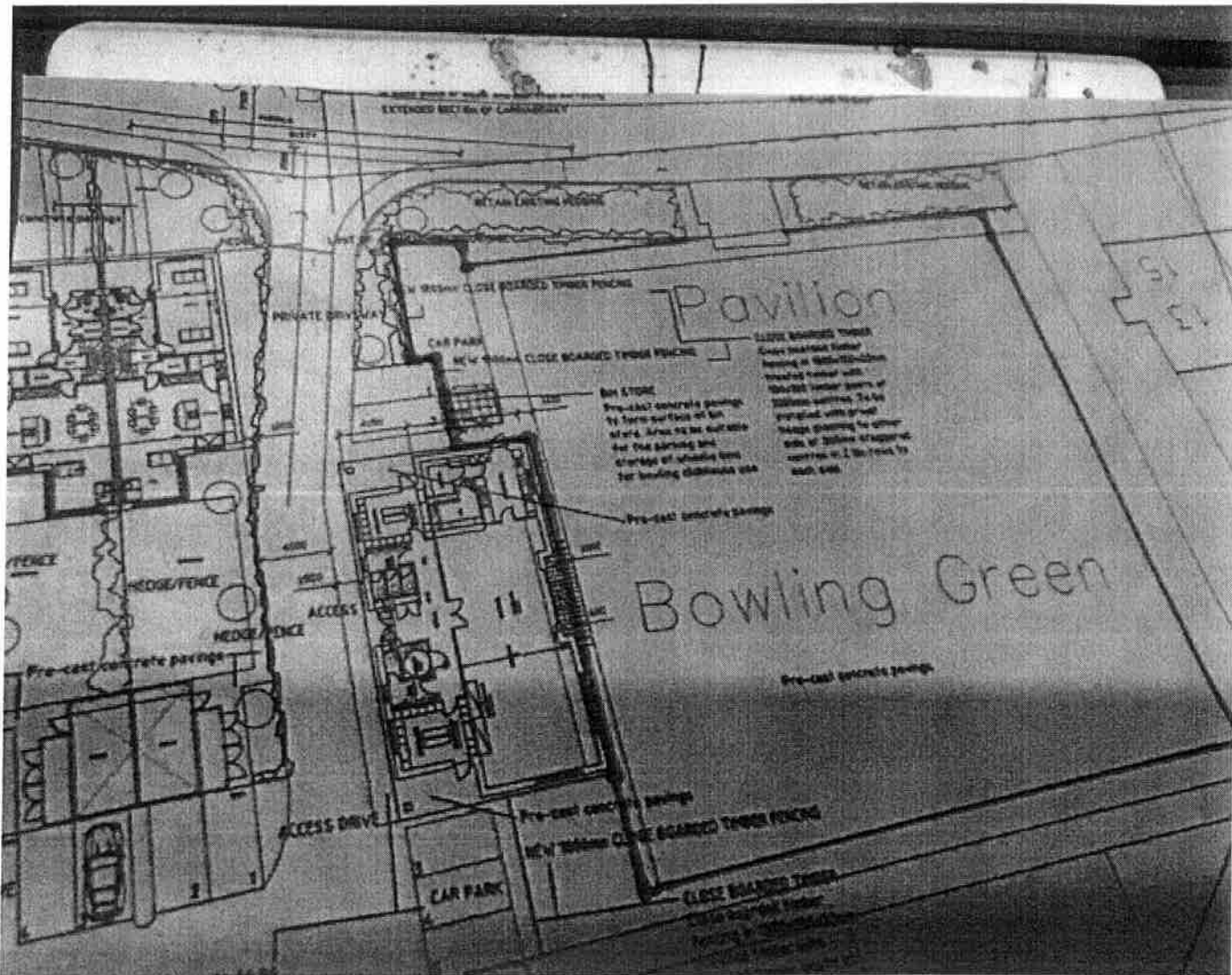
Date 23/11/22

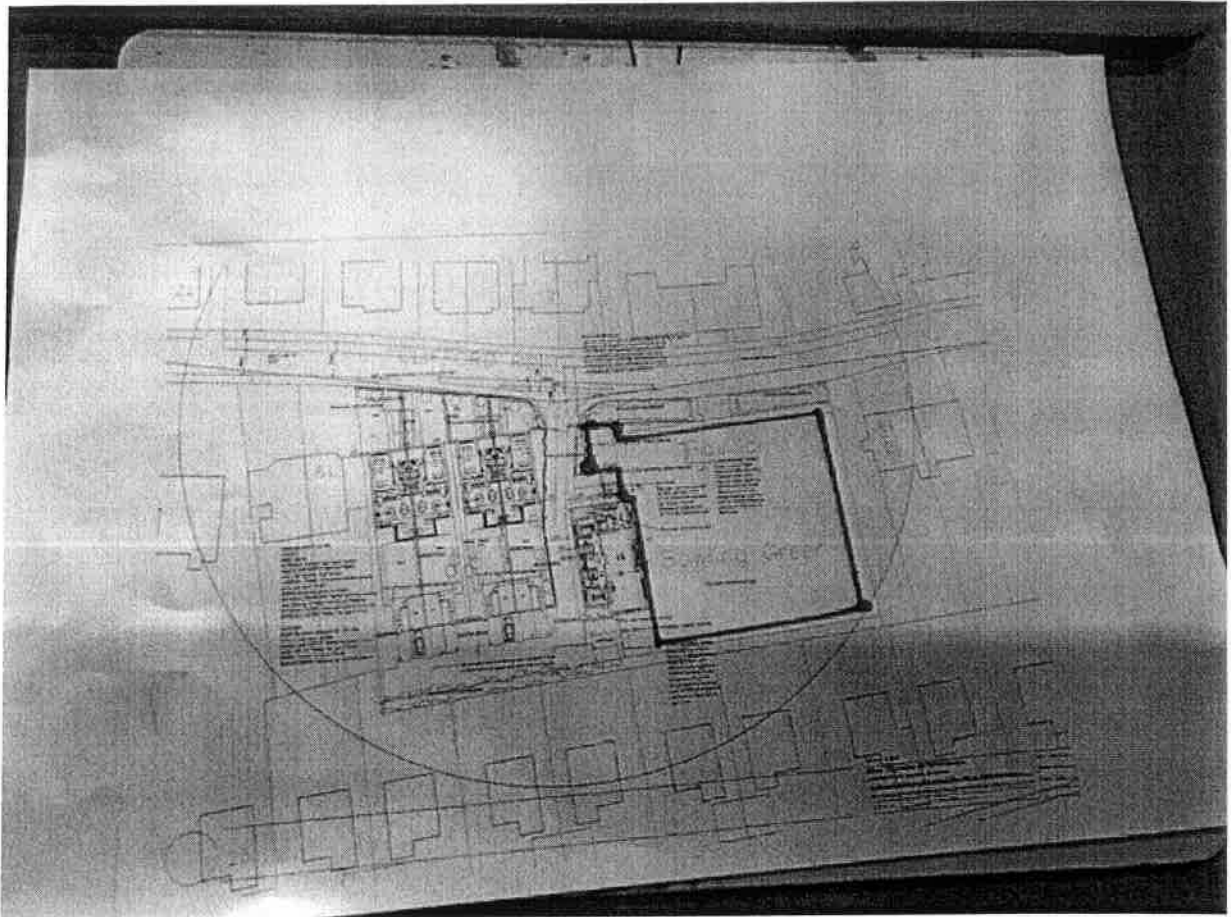
Capacity CLUB SECRETARY APPLICANT/AGENT

Telephone number and email address of signatory 

* Data Protection Act 1998

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





24/02/2022

Your Ref: **EL0345**

Our Ref: **615751/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
NORTH BERWICK BOWLING CLUB, 17 CLIFFORD ROAD, NORTH
BERWICK, EAST LOTHIAN, EH39 4PW.**

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. The removal of condition 6 which states "No more than 6 guests may be signed in by any one member".
2. An amendment to condition 2 which states "The South Side door of the premises shall remain closed at all times".
3. Amendment of opening hours and inclusion of off sales.
4. Restaurant Facilities & Bar Meals -Yes to both activities, and yes to be provided during and out with core hours.
5. Conference Facilities -Yes to activity, and yes to being provided during and out with core hours
6. Club or other group meetings - To be provided out with core hours as well as during core hours
7. Recorded Music - To be provided out with core hours as well as during core hours.
8. Televised Sport - To be provided out with core hours as well as during core hours.

OFFICIAL

9. A change to the layout plan (change of outdoor area for consumption of alcohol to include the building curtilage, the outside area, the bowling green and surrounding seating).

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 representation and comment on the items above.

1. The premises is currently a private club. A change would be required to become an open club to allow visitors to attend without the need to sign in.
2. The South door of the premises faces nearby houses. It is the opinion of Police Scotland that this would lead to potentially disturbing breakout noise from the main hall and bar of the premises. It is recommended by Police Scotland that this condition remain in force in its current manner.
3. No objection or representation in regards to opening hours are these are within current board policy. Police Scotland ask for confirmation however that the use of an off sales facility would be for members or guests of the premises only, as members of the public would require under the current provisions to be signed in as guests in order to use an off sales provision.
4. No objection or representation.
5. No objection or representation.
6. No objection or representation.
7. Amplified announcements, music or entertainment noise levels shall be controlled so that they are non-intrusive or of low level to avoid disturbance of any neighbouring residential properties.
8. No objection or representation.
9. No objection or representation.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified in order 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, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 23 Feb. 22

Subject: LICENSING SCOTLAND ACT 2005
APPLICATION FOR MAJOR VARIATION TO PREMISES LICENCE

**North Berwick Bowling Club, 17 Clifford Road, North Berwick,
East Lothian EH39 4PW**

I refer to the above subject and can confirm that the premises have been visited in relation to this application for a Major Variation to the Premises Licence.

I support all the proposed changes and additions to the operating plan with the exception of the removal of condition 6 that no more than six guests can be signed in by any one member, since the licence relates to a members club licence and guests who consume alcohol purchased on the premises must be signed in (see attached regulations), and the ratio of six guests to one member is defined in our current statement of licensing policy. The Club management has been informed that if they wish the removal of this condition an application should be lodged to change the licence status to an open licence.

In relation to the proposal to permit the perimeter of the bowling green to be used as an area where outside drinking can take place, I would recommend that the following conditions be inserted into the licence, namely:

1. That the terminal hour for use of the outside area be no later than 22:00 each day.
2. That there should be no amplified announcements / music / entertainment in the outside area and any other noise levels should be controlled so that they are non-intrusive / low level at any neighbouring residential properties.

For the information of Licensing Board members, the following are the current conditions of the Club's Premises Licence:

Local Conditions

1. In the interests of public safety, children must be excluded from an area of 1.5 metres from any bar servery in the premises.
2. The North side door of the premises shall remain closed at all times.
3. The Locker Room Door on the South side of the premises shall have no access or egress from 10.00 p.m.
4. Amplified announcements/music/entertainment noise levels shall be controlled so that they are non intrusive/low level at any neighbouring residential properties.
5. The Police & Licensing Board to be notified of any change in office bearers within 14 days of such change.
6. No more than 6 guests may be signed in by any one member.

R. Fruzynski
Licensing Standards Officer

The Licensing (Clubs) (Scotland) Regulations 2007

Clubs prescribed for the purposes of section 125(1)

2.—(1) The description of club prescribed for the purposes of section 125(1) of the Act is a club—

(a) which is not conducted for the purposes of making a profit; and

(b) which has a written constitution and rules which make provision to the effect specified in paragraph (2).

(2) That provision is that—

(a) the business of the club is to be under the management of a committee or other governing body elected by the members of the club;

(b) no person under 18 is to be admitted as a member of the club (unless the club is devoted primarily to some sporting purpose or is a students' union to which paragraph (3) applies);

(c) no member of the committee or other governing body and no person employed by the club is to have any personal interest in the sale of alcohol on the club premises or in the profits arising from such sale;

(d) other than when an occasional licence has effect, no person is to be supplied with alcohol on the club premises unless that person is—

(i) a member of the club;

(ii) a person who is on the premises at the invitation of a member of the club and is accompanied by that member; or

(iii) a member of another club which falls within the description prescribed in paragraph (1);

(e) where a person referred to in sub-paragraph (d)(ii) is supplied with alcohol on club premises when an occasional licence is not in effect, there is to be entered in a book kept for the purpose—

(i) the date in question;

(ii) the name and address of the person; and

(iii) the name of the member accompanying the person;

(f) correct accounts and books are to be kept showing the financial affairs and intromissions of the club;

(g) the club has to have at least 25 members to be properly constituted; and

(h) no person is to be allowed honorary or temporary membership of the club or to be relieved of the payment of the regular entrance fee or subscription—

(i) except to allow temporary participation in the activity which is the prime purpose of the club; and

(ii) except in accordance with specific provision set out in the club rules.

(3) This paragraph applies to a students' union of—

(a) a university; or

(b) a further education college under the management of an education authority,

which is recognised and certified as such by the Senate or Academic Council of the university or by the education authority, as the case may be.

(4) Expressions used in paragraph (3) which are also used in the Education (Scotland) Act 1980(1) have the same meanings in that paragraph as in that Act.

Herkes, Gillian

From: Winter, Maree
Sent: 03 March 2022 09:45
To: Herkes, Gillian
Subject: FW: Major Variation NB Bowling Club

Hi Gillian,

Could you run this off for me please and put on my desk.

Thanks
M.

From: william sykes-robertson [REDACTED]
Sent: 03 March 2022 09:37
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: Re: Major Variation NB Bowling Club

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 morning Maree,

I am sorry it has taken me a couple of days longer than first thought to get back to you. It is not always easy getting folk together for a committee meeting and then of course getting folk to agree. oh the joys...

Anyway, I have some updates for you, if its ok I will just go by the numbers regarding each concern. As usual if you need anymore details or to confirm anything please let me know.

The Police concerns -

1- The removal of section 6 which states "no more than 6 guests may be signed in by any one member"
We are happy to remove this from the application and leave it as it stands.

2- Amendment to condition 2 which states "the south side door of the premises shall remain closed at all times".

We are happy for this to remain in force as the original details - I believe this has been a confusion for us regarding north and south side of the building.

The doors on the south side will indeed remain closed at all times.

3-Amendment of opening hours and inclusion of off sales.

I can confirm the off sales would only be for members and guests.

7- Recorded music - to be provided outside core hours as well as during core hours.

We totally agree and understand this matter - as a matter of course we would ensure any music (noise levels) would be turned down no later than 22.30hours and turned off no later than 2300hrs

As the police didn't specify any times regarding this, this is the times we as a committee have come up with and hope they will suffice.

The Licensing Standards Officers Concerns.

1-That the terminal hour of use of the outside area be no later than 2200hrs each day.

We agree to this and would ensure this is the case.

2- No amplified announcements/music/entertainment in the outside area and control other noise levels to be no intrusive to neighbours.

We agree to this matter, please refer to the reply above regarding the police concern number 7.

The Local Conditions mentioned -

We agree with these comments and confirm the confusion regarding north and south side - again my apologies for this.

These conditions are all covered by what is stated above I believe.

Notice of concern from neighbour-

I believe most of these comments will be covered by the changes we have agreed with above. We have agreed to make changes regarding these issues and would also like to point out neither the police or the licensing standards officer had any concerns with the extra opening hours we have requested. However in an effort to keep everyone happy we are happy to reduce our request for Sunday opening hours to be reduced back to 2300hrs. We would like to keep the hours on a Friday and Saturday to remain at 0100hrs. We hope this would be acceptable to the board with the agreements we have made regarding music and noise levels.

I think and hope this covers everything Maree, but if not let me know

The last thing we want is to upset or cause issues for anyone, so I hope this helps answer the concerns.

Kindest regards

Willie

On 25 Feb 2022, at 10:56, Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

No problem Willie.

Regards
Maree.

From: william sykes-robertson [REDACTED]
Sent: 25 February 2022 10:48
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: Re: Major Variation NB Bowling Club

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 Maree,

Thanks for this e-mail.

I'll try to get around most of the committee over the weekend to discuss these matters.

Can I get back to you next week as soon as I can with an update?

Kindest regards



LICENSING (SCOTLAND) ACT 2005, SECTION 22

NOTICE OF OBJECTION OR REPRESENTATION

If you are completing this form by hand, please write legibly
in block capitals using ink.

Please indicate below the type of notice you are making (tick appropriate box)

Objection

Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board, East Lothian Council,
Licensing, Administration and Democratic Services,
John Muir House, Haddington
East Lothian, EH41 3HA**

Any person may, by notice to the Licensing Board —

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application

If you are OBJECTING, please complete Part A of this form.

If you are MAKING REPRESENTATIONS, please complete Part B of this form.

All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR
BEFORE COMPLETING THIS FORM**

Section 1 – Application Details

This objection/representation relates to the following Application:

Applicant's name (if known) North Berwick Bowling Club

(This is the name of the applicant in respect of the licensed premises referred to in the application)

Name & Address of premises North Berwick Bowling Club, 17 Clifford Road, North Berwick

Post code EH39 4PW

This Application is for

Premises Licence

Provisional Premises Licence

Variation of an existing Premises Licence

Occasional Licence

Application Number (if known) _____

Section 2 – Objector/Representer Details

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual title: Mr Mrs ~~Miss~~ Ms ~~Other~~ _____
(delete/complete as appropriate)

Surname O'Brien

First Name(s) John

Address 

Post code 

(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title: Mr Mrs Miss Ms Other _____
(delete/complete as appropriate)

Surname _____

First Name(s) _____

Address of person lodging objection/representation on behalf of organization

Post code _____

Name of Organisation _____

Nature of Organisation e.g. resident's association, ward councillor, trade association

Address of Organisation _____

Post code _____

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

- (a) The premises are excluded premises.
- (b) The application must be refused where:-
 - the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)
 - Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or
 - Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both.
- (c) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(d) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

Objective	Explanation
Preventing crime and disorder	
Securing public safety	
Preventing public nuisance	My house [REDACTED] the bowling green and on occasions we have been kept awake by noise & music from the club. We strongly object to the additional hours been given to the club to sell alcohol and play music. We have many families in our street with children and we feel allowing music to be played until 1am on a saturday & Sunday morning would be very disruptive. Also Midnight on Sunday night is too late as we all have work on Monday morning and typically are up by 7am so feel its unfair to allow our sleeo be disrupted like this. We do not object to an occasional licence for a Friday or saturday night but certainly no more than 1 per month
Protecting and improving public health	
Protecting children and young persons from harm	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

- (e) The premises are unsuitable for use for the sale of alcohol, having regard to ²:-
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why

- (f) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B – REPRESENTATION

I/We wish to make these representations to the Board concerning the application:

In support of the application,

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed

Other representations

PART C – Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here

**Please attach supporting documents/further pages as necessary.
Please number all extra pages.**

I have read and understood the attached privacy notice

Your Signature _____

Date 24/02/2022

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE

Winter, Maree

From: John O'Brien <[REDACTED]>
Sent: 06 March 2022 11:36
To: Winter, Maree
Subject: Re: Reference No. EL0345 - East Lothian

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

Dear Maree

please see my replies inline

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 03 March 2022 11:54
To: 'John O'Brien' <[REDACTED]>
Subject: RE: Reference No. EL0345 - East Lothian

Dear Mr O'Brien,

Please see below, amendments to the major variation for North Berwick Bowling Club, I don't know if you want to amend anything on your objection.

Amendments to application.

7- Recorded music - to be provided outside core hours as well as during core hours.

We totally agree and understand this matter - as a matter of course we would ensure any music (noise levels) would be turned down no later than 22.30hours and turned off no later than 2300hrs

As the police didn't specify any times regarding this, this is the times we as a committee have come up with and hope they will suffice.

.....this helps from a music aspect certainly but see below re people leaving & entering noise

2- No amplified announcements/music/entertainment in the outside area and control other noise levels to be no intrusive to neighbours.

We agree to this matter, please refer to the reply above regarding the police concern number 7.

... see above

Notice of concern from neighbour-

I believe most of these comments will be covered by the changes we have agreed with above. We have agreed to make changes regarding these issues and would also like to point out neither the police or the licensing standards officer had any concerns with the extra opening hours we have requested.

.... we have concerns as a combination of music & noise so close to our homes is disturbing to us and feel that allowing a licence to run to 1am on a Friday & Saturday night is too late, as you then get folks gathering outside for goodbyes, chats etc which can add another hour to the occasion.

However in an effort to keep everyone happy we are happy to reduce our request for Sunday opening hours to be reduced back to 2300hrs. We would like to keep the hours on a Friday and Saturday to remain at 0100hrs. We hope this would be acceptable to the board with the agreements we have made regarding music and noise levels.

.... see above , music stopped at 11pm helps (every night) but midnight on Friday & Saturday termination & 11pm on Sunday night termination would be more acceptable

regards

John



7/3/22

Dear Sir/Madam,

I would like to express my concern about the recent Licensing application made by North Berwick Bowling Club. It seems to me to be totally unsuitable for somewhere in the middle of a residential area particularly the 1.00 am closing. This could cause real problems to those living nearby.

Yours faithfully,

David Shand.



East Lothian Council
Licensing
08 MAR 2022
Received

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

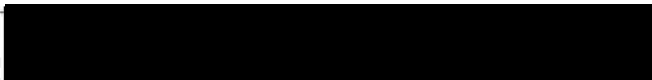
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road , North Berwick.	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	X
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr delete/complete as appropriate
Surname	Tennant
First Name(s)	George
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	

Address of Organisation (including postcode):	
---	--

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
------------------	--------------------

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

	<p>Preventing public nuisance</p>	<p>The Bowling Club is situated in the middle of a residential area. The Bowling Club is bordered on all 4 sides by residential housing. The club's Entrance/Exit door is no more the 5 metres from the closest house (1 Clifford Green). The club's access road runs alongside 1 Clifford Green, about 1 metre from the sidewall of the house. To allow the bar to continue serving until 1am Saturday and Friday and 11pm Sunday will certainly result in increased noise levels - the later people drink the noisier they get ! There will be increased traffic noise at 1am - pedestrians, lifts, taxis etc.</p> <p>The inevitable noise levels that will occur as people leave the club may be a minor irritant in the evening but becomes a public nuisance in the early hours of the morning.</p> <p>The use of recorded music can only exacerbate the level of public nuisance.</p>
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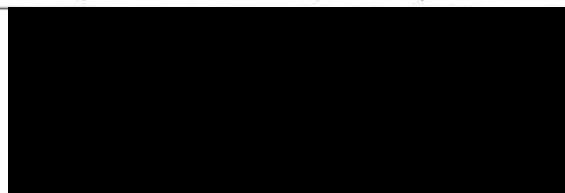
PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature



Date

08/03/2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

Gordon and Alison Miller

11/03/2022

Kirstie MacNeill
CLERK OF THE LICENSING BOARD
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Madam,

**RE: APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE NORTH BERWICK BOWLING CLUB,
CLIFFORD ROAD, NORTH BERWICK**

Reference: CG/mjwEN/L/L1V

We are writing to object strongly to the application for major variation of North Berwick Bowling Club's licence.

Our family home [REDACTED] is within [REDACTED] of North Berwick Bowling Club's boundary, and we can hear all noise generated within the club within our house (inside and outside) which interferes significantly with our family enjoying our home. (Please see visuals 1,2 & 3 attached)

Objection 1 – Removal of Condition 6

Our grounds for objection are inconsistency with the licensing objective: *not required to sign in for funeral wakes and amendment to condition 2 from south side door shall remain closed at all times to take away from north side door. Vary to include on and off sales and vary core hours Monday to Sunday 10am opening and Monday to Thursday 11pm terminal hour. Friday and Saturday 1am and Sunday 12 midnight terminal hour. Recorded music out with core hours and bar meals and restaurant facilities to be added.*

Removing the need for members signing in would allow non-members and possibly larger groups to hire the Bowling Club's premises for all types of functions and is likely to result in intolerable noise levels in a highly populated residential area. We would like to note that the noise level at past functions has been unacceptable. On one occasion my wife was verbally abused when she politely asked a group of people who were smoking and drinking outside the Club to keep the noise down during a function. The direct impact to our family is disorder & public safety concerns.

We are also concerned that by removing Condition 6, the Bowling Club could introduce TV sporting events to non-members, which would create even more noise resulting in public nuisance.

Further, our objection in relation to removal of condition 6 is the premises being unsuitable for non-member events due to the lack of club members/staff being available to monitor and manage groups of non-members whether small or large.

For health reasons, we would like to know what plans the Bowling Club has in place for smokers (members and non-members) attending functions during opening hours. We would like to note that smoking outside the Club's entrance is unacceptable as the smoke carries into our garden and on some occasions into our family home which could lead to public health issues.

Objection 2 – Vary to include on and off sales & vary core house specifically Friday and Saturday 1am and Sunday 12pm terminal hour.

Our grounds for objection are the premises being unsuitable for the sale of alcohol due to the residential density surrounding the Bowling Club and our home being within four meters of its boundary. Evidence shows that the easier it is to buy alcohol, the more people will drink and therefore the higher risk of disturbance, anti-social behaviour and, of course, unacceptable noise. It is highly likely that we will encounter a lot of disturbance and noise during the club's extended opening hours particularly in the evenings and at weekends whether open to members or non-members.

We would like to know why the Bowling Club needs on and off sales and who are the anticipated customers (members and/or non-members?).

An on and off sales will significantly increase traffic in the private road leading to our home especially late at night and during the early hours of the morning. This will also increase noise in the area. On several occasions we have raised with members of the Club's committee, the issue of members double parking alongside the Club's entrance and have flagged that emergency services would be unable to get to all four properties including our home.

We would like to know if the Bowling Club has plans to introduce additional parking for members and non-members using the on and off sales facility as the Club currently has only four allocated parking bays plus one disabled bay, all of which are regularly in use by members.

Objection 3 – Recorded music out with core hours & bar meal and restaurant facilities to be added

Our grounds for objection are the premises being unsuitable for recorded or live music late at night due to the very poor sound proofing in the Bowling Club. The Club does not have a designated function suite, only one large room with wooden floors, which amplifies all sound due to the Club's construction which was originally designed for indoor bowling and occasional small gatherings of members throughout the year.

A further objection is in relation to inconsistency with the licensing objectives where loud music (recorded and live) linked with 1am closure on Friday & Saturday with 12pm on Sunday will have a detrimental effect on our family's quality of our life as our bedrooms including our teenage daughter's room are [REDACTED] from the Bowling Club's boundary. The wider residential community is also likely to suffer from music played late in the evening up to 1am causing public nuisance.

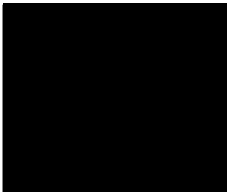
We are also concerned about the noise from taxis and cars collecting guests from late night/early morning functions.

We would also like to flag that we are concerned about the length of time it will take people to leave the premises after an end time of 1am. It is highly likely that packing up equipment, locking doors etc will take at least an additional hour and as result the Club won't close till at least 2am.

Furthermore, we are extremely worried about the managing and policing of any disturbance or altercation that could occur during a member or non-member's function. We would like to know if the Club has plans to employ a fully licensed and professional security guard at all functions to ensure the safety of members, non-members, and residents.

We await your response.

Sincerely,



Gordon Miller and Alison Miller

(Residents and owners of



Figure 1- Proximity to Bowling Club (plans) 4 meters. Note we are house 1

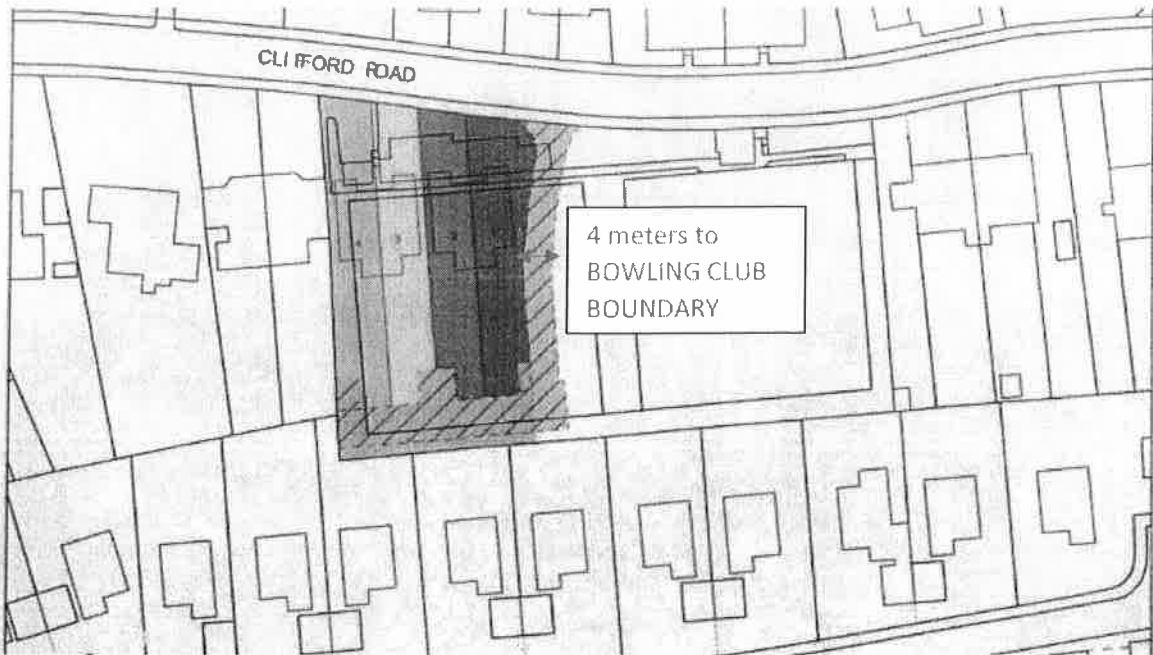
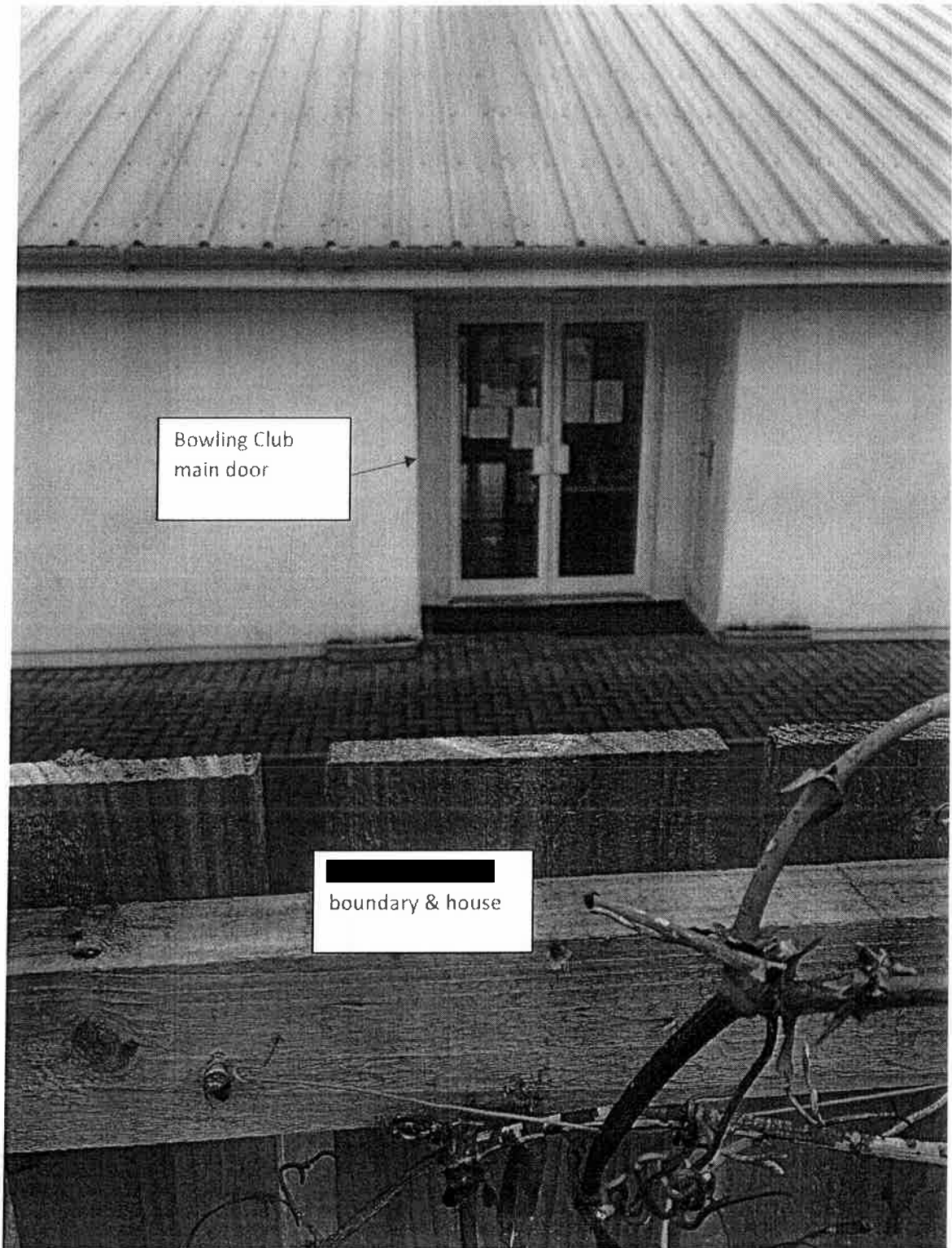


Figure 2 – Proximity to Bowling Club (actual) 4 meters. Note our house is the blue marker



Figure 3 – Proximity to main front door (our boundary to bowling club main entrance)



Winter, Maree

From: Elizabeth Noar [REDACTED]
Sent: 13 March 2022 21:09
To: Licensing
Subject: North Berwick bowling club application

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

I refer to the application being made by North Berwick Bowling Club, allowing for regular sales of alcohol and live music. As a resident in [REDACTED] I wish to object to this application in the strongest terms.

Whilst I have no issue with occasional events being held at the club, the possibility of the premises being used regularly in serving alcohol, and playing music would significantly impact the quality of our lives in this quiet neighbourhood. I have lived in [REDACTED] for almost 20 years and over these years, there have been occasional parties held at the club. We certainly are disturbed by the noise from the club when events are held and if this continues on an occasional basis, I'd have no objection. However, the prospect of this being allowed permanently would be dreadful for residents. I urge the council to reject this application and would suggest that occasional use only be allowed.

Elizabeth Noar

Sent from my iPad

[REDACTED]

To Kirstie Macneill.

We wish to protest to any change in the licensing granted to the bowling club. This is a residential area with housing in very close proximity to the club. Any change would be very intrusive.

Yours sincerely,

East L
[REDACTED]

10 MAR 2022

received

Winter, Maree

From: David Farmer <[REDACTED]>
Sent: 03 March 2022 11:00
To: Licensing
Subject: Ref CG/mjwEN/L/L1V

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.

For attn of the Clerk of the Licensing Board

I would like to raise some concerns about the variation of premises licence for North Berwick Bowling Club

The clubhouse is situated in a residential area. I would object to the licencing hours being extended beyond 11pm. Similarly, I would not wish the club to be licenced for take-away sales. I believe this could result in unwanted traffic and noise in a quite private lane.

I also gather that the changes allow greater use of the clubhouse by non-members of the bowling club. I feel this moves away from the facility being a bowling club for members and towards a function suite for hire. I am concerned that the bowling club committee and wishing to generate additional revenue by increasing public use of the facility. The site has very limited parking and is very close to many residential houses. The typical use of the Bowling Club by its members causes minimal disturbance to residents, but I have a strong concern that private parties would not be so considerate of neighbours. During 2019 the club hosted a small number of private parties and these did cause problems for the neighbours with loud music and lots of youths hanging around at the back of the 4 houses in Clifford Green (adjacent to the Bowling Club). I believe that the clubhouse bar should only be used for "member's events" and drink should not be allowed outwith the footprint of the bowling club's land.

Regards

David Farmer
[REDACTED]

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club – Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)	Reference CG/mjwEN/L/L1V	

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr _delete/complete as appropriate
Surname	Gemmell
First Name(s)	Nial
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- the Licensing Board has refused a premises licence application in respect the premises less than a year before this application - Section 25(2)
- Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more - Section 64(2) or
- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, o Section 65(3) or both - .

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>

	<p>Preventing public nuisance</p>	<p>Whilst appreciating the Club's desire to increase revenues, it is first and foremost a community bowling club. The proposed significant extension in opening hours and proposed off-sales is not compatible with a community bowling club. With recent COVID restrictions there have been no events at the club, however pre-COVID, there were several instances where events at the club led to social / public nuisance - loud music, people leaving the club under influence of alcohol etc. Extending core hours, allowing alcohol to be taken off premises, increasing scope and number of events, will all lead to further and increased instances of public nuisance.</p>	
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>	
	<p>Protecting and improving public health</p>		

	<u>Objective</u>	<u>Explanation</u>
	Protecting children and young persons from harm	
(d)	<p>The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <ul style="list-style-type: none"> (i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises. <p>Please explain why :</p> <p>.....</p> <p>.....</p>	
(e)	<p>Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> (i) licensed premises, or (ii) licensed premises of the same or similar description as the subject premises, <p>Please explain why:</p> <p>.....</p> <p>.....</p>	

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations

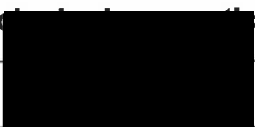
PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached documents and I agree to the information provided

Your Signature



Date

18/3/22

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA

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(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

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- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

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Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)	CG/mjwEN/L/L1V	

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input checked="" type="checkbox"/> _____ delete/complete as appropriate
Surname	Graham and Schipper
First Name(s)	Derek and Mariken
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

Objective	Explanation
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>The Bowling Club is located in a quiet residential area, in an elevated position just [REDACTED] our home. Noise from the premises is easily audible in our house and garden even when it is not loud. The elevated position also means that noise is projected across the neighbourhood.</p> <p>This is a quiet area, particularly in the evenings. An alcohol license beyond 10pm and allowing recorded music, bar meals & restaurant facilities outwith core licensed hours would create an unnecessary and undesirable disturbance to ourselves and other local residents.</p>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. It is not to encourage late night alcohol consumption. An extended license to 1am will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>
<u>Objective</u>	<u>Explanation</u>

	<p>Protecting children and young persons from harm</p>		
--	---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located [REDACTED] our back garden, and in the middle of a quiet neighbourhood. In the evenings there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to ourselves and the other residents.

The club house is positioned on the edge of its plot of land, in close proximity to our house. Being this close to residential housing means that any noise from the venue can easily disturb the neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity, including neighbours in our surrounding streets who have not been notified of this application.

There is no reason for an off sales license to be granted to these premises as this is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds, where there is already a problem with anti-social behavior in the evenings.

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from mainly residential streets. These are located only a short walk away from the bowling club. It is unnecessary and undesirable to create a late night licensed venue outwith this area, particularly within a quiet neighbourhood.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to ourselves and other local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol, many of which are within a short walk from the venue. There is no demand for additional off-sales premises in the town, particularly within a residential setting.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday – Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Prior to the pandemic there were regular gatherings at the bowling club, and these often caused a level of noise that would disturb neighbours' tranquility and sleep. Whilst it is wonderful that we can meet people again, I would rather not return to, or indeed increase the opportunity for, this level of disturbance in what is a very quiet residential neighbourhood.

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature



Date	15 March 2022
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GDPR**

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Please indicate below the type of notice you are making:
(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :
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Licensing, Administration and Democratic Services
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Haddington
East Lothian
EH41 3HA

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Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick EH39 4PW	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	X
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

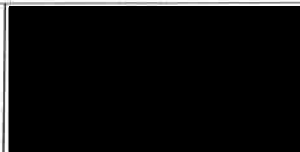
(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title Mr Mrs Miss Ms Other _____ delete/complete as appropriate

Surname Mathie

First Name(s) Hannah

Address (including postcode):



(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title Mr Mrs Miss Ms Other _____ delete/complete as appropriate

Surname

First Name(s)

Address of person lodging objection/representation on behalf of organization (including postcode):

Name of Organisation:

Nature of Organisation e.g. resident's association, ward councilor, trade association

Address of Organisation (including postcode):

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- the Licensing Board has refused a premises licence application in respect the premises less than a year before this application - Section 25(2)
- Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more - Section 64(2) or
- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, o Section 65(3) or both - .

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	
<u>Objective</u>	<u>Explanation</u>

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delctc any of the objectives that do not apply.

<p>Securing public safety</p>	
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<u>Objective</u>	<u>Explanation</u>
<p>Preventing public nuisance</p>	<p>These premises are located in a residential area, in an elevated position that means noise is projected across the neighbourhood. This is a quiet area with little noise or footfall in the evening. An alcohol license beyond 10pm and allowing recorded music, bar meals & restaurant facilities outwith core licensed hours will create an unnecessary and undesirable disturbance to local residents.</p>
<u>Objective</u>	<u>Explanation</u>

	<p>Protecting and improving public health</p>	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. An extended license to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>	
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>	
	<p>Protecting children and young persons from harm</p>		

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, especially in the evening when there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing meaning that there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

An off sales license is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds.

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening. The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents. There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

As to modifications which should be made to the Operating Plan	Suggest that alcohol sales are not licensed beyond 10pm Monday - Saturday and beyond 6pm on Sundays. Permission to play recorded music and serve bar meals should be confined to licensed hours above. No alcohol off-sales license to be granted for this premises.
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages
I have read and understood the attached privacy notice

Your Signature

Hannah Mathie

Date

16.03.22

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GDPR**

**Any person who has supplied personal information as part of this application MUST READ
AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Winter, Maree

From: [REDACTED]
Sent: 16 March 2022 11:57
To: Licensing
Subject: North Berwick Bowling Club Licensing Application - Objection

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.

Yr Ref; CG/mjwEN/L/L1V (16/02/22)

Dear Sirs,

In the absence of any communication from the Bowling club to its neighbours to explain its plans, I have no option but to object to this major variation to their licence.

The bowling club is surrounded by residential property and has limited parking. Several [REDACTED] have children of school age. I do not think this is a suitable location for a late night drinking venue.

I do not have any objection the clubs sporting activity which can sometimes carry on into the early evenings. Pre-covid an occasional evening function would extend until later into the night resulting in some noise issues especially in the summer when doors were kept open. But the frequency of these was not such as to cause a major nuisance.

The application would appear to be seeking to change the use of the premises from a members sports club to a 7day-a-week late night bar/restaurant venue with no limitation on the frequency of opening. This would indeed be a major change of use and I believe totally inappropriate for the location.

While I can understand why such a change may be of commercial interest to the members of the club. I would note that bowling clubs in other small towns in the area seem to survive without the need to expand their scope in this way.

It would appear from conversations with some residents on Clifford Road, who could be significantly affected by this change of use, that they have not been informed of the application.

Your sincerely,
David Reid
[REDACTED]

[REDACTED]

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

14th March 2022

OBJECTION to variation of premises licence EL0345 submitted by North Berwick Bowling Club, 17 Clifford Road, North Berwick, EH39 4PW

Dear Sir/Madam

I live [REDACTED] to the North Berwick Bowling Club clubhouse and wish to object to this proposed variation on the grounds that it will cause an unacceptable increase in noise disturbance to the surrounding residential properties.

I ask the Licensing Board to reject some specific aspects of the variation and place enforceable conditions to mitigate the impact of any remaining changes.

I provide elaboration of these points in the following pages.

Yours sincerely,

[REDACTED]

Geoffrey M Ramsay

[REDACTED]

Factual background information:

North Berwick Bowling Club clubhouse is situated in the middle of a quiet residential area in an established part of the town. This location is different to other East Lothian bowling clubs which are either located in open areas at the edge of town, are only adjacent to commercial premises, or are more widely spaced from neighbouring residential properties.

Experience of pre-Covid club activity has shown that bowling competitions may occasionally be noisy, but they are not rowdy and intrusive. The main disturbance suffered by local residents has been social events that take place after bowling competitions, and receptions not directly connected with bowling. Such events have often involved the playing of amplified music until late in the evening (11.00pm).

The clubhouse is located very close to the adjoining houses in Macnair Avenue, with the clubhouse's main lounge at the closest end of the building. The distance between the clubhouse and the neighbouring gardens is less than 10 metres and the distance to the windows of neighbouring properties is less than 25 metres.

The clubhouse was not built as a function venue. It has a timber structure that allows significant levels of noise to escape from the building even when the windows and doors are closed. It has no air conditioning or forced ventilation, so cooling can only be provided by leaving windows and doors open.

Unlike the more modern houses in Clifford Green, the houses in Macnair Avenue are kit-built timber structures dating from the early years of timber housing [1984]. Their lightweight construction provides only limited attenuation of external noise.

Observations on Variation to Conditions of Licence:

1. Removal of Condition 6

- I understand that this amendment has been withdrawn by the club.
- Removal of this condition would have allowed the club to hire out the premises as a function venue, with a commensurate increase in the number of hours and days on which disturbance would be generated. While this is not the currently stated intent of the club, this variation would open that possibility if the club's membership, officeholders or financial position were to change.
- The local community accepts a level of disturbance from the Club provided it is directly related to bowling activity and is a necessary consequence of the enjoyment of that sport. The level of noise generated by an open venue is not appropriate in this location.

2. Amendment of Condition 2 to read "the South side door of the premises shall remain closed at all times"

- I understand that this amendment is a clerical error, and no change is sought. The existing licence already includes this condition. The justification for the condition still exists - planning consent only permitted a fixed window on the grounds that an opening would increase the level of noise projected towards the Macnair Avenue houses. The fitting of patio doors was a design/construction error.

Observations on variation to information contained within the Operating Plan of the Premises Licence:

1. Opening hours amended and inclusion of off sales

- I do not object to the inclusion of off-sales provided this facility is only open to members and signed-in guests.
- I do not object to the earlier opening time of 10.00am on the understanding that it is intended to serve the small number of open bowling matches that start at 9.00am.
- The Club's proposed limit of 11.00pm on the playing of amplified music is a welcome move towards limiting the disturbance caused to their neighbours, but such noise is only one aspect of the disturbance. Raised voices from groups of people entering, leaving or standing smoking outside the club are just as intrusive as the music. Pre-Covid events (bowling-related and social) have shown that music and voices can be clearly heard inside the houses in Macnair Avenue, even when house windows and doors are closed.

- I strongly object to the proposed extension of late opening hours on Friday, Saturday, and Sunday. The existing licence hours already result in late evening disturbance long after amplified music has stopped as members and their guests leave the premises. The disturbance can last for 30 -40 minutes after closing time because of shouted farewells and the shutting of car/taxi doors. Any extension of late hours would lead to this disturbance continuing well past midnight into the early hours of the morning.
- A closing time later than that generally enforced in the town centre could attract some club members and their friends to the Club on their way home. This situation would lead to an increase in the late evening attendance at the Club, with a consequent increase in late-evening disturbance.

2. Addition of Restaurant Facilities and Bar Meals

- I do not object to the addition of restaurant facilities and bar meals provided it is solely for the purpose of catering at bowling competitions.
- I object to the provision of catering at other times because it would increase the use of the clubhouse as a venue for members' non-bowling-related social functions, with a commensurate increase in the number of dates on which disturbance was generated.

3. Addition of Conference Facilities

- I do not object to the addition of conference facilities provided these do not involve the playing of amplified music, amplified speech announcements or loud television.

4. Addition of Club or Other Group Meetings

- I do not object to the addition of club or other group meetings provided these do not involve the playing of amplified music, amplified speech announcements or loud television.

5. Recorded Music to be provided out with core hours

- The intent of this amendment is unclear because the amendment gives time limits for recorded music as 8:00am to 11:00am while the core hours are 10:00am to 11:00pm or later. This suggests the variation is to allow the playing of recorded music between 8:00am and 10:00am.
- I have no objection to the playing of recorded music at limited volume while the clubhouse is being set up for matches and while other domestic activity such as cleaning takes place.
- I object to the playing of recorded music between 8:00 and 10:00 if the purpose is to allow the premises to be used for noisy non-bowling activity.

6. Televised sport to be played out with core hours

- I object to the provision of television sport out with core hours because it would allow group watching of late-night sports events. Such events create disturbance from loud cheering, even if the television itself is relatively quiet. The sound of cheering and applause at bowling competition social events can be clearly heard inside the Macnair Avenue houses even when windows and doors are closed.
- Late-night sports events would also lead to late disturbance when members and guests leave the premises even later than they do at present.

7. Outdoor drinking facilities

- The Club has indicated that the facility of outdoor drinking is intended to allow the consumption of alcohol by spectators watching bowling competitions. I do not object to the addition of outdoor drinking provided it is only permitted while bowling is taking place.
- Early to mid-evening in fine summer weather is the time when local residents enjoy the use of their gardens. Outdoor drinking at the bowling club for social gathering after playing has ceased would be particularly intrusive because of the proximity of the bowling green terrace to surrounding gardens. Alcohol consumption generally leads to raised volumes of conversation, so the evening noise level could exceed that experienced during the daytime playing of bowls.
- I object to outdoor drinking being allowed at other times, particularly in association with non-bowling social events and receptions where noise that is presently contained within the clubhouse building would spread out into the surrounding grounds.

----- End of Objection -----

Winter, Maree

From: Ramsay, Geoff (Leonardo, UK) <[REDACTED]>
Sent: 15 March 2022 08:25
To: Licensing
Cc: Winter, Maree; geofframsay13@gmail.com
Subject: RE: OBJECTION to variation of premises licence EL0345 submitted by North Berwick Bowling Club [General Use]

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.

Please note the following minor correction to the text of the document I submitted yesterday...:

5. Recorded Music to be provided out with core hours

• The intent of this amendment is unclear because the amendment gives time limits for recorded music as 8:00am to 11:00~~am~~pm while the core hours are 10:00am to 11:00pm or later. This suggests the variation is to allow the playing of recorded music between 8:00am and 10:00am.

From: [REDACTED]
Sent: 14 March 2022 22:46
To: licensing@eastlothian.gov.uk
Cc: 'Winter, Maree' <mwinter@eastlothian.gov.uk>; Ramsay, Geoff (Leonardo, UK) <[REDACTED]>
Subject: OBJECTION to variation of premises licence EL0345 submitted by North Berwick Bowling Club

Dear Licencing Board,

Please find attached my objection to the variation of premises licence EL0345 submitted by North Berwick Bowling Club.

Kind regards,

Geoff Ramsay
[REDACTED]

Leonardo UK Ltd

Registered Office: 1 Eagle Place, St James???, London SW1Y 6AF

A company registered in England & Wales. Company no. 02426132

This email and any attachments are confidential to the intended recipient and may also be privileged. If you are not the intended recipient please delete it from your system and notify the sender.

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, 17 Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)	Reference CG/mjw/EN/L/L1V	

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Dr
Surname	Hurrell
First Name(s)	Esther
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~— The premises are excluded premises.~~

(b) ~~— The application must be refused where:-~~

- ~~• — the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• — Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• — Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

(b)(a) ~~— That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>The Bowling club is in a quiet residential area. The clubhouse is extremely close to many homes, with residents including elderly people and young children.</p> <p>If longer licensing hours and permission to play recorded music are granted, it is likely that late night noise disturbance could have a seriously detrimental effect on local residents' quality of life.</p> <p>Loud noise in this locality tends to reverberate around the hillside and buildings – there is little to absorb the sound and so it tends to be very disruptive both in its immediate environment and in streets further away.</p>

<u>Objective</u>	<u>Explanation</u>
<p>Protecting and improving public health</p>	<p>Late night noise nuisance and disturbance, which is a likely result of the change in license, will be damaging to local residents' health and wellbeing. Exposure to loud noise and disturbed sleep can be extremely stressful and negatively affect mental health.</p> <p>Later licensing hours encourages longer and higher alcohol consumption, which is not consistent with an amateur sports club's aim of encouraging participation in a sport, nor with a general policy aim of protecting and improving public health.</p>
<u>Objective</u>	<u>Explanation</u>
<p>Protecting children and young persons from harm</p>	<p>This is a residential area with young children, who need to be sleeping during the night, not to be kept awake by loud recorded music and the noise of people dispersing, shouting, car doors slamming etc. into the early hours of the morning. Disruptive loud noise is not good for mental health.</p>

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

The premises are unsuitable for late-night sales of alcohol because they are situated in a peaceful residential area, in which there is little footfall or traffic in the evenings. Permission for longer hours of alcohol sales, off sales, and the playing of recorded music outwith core hours, could result in greatly increase noise levels and significant disturbance to local residents.

The club house is extremely close to neighbouring residential houses with nothing to absorb the noise. Regular noisy late night drinking would severely affect residents' quality of life and mental health, particularly if windows and/ or doors are open in the clubhouse whilst loud recorded music is being played.

North Berwick Bowling Club is registered with HMRC as a CASC (Community Amateur Sports Club). The guidance for such organisations states that the sale of food or drink should be a social benefit which arises incidentally from the sporting purposes of the club, e.g. a bar open for post-match refreshment. Lawn bowls is a sporting activity generally played during daylight hours, so the ability to sell alcohol every weekend until 1am does not seem necessary for the club's aims. The ability to provide off-sales seems even less consistent with this guidance.

If the club wish to hold occasional events involving later alcohol sales, they could apply for a one-off licence as needed. Blanket permission for later licensing, alongside permission to charge for meals and play recorded music, suggests the club may shift from being an association for the playing and enjoyment of lawn bowls, to operating more commercially as regular hosts of evening and night-time functions. This would have a profoundly negative effect on the local neighbourhood.

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

.....

.....

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday - Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>

As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature

Esther Hurrell

Date

17th March 2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

EAST LoTHIAN COUNCIL



PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: DPO@eastlothian.gov.uk

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.

Your information may be shared with the following recipients or categories of recipient:

- | | |
|---|---|
| <ul style="list-style-type: none">• <i>Police Scotland</i>• <i>Scottish Fire & Rescue Service</i>• <i>Public Health</i>• <i>The applicant and/or the applicant's agent</i>• <i>Neighbouring Proprietors</i>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i> | <ul style="list-style-type: none">• <i>Licensing Standards Officers</i>• <i>Planning Services</i>• <i>Building Standards</i>• <i>Environmental Health</i>• <i>Community Councils</i>• <i>The Scottish Government</i> |
|---|---|

The retention period for the data is:

- | |
|--|
| <ol style="list-style-type: none">(1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the date of refusal and thereafter will be destroyed.(2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence ceases to have effect and thereafter will be destroyed. |
|--|

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

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Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to:

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick EH39 4PW	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	X
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Cattell
First Name(s)	Kate
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both –~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

Objective	Explanation
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>These premises are located in a residential area, with little noise or footfall in the evening.</p> <p>A late night alcohol and recorded music license will increase noise and create an unnecessary and undesirable disturbance to local residents.</p> <p>The Bowling club building is situated on an elevated site that means noise is projected across the neighbourhood meaning that the increased noise will also disturb residents living out with its immediate vicinity.</p>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. An extended license to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>
<u>Objective</u>	<u>Explanation</u>

	<p>Protecting children and young persons from harm</p>		
--	---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, especially in the evening when there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing meaning that there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

An off sales license is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds.

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

PART B – REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that alcohol sales are not licensed beyond 10pm Monday - Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours above.</p> <p>No alcohol off-sales license to be granted for this premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

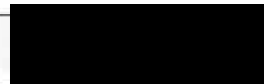
PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature



Date

15.03.2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

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Licensing (Scotland) Act 2005, section 22

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Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

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East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

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(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
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YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:


This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	x
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Coffey
First Name(s)	Emma
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect of the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both –.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>These premises are located in a quiet residential area, surrounded on all sides by dwellings, many of which are in very close proximity to the club house. Its elevated position means that the noise from loud music travels across a wide area.</p> <p>Extending the alcohol licence and allowing recorded music outwith existing core licensed hours will exacerbate the adverse impact which loud music from the premises can already have on local residents, as experienced prior to the pandemic by residents of all ages.</p>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. It is not to encourage late night alcohol consumption.</p> <p>An extended licence to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>
<u>Objective</u>	<u>Explanation</u>

	<p>Protecting children and young persons from harm</p>		
--	---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, particularly in the evening when there is little footfall or road traffic. A late licence to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing. It is surrounded on all sides by dwellings and there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

There is no reason for an off sales licence to be granted to these premises as this is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds, where drinking is discouraged.

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late-night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday - Saturday nor beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to existing licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

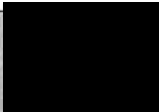
PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Prior to the pandemic, local residents had often found the loud music coming from the premises intrusive, to the extent that some had been unable to open their bedroom windows at night in the summer months. The suggestion that recorded music could continue later into the night than currently permitted seems unconscionable; the premises are far too close to residential properties for that to be acceptable.

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature	
Date	17/3/22

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application MUST
READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

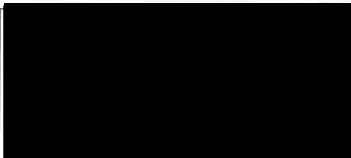
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	x
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <u>Dr</u> delete/complete as appropriate
Surname	Woolley
First Name(s)	Alan Gordon
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both –.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) ~~Granting the application would be inconsistent with one or more of the licensing objectives¹:-~~

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	If it is open to the general public it will generate increased undesirable activity and unacceptable noise in a quiet area

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	There is very limited local parking that would be stretched beyond its limit. On a narrow road with tight access and heavy vehicles.

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>These premises are located in a quiet residential area, in an elevated position that means noise is projected across the neighbourhood.</p> <p>This is a quiet area with little noise or footfall in the evening. An alcohol license beyond 10pm and allowing recorded music, bar meals & restaurant facilities outwith core licensed hours will create an unnecessary and undesirable disturbance to local residents.</p>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. It is not to encourage late night alcohol consumption. An extended license to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.

<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	A lot of school children use Clifford Road which has parked cars on both sides

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to²—
- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, particularly in the evening when there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing meaning that there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

There is no reason for an off sales license to be granted to these premises as this is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds.

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--


<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday - Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature	
Date	16 th March 2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

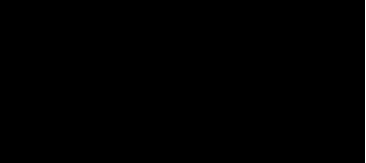
This objection/representation relates to the following Application:

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	NORTH BERWICK BOWLING CLUB	
Name & Address of premises:	CLIFFORD ROAD NORTH BERWICK	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	HOARE
First Name(s)	DIANA ELIZABETH
Address (including postcode):	

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	

Address of Organisation (including postcode):	
---	--

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a)

(b) The application must be refused where:-

- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both

(b)(a)

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	<p>Extending the hours would result in potential disorder until the early hours of the morning in a quiet residential area.</p> <p>Loud music playing late at night would be disturbing to residents in houses in close proximity to the clubhouse.</p>
<u>Objective</u>	<u>Explanation</u>

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<p>Securing public safety</p>	<p>Parking in Clifford Road is already very limited. Holding events with a late alcohol/music license will inevitably result in additional parking on the road.</p> <p>Taxis will be arriving and waiting late at night adding to congestion and noise.</p> <p>Parking is almost non existent in the bowling club which means that people will park on the Highway on the opposite side of the road to the Bowling Club.</p> <p>This is an issue of public safety with large numbers of people crossing the road late in the evening/ early in the morning.</p>
--------------------------------------	--

<u>Objective</u>	<u>Explanation</u>
<p>Preventing public nuisance</p>	<p>The venue is likely to be rented out for large events such as parties, weddings etc. which will bring an unprecedented number of party-goers into a residential area.</p>
<u>Objective</u>	<u>Explanation</u>

	<p>Protecting and improving public health</p>	<p>There is no justification for an Off Sales license when there are adequate facilities in local shops. This has an obvious affect on alcohol consumption.</p>	
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>	

	<p>Protecting children and young persons from harm</p>	<p>There are a growing number of young families with babies and young children in very close proximity to the bowling club.</p> <p>Their sleep will undoubtedly be disturbed by the noise from the club and from people arriving and leaving the venue at night.</p> <p>With close proximity to the Lodge Grounds public park an Off Sales could be a potential hazard to young people. As residents in this town we are all responsible for the health and Safety of our young citizens.</p>	
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <ul style="list-style-type: none"> (i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises. <p>Please explain why :</p> <p>.....</p> <p>.....</p>			
<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> (i) licensed premises, or (ii) licensed premises of the same or similar description as the subject premises, <p>Please explain why:</p> <p>.....</p> <p>.....</p>			

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

All information can be found above.

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature	Diana Elizabeth Hoare
Date	18.3.2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM
GDPR**

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

From: [Kathryn Smith](#)
To: [Winter, Maree](#)
Subject: RE: Application for Major Variation - North Berwick Bowling Club
Date: 03 March 2022 12:19:47
Attachments: [image001.png](#)

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

Dear Maree

At its monthly meeting earlier this week, North Berwick Community Council discussed the major variation application from North Berwick Bowling Club and decided not to make any comment.

Regards

Kathryn

Kathryn E Smith
Secretary NBCC

From: Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]
Sent: 15 February 2022 11:58
To: Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk); Environment Reception; Environmental Health/Trading Standards; Trading Standards; [REDACTED]
Subject: Application for Major Variation - North Berwick Bowling Club

Dear all,

Please find attached major variation application from North Berwick Bowling Club. Could I please have any representations/objections by 18th 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**

Herkes, Gillian

From: Johnson, Darren
Sent: 15 February 2022 16:13
To: Licensing
Subject: FW: Application for Major Variation - North Berwick Bowling Club
Attachments: NB Bowling Club major variation application.pdf; North Berwick Bowling Club layout plan.(1).pdf

Hi

No objections.

Darren

From: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Sent: 15 February 2022 13:59
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Application for Major Variation - North Berwick Bowling Club

Hello Darren,

Can you please deal with this.

Thanks

Andrew

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 15 February 2022 13:48
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Application for Major Variation - North Berwick Bowling Club

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 15 February 2022 11:58
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>; Environment Reception <environment@eastlothian.gov.uk>; Environmental
Health/Trading Standards <ehs@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>;
[REDACTED]
Subject: Application for Major Variation - North Berwick Bowling Club

Dear all,

Please find attached major variation application from North Berwick Bowling Club. Could I please have any representations/objections by 18th March 2022.

Kind regards
Maree.

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 17th February 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: North Berwick Bowling Club, 17 Clifford Road, North Berwick

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.