

SITE NOTICE

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East Lothian Council
Licensing

- 8 FEB 2022

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APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

5d

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

1. TYPE OF VARIATION

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

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

(Provide Details)

Amendment to the layout plan with the erection of a shelter to the rear of the property

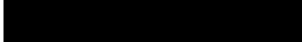
increasing the size of the beer garden.

Amendment to the opening hours of the operating plan.

2. PREMISES LICENCE DETAILS

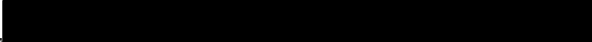
2(a) Licence Number of Premises ELO348

2(b) Name and Address of Premises Station Yard Micropub, Station Road, Dunbar

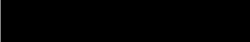
Post Code EH42 1JX Tel. No. 

Email david@wintonbrewery.com

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

Steven Holligan 

Post Code EH34 5HD

Tel. No.  Email address steve@wintonbrewery.com

3. NATURE OF VARIATION

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

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

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

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

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

Proposed amendment to: Section 2 Statement of core times when alcohol will be sold for consumption on the premises. Proposed terminal hour extension on Thursday, Friday, Saturday (extension to 01:00) and Sunday (extension to mid-night) in line with Scottish licensing laws.

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

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

Proposed amendment to layout of the beer garden with the erection of a shelter to the rear of the building.
The extension is a triangular fenced off area and measures approximately 12.1m by 10.1m (61m²). Access to the extension is through the current beer garden to the side of the Station Yard building and increases outside capacity by 40 persons.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

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

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that

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

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

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 5th February 2022

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

If agent, please provide details

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ 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.)



OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

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

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

Name and Address of Premises Station Yard Micropub, Station Road, Dunbar

Post Code EH42 1JX

- 1(a)** Will alcohol be sold for consumption solely ON the premises? YES NO
- 1(b)** Will alcohol be sold for consumption solely OFF the premises? YES NO
- 1(c)** Will alcohol be sold for consumption both ON and OFF the premises? YES NO

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

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	01:00
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	00:00

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	11:00	22:00
Tuesday	11:00	22:00
Wednesday	11:00	22:00
Thursday	11:00	22:00
Friday	11:00	22:00
Saturday	11:00	22:00
Sunday	11:00	22:00

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

We would like to take advantage of any general extensions to the hours afforded by the licensing board in relation to local or national events of significance, i.e the festive period.

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

ACTIVITY	ACTIVITY PROVIDED? YES / NO	To be provided during core licenced hours. Please confirm YES / NO	Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO
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5a.	Accommodation	No	N/A	N/A
	Conference facilities	No	No	No
	Restaurant facilities	No	No	No
	Bar meals	Yes	Yes	Yes

Social functions including:

5b.	Weddings, funerals, birthdays, retirements etc.	Yes	Yes	No
	Club or other group meetings etc.	Yes	Yes	No

Entertainment, including:

5c.	Recorded music – see 5(g)	Yes	Yes	No
	Live performances – see 5(g)	Yes	Yes	No
	Dance facilities	No	No	No
	Theatre	No	No	No
	Films	No	No	No
	Gaming	No	No	No
	Indoor/outdoor sports	Yes	Yes	No
	Televised sport	Yes	Yes	No

5d.	Outdoor drinking facilities	Yes	Yes	No
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5e.	Adult Entertainment	No	No	No
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

For the avoidance of doubt our proposed bar meals are light, pre-packaged snacks (e.g. pork pies, cheese, olives, sandwiches, etc). No food preparation will take place on site.

We would also like to provide a service of teas and coffees plus non-alcoholic drinks and snacks from 07:00, depending on customer demand. To be clear no alcohol will be sold prior to core hours, i.e 11am. We shall also have deliveries and internet sales.

5(f) If you propose to provide any activities other than those listed in 5(a) – (e), please provide details or further information below.

We may from time to time and weather permitting, consider a bbq/ picnic set up in our external area. Again, for the avoidance of doubt, all food will be pre-packaged.

We shall also have deliveres and internet sales.

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

When fully occupied, are there likely to be more customers standing than seated?

YES NO

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

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

Children and young persons accompanied by an appropriate adult when there for the purpose of partaking in a light lunch/ snack/ refreshment.

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

Children 0-15 years
Young persons 16 and 17 years

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

At all times up to 22:00 hours or until closure when attending an organised event.

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

All areas (with the exception of the 1.5m exclusion zone around bar). They will also be allowed in the external private yard area.

7. CAPACITY OF PREMISES

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

On sales - 120

Capacity Breakdown: 40 internal, 80 external

8. PREMISES MANAGER

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

Full Name Steven Holligan

Date of birth

Contact address

Post Code

Tel. No.

Email address steve@wintonbrewery.com

Personal licence

Date of issue 10th January 2017

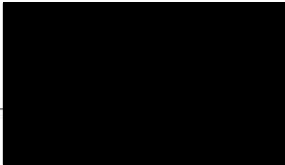
Name of Licensing Board issuing East Lothian Licensing Board

Reference no. of personal licence EL1358

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

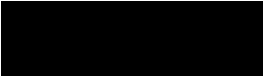
If signing on behalf of the applicant please state in what capacity.

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

Signature _____  _____ (* see note below)

Date 5th February 2022

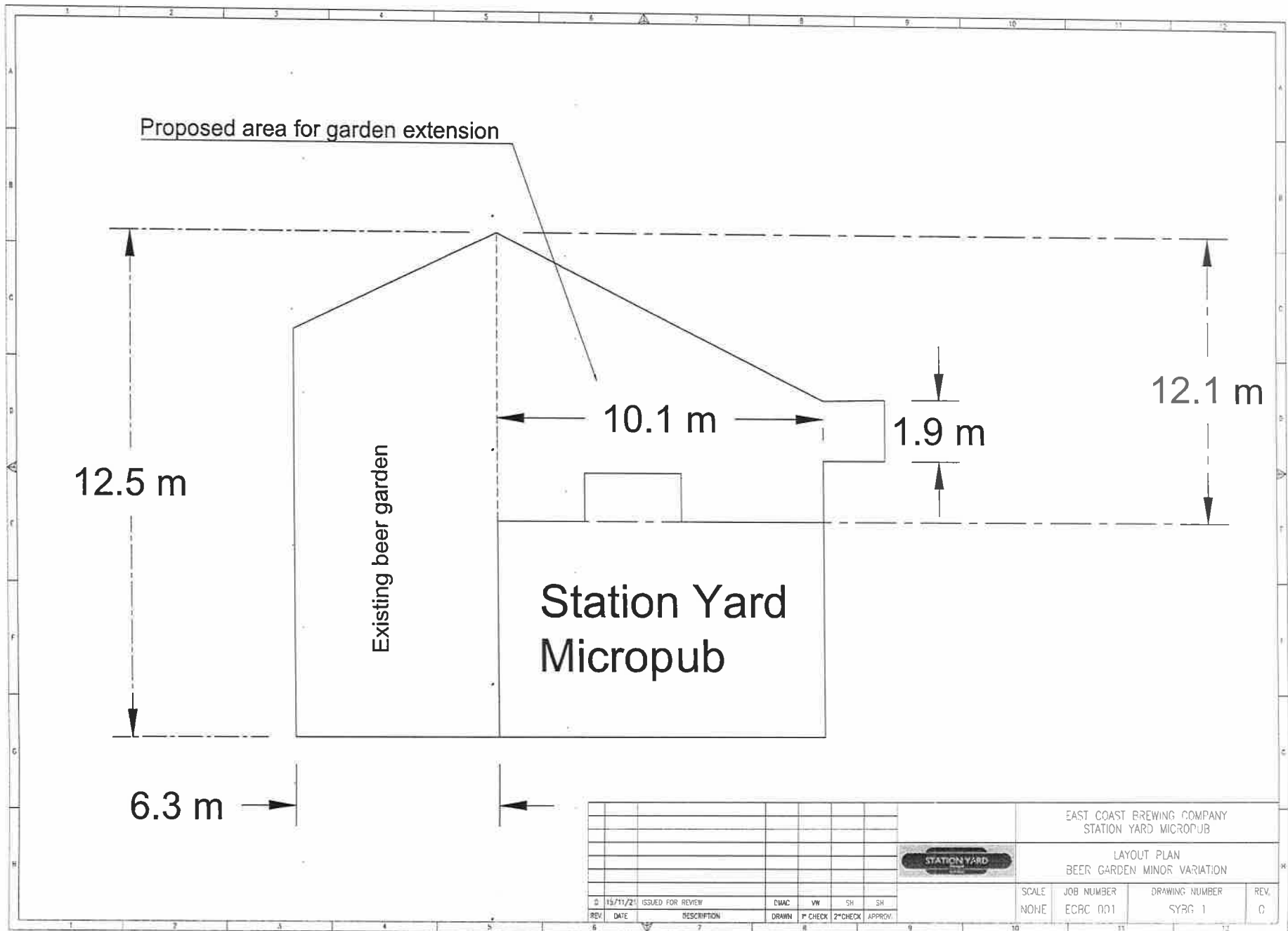
Capacity APPLICANT /~~AGENT~~ (delete as appropriate)

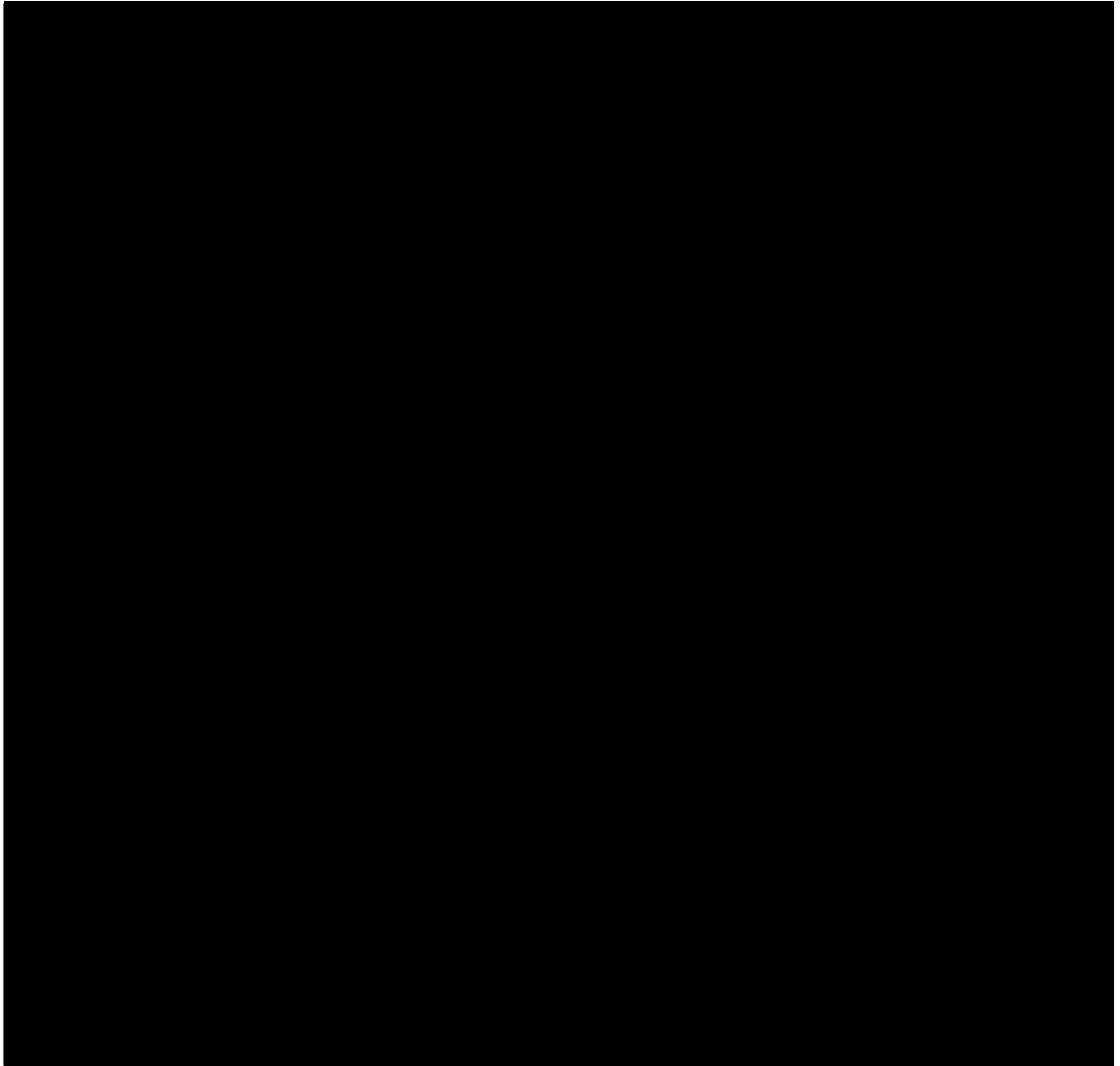
Tel. No. of signatory _____  _____

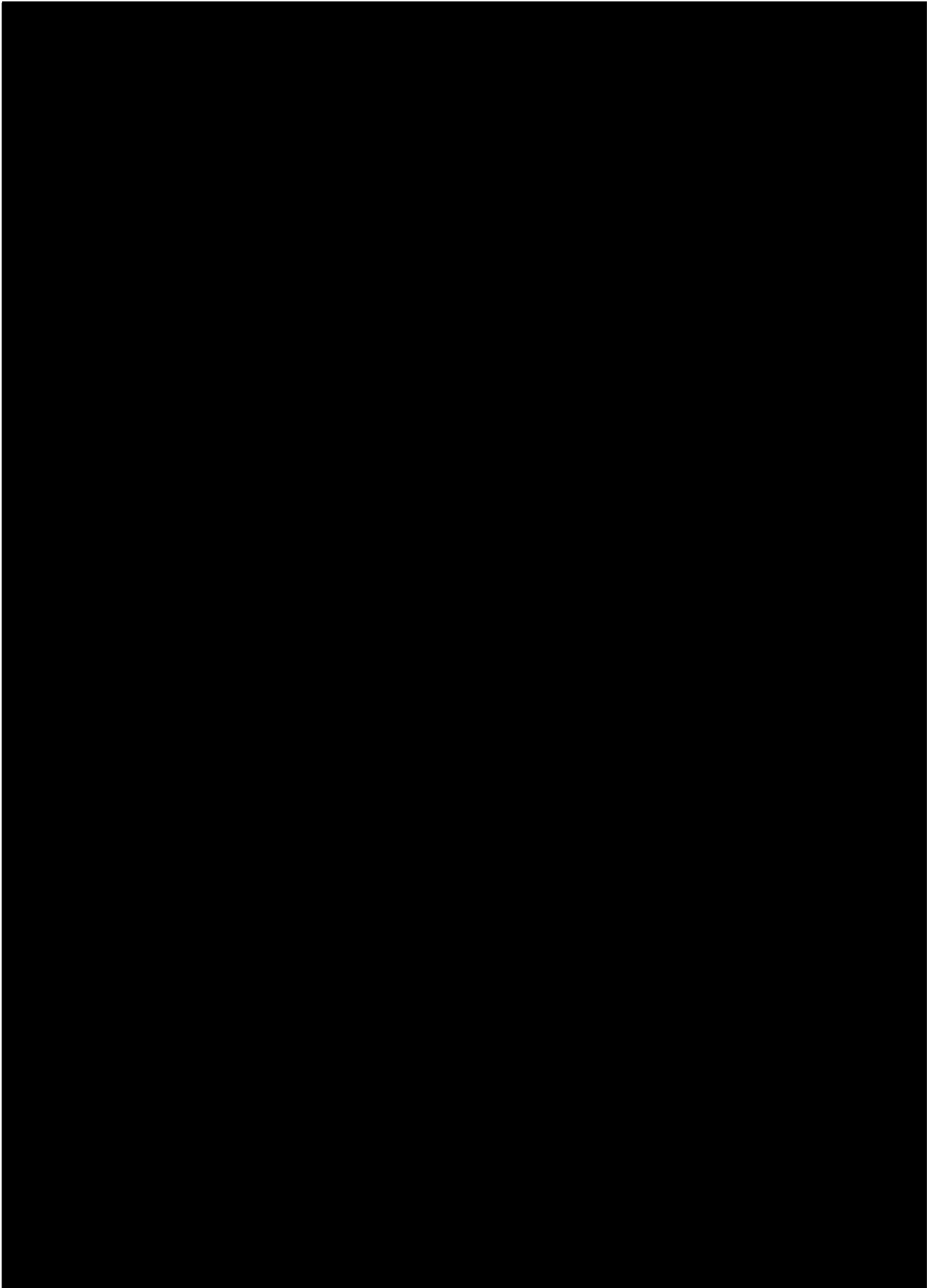
Email address steve@wintonbrewery.com

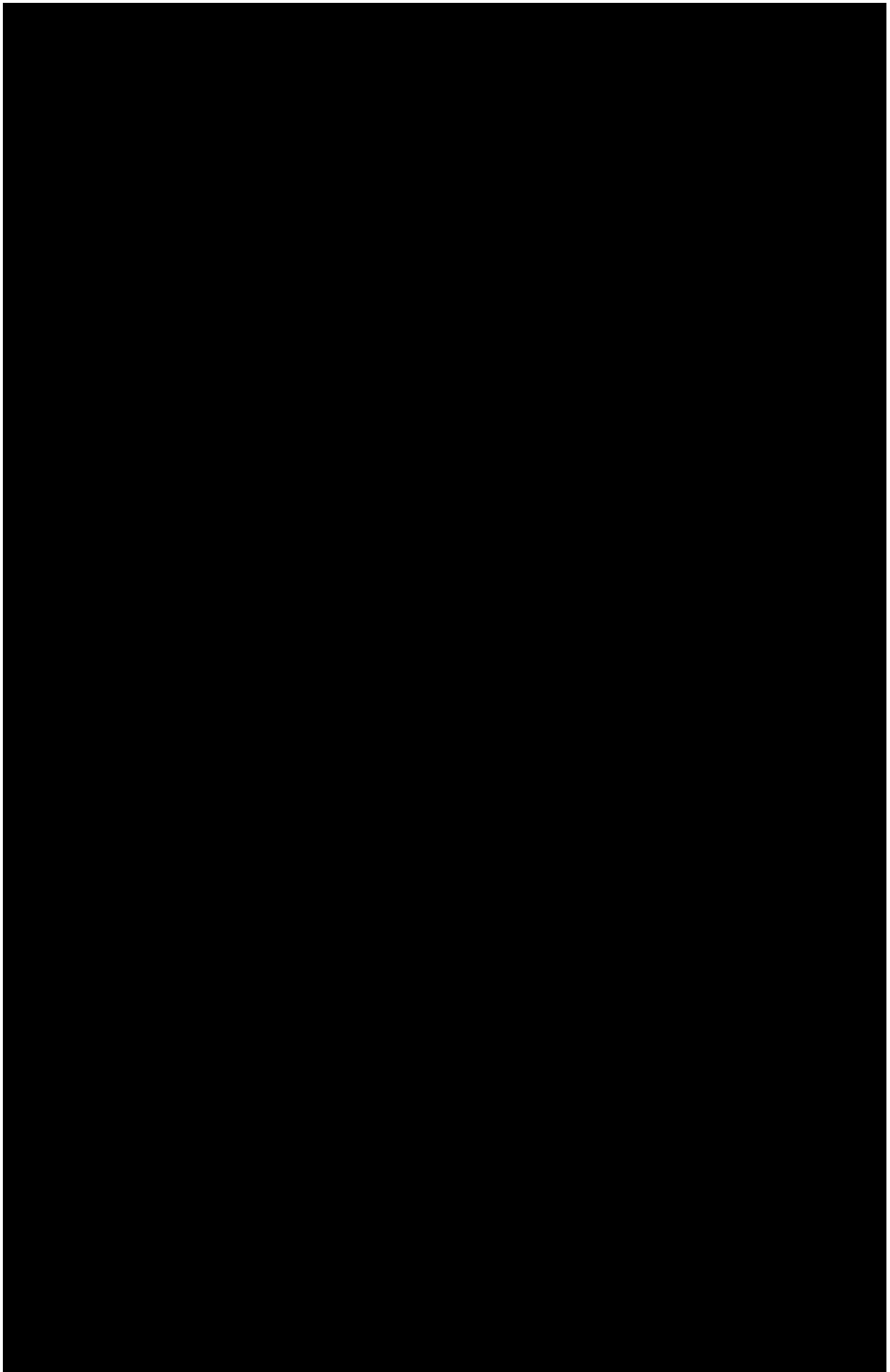
*** Data Protection Act 2018**

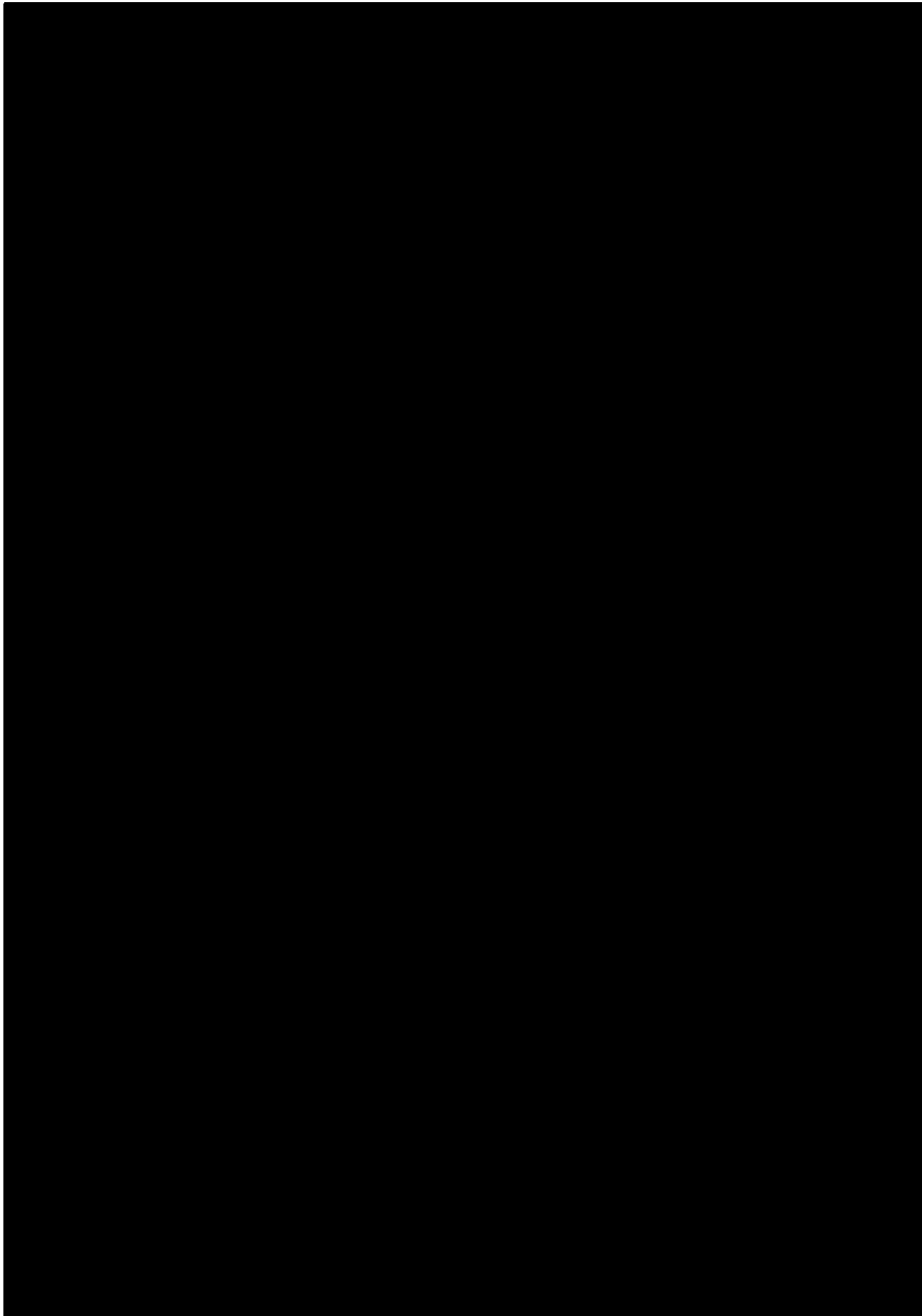
The information on this form may be held on an electronic public register which may be available to members of the public on request.

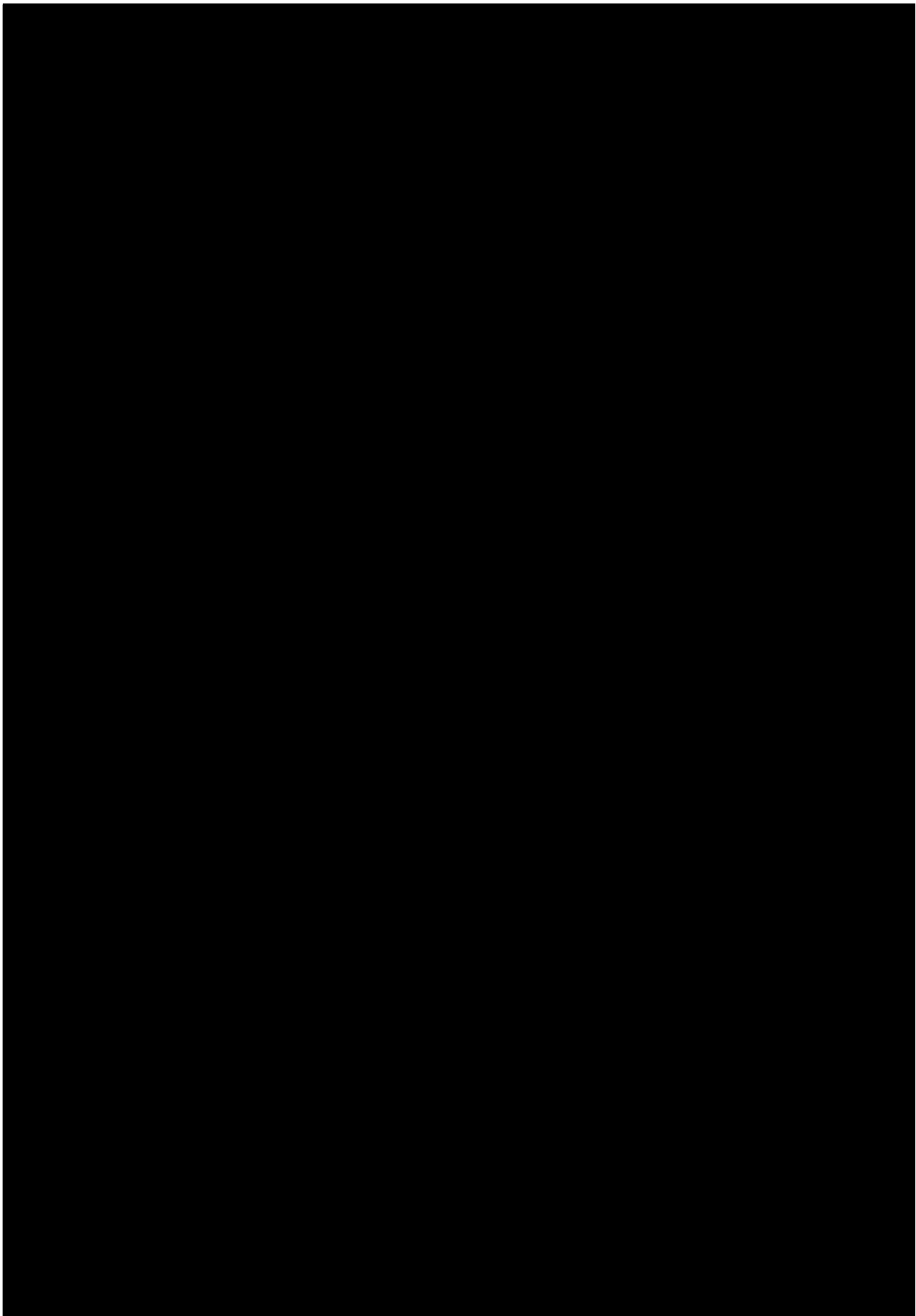


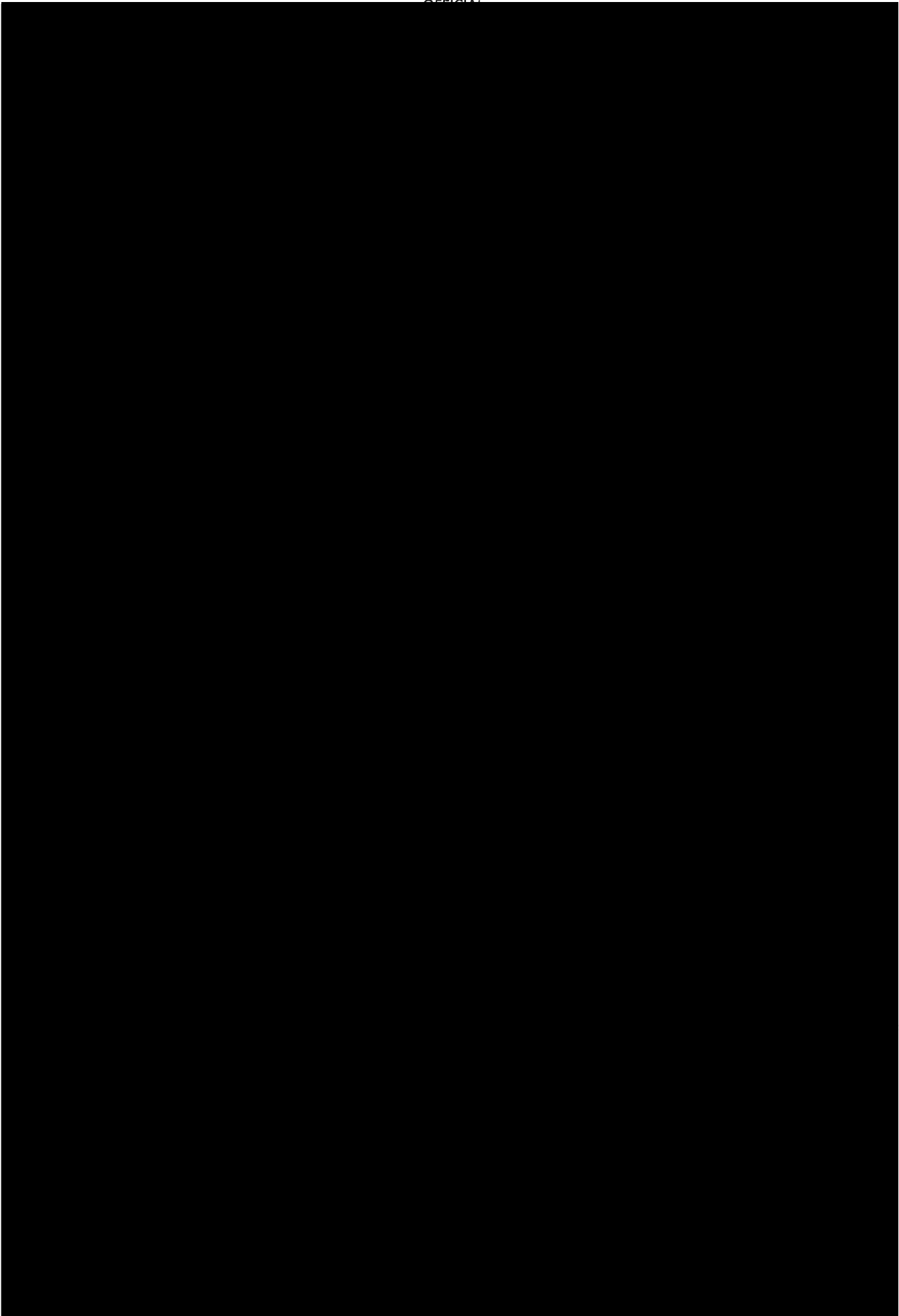


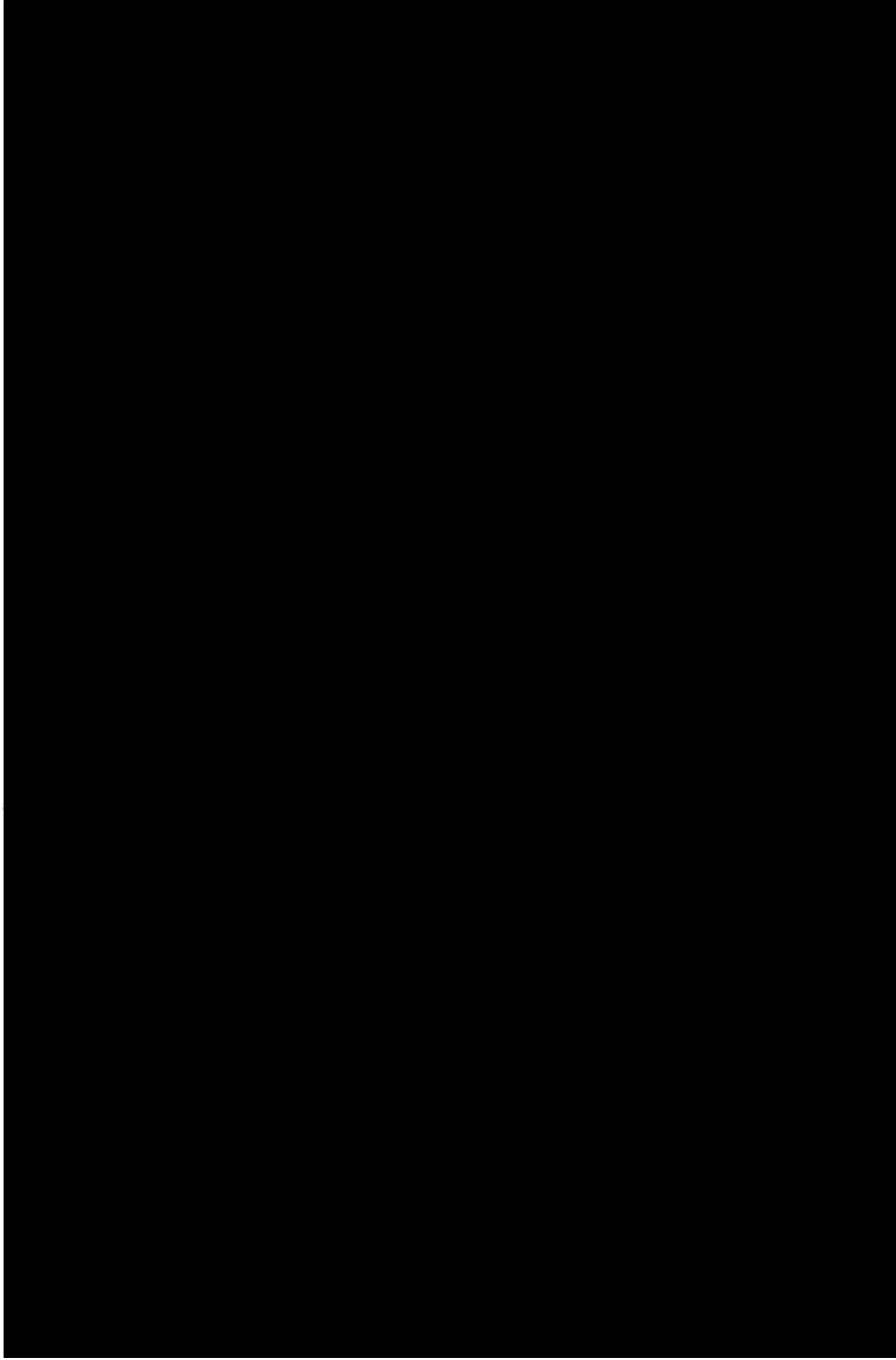


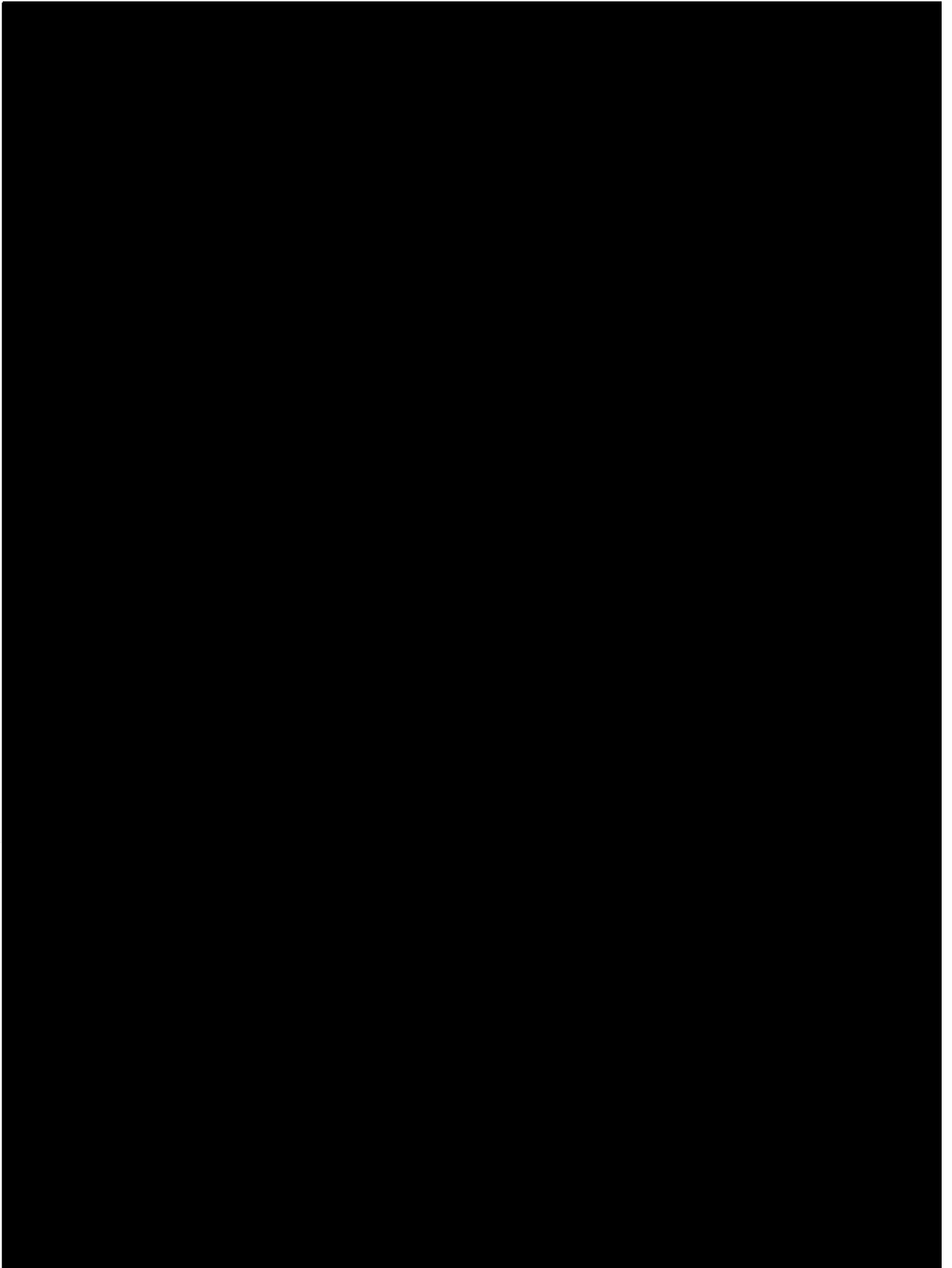


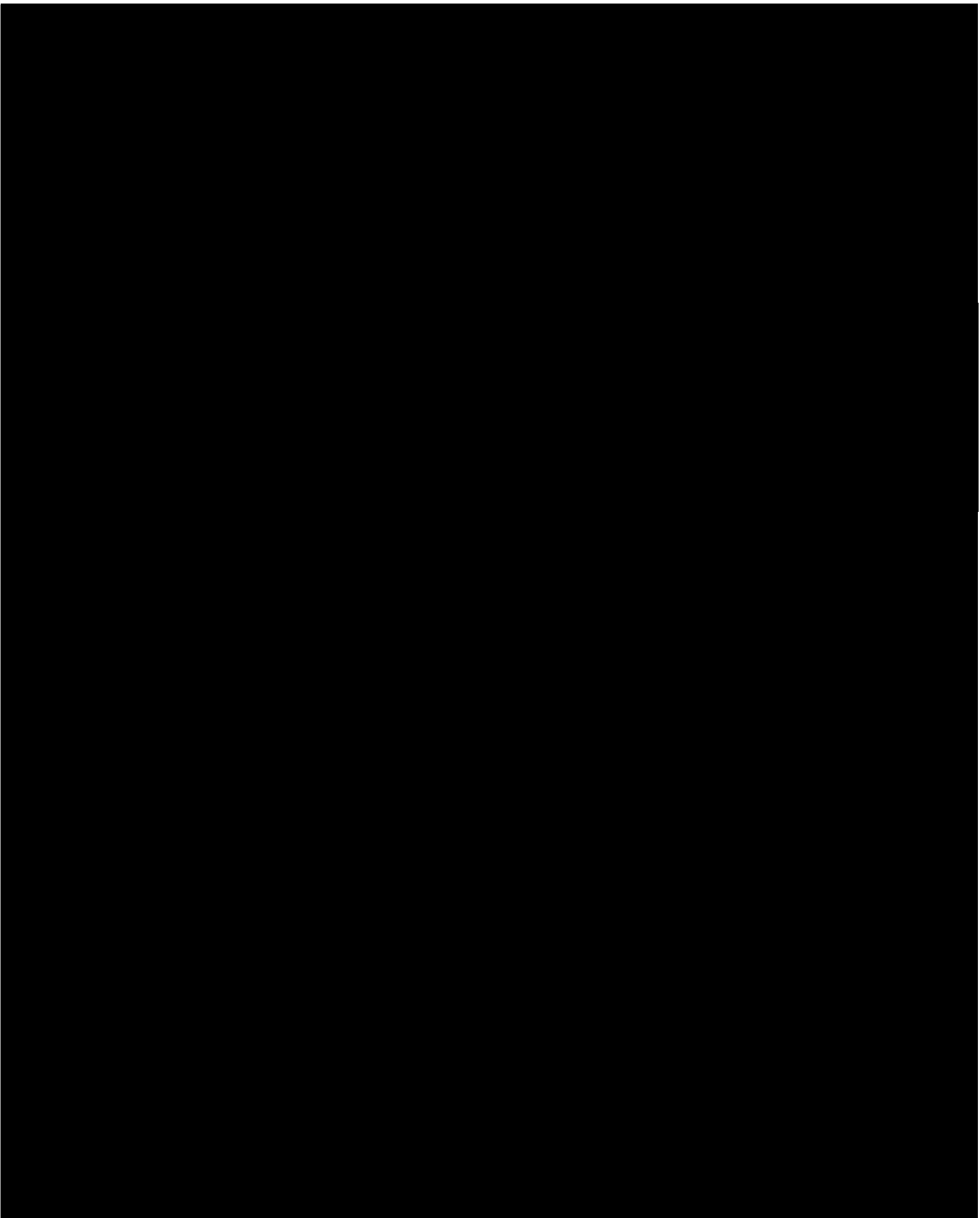


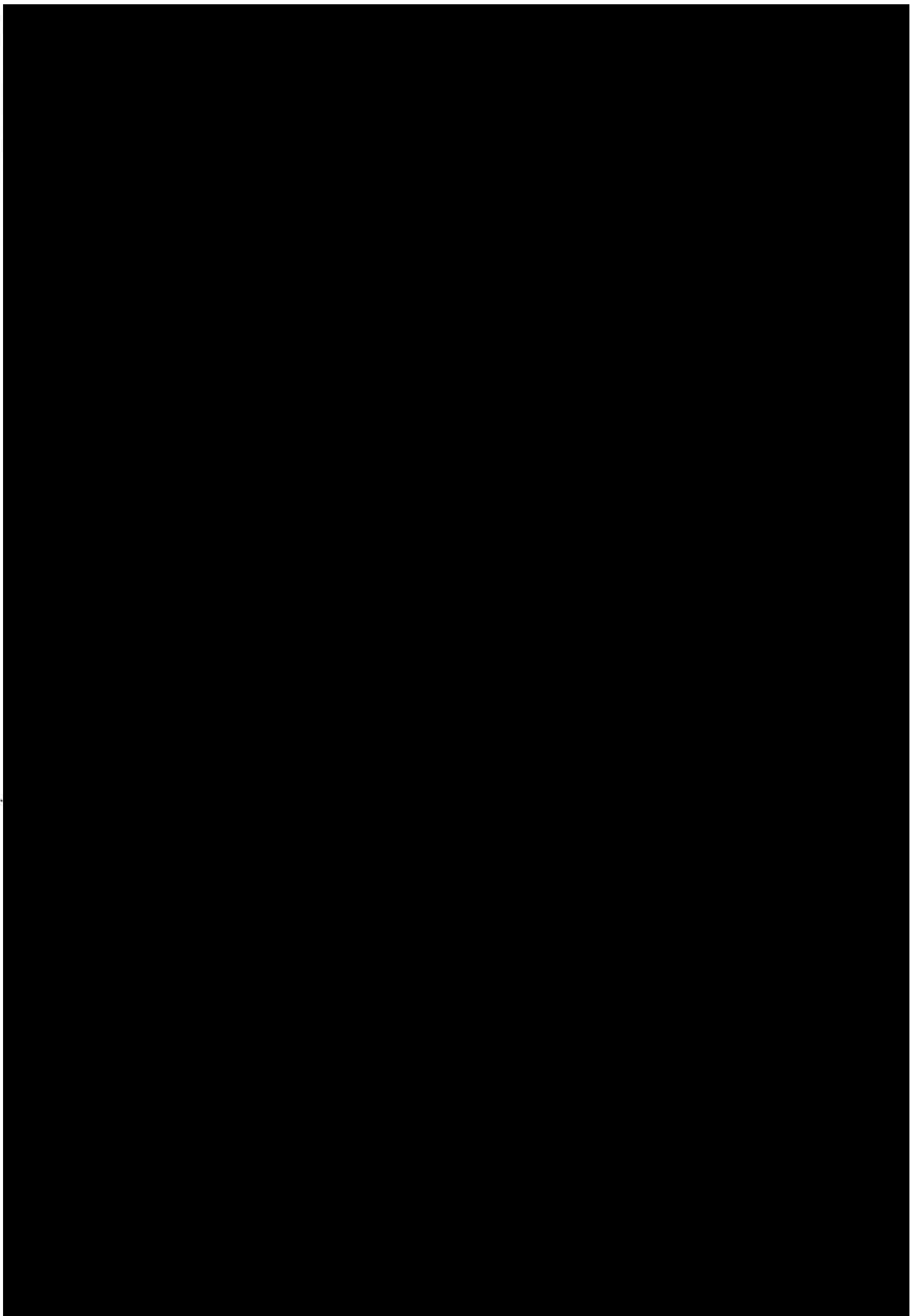












14/02/2022

Your Ref: **EL0348**

Our Ref: **614652/GB**

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



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
STATION YARD MICROPUB
STATION YARD, STATION ROAD, DUNBAR, EAST LOTHIAN, EH42 1JX.**

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

- A change to the layout plan and inclusion of a sheltered area to the rear of the premises.
- An increase in capacity of the outdoor area from 40 persons to 80.
- Change to opening hours in line with legislation and board policy.

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.

Police Scotland would request that as per current East Lothian Licensing Board policy the outdoor drinking area of the premises shall cease to operate at 22.00hrs on a daily basis and that no amplified music is played in this area.

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

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Rudi Fruzynski,
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 04 March 2022

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION 2022
STATION YARD MICROPUB, STATION ROAD, DUNBAR, EAST LoTHIAN
EH42 1JX

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

The changes applied for are:

- To extend the outdoor drinking area by 61m² to 120m². This area has been operated under Occasional Licence since 22/11/2021 without complaint. See attached photographs.
- To increase the capacity of the outdoor drinking area from 40 to 80 persons.
- To add in bar meal facilities, which may commence outwith core hours from 07:00, previously stated as 08:00 in the current operating plan.
- To make changes to the operating plan. The main changes are to increase core hours from 23:00 on a Thursday, Friday and Saturday to 01:00 and from 23:00 to midnight on Sundays.

The current licensed hours of the premises are show below:

Licensed hours

Current ON SALES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00

<i>Thursday</i>	11:00	23:00
<i>Friday</i>	11:00	23:00
<i>Saturday</i>	11:00	23:00
<i>Sunday</i>	11:00	23:00

Off sale facility attached to the licence is 11:00 to 22:00 each day.

The new hours applied for are, as shown below:

Proposed ON SALES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	23:00
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	23:00
<i>Thursday</i>	11:00	01:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	24:00

In summary, the proposed changes are supported by Licensing Standards. However, the following conditions are recommended in terms of use of the outside area:

- To protect nearby residential properties from disturbance or nuisance there should be no amplified announcements / music / or entertainment in the outdoor area and other noise levels should be controlled so that they are non-intrusive / low level at any neighbouring residential properties.
- The terminal for use of the external area should be no later than 22:00 each day.

Any planning conditions relating to the use of the outdoor area should be resolved prior to its continued use as a licensed area.

R. Fruzynski
Licensing Standards Officer

Extended section of outdoor drinking area – view 1



Extended section of outdoor drinking area – view 2



Current outdoor drinking area – view 2



Winter, Maree

From: Licensing
Sent: 08 March 2022 16:45
To: Winter, Maree
Subject: FW: Station Yard licence application
Attachments: KD Objection.pdf

From: Katie Day [REDACTED]
Sent: 08 March 2022 16:39
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Re: Station Yard licence 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.

Thank you for advising this. Maree, it's much appreciated. I wouldn't want that experience again. In the planning case it was obvious from the circumstances that it was my mum and me objecting to the builder.

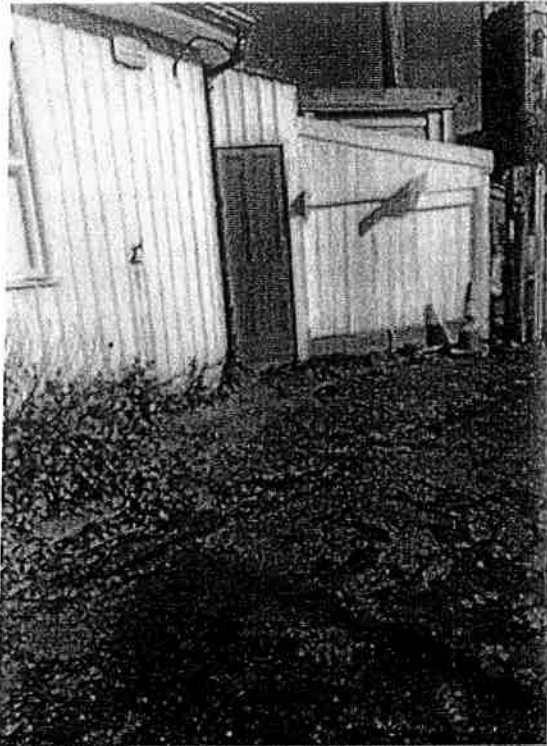
Objection form attached.

I have also attached 3 photos I took recently.

The first is the entrance to the old Dunbar Surf Club that I was looking to convert into a cafe for commuters and train passengers when I graduate. When coming back on the train I saw some staff from the pub getting supplies from the old surf club and take it into the pub. From the ELC planning page this is not part of the pubs property and they have no planning approval to use it that I can see.

The last 2 photos are of the extension that the pub owners are now asking for approval. I have spoken with ELC planning and they said the Government allowed temporary outside accommodation for pubs during Covid without the need for planning. That's a great idea. But this is not a temporary extension as you can see. This is abusing what the Government was trying to encourage. It's massive and goes right to the back of where I want to convert my cafe idea and leaves nothing for me to use, assuming I can get the store back from them! I've been in the beer garden for a drink and its definitely permanent with heaters and a tv.

The other objection I have is the use of heaters in the beer garden. Given global warming this is a total waste of energy heating up a beer garden in January. Its South East Scotland not the South of France and putting profit before the planet. I'd understand it during a sunny winters day but its on at night in the middle of winter! Its such a waste of energy when people are trying to reduce their use to reduce global warming.



Katie Day
[REDACTED]

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

From: Licensing <licensing@eastlothian.gov.uk>

To: Katie Day [REDACTED]

Sent: Mon, Mar 7, 2022 9:00 am

Subject: RE: Station Yard licence application

Hi,

The licensing Board is a public meeting, so your objection will be heard at the meeting, a copy is also sent to the applicant. Your address, email address and telephone will be 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 (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**

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 _____

(d) Granting the application would be inconsistent with one or more of the licensing objectives ¹:-

Objective	Explanation
Preventing crime and disorder	
Securing public safety	
Preventing public nuisance	
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.

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

IT IS RIDICULOUS FOR THE HOURS TO BE EXTENDED AS PROPOSED. THERE ARE MORE THAN ENOUGH PUBS IN DUNBAR WITH LONGER HOURS THURSDAY TO SUNDAY.

As to conditions which should be imposed

STATION YARD SHOULD NOT BE ALLOWED TO EXTEND THE BEER GARDEN. THEY HAVE ALREADY BUILT A PERMANENT SHELTER WITHOUT PLANNING AND TAKEN ADVANTAGE OF HOLYAOD ALLOWING PUBS TO USE TEMPORARLY OUTSIDE BUILDINGS DURING COVID.

Other representations

WE PLAN TO OPEN A CAFE IN THE NEXT DOOR BUILDING THAT WAS DUNBAR ~~CLUB~~ ^{SURF} CLUB. STATION YARD ARE USING THIS AS A STORE. THEY DO NOT OWN IT AND HAVE NO PLANNING PERMISSION TO

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

I HAVE TALKED TO ELC ~~AND~~ PLANNING ABOUT MY CONCERNS, AMELIA SMITH HAS HELPED WITH INFORMATION. THE OWNERS SEEM TO DO WHAT THEY LIKE. THEY HAVE ALSO USED THE LAND BEHIND THE PUB AND LOCKED THE GATE. IT IS NOT THEIR LAND ~~OFF~~ PLANNING. I WOULD LIKE ACCESS AS WELL.

**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 03 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

- (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 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:

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)

Name & Address of premises STATION YARD MICRO PUB,

STATION ROAD, DUNBAR

Post code EH42 1JX

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 DAY

First Name(s) KATIE

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)		
Name & Address of premises:	Station Yard Micropub Station Road Dunbar, EH42 1JX	
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"/>
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 <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Cooke
First Name(s)	Carol-Anne and Finlay
Address (including postcode):	
Telephone number	
Email address	

(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):	
Telephone number	
Email address	
<u>PART A – OBJECTION</u>	
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)	<p>The application must be refused where:-</p> <ul style="list-style-type: none"> • Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application], • Section 64(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] or • Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].
(c)	<p>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:</p>

(d) 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>
Securing public safety	

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>	
	Preventing public nuisance		
	<u>Objective</u>	<u>Explanation</u>	
	Protecting and improving public health		

<u>Objective</u>	<u>Explanation</u>
Protecting children and young persons from harm	
<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: —

<p>In support of the application.</p>	
<p>As to modifications which should be made to the Operating Plan</p>	<p>No Operating Plan has been made available.</p> <p>Planning matters are not an issue that the Licensing Board would normally consider. In this case, however, the owners' approach is symptomatic of their management of the pub itself.</p> <p>The extension to the beer garden that has been built should have been subject to Planning Approval as it is a permanent structure and not be used until this is granted. The owners have taking advantage of the Government's relaxation of planning application requirements for erecting temporary structures for the hospitality sector during Covid restrictions.</p> <p>If the structure is indeed temporary, then it should be taken down given the relaxation of Covid restrictions and a new Planning Application submitted for a permanent extension ahead of that requested in the Licence amendment application. The extension does not have the requisite Planning Approval and has a knock on effect for public nuisance issues. The requested Licence amendment should not be granted until the extension is approved by ELC Planning.</p>
<p>As to conditions which should be imposed.</p>	<p>The Application for the extension to licence hours should be declined. The owners have not consulted with neighbours and explained how they would manage excessive noise and associated public nuisance issues after 11pm. It is wholly inappropriate for the proposed hours to be granted adjacent to a residential area. There are many pubs open with extended weekend hours elsewhere in the town.</p> <p>Ad hoc Licence extensions are available for Holidays and Special Events. There is no reason why this should not be adequate for a micropub like Station Yard with its supposed community approach.</p>

<p>Other representations</p>	<p>1) I believe that Licensing Boards are required to assess the overprovision of licensed premises of a particular type in their area.</p> <p>There are a number of pubs in Dunbar that have extended opening hours similar to those requested by Station Yard. The market is well catered for and the noise and other issues associated with late opening has been part of living on the High Street. An additional pub with extended hours in the same area will encourage further excessive late night drinking and the associated problems identified in the Alcohol Focus Scotland paper on Overprovision.</p> <p>2) The Good Practice Document provided by Best Bar None and other hospitality sector associations provide examples of well managed pubs and how they can work with neighbours on the prevention of public nuisance. The manner in which the current owners have approached this shows a disdain to industry best practice methodology.</p> <p>Station Yard is opposite domestic properties with families. The houses adjacent to Station Road were purchased before the original Station Yard conversion from an office to a pub was approved in 2017.</p> <p>Unlike the High Street, the area is very quiet after the trains stop running from 11pm. We have not previously complained about excessive noise that is made as the current closing time is standard for such a pub and fits in with the closure of the station.</p> <p>The developers of the original Micro Pub concept at Station Yard, David McGee and Gerald McPhilips would have approached the further development of the concept in a far more community minded manner. They consulted with neighbours and I am certain would not suggest extending opening hours to 1am opposite a residential area with families.</p> <p>The micropub owners appear to view the pub as a sales outlet for Winton brewery with no respect for neighbours or the owner of the adjacent depot which they have used to their commercial advantage without permission. David and Gerald would not have countenanced this in my opinion.</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:-

There have been comments on social media advising of public nuisance caused by customers adjacent to the old Surf Club and in the Station Car Park. The owners have replied to these comments in an irresponsible jocular manner and not taken the matter seriously.

The planning approvals for the pub and beer garden have a clear boundary of ownership. Station Yard's owners have taken it upon themselves to occupy the depot at the back of the property which is owned by Network Rail. The owners have for some considerable time locked the gates that allow entry into the yard and have used the area as storage for equipment, kegs and parking to avoid charges on Station Road. I understand that the depot was also used to build the extension under consideration without Network Rail's permission.

In 2021 the pub organised events that included serving food and alcohol from Network Rail's land from mobile vans. They provided access to the beer garden by removing a fence at the rear of the beer garden. These events were publicised on social media.

There would be a number of health and safety, insurance and legal reasons why Station Yard should not have used this land without Network Rail's permission. I understand that this would also have prevented Network Rail having access to the depot in an emergency situation.

The above issues highlight the questionable credibility of the owners to manage the proposed Licence amendments in an appropriate and professional manner. They have breached Government Guidelines regarding the relaxation of building approvals on a temporary basis, not acted when aware of public nuisance matters and have trespassed on and used other people's property all to enhance their profit without appropriate consideration.

I have read and understood the attached privacy notice

Your Signature	
Date	15/3/22

**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**

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.

Winter, Maree

From: Jacqueline Bell [REDACTED]
Sent: 10 March 2022 12:55
To: Licensing; Winter, Maree; Herkes, Gillian
Subject: Station Yard Dunbar

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 dont know if this has been to licensing committee yet.

Dunbar CC had not expressed concerns.

However, following our sub,mission I heard from Mr Cook d [REDACTED] with concerns about noise and other nuisances from the venue.

he also noted that the Station yard had encroached onto Network rail land.

He was going to be objecting.

If not already been to committee I trust Rudi will look into Mr Cooke's concerns

jacquie Bell

Winter, Maree

From: Jacqueline Bell [REDACTED]
Sent: 14 February 2022 13:02
To: Licensing; Winter, Maree
Subject: Station yard Micropub- Major variation in License

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.

Thank you for contacting Dunbar Community Council about this.
I circulated the application to DCC members.
They are supportive of the changes.
Since the Station Yard opened we have not been aware of any issues of noise etc.

Jacquie Bell
Secretary
Dunbar Community Council

Winter, Maree

From: Smith, Amelia
Sent: 18 March 2022 10:48
To: Winter, Maree
Subject: RE: Station Yard - Dunbar
Attachments: 3142815.pdf

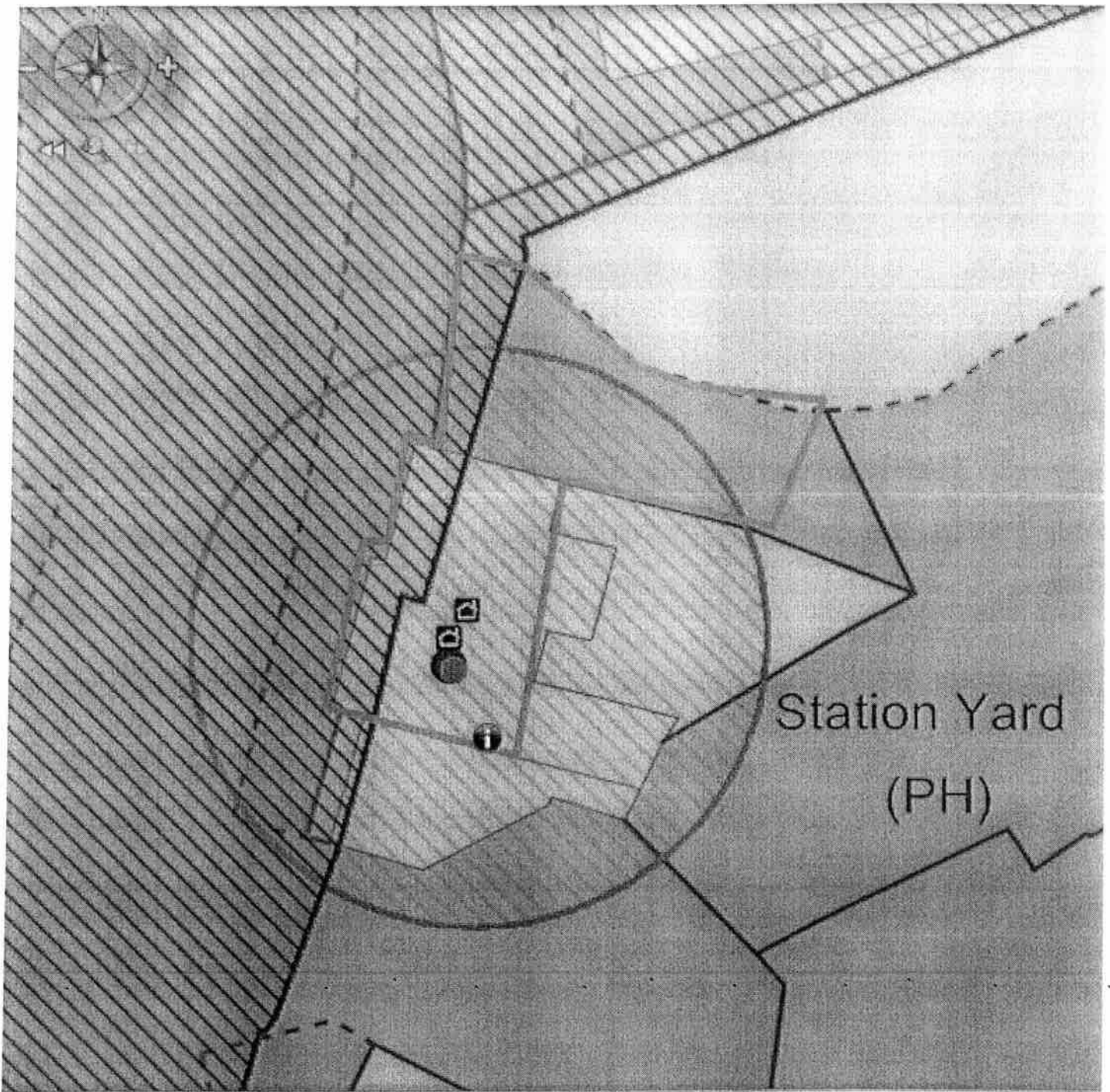
Hi Maree,

An application has been received from Station Uard following a request from myself to apply for retrospective planning permission. The area of land is just the triangular section to the rear of Station Yard. The application no. is 22/00143/P and should hopefully be validated within the next couple of weeks.

Let me know if you need anything further.

Kind regards,

Amelia.



From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 18 March 2022 10:23
To: Smith, Amelia <asmith7@eastlothian.gov.uk>
Subject: Station Yard - Dunbar
Importance: High

Hi Amelia,

Can you help me, we have received an application for an extension to the beer garden for the above premises, Neil came back saying that an application had been received for material change but was invalid for the proposed enlargement. Can you advise.

Thanks
Maree.

Maree Winter

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 15th February 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Station Yard Micropub, Station Road, Dunbar

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

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

However, please be advised that the submitted layout drawing shows the intention to increase the external beer garden which constitutes a material change of use and thus requires planning permission for it. According to our records, a planning application (Ref: 22/00143/P) has been recently submitted but currently remains invalid for the proposed enlargement of the external beer garden area.

Please note that the existing external beer garden area must not be used after 2200 hours on any day, in accordance with Condition 1 of planning permission 19/00870/P, and that there shall be no amplified music and/or amplified speech permitted in the beer garden as per Condition 2 of planning permission 19/00870/P.

Herkes, Gillian

From: Slight, Lynn
Sent: 10 February 2022 16:53
To: Licensing
Subject: Fwd: Major Variation application - Station Yard Micro Pub - Dunbar
Attachments: image001.png; Major Variation - Station Yard Micropub, Station Road, Dunbar..pdf

No objections to this application subject to standard conditions.

Lynn

Lynn Slight Ch.EHO MREHIS
Senior Environmental Health Officer
East Lothian Council

Begin forwarded message:

From: "Douglas, Andrew" <adouglas@eastlothian.gov.uk>
Date: 10 February 2022 at 08:12:30 GMT
To: "Slight, Lynn" <lsight@eastlothian.gov.uk>
Subject: FW: Major Variation application - Station Yard Micro Pub - Dunbar

Morning Lynn,

Can you please deal with this.

Thanks

Andrew

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 09 February 2022 14:24
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Major Variation application - Station Yard Micro Pub - Dunbar

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 09 February 2022 12:10
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 <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; dunbarcommunitycouncil@gmail.com
Subject: Major Variation application - Station Yard Micro Pub - Dunbar

Dear all,