



**AGENDA FOR THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 30 MARCH 2023 at 10.00am  
VIA DIGITAL PLATFORM**

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**Agenda of Business**

**Apologies**

**Declarations of Interest**

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

- 1. Minutes for Approval**  
East Lothian Licensing Board, 23 February 2023 **(pages 1-12)**
- 2. Grant of a Provisional Premises Licence**  
Buck & Birch Ltd, Unit 9, Macmerry Industrial Estate, Macmerry **(pages 13-38)**
- 3. Major Variation of Premises Licence**  
The Main Course, 40 Main Street, Gullane **(pages 39-64)**
- 4. Occasional Licence**  
Aberlady Gala Committee for Aberlady Gala Day, Saturday 3 June, 2023 **(pages 65-81)**

**Carlo Grilli**  
**Clerk of the Licensing Board**  
**23 March 2023**





**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 23 FEBRUARY 2023  
ONLINE PLATFORM MEETING**

**1**

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**Board Members Present:**

Councillor L Bruce (Convener)  
Councillor C Cassini  
Councillor G Gilbert  
Councillor G McGuire  
Councillor J McMillan

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms M Winter, Licensing Officer  
Ms C Aitken, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
PC I Anderson, Police Scotland  
PC C Tait, Police Scotland  
Sgt R Stark, Police Scotland  
Insp D Wardell, Police Scotland

**Committee Clerk:**

Ms B Crichton – Committees Officer

**Apologies:**

Councillor F Dugdale

**Declarations of Interest:**

Item 5: Cllr McMillan declared an interest due to contact with the premises as part of his role as Spokesperson for Economic Development and Tourism.

**1. MINUTES FOR APPROVAL  
East Lothian Licensing Board, 26 January 2023**

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

**2. STATEMENT – GENERAL EXTENSION FOR KING CHARLES III  
CORONATION**

The Convener made a statement on behalf of the East Lothian Licensing Board. In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board determined that it would be appropriate to grant an extension of licensed hours for His Majesty the King's Coronation holiday weekend. The extension would apply from Friday 5 May to Sunday 7 May 2023 inclusive and would allow an extension of the terminal hour for the sale of alcohol during that period until 1am. This extension would only apply to on-sales and not to off-sales of alcohol.

There would be no general extensions beyond this, although any applications for extended hours outwith the general extension would be considered on a case-by-case basis. It should be noted that any such applications would require to be submitted no later than 14 April 2023.

There would be no need for licensees to apply for the general extension to 1am. On-sales premises could utilise these hours to the extent they considered appropriate.

**3. PREMISES LICENCE – PERIOD OF EFFECT  
Dunglass Estate, Cockburnspath**

The hearing had been called following representation from Karen Harling, Licensing Standards Officer (LSO), due to the area covered by the premises licence no longer existing. The LSO requested the Board's approval that Licence No. EL036 would cease to have effect.

The LSO highlighted that if a licensed premises ceased to be used for the sale of alcohol, then the premises licence would cease to have effect. She provided an account of the licensing history of the premises, and advised that an application to transfer from GH Event Catering to Dunglass Estate Events in November 2020 had not been completed. Operations had since moved to a different site on the estate which had been covered by occasional licences, and she reported that the company were agreeable to submitting a new premises licence application for the current operation.

Claire Weir was present on behalf of Dunglass Estate Events. She agreed with the LSO's comments and said that she had begun the process of applying for a new premises licence. She advised that she would meet with health and hygiene in the following week, and was completing an application for a personal licence.

PC Iain Anderson confirmed that Police Scotland had no comment to make.

Councillor McMillan thanked the LSO for her diligence with such operations. He passed on his best wishes to the Dunglass Estate and hoped that their staff would continue to work with the council's licensing team.

The Convener moved to a roll call vote to confirm support for the LSO's request for Licence No. EL036 to cease to have effect. Members unanimously agreed.

## **Decision**

The East Lothian Licensing Board agreed that Premises Licence No. EL036 would cease to have effect.

### **4. PROVISIONAL PREMISES LICENCE Humbie Hub Ltd., Humbie General Store, Humbie**

The provisional premises licence application was for a village shop and café with outside gardens, and requested: on-sales from 12 noon to 11pm, Monday to Sunday, and off-sales from 10am to 8pm, Monday to Sunday; outdoor drinking facilities outside core hours to cover breakfast and coffees, with a terminal hour for the outside area of 8pm; funerals/birthday parties/meetings and live performances to be held during core hours; children to be allowed entry from 8am to 4pm with an adult, young persons to be allowed entry from 8am to 4pm without an adult, and 0-17 year olds to be accompanied by an adult at evening events. The capacity of the shop was 13, the café 40, and the garden 40 persons. The application had attracted no objections from the police, planning, environmental health & safety, or the community council, but there were two letters of support from members of the public. The LSO had recommended conditions: that there be no amplified entertainment in the outdoor area; that the outdoor area be clearly delineated; and that use of the outdoor area should cease at 8pm.

Morag Taylor was present to speak to the application. She emphasised that the operation was very small, so any gatherings would be kept to minimal attendance as there was not space to hold large events. It was hoped to hold themed meal evenings and to invite speakers in, and she referenced recent events that had taken place at the premises.

Councillor McMillan congratulated Ms Taylor on the Humbie Hub's recent national award. He asked how the premises kept in touch with neighbours to reassure them on noise levels. Ms Taylor said that the Humbie Hub would inform its neighbours of any events, but she thought events would not be regular occurrences; the lack of public transport meant that visitors would not be able to consume alcohol to excess, and there was not enough space to host large events.

The LSO voiced her support for the application, with the premises providing a hub for the community and attracting cyclists and day visitors. She said the on-sales times had been requested so that the premises could hold infrequent events. There had been no complaints about use of the outdoor area. She highlighted the recommended conditions from her report, and advised that the outdoor area was already clearly delineated.

PC Anderson reported that there had been no issues when the premises had operated under occasional licences.

Councillor McGuire thought the venue offered a fantastic selection of food and drink, and provided a lifeline for the village. He said the national award reflected the hard work that had gone into the premises. He noted the supportive comments from local residents and would support the application.

Councillor McMillan praised the Humbie Hub for their stocking of local products, and for the way in which they sustained a sense of community.

The Convener moved to roll call vote, and the Members unanimously confirmed their support for the application.

### **Decision**

The East Lothian Licensing Board granted the provisional premises licence, subject to the LSO's recommended conditions.

*Sederunt: Councillor McMillan left the meeting.*

### **5. MAJOR VARIATION OF PREMISES LICENCE Levenhall Village Store, 3 Ravensheigh Road, Musselburgh**

The major variation application had been made to add home deliveries for food and alcohol between 10am and 10pm. The application had attracted no objections from the police, planning, environmental health & safety, or the community council. The LSO had made representation to recommend standard conditions relating to deliveries, specifically that the Board's statement of licensing policy on deliveries of alcohol and the terms of the Licensing (Scotland) Act 2005 Section 119 be complied with.

Ferhan Ashiq was present to speak to the application. He said that everything remained the same from the 2018 premises licence application, but the store now looked to add deliveries. He spoke of a successful family business in Prestonpans, which had now been sold. He said he would speak with the LSO about any ideas before submitting an application. He advised that the business would use the Snappy Shopper app for deliveries.

Responding to a question from Councillor Gilbert, Mr Ashiq advised that he had been one of the first licensees to obtain an online delivery licence in 2019, and advised that around 20% of all sales were alcohol-related.

The LSO had spoken with Mr Ashiq about the application and had given advice on the requirements for training when conducting deliveries, including age verification. She reiterated her report's recommendation for standard conditions relating to deliveries.

PC Anderson confirmed that Police Scotland had no issues or concerns with the application.

Councillor McGuire noted Mr Ashiq's experience, good record, and due diligence carried out before submitting applications. He would support the application. The Convener said the store was well managed and would also support the application.

The Convener moved to roll call vote, and Members unanimously confirmed their support for the application.

### **Decision**

The East Lothian Licensing Board agreed to grant the major variation to the premises licence, subject to the LSO's recommended standard conditions relating to deliveries.

*Sederunt: Councillor McMillan re-joined the meeting.*

**6a. OCCASIONAL LICENCE  
Ormiston Gala Committee, Gala Day, Ormiston Park**

The application sought an occasional licence for a pop-up bar for an annual children's gala day to be held in the park, and would include food stalls, shows, live music, and dance performances, with 400 persons expected to attend. It had come before the Board on the basis of an objection from the LSO. In her objection, she highlighted Board policy that an event predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it, and would be required to justify why an alcohol licence was required. Her report stated that the applicant had not demonstrated sufficient measures to protect children and young persons from harm, and highlighted that it would be difficult to protect children and young persons from exposure to alcohol at a children's event. The report also highlighted a lack of detail within the application on how the bar area would be managed to prevent attendees leaving the bar area with alcohol, which would result in a breach of the local byelaw prohibiting drinking alcohol in a public place. Her report had also recommended a number of conditions, should the Board wish to grant the licence.

Jordan Diggins was present to speak to the application. He said that the bar would be a charitable bar, with half of the profits going back into the children's gala. He said that a site plan had been provided, and there would be no alcohol consumption outside of the marquee bar area. He reassured Members that stewards provided by the licensed bar would check IDs, and said he had been awaiting the safety advisory group (SAG) meeting to address some of these issues with police.

Responding to a question from Councillor McMillan, Mr Diggins said that the main risks he foresaw were at the clean-up stages. He said there would be medical professionals on site to deal with any emergencies. He acknowledged that some people could consume alcohol to excess, but highlighted the limited event time of 12.30pm to 5pm, to include set-up, breakdown, and the parade. Responding to a question from Councillor Bruce, Mr Diggins advised that the main reason for having a bar was to raise funds for the gala day, and there would be no supply of alcohol if it was not for this fundraising requirement.

The LSO read the relevant statement of licensing policy from her report, and elaborated that she did not find fundraising to be sufficient justification to grant a licence for a children's gala day. She highlighted that the terminology being used around a 'licensed bar' was incorrect, and reminded Members that the licence being applied for would be Mr Diggins' responsibility. She pointed out difficulties with a segregated area which children were not allowed to enter, when parents would have to be responsible for their children at the gala day. She had concerns about the positioning of the bar next to the stalls and stage. She also noted shortcomings in the application such as there being no mention of age verification policies, and it not being made clear from where the bar would be sourced or who would man the bar. She highlighted concerns that improper management of the bar area could lead to alcohol being taken into the wider area, which would be in contravention to the local byelaw. She also advised that case studies showed that alcohol visibility did impact on children at such events. She highlighted her recommended conditions in her report should the Board be minded to grant the licence.

PC Anderson advised that the application had gone without objection from Police Scotland in the previous year. He had checked police systems for drunkenness or violence issues as far back as 2016 around the gala day, and reported there had been no issues. There would be two officers on duty at the event.

Inspector Dougie Wardell voiced his support for the LSO's stance. He noted issue with the presence of parents at the event being noted on the application as having a role in managing the bar area, but it being parents also expected to make use of the bar. It was expected that the local pub would be at capacity on gala day, giving an indication of how much alcohol was already consumed. He thought that bringing alcohol consumption into the main arena introduced unnecessary risks, including having to consider enforcement of local byelaws; he anticipated a number of people in possession of alcohol being outwith the licensed area. He did not welcome the idea of having to carry out unnecessary enforcement activity at what should be a fun family event, as this could damage community relationships. He felt that other measures could be taken to raise funds, and was mindful to consider whether a precedent would be set.

Responding to questions from Councillor McMillan, Mr Diggins confirmed that the occasional licence for the previous year's gala day had been granted without issue. He understood the event to be a children's gala day, but noted difficulty fundraising and said that multiple events were already held. He reiterated that the bar would be outsourced and the staff would undertake age verification checks, with volunteers providing a second level of age verification. In response, Inspector Wardell confirmed that his objection was not out of concern than alcohol would be sold to young persons, but rather a potential lack of diligence from parents who may be partaking in the consumption of alcohol.

The LSO raised concern regarding the reference to a 'licensed bar'; Mr Diggins said that the bar ran at events such as weddings, but said he must have been thinking of the staff training rather than licences held. He said that he understood that the occasional licence for which he was applying was the licence under which alcohol would be served, and that he and the gala committee would be responsible on the day. He highlighted that the one bar in Ormiston was a small bar, and said it would also be of benefit to their premises to free up some space on the day.

Councillor McGuire had sympathy for Mr Diggins and the gala committee who were trying to do their best for the local community. He questioned Mr Diggins' experience in running major public events and preparation in applying for the licence, and noted the need to exercise due care and diligence in terms of procedures, risk assessments, and public liability. He suggested that the local bar could perhaps make a donation to the event since they did such good business on gala day. Mr Diggins said that the bar provided use of facilities and were supportive of the event. He also responded that he had experience of project work in his professional role, but had assumed that the SAG meeting would be when the discussions around such details would have taken place.

Councillor McMillan asked whether the bar itself could make the occasional licence application. The LSO advised that should the current application be refused, a personal licence holder from the bar could make an application, but her objection would still stand in relation to the exposure of children to alcohol; she said there would be other ways of raising funds without exposing children to alcohol.

The Convener called an adjournment to allow Board Members to discuss the application in private. Upon their return, they moved to a roll call vote, and Members unanimously voted to refuse the application.

The Convener commented that the Board was sorry not to be able to support the application and appreciated the work of volunteers in organising community events. He provided the grounds for refusal, noted below.



## Decision

The East Lothian Licensing Board refused the occasional licence for the following reasons:

- that the premises to which the application related were excluded premises
- that the application must be refused under section 56(6A), 64(2) or 65(3) of the Act;
- that the Licensing Board considered the granting of the application would be inconsistent with one or more of the licensing objectives;
- that, having regard to:
  - the nature of the activities, with the gala being primarily focused towards children; and
  - the location, character and condition of the premises would not assist, they considered that the premises was unsuitable for use for the sale of alcohol.

### **6b. Alison Bombail, Gosford House, Wemyss and March Estate**

The occasional licence application was to cover on sales for a two-day wedding on Friday 5 May (5.30pm to 12.30am) and Saturday 6 May (5.30pm to 2am) 2023. The application had attracted no objections, but the LSO had requested conditions that a trained first aider be available from 1am and Security Industry Authority (SIA) stewards be employed until all persons had vacated the premises. Police Scotland had requested the following conditions: a personal licence holder be present for the duration of the event; a fully trained first aider be on duty after 1am; appropriate stewarding be in place to provide appropriate control of the premises and those persons engaged in such duties be registered as door stewards with the SIA; staff and stewards be fully briefed prior to the event in relation to drunkenness offences and duty of care to customers, and a record of this briefing be retained detailing information covered and names of staff briefed; no alcohol be sold after 1am on Friday 5 May or after 2am on Saturday 6 May; staff ensure that guests are advised to be considerate of others and leave in a quiet and orderly manner; and other reasonable requests made by the police or council officials be complied with.

Alison Bombail was present to speak to the application. The wedding at the Gosford Estate would be for up to 180 guests, and had asked for a late finish to fit in with French customs. She gave an account of actions taken following a meeting with the LSO, and said there was always a first aider present at events on the estate. There would be two door supervisors starting at 8pm at the reception on the Friday evening. She then gave an account of how the event would comply with the various police requests, and she would be on site throughout as a personal licence holder and trained first aider. Paramedics and stewards would also be on site, and had been booked for later than the event's finish time. Staff and stewards would be briefed on drunkenness offences. She was aware that the requested times were outwith Board policy, but each recommendation had been addressed. She advised that shuttles would be provided between the event and accommodation from 11pm to 1am.

The LSO had visited Ms Bombail at Gosford house and found her to be extremely professional and aware of her responsibilities. She had discussed working towards a premises licence for the venue to negate the need for occasional licences. She was fully in support of the application, and reiterated the two conditions from her report.

PC Anderson noted that the original application had been until 4am, but had subsequently been withdrawn. Given the rural location, he was satisfied with the transport arrangements and that no one would be on foot.

Responding to questions from Members, Ms Bombail advised that several French speakers from the industry would assist at the event, with French speakers hosting the whisky tasting and working behind the bar.

Councillor McGuire felt the report from Ms Bombail had been comprehensive and commented positively on what Gosford House would have to offer visitors to East Lothian.

The Convener moved to a roll call vote, and Members unanimously confirmed their support for the application.

### **Decision**

The East Lothian Licensing Board granted the occasional licence, subject to the LSO's and Police Scotland's recommended conditions.

#### **6c. Haddington Rugby Football Club, Neilson Park Lodge, Mill Wynd, Haddington**

The application sought an occasional licence to run a beer festival with music to be held outside Haddington Rugby Football Club (HRFC), with approximately 1500 persons attending. The application had attracted no objections, but the LSO had recommended that an agreed drug and alcohol management plan be adhered to during the event. Police Scotland had also recommended a number of conditions, which are detailed in the decision section below.

Nick Bell, HRFC committee member, spoke to the application. He said the new beer and music festival was planned for 12 noon to 6pm on Saturday 20 May 2023, and was a pre-ticketed event. He said the event would be strictly 18+, a condition of the ticketing system in use, and anyone without a ticket would be refused entry. The event area would be delineated using heras fencing, and Scotia Security Ltd. had recommended one steward to every 100 attendees. The event would take place in conjunction with the Winton Brewery, and Steve Holligan from the brewery, as well as committee members, had met with the LSO in the planning stages. He advised there would be three trained first aiders on site, which had been outsourced to a company.

Responding to a question from Councillor McMillan, Mr Bell said that the security team would be able to help with crowd dispersal if required. He noted the relatively short drinking hours of 12 noon to 6pm, with bars closing 30 minutes prior to the end of the event. He highlighted the site plan and marked exits, and said that the security team would ensure no alcohol would be taken off site. The organisers had agreed to keep noise within sensible limits, and also planned to contact surrounding properties to make them aware of the event. Councillor McMillan agreed that the club's relationship with its neighbours was normally very good.

The LSO reported that she had worked at length with Robert Snodgrass and Mr Bell. She acknowledged that HRFC premises caused no issues and ran events to benefit the community. She was confident in the ability of the Winton Brewery to run a successful event, and Mr Holligan, a personal licence holder, had volunteered to provide training to the HRFC volunteers. She fully supported the application, and highlighted her recommended condition that a drug and alcohol management plan, detailed within her report, be followed.

PC Anderson advised that Police Scotland had not received the alcohol and drugs management plan and noted that this covered most of the recommended conditions raised by Police Scotland. He highlighted that previous club events had proceeded without incident. He said a SAG meeting would discuss the finer points of the event on 16 March.

Councillor McGuire felt that the festival would help to promote wellbeing and the good work of HRFC. Given the good previous record of the HRFC premises, he was happy to support the application. The Convener echoed these comments and thought it would be a fantastic event for the club and for Haddington.

The Convener moved to a roll call vote, and Members unanimously confirmed their support for the application.

## **Decision**

The East Lothian Licensing Board granted the occasional licence, subject to the LSO's recommended condition that a drug and alcohol management plan be adhered to, and subject also to Police Scotland's recommended conditions, namely:

- The licence holder or nominee shall be in charge and present on the licensed site at all times members of the public are present, and have a primary and continuing obligation and responsibility to ensure the safety of all persons at all times during the event.
- The licence holder shall comply with all of their duties and responsibilities under health and safety law insofar as applicable to the licensed event.
- The licence holder shall ensure that the agreed layout plan for the licensed event is complied with.
- Plastic drinking containers to be used throughout the duration of the event.
- The licensed site must be clearly delineated and appropriate stewarding to be in place to provide adequate control of the premises. Positive measures of entry control should also be introduced to prevent uninvited persons gaining access to the event. Organisers of events should note that from 1 November 2007, when the relevant provisions of the Private Security Industry Act 2001 came into force, there was mandatory licensing of the private security industry. This means that it is an offence to employ unlicensed stewards at events. Volunteers who carry out these roles are exempt from the requirements of the Act but organisers may wish to take independent advice on the legality of their security arrangements at events. For further information consult the following website:  
<https://www.sia.homeoffice.gov.uk/Pages/home.aspx>
- The licence holder should be aware that Haddington is in an alcohol byelaw area, consequently the licensed area must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
- The licence holder shall ensure that no event staff, whether on duty or not, are on the licensed site in an intoxicated state.
- An adequate number of staff/volunteers/stewards should have knowledge of first aid procedure.
- Appropriate steps must be taken to ensure that the number of persons within the public area does not exceed the agreed capacity of the premises or venue.

- Appropriate provision to be made in order to care for persons refused entry to the event, or ejected from the event, due to alcohol intoxication or being under the influence of other substances; such persons are not to be left unattended.
- Anyone ejected from the event will not be permitted re-entry at any time to the event.
- The licence holder shall ensure that members of the public exit the site on the licensed event terminating as quickly as possible, in order and as quietly as possible.
- The applicant will comply with all reasonable/lawful requests made by authorised officers of the local authority and/or police officers.
- The Chief Constable or the most senior officer present may, if he or she reasonably believes that there is, or is likely imminently, to be a serious threat to public safety on, or in the vicinity of the licensed event, including where a breach of licensing conditions would pose a serious threat to public safety, close the event immediately for such a period as may be necessary.

## **7. PERSONAL LICENCE**

### **Tony Exelby**

The application for a personal licence had come before the Board on the basis of representation from Police Scotland, which requested that the application be refused for the purposes of preventing crime and disorder and securing public safety licensing objectives.

Due to the nature of the police objection, Members agreed that the remainder of the item would be discussed in private session.

### **Decision**

The East Lothian Licensing Board agreed to continue the application.





**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES  
LICENCE\***

\*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

**2**

**Question 1**

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

Unit 9 Macmerry Industrial Estate Tranent EH33 1ET
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**Question 2**

*Particulars of applicant*

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode, telephone number & email address.*

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2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

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**East Lothian Council**  
Licensing  
25 JAN 2022  
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2(c) Where applicant is a company, please provide name, registered office and company registration number.

Buck and Birch Ltd The Archive Unit 9 Macmerry Industrial Estate Tranent EH33 1ET  Company Number SC516830
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2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

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2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\*

Thomas Chisholm [REDACTED]	Brian Robert Mackie [REDACTED]
George Angus Mackintosh [REDACTED]	Colin John McCulloch [REDACTED]
Peter Morris [REDACTED]	Rupert Waites [REDACTED]

\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

**Question 3**

*Previous applications*

3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? **NO**

*If YES – provide full details*

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**Question 4**

*Previous convictions*

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	NO
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*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<i>Name &amp; position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

**DESCRIPTION OF PREMISES** *Licensing (Scotland) Act 2005, section 20(2)(a)*

**Question 5**

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

Premises located within a unit at Merryfield Business Centre, consisting of office, store, manufacturing, bottling and packaging areas, plus retail sales.
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**Question 6**

6 *To be completed by members' clubs only*


<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	<i>YES/NO*</i>
<i>* Delete as appropriate</i>	

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

**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 Application are true to the best of my knowledge and belief.

Signature  ..... \* (see note below)

Date ..... *27/11* .....

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

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<i>X</i>
<i>Layout plan</i>	<i>X</i>
<i>Planning certificate</i>	<i>X</i>
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

**\* 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.

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

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

Unit 9 Macmerry Industrial Estate Tranent EH33 1ET
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### 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>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</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>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

**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>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

*\*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

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

<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>	No	No	No
<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.*

The premises also serve as the office for the company and therefore will be utilised for such purposes prior to the commencement of licensed hours, and possibly after licensed hours at busy periods such as Christmas. Activities answered “yes” in Question 4 may take place during this period.

*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.*

Deliveries – Deliveries will be dispatched from the premises. Orders may be taken by phone, online, or in person.

Tastings/ Tutorials of products will be available to book for customers who may then purchase items from the “shop”. This shop is also available for visiting by members of the public although that is expected to be on a relatively infrequent basis.

Receptions are likely to be an event such as a birthday where a Tasting forms part of the Celebration

Food consisting of nibbles etc may be brought in for tastings

*5(g) Late night premises opening after 1.00am*

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
--	----------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
---	----------------

*\*Delete as appropriate*

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

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

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

Children and Young Persons must be accompanied by an adult and be visiting the premises for the purpose of the adult purchasing a product for off sale consumption.

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

5 to 17 years old.

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

No restriction.

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

All public areas.

**Question 7**

**CAPACITY OF PREMISES**

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

12m <sup>2</sup>
------------------

**Question 8**

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

*Personal details*

8(a) *Name*

--

8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address and telephone number*

--

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>



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

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

The contents  to the best of my knowledge and belief.

Signature ..... \* (see note below)

Date ..... 25/1/20 .....

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

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

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

## Supplementary Application Information

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

<p><b>Business Profile</b></p> <p>Please describe your business offering.</p> <p>Our clients operate a gin distillery and associated operations, within this property. The building services their office/ administration, the manufacturing process, and distribution centre.</p> <p>Our clients also hold Tastings within the premises which could be for potential customers, or members of the public who may attend such tasting sessions. As there will be a charge for these sessions, on sales have been included in the Application, but that is the purpose of this. It is not a case of members of the public being able to come in and order drinks. It would only be at a pre organised tasting session for which part of the price is allocated towards the cost of the alcohol.</p> <p>(extend this box if you require additional space)</p>	
<p><b>On/Off Consumption</b></p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption &amp; deliveries</p>	<p>(a) On consumption is as above i.e. in connection with tastings for members of the public.</p> <p>(b) Off sales will be sales to the public by phone/ online and then delivered. It could also be orders purchased after tastings, or occasional visit by the public to the premises.</p>

**Clarification is required in relation to the content of your proposed Operating Plan**  
(extend the boxes below if you require additional space)

<p>To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p>N/A</p>
---

**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:

Tastings could be organised as part of a celebration, or a family occasion, corporate event etc.

**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:

Background music may be played while management and staff work.

**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:

N/A

**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:

The only Activity might be the use of the premises for manufacturing/ office prior to and after licensed hours.

**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:

No.

**Children and Young Persons** – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

Children and Young Persons require to be accompanied by an adult and would only be there in connection with a visit by the adult to purchase off sale products.

**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:**

This is a small specialist distillery, adding to the various food and drink operations springing up in East Lothian and emphasizing the region's importance in Scotland to that sector.

The premises have been operating for a while and have caused no problems to the Police, so far as we are aware. It is not the type of operation that should cause any concerns to the Police or the Board.

**Securing Public Safety:**

Safety Policies are in place of course from the manufacturing process. Risk Assessments have been carried out in connection with the operation.

So far as the public are concerned there could be occasional visits to purchase products, for gifts etc or of course the Tastings. The safety of the customers there is paramount. There is not a large amount of alcohol consumed – it is for educational purposes, and it is not considered likely, and certainly would be against our client's ethos, for there to be any risk to members of the public.

**Preventing Public Nuisance:**

Due to its location on an Industrial Estate, well away from residential property, there should be no issue. There is a large car parking facility which can be used by delivery vans or by members of the public visiting.

Background music may be played but at a very low level and will not be capable of being heard from outside the premises.

**Protecting and Improving Public Health:**

This is a quality product and as explained, the only time that alcohol will be consumed on the premises will be in connection with Tastings. Therefore a relatively small amount of alcohol will be consumed.

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

It would be considered very unusual for children or young persons to be on the premises and they would simply be there for a limited period of time while the adult accompanying them chose the product and then left.

**Application Supporting Comments / Any Other Additional Information**  
(extend the boxes below if you require additional space)

**Additional Information:**

We would hope that the Board recognise that this is another business within East Lothian gaining a national/ international reputation for producing a quality product.

We have explained the inclusion of on sales and would hope that the Board can support this Application.

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

As above, it is hoped that the Board can support the Application as a permanent addition to East Lothian's food and drink scene.

The business is located on an Industrial Estate with no possibility of causing disturbance or a nuisances to neighbouring residential premises, for instance.

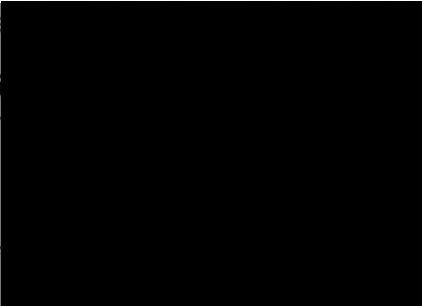
**SIGNATURE AND DECLARATION BY APPLICANT**

**IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

(Criminal Law (Consolidation) Act 1995, section 4(2)(b))

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

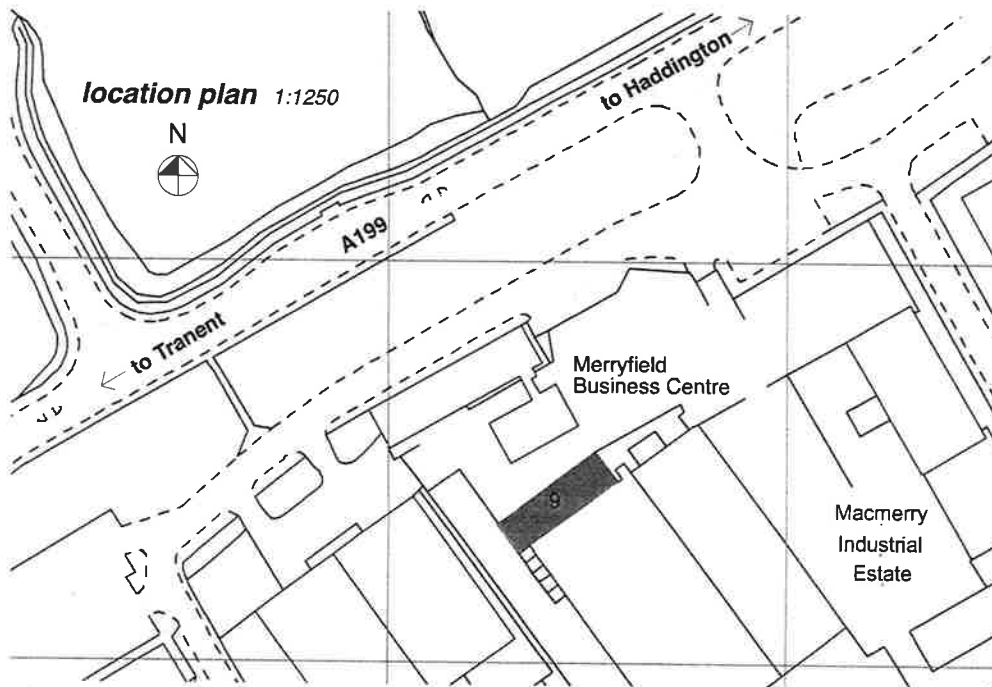
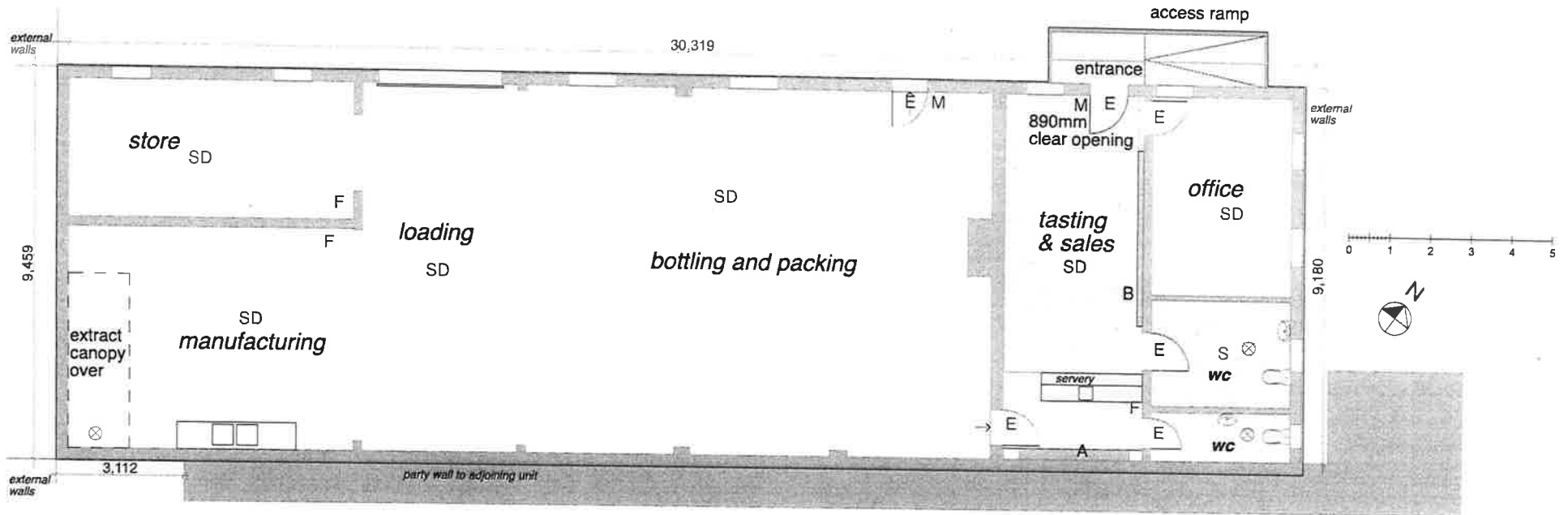
Signature



25/1/20

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181  
alistair@macdonaldlicensing.com



- solid red line shown around entire licensed premises
- ▨ alcohol display
- customer area
- E emergency exit illuminated sign
- S alarm sounder
- M call point
- F fire extinguisher
- SD smoke detector
- ⊗ extract fan

**ALCOHOL DISPLAY**

**shelves behind counter**  
A shelves

6 no @ 2700mm  
total 16.2m / 6m<sup>2</sup>

**customer access**  
B shelves

6 no @ 3700mm  
total 22.2m / 6m<sup>2</sup>

**overall total 38.4m / 12m<sup>2</sup>**

**BUCK AND BIRCH, UNIT 9  
MERRYFIELD BUSINESS CENTRE  
MACMERRY INDUSTRIAL ESTATE  
TRANENT, EH33 1ET**

scale 1:100 August 2022 LICENCE PLAN drg. 01  
Whiteleaw Assoc 01968 660452



East Lothian Council

LICENSING (SCOTLAND) ACT 2005  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**SECTION 50  
PLANNING CERTIFICATE**

APPLICANT:	Buck and Birch Ltd
NAME AND ADDRESS OF PREMISES:	Unit 9, Macmerry Industrial Estate, EH33 1ET

**SECTION 50 PLANNING CERTIFICATE**

I confirm that planning permission (ref:.....) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.

I confirm that planning permission is not required.

**SECTION 50 PROVISIONAL PLANNING CERTIFICATE**

I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:		Date:	19 <sup>th</sup> January 2023
Keith Dingwall Service Manager, Planning			

“SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

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*

*\*Delete as appropriate*

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.

Photos

Question 3

**Facilities available**

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

There are car parking facilities and a car could be brought right up to the door of the premises which would facilitate entry by someone in a wheelchair for instance.

The toilet is Accessible Friendly.

In general our clients will go out of their way to facilitate visits by anyone with a mobility or other issue, including at tastings for instance.



**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.

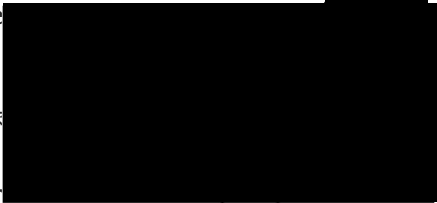
Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types of illness.

It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

**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 .....

Capacity ..... APPLICANT/AGENT

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, [alistair@macdonaldlicensing.com](mailto:alistair@macdonaldlicensing.com)

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."

## Licensing

---

**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 30 January 2023 10:53  
**To:** Licensing  
**Subject:** BUCK & BIRCH - PROVISIONAL LICENCE APP  
**Attachments:** LIC06 PREMISES - NO CONVICTIONS BUCK & BIRCH.RTF

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 all,  
No Police objection  
Our ref - 694999

Regards  
Iain

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From:** Karen Harling  
Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

---

Date: 21<sup>st</sup> February 2023

**Subject:** LICENSING SCOTLAND ACT 2005  
PROVISIONAL PREMISES LICENCE APPLICATION

**BUCK AND BIRCH, UNIT 9, MACMERRY INDUSTRIAL ESTATE, TRANENT,  
EH33 1ET**

I refer to the above subject and can confirm that the applicant has liaised with the LSO over the last 6 months.

The premises has been operating on occasional licences since 23<sup>rd</sup> November 2020 for off sales within the premises and online sales. There have been incidents in relation to breaches of the occasional licences such as conducting tastings without on sales provision, errors in submission times of occasional licences requiring alcohol sales to cease and issues with deliveries. Appropriate advice has been given by the LSO which has been taken on board by the applicant. I visited the premises on 26<sup>th</sup> July where discussions were initiated in relation to a premises licence application.

The provisional premises licence is for on and off sales of alcohol at the premises. On sale times are 1000am-1000pm daily. This is out with board policy which states an on sales start time of 1100am daily. As per policy each application for a premises licence will be assessed on its own merits against the on sale policy hours and the appropriateness of the type of activity the licence is sought. I would ask the applicant to justify to the board why there is a need for on sale hour of 10am rather than 11am and what measures will be put in place to promote the five licensing objectives.

Off sale times are 1000-2200 which is acceptable as per the Licensing (Scotland) Act 2005. The off sales capacity for off sales requested is 12m<sup>2</sup>. There are no other off-sale premises within the industrial estate.

The following activities have been requested:

- Receptions during core hours
- Club or other group meetings during core hours

- Recorded music during and out with core hours
- Deliveries and online sales
- Tastings/tutorials
- Provision of food to accompany tastings

all of which I support.

In conclusion, I support the application which is a welcomed progression however, I recommend the board review the on sales hours in line with board policy.

K. Harling  
Licensing Standards Officer

## Herkes, Gillian

---

**From:** Robertson, Scott  
**Sent:** 01 February 2023 15:05  
**To:** Aitken, Christine (Licensing)  
**Cc:** Licensing  
**Subject:** RE: Emailing: Provisional application - Buck and Birch.pdf DEV73552

Hello,

Please note I have no comments or objections to make in relation to the provisional license application for Buck and Birch at Macmerry Industrial Estate.

Kind Regards  
Scott Robertson  
Assistant Planner

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

**From:** Aitken, Christine (Licensing) <caitken@eastlothian.gov.uk>  
**Sent:** 27 January 2023 15:45  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; claire.glen@nhslothian.scot.nhs.uk; [REDACTED]  
**Subject:** Emailing: Provisional application - Buck and Birch.pdf

Hi

Please find attached Provisional Licence application for Buck and Birch, Macmerry Industrial Estate for report.

Thanks  
Christine

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

Provisional application - Buck and Birch.pdf

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.  
Foster East Lothian

[[https://intranet.eastlothian.gov.uk/multimedia/1664/1664\\_250x76.jpg](https://intranet.eastlothian.gov.uk/multimedia/1664/1664_250x76.jpg)]

## Rafferty, Alison (Licensing)

---

**From:** Douglas, Andrew  
**Sent:** 30 January 2023 08:08  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards  
**Subject:** FW: Emailing: Provisional application - Buck and Birch.pdf  
**Attachments:** Provisional application - Buck and Birch.pdf

No objs, std conditions.

EHTS - can this be scanned to Uniform commercial premises ref: 19/00018/COM , as '2023 Provisional PEL'.

Thanks

Andrew

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

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 27 January 2023 15:46  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Emailing: Provisional application - Buck and Birch.pdf

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

**From:** Aitken, Christine (Licensing) <caitken@eastlothian.gov.uk>  
**Sent:** 27 January 2023 15:45  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; claire.glen@nhslothian.scot.nhs.uk; [REDACTED]  
**Trading Standards** <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>  
**Subject:** Emailing: Provisional application - Buck and Birch.pdf

Hi

Please find attached Provisional Licence application for Buck and Birch, Macmerry Industrial Estate for report.

Thanks  
Christine

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

Provisional application - Buck and Birch.pdf

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

Foster East Lothian

## Aitken, Christine (Licensing)

---

**From:** Trading Standards  
**Sent:** 03 February 2023 09:34  
**To:** Aitken, Christine (Licensing)  
**Subject:** RE: Emailing: Provisional application - Buck and Birch.pdf

No issues from trading standards perspective.

Thanks  
Alex

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

**From:** Aitken, Christine (Licensing) <caitken@eastlothian.gov.uk>  
**Sent:** 27 January 2023 15:45  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; claire.glen@nhslothian.scot.nhs.uk; [REDACTED]  
**Trading Standards** <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>  
**Subject:** Emailing: Provisional application - Buck and Birch.pdf

Hi

Please find attached Provisional Licence application for Buck and Birch, Macmerry Industrial Estate for report.

Thanks  
Christine

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[[https://intranet.eastlothian.gov.uk/multimedia/1664/1664\\_250x76.jpg](https://intranet.eastlothian.gov.uk/multimedia/1664/1664_250x76.jpg)]





EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

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

SECTION 1: TYPE OF VARIATION

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

- 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

EL0181

2(b) Name and Address of Premises

The Main Course  
40 Main Street  
Gullane  
East Lothian

Post Code EH31 2AP

Phone No.

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

U. Crolla & Sons Ltd  
1a Torphichen Street  
Edinburgh

Post Code EH3 8HX

Phone No.

3

**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

**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)

To increase the On Sale Capacity to 118

**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.

To substitute a new Layout Plan showing the increased restaurant area, by way of an extension that has been built.

**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)*

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES  NO

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

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

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

**SECTION 5: FEE PAYABLE**

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

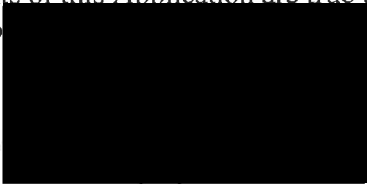
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**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

Signature



..... (See note 5 below)

Date

13/1/12

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

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

.....  
Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

**Note 1:**

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

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

FOR OFFICE USE ONLY		
<i>Received &amp; 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.*

The Main Course 40 Main Street Gullane East Lothian EH31 2AP
--

### 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>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</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>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	Midnight
<i>Friday</i>	11.00	Midnight
<i>Saturday</i>	11.00	Midnight
<i>Sunday</i>	11.00	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</i>
--	------------

*\*If YES – provide details*

The premises may benefit from Seasonal Variations as decided by the Board for certain general events and specific occasions.

**Question 5**

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

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

Certain Activities may take place during periods of Seasonal Variations or Extension of Permitted Hours.

*5(f) any other activities*

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

Deliveries  
Takeaways  
Outside Catering  
Live Performances will be acoustic music and no later than 11pm.

*5(g) Late night premises opening after 1.00am*

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
--	----------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	



**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

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

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

Children and Young Persons are welcome on the premises. Children require to be accompanied by an adult.

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

0-17 years

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

No restriction

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

All public areas.

**Question 7**

**CAPACITY OF PREMISES**

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

On Sales – 118  
Off Sales – 7.7m<sup>2</sup>

**Question 8**

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

*Personal details*

8(a) *Name*

Luciano Crolla

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
18 March 2021	Edinburgh Licensing Board	443124

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 document are true to the best of my knowledge and belief.

Signature .....  (see note below)

Date ..... 13/2/23

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

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

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

## 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.

### Business Profile

Please describe your business offering.

This is The Main Course on Main Street, Gullane which since its opening has established a very good reputation in Gullane. Operated by the Crolla family, who have another business interest in the town. It may open for early morning coffees and snacks, lunches and evening meals. It caters for many local residents, workers and visitors to Gullane plus tourists visiting Gullane, particularly golfers obviously, plus bird watchers, cyclists etc.

The restaurant has proved extremely popular, and of course with there being more visitors and tourists to East Lothian, many of whom come for the golf and stay in Gullane, the restaurant has often been full and so they made a decision some time ago to increase the size of the building, as they own the land to the back as well. With the help of their architect, Planning Permission and Building Warrant was obtained for the building which is now being constructed. It adds an additional 40 covers, but there has been a small reduction in covers in the original area, so the overall capacity has increased from [ ] to 118.

(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.

A. As above. Italian themed restaurant

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

B. Off sales include takeaways, collections and deliveries.

**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:

Restaurant Facilities are the principal offering of these premises.

**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:

Social Functions of all kinds are considered.

**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, Live Performances, TV Sport.

**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:

Outdoor drinking facilities are provided in the licence, which were added by means of a variation last year. The area is to the rear of the premises.

**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:

Not applicable.

**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:

The premises may open prior to licensed hours for coffees, snacks, breakfasts, soft drinks etc, but no alcohol is sold or supplied until the licensed hours commence.

**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:

The Licence contains deliveries, and takeaways which has been very useful during lockdown in particular.

**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.

This is a child friendly premise where families are very much encouraged. Baby changing facilities are of course available. Children are catered for in terms of snacks and meals and generally encouraged.

**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:**

Our clients consider that they operate premises that Gullane and East Lothian can be proud of. It is a destination premise as well as catering for locals and visitors. Over the years there have been no issues. Our clients have a great relationship with the Police and the LSOs and attract the type of business that does not create problems. The larger restaurant would be operated on a similar basis and is still a manageable size

**Securing Public Safety:**

The public safety of our client's staff and their customers are uppermost in their mind. The corona virus lockdown has heightened the responsibility of operators as they do their best to attract business back. Maybe people are still nervous about visiting licensed premises. Our clients want to operate in such a way that customers feel confident, particularly those who have been shielding for instance. This will include many regular customers to the Main Course. Certainly recent events have heightened customer's expectations of hygiene arrangements for instance, Customers like a bit more space now as well.

**Preventing Public Nuisance:**

There have been no complaints from music escape from the premises. So far as customers causing problems either within or when they leave the premises, this has simply not happened. Our clients are good neighbours however and have been there long enough for everyone to know them! Any issues would be dealt with immediately. The operation of the outside area will be done in such a way as to minimize the possibility of this.

**Protecting and Improving Public Health:**

Our clients consider alcohol an ancillary, albeit necessary, feature of their type of operation. It is complimentary to the food that they serve, although they do have people just coming in and sharing a bottle of wine etc. However it is not a destination for people who wish to drink to excess, and our clients would not permit customers to do so.

They totally support the Government's recommendations in this respect but drunk people cause problems. That is not what they want. Our clients top priority is the health and safety of their

customers and staff and this proposed increase in size would not change that.

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

As referred to above our clients wish to attract families and cater for a range of soft drinks, plus food, for youngsters. There should be nothing going on in the premises that would be anything other than conducive to children and young persons being in attendance. The restricted hours for under 18s are implemented.

**Application Supporting Comments / Any Other Additional Information**  
(extend the boxes below if you require additional space)

**Additional Information:**

As explained, this involves an increase in the size of the restaurant to provide additional seating without having to compromise on comfort and the atmosphere within the restaurant. Relevant technical permissions have been obtained.

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

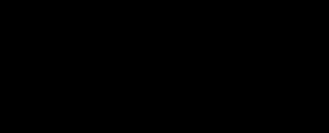
This is a well-known and well-run premises in East Lothian. They provide an excellent facility to locals and visitors. This reflects the popularity of this restaurant, for additional diners to enjoy the ambience, whether they be local residents, golfers, golf spectators, or just visitors to this part of the country.

**SIGNATURE AND DECLARATION BY APPLICANT**

**IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

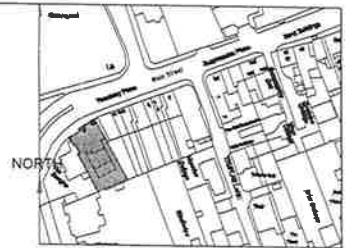
(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The contents of this Application are true to my knowledge and belief.

Signature		Date	13/2/23
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Macdonald Licensing  
21a Rutland Square,  
Edinburgh, EH1 2BB

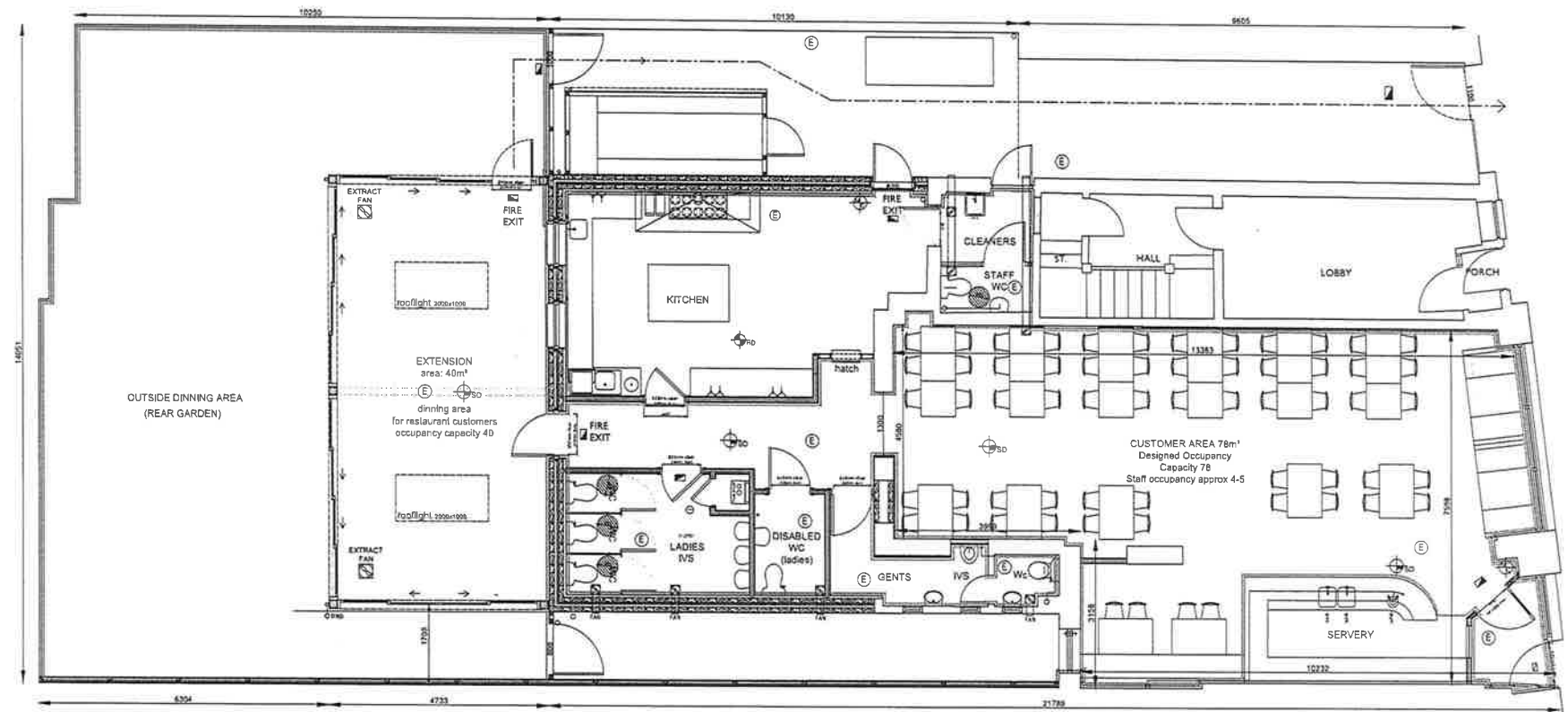
0131 229 6181, [alistair@macdonaldlicensing.com](mailto:alistair@macdonaldlicensing.com)



LOCATION PLAN 1:1250

**LEGEND**

- Emergency lighting
  - Heat detector
  - Manual call point
  - Smoke detector
  - Illuminated exit box with exit signage
  - Illuminated exit box with running man exit signage
  - Access for children and young persons
  - Licensed area
- Fire Warning System to comply with British Standard 5833 Part 1:2017.
- Emergency Lighting System to comply with British Standard 5266 Part 1:2018 (Maintained 3 hour duration) and BS EN 1838:2013 (or BS 5265-7:2015).
- Firefighting Equipment to comply with British Standard EN3, British Standard 7893:1995, British Standard 5306-3:2003 and British Standard 5306-6:2003.
- Signs and Notices to comply with the Health and Safety (Safety Signs and Signals) Regulations, 1996 and/or British Standard 5309: Part 8:2000.



GROUND FLOOR PLAN

rev	date	details	by	rev	date	details	by

THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.

THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.

THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.

CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.

ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.

**SERVICES OFFERED:**

MEASURED SURVEYS  
PLANNING CONSULTANTS  
FEASIBILITY STUDIES  
NEW BUILDS

PLANNING APPLICATIONS  
LISTED BUILDING APPLICATIONS  
BUILDING WARRANT APPLICATIONS  
LIQUOR LICENSING DRAWINGS  
DEED PLANS

drawing title: floor plan and location plan	scale: @A3
job title: 40 Main Street, Gullane	drawing no: 10072 15
client: L. Croila	date: 03.02.2023
status: BUILDING WARRANT	drawn: SK

**format DESIGN**

FADADS Limited  
Holyrood Business Park 146 Duddingston Road West Edinburgh, EH16 4AP

Tel: 0131 651 7656  
Fax: 0131 659 6033  
Email: formatdesign@aol.com  
Web: www.formatbuildingdesign.com



## Licensing

---

**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 15 February 2023 09:24  
**To:** Licensing  
**Subject:** MAIN COURSE, GULLANE - MAJOR VARIATION - CAPACITY FROM 87 TO 118  
**Attachments:** LIC38 PREMISES VARIATION - NO ADVERSE COMMENT MAIN COURSE.RTF

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 all,  
No Police objection  
Our ref - 699505

Regards  
Iain

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Karen Harling

**Licensing Standards Officer**

**To:** C. Grilli

**Clerk to the Licensing Board**

---

Date: 1<sup>st</sup> March 2023

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

**PREMISES LICENCE MAJOR VARIATION 2023**

**THE MAIN COURSE, 40 MAIN STREET, GULLANE, EAST LoTHIAN EH31  
2AP**

I can confirm that the applicant and premises have been visited in relation to this variation application. The variation notice was displayed.

I can also confirm that no complaints or licensing concerns have come to my attention in the last year.

The changes applied for are to alter the layout plan to include an extension to the rear of the premises that is within the licensed area. An uplift in capacity for use of this additional space from 87 to 118.

The applicant should ensure that all other statutory permission are out in place before use of the new extension is commenced.

I support this application and recommend the variation be granted.

I submit this report for the information of the board in determining this application.

K. Harling

Licensing Standards Officer

## Winter, Maree

---

**From:** Robertson, Scott  
**Sent:** 20 February 2023 14:55  
**To:** Winter, Maree  
**Cc:** Licensing  
**Subject:** RE: Major Variation - Main Course, Main Street, Gullane

Hello,

Please note I have no comments or objections to make in relation to the major variation change at The Main Course, Gullane.

Kind Regards  
Scott Robertson  
Assistant Planner

---

**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 14 February 2023 14:44  
**To:** 'Licensing@nhsllothian.scot.nhs.uk'; Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; gaccsecretary@gmail.com  
**Subject:** Major Variation - Main Course, Main Street, Gullane

Dear all,

Please find attached a major variation to change the capacity on the operating plan and layout plan from 87 to 118 to cater for the extension built to the restaurant.

Could I please have your representations/objections by 14<sup>th</sup> March 2023.

Kind regards  
Maree.

*Maree Winter*

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



## Licensing

---

**From:** Douglas, Andrew  
**Sent:** 15 February 2023 08:32  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards  
**Subject:** FW: Major Variation - Main Course, Main Street, Gullane  
**Attachments:** Main Course - Major Variation application.pdf; Main Course - Layout Plan-Major-Feb 2023.pdf

No objs, std conditions

EHTS – can you please scan this to Commercial premises ref: 15/00040/COM , as '2023 Major Variation'.

Thanks

Andrew

---

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 14 February 2023 15:01  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Major Variation - Main Course, Main Street, Gullane

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 14 February 2023 14:44  
**To:** 'Licensing@nhslothian.scot.nhs.uk'; Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; gaccsecretary@gmail.com  
**Subject:** Major Variation - Main Course, Main Street, Gullane

Dear all,

Please find attached a major variation to change the capacity on the operating plan and layout plan from 87 to 118 to cater for the extension built to the restaurant.

Could I please have your representations/objections by 14<sup>th</sup> March 2023.

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**

## Winter, Maree

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**From:** Dingwall, Keith  
**Sent:** 03 March 2023 10:43  
**To:** Findlay, Jeremy  
**Cc:** Winter, Maree  
**Subject:** RE: Major Variation - Main Course, Main Street, Gullane

Hi Jeremy,

I have discussed this email with Maree, who advises that Licensing will take Ms Hepburn and Mr Lee's representation into account when assessing the Licensing application. The planning permission (Ref: 22/00266/P) for the use of the rear garden as an outdoor seating, eating and drinking area lapses on the 07 June 2023. Therefore, planning permission would be required should the operator wish to use the garden for such purpose beyond the 07 June. You may remember that In February 2021, planning permission (Ref: 20/01391/P) was granted for alterations and extension to the building, as well as for the formation of hardstanding area and erection of shed and fencing (Part Retrospective).. Details can be viewed here:

[20/01391/P | Alterations and extension to building, formation of hardstanding area and erection of shed and fencing \(Part Retrospective\) | 40 Main Street Gullane East Lothian EH31 2AL](#)

I trust that this is of assistance.

I will respond to you separately on East Fortune Farm.

Keith

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**From:** Findlay, Jeremy <jfindlay@eastlothian.gov.uk>  
**Sent:** 02 March 2023 11:35  
**To:** Dingwall, Keith <kdingwall@eastlothian.gov.uk>  
**Subject:** Fwd: Major Variation - Main Course, Main Street, Gullane

Good Morning Kieth

Wonder if you could comment on the email below.

Aldo could you confirm receipt of this email as I have sent two emails concerning East Fortune Farm and not had any response so unsure if you are getting them.

Best wishes

Jeremy

Sent from my iPhone

Begin forwarded message:

**From:** Jasmin Hepburn [REDACTED]  
**Date:** 1 March 2023 at 20:23:58 GMT  
**To:** "Findlay, Jeremy" [REDACTED]  
**Subject:** Major Variation - Main Course, Main Street, Gullane

**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.

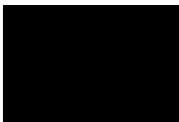
Hi Jeremy

Further to my last email, I thought it would be helpful to send this across for reference (email below to environmental health).

You will see that our concerns relate to the fact that the extension is practically an outside dining area and so we are seeking assurances on how this would be managed and whether it would be governed by “indoor” or “outdoor” rules.

Further we are mindful that Mr Crolla will need to apply for new planning for outdoor use this spring when his current permission (not used at all) ceases. We are concerned that the extension is a “loophole” of sorts allowing for 10pm use of the outdoor space but under the cover (quite literally) of an indoor area.

Kind regards  
Jasmin



Begin forwarded message:

**From:** Jasmin Hepburn [REDACTED]  
**Date:** 1 March 2023 at 20:19:50 GMT  
**To:** cclark1@eastlothian.gov.uk, Environment Reception  
<environment@eastlothian.gov.uk>, Luke Anstock  
<lanstock@eastlothian.gov.uk>  
**Subject:** Major Variation - Main Course, Main Street, Gullane

Colin and Luke

Hope this finds you both well.

I write in connection with the Main Course Restaurant. There has been a licensing application in for their extension. The sides of the extension will be bi-folding doors and so this would have implications for noise. My email below which I have sent to Licensing sets out the issues here.

This is sent mostly in recognition of the fact that Mr Crolla’s permission to use the outdoor area lapses this Spring at which point he would need to reapply. He has not used the outdoor area and so there have been no complaints.

Given the nature of the extension, I am not sure that consideration has been given to the fact that it is, for all intensive purposes, an open-air structure and therefore would have all the same concerns for the outdoor dining area. We are therefore concerned that the council have thought of this only as an indoor space and so the rules relating to that are applied.

On a separate note, you may recall the issue we have had with the fan noise which you assessed and considered a nuisance. You informed us that Mr Crolla took steps to reduce the sound however we still do not consider the fan noise to have reduced. If anything it sounds exactly the same. We contacted last year on this and believe we would follow up and a new reading taken

(can't recall who to follow up - whether you or I!). We would be grateful if this could be assessed.

Kind regards  
Jasmin

Begin forwarded message:

**From:** Jasmin Hepburn [REDACTED]  
**Date:** 1 March 2023 at 20:01:27 GMT  
**To:** mwinter@eastlothian.gov.uk,  
licensing@eastlothian.gov.uk  
**Cc:** [REDACTED]  
**Subject:** Major Variation - Main Course, Main Street,  
Gullane

Dear Maree,

We write in respect of the licensing application submitted by Mr Crolla. We received notice of this and would like to submit our comments.

We live in the property [REDACTED] to the restaurant. The extension which is being built by Mr Crolla is situated extremely close to our home. In particular, the extension sits [REDACTED] daughters' bedroom (they are 3 and 18 months old). We understandably have real concerns over any extension to the operations of this establishment.

We are aware that planning was submitted and approved by the council for the extension. At that time we expressed concerns over that application and the impact an increase in capacity and in particular the use of the garden area would have on the enjoyment of our home; in particular the peaceful enjoyment by our young family.

Our understanding is that the permission to use the garden area lapses this Spring and Mr Crolla would need to submit a new application to use the outside area. He currently has permission to use the garden until 8pm. This restriction was in place due to concerns over the negative impact which the noise emanating from the garden would have on the homes that border the property; of which there are a number. Mr

Crolla has not used the outside garden area since having this permission and so there has been no complaints as there has been no use. There has therefore not been any opportunity for neighbours to realistically assess how much of an impact the noise would have.

The licensing application appears to allow Mr Crolla to use the garden area until late into the evening, with music (both recorded and live) as well as television screens. This is very concerning and would have a seriously detrimental impact on our life here, in particular that of our young children, whose bedroom is situated [REDACTED] the extension and whose sleep would be disturbed.

It should also be added that the extension is to have bi-fold doors and ceiling windows which would, presumably, be open when the weather permits, and so the definition of “indoor” and “outdoor” dining and drinking becomes particularly pertinent. It is difficult to understand how Mr Crolla can guarantee that no noise (such as music or television) will escape from this extension when the doors open in this way. In the event that a license is granted, can the council advise how the noise will be contained and what restrictions will be put on Mr Crolla’s operation to ensure that the doors and windows of the extension are closed so that they are not open into the evening? We are concerned that the extension will in reality be used as something of a “loophole” where outside planning may not permit the use of the garden area after a certain time of day.

The extension is a marked change in terms of the type of premises that Mr Crolla operates. It is more than an extension of seating capacity. It is a glazed extension which doors to the side and the front which fold back entirely and the escape of noise and potential harm to nearby homes requires an altogether different consideration.

We are extremely concerned that this will cause harm to our children’s sleep and general well-being.

Grateful if this can be considered.



Kind regards  
Jasmin Hepburn and David Lee



NHS Coronavirus Information

**Keep using  
Covid sense**



[gov.scot/coronavirus](https://gov.scot/coronavirus)



## Herkes, Gillian

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**From:** Licensing  
**Sent:** 27 February 2023 10:06  
**To:** Aitken, Christine (Licensing); Herkes, Gillian  
**Subject:** FW: Application from Mr Crolla for variation of a premises licence at Main Course, 40 Main Street, Gullane

Hi Gillian/Christine,

Please see below – March Board

M

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**From:** [REDACTED]  
**Sent:** 27 February 2023 09:13  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Application from Mr Crolla for variation of a premises licence at Main Course, 40 Main Street, Gullane

**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 Mr Grilli

We are writing regarding the above application from Mr Crolla to the Licensing Board to change the Main Course restaurant premises use.

The changes he is proposing will turn this quiet garden area, which is surrounded by residential properties, into a pub, with loud music, lots of people, alcohol being consumed until late at night, television screens showing sports events which create high emotions and noise - all of which will destroy the tranquil nature of this part of Gullane.

The changes to the hours, accepted provisionally by the Council a few months ago, have not been used by Mr Crolla, so there have been no complaints. But he cannot use this as a reason to extend and change the character of the business he is running at the Main Course, which is currently just a restaurant, into an outdoor pub.

Mr Crolla seems to think it is acceptable for his business concerns to over-ride the lives of residents. And unfortunately, given past experience with the Superfry, it seems that this is the stance of some Council officials too. This is really unacceptable. We pay our rates and expect to have our voices heard and our quiet way of life here respected.

Therefore we strongly object to these changes.

Yours sincerely

Robert and Ann Hay  
NHS Coronavirus Information

**Keep using  
Covid sense**



gov.scot/coronavirus



OCC153/23  
Adv 10/3

pd. 6/3  
Adv 10/3.



LICENSING (SCOTLAND) ACT 2005, SECTION 142

# OCCASIONAL LICENCE APPLICATION FORM

# 4

Before completing this form please read the guidance notes.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

## 1. LICENCE DETAILS (see note 1)

Premises licence number (if applicable) \_\_\_\_\_

Personal licence number (if applicable) \_\_\_\_\_

Name of voluntary organisation (if applicable) Aberlady Gala Committee

## 2. PERSONAL DETAILS

Title (delete as appropriate):

Mr / ~~Mrs~~ / ~~Miss~~ / ~~Ms~~ / Other (please state) Mr

Surname Polwart

Forenames Steven Stuart

Date of birth (Day / Month / Year) ██████████

East Lothian Council  
Licensing  
- 7 MAR 2023  
Received

## 2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

[REDACTED]

Post town

[REDACTED]

Post code

[REDACTED]

Telephone Numbers

Text

Daytime Tel.

[REDACTED]

Evening Tel.

[REDACTED]

Mobile No.

[REDACTED]

Fax No.

n/a

Email

[REDACTED]

## 3. THE PREMISES

Description of premises

The event takes place on the Aberlady Playing Fields, we will have two large  
marquees, one of which we are proposing will have a licensed bar

Description of activities to be carried on in the premises – (including number of persons expected to attend)

Aberlady Gala Day has a number of events and activities, please refer to the  
covering letter for details. We expect up to 700 people to attend gala day.

Full postal address of premises which this application refers to

Aberlady Playing Fields, School Road, Aberlady, EH32 0RL

**4. DURATION OF LICENCE**

Date: From Sat 3rd June 2023 To Sat 3rd June 2023

Time: From 1.00pm To 7.00pm

**5. Is alcohol to be sold on ~~& off the premises~~** YES  NO

Provide relevant details as to hours requested when alcohol will be sold on/off the premises.

Times for sale of alcohol for consumption on premises

1.00-7.00pm

Times for sale of alcohol for consumption off premises

n/a

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

12.00-7.00pm

**6. CHILDREN** (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

**Are children or young persons permitted entry?** YES  NO

(If answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry All ages

Times at which children or young persons permitted entry 12.30-7.00pm

Parts of premises to which children or young persons permitted entry

All areas except the immediate bar sales area

## 7. CHECKLIST

I have (please tick for yes) made or enclosed  
payment of the fee for the application

YES

## 8. Signature and declaration by applicant (see note 3)

### DECLARATION

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

Signature



Date 26.02.2023

### NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 2018

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

**PLEASE SUBMIT THIS SHEET WITH YOUR  
OCCASIONAL LICENCE APPLICATION FORM**

**SUPPLEMENTARY INFORMATION**

**1. Event**

(a) Please detail the type of event (e.g. birthday party, anniversary, ceillidh, etc.)

The Aberlady Gala Day

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(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)

There will be inflatables, games, races, face painting, tug-o-war, live music,  
bubble artist, story telling, magician

---

**2. Attendance**

(a) Approximately how many people are expected to attend?

We expect up to 700 attendees

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(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)

Based on village population and previous years attendance

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(c) In the main, what age group will form the majority of those attending?  
Please tick one box

Under 18

18 – 30

30 – 50

over 50

**2. (cont)**

- (d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)

**This is an un-ticketed event open to all members of the public**

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**3. Stewarding**

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act. More information can be found at Security Industry Authority.

- (a) Please state the number, if any, of stewards to be employed at the event.

**As well as event leads, there will be at least 5 stewards on duty at all times**

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- (b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.

**All stewards are volunteers, none are SIA registered**

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**4. Layout Plans**

Please indicate if –

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or
- (b) the premises relate to a members club which has been issued with a premises licence; or
- (c) if neither of the above, please attach a detailed layout plan of the venue with the application

**Please see attached**

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**5. Applications Lodged by Voluntary Organisations or Members Clubs Only**

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

An occasional licence OCC221/22 was granted for the 2022 Aberlady Gala,  
which was held on Sat 4th June 2022

**6. Will alternatives to glass receptacles be provided?**

Plastic or polycarbonate glasses will be used where possible

**7. To what standard will those serving alcohol be trained?**

Please provide details of any training certificate held.

Our lead for the bar is a Scottish Personal Licence Holder,  
she will be responsible for briefing all other members of the bar staff

**LICENSING OBJECTIVES**

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objectives.

**8. How will you prevent Crime and Disorder at the event?**

Please see attached sheet

**9. How will you secure Public Safety at the event?**

Please see attached sheet

**10. How will you prevent Public Nuisance at the event?**

Please see attached sheet

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**11. How will you promote and protect Public Health at the event?**

Please see attached sheet

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**12. How will you protect Children from harm at the event?**

Please see attached sheet

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**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.

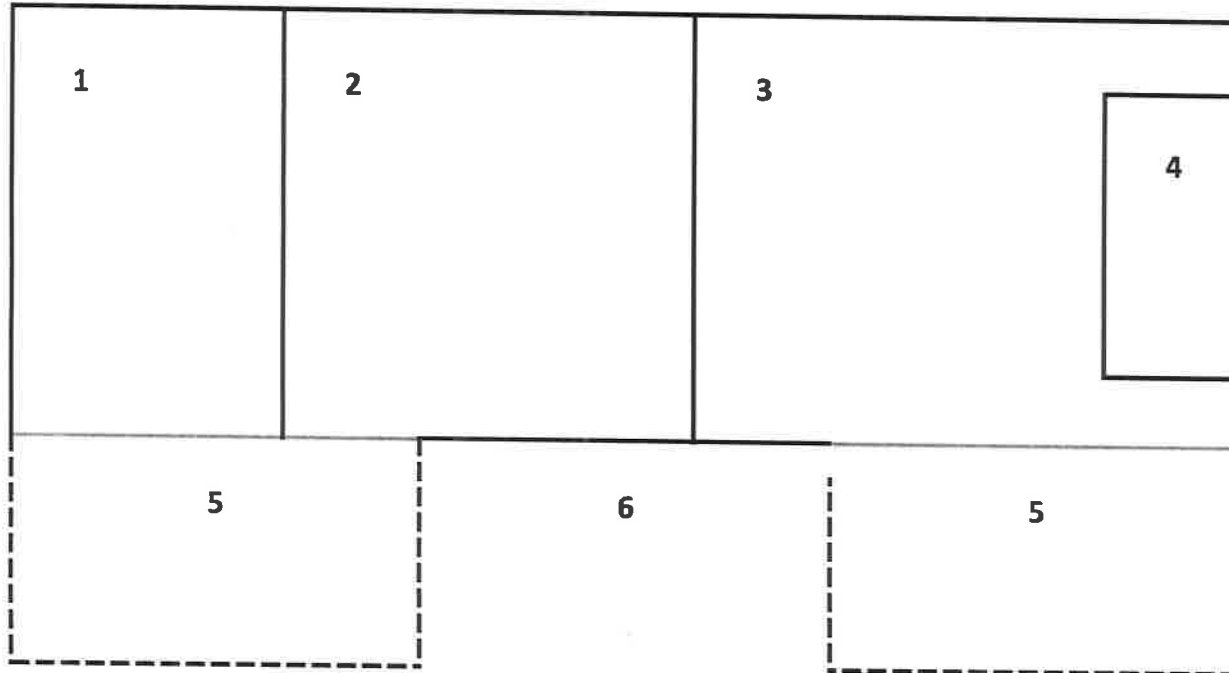
Signature



Date 06/03/2023

# DETAILED LAYOUT OF PROPOSED LICENSED AREA

Marquee Dimensions: 30 x 90 feet



1 Wooden floored bar service and sales area

2 Open service and standing area

3 Tables & chairs

4 Stage

5 Outdoor, roped off seated areas

6 Clear entry/exit points

— Closed marquee walls

--- Open marquee walls

6<sup>th</sup> March 2023

To Whom It May Concern:

This is a letter in support of the application for an Occasional Licence for the Aberlady Gala Day on Sat 3<sup>rd</sup> June 2023.

## **ABERLADY GALA**

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*Creating fun, inclusive, and sustainable events for the whole community*

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Following a two-year absence due to Covid 19, the Aberlady Gala made a welcome return in June 2022; the event was a great success with blue skies and a record attendance. It was a great boost to community spirits after a long period of uncertainty and isolation.

The purpose of gala day is to celebrate village life, to gather the community together to enjoy a day of entertainment and fun.

The focus of the early part of the day is a ceremony and parade around the village, welcoming the P1 children into the life of the village school and celebrating the P7 children, as they prepare to leave primary school and continue their journey at high school. As the day unfolds there are many events and activities for all ages including inflatables, traditional funfair games and challenges, tug-o-war, live entertainers and live music from the many village singers and musicians (from primary to post retirement age), with food and drink available from our own barbeque, tea-tent and a separate bar situated within the live music tent. External vendors this year will be the Big Blu Pizza van and an ice-cream van.

With so many new residents to the village, due largely to the substantial new Cruden development at Meadowside, the focus of the 2022 committee last year was to ensure that the message was clear that gala day was an event for the whole community and not just a day for the families with kids at the primary school. We adopted a new strap line (see above) and made a concerted effort to contact every household in the village by posting a flyer through every single letterbox. Gala day itself was a huge success, with many village residents attending. The committee was delighted that the whole community had embraced 'Gala'. The 2023 Gala committee are committed to building on this success.

With reference to ELC Licensing policy:

- 19.6 *It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol license to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol license is required and may be required to attend a Licensing Board hearing for a determination.*

Whilst there is a central core of events and activities for the children of the village, we are committed to ensuring that there is something in place during gala day to attract all the diverse sections and age groups of the community, and do not approach gala day as being “predominantly organised for children”. During the year (including during gala week itself), the Aberlady gala committee organises a number of events, some aimed solely for children or at primary school age children and their families (where a licensed bar would not be appropriate), and some for over 18s only. However, we believe that gala day itself is the only occasion in the village calendar where the whole community can gather in this way (and with a substantially increased population, we do not have an indoor venue which would accommodate this, so would not be able to facilitate this in another format).

As a committee we are aware that many village residents do not have children, or no longer have young children, and we are supportive of the work which is carried out by many groups in Aberlady, including the Aberlady Community Association, Aberlady in Bloom and the Scone Café (supported by Community Connections). Many of these groups’ initiatives are designed to promote cross-generational co-operation, foster a sense of community and combat loneliness, but gala day is the only annual event which has the capacity to include our whole village community, and bring all ages together, building on this work.

We fully agree that it is vital to make sure that only safe and sensible alcohol consumption takes place, whilst ensuring the safety of our children and young people. We are confident (supported by our experience on previous Gala days) that with the appropriate planning and staffing, it will be entirely possible to host an event at which you can buy a burger, a bottle of beer and enjoy meeting and chatting with friends, neighbours, and relatives. Supported by our conversations with village residents, as a committee we are of the view that without a licensed bar, it may be impossible to overcome the perception of gala day as an event for primary school families, which would be a huge loss for our whole community. We have given this matter considerable thought, and do not consider a licensed bar would be inappropriate at this event, but rather would be in line with the inclusive social day for the entire village community which we seek to run.

We have completed a thorough Event Plan and full Risk Assessment, in accordance with the guidance to Licensing Boards in respect of the Five Licensing Objectives. The lead person for the bar on gala day, Lisa Wood, is a Scottish Personal License Holder; she is fully aware, as are the gala committee, about the responsibilities of the License Holder at our event. The Aberlady Gala day has always been granted an occasional license and to date we are not aware of any incidents that have occurred that have required the presence of the police.

From the ELC bylaws prohibiting consumption of alcohol on designated places (Aberlady) 2008. These Bylaws shall not apply –

*In respect of the Playing Fields, Aberlady, bounded on the south by School Road, on the west by Aberlady Primary School, on the north by Back Lane, and on the east by the gardens or Rig Street, during the Aberlady Gala period, which usually extends for a period of eight days beginning on the final Saturday in June, each day between 1pm and 7pm*

If we are not able to offer a licensed bar, it is entirely possible that people would bring their own alcohol to the playing fields, and we would then be faced with the issue of having to manage that situation. This is something which we would strongly discourage (with or without a licensed bar), but if we are unable to offer alcohol for sale, it will inevitably be more difficult to dissuade people from bringing their own. We believe that a more appropriate outcome is if we can manage this issue by doing the following:

- Restricting the area where alcohol purchased on site can be consumed
- Promoting sensible drinking by ensuring minimum pricing and limiting what alcohol is available
- Have control of what receptacles are used to hold alcohol with the appropriate recycling
- Having full control over who can purchase and consume alcohol on site by adhering to strict age restrictions including the Challenge 25 scheme

We thank you for your consideration in this matter and would welcome the opportunity to discuss our event further, should it be necessary.

Steven Polwart  
Chair  
2023 Aberlady Gala Committee

## LICENSING OBJECTIVES: QUESTIONS

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.

### 8. How will you prevent Crime and Disorder at the event?

- Ensure that all bar staff and stewards are briefed on the event risk assessment
- Selected personnel given the duty to be vigilant for anything untoward happening in the vicinity of the licensed area
- Any concerns about excessive drinking or drunken behaviour should be reported to the main event steward
- Ensure that event stewards are easily identifiable by a printed high-viz vest
- Attendees reminded to be careful with valuables and belongings
- If necessary, police shall be notified

### 9. How will you secure Public Safety at the event?

- Comprehensive risk assessment carried out by gala committee
- Ensure that all bar staff and stewards are briefed on the event risk assessment, fire safety and evacuation procedures
- A first aid station will be manned for the duration of the event
- Where possible we will try to avoid selling glass bottles opting instead for cans, plastic or
- No glass drinking vessels will be used
- Ensure that there are regular collections of empties and appropriate recycling

### 10. How will you prevent Public Nuisance at the event?

- Continual visual awareness of the licensed area and any potential flash points dealt with at an early stage. If necessary, Police shall be notified
- Ensure that noise levels from the live music are within the appropriate guidelines
- Ensure that there are sufficient litter bins available across the site
- Ensure that all households bordering the playing fields are given the contact details of the main event steward so that they know who to contact on the day, should there be any issues with public nuisance
- Ensure there is the appropriate access to public toilets

### 11. How will you promote and protect Public Health at the event?

- No drinks promotions available at the event
- Ensure compliance with minimum pricing guidelines
- Avoid the sale of strong beers or ciders above 5.5% ABV
- Ensure there is access to free drinking water at the bar
- No spirits will be on sale at the event

- Visual awareness to those who may be verging on excessive alcohol

**12. How will you protect Children from harm at the event?**

- Children will not be allowed within 1.5m of the bar area
- Prominent display of a strict 'No-ID no-sale' policy
- Make sure all bar staff are aware of the extra support the Challenge 25 scheme offers
- Only accept photographic driving license, passport or PASS card
- Display posters stating it is an offence to purchase alcohol on behalf of an underaged person



# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From:** Karen Harling  
Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

**Date:** 15<sup>th</sup> March 2023

**Subject:** LICENSING SCOTLAND ACT 2005  
REPORT - OCCASIONAL LICENCE APPLICATION OCC153/23  
Aberlady Gala Committee, for Aberlady Gala Day, Aberlady Playing Fields, East Lothian

I refer to the above subject and can confirm that the applicant has liaised with the LSO prior to submission of this application.

The applicant is Steven Polwart on behalf of the Aberlady Gala Committee who sits as Chair. Application has been made for an occasional licence for a gala day, with the focus of the day being a ceremony and parade around the village welcoming Primary 1 children into the school and celebrating Primary 7 children continuing to High School. Activities throughout the day include inflatables, funfairs, challenges, activities, tug-o-war, live entertainers and live music. Food and drink is to be available at a BBQ and tea tent. A pop up bar is proposed within the live music tent.

The expected number of people throughout the day is 700, with the majority of activities provided for children and families enjoyment of the event. There is provision for some activities for the wider community such as live music and the BBQ. The event is to take place on 3<sup>rd</sup> June 2023 between 1300 hours – 1900 hours.

I refer the board to section 19.6 of the East Lothian Licensing Board's Statement of Licensing Policy:-

*It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.*

This event has a focus on children and families with much of the attractions including fairground shows, inflatables face painting, bubble artist, storytelling and a magician. I refer this application to the board, for determination if this type of event attracts the need for an occasional licence based on the board's policy for the provision of alcohol.

The applicant has submitted a lengthy cover letter with the application giving further information for the board to consider.

Consideration has been given to the licensed area which is contained within a marquee. Live music will be provided within and there is also a roped off outside area joined to the marquee (see layout plan). It is detailed on the application that personal licence holder Lisa Wood will lead the bar. Lengthy consideration has also been given to the 5 licensing objectives and how they will be demonstrated and upheld in addition to the application for the board's information and review.

As detailed by the applicant, I can confirm there is an exemption to the local bylaw in relation to consuming alcohol in a public place as follows:-

*In respect of the Playing Fields, Aberlady, bounded on the south by School Road, on the west by Aberlady Primary Scholl, on the north by Back Lane, and on the east by the back gardens of Rig street, during the Aberlady Gala period, which usually extends for a period of eight days on the final Saturday in June, each day between 1:00 pm and 7pm.*

I would like to recommend that Police Scotland are invited to make comment and share their opinions in order for the board to consider the application.

I refer the application to the Licensing Board for determination if the measures detailed by the applicant are sufficient to uphold the licensing objectives in particular, to protect children and young persons from harm and if the need for an occasional licence is merited at this event.

K. Harling  
Licensing Standards Officer

## Licensing

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**From:** Natasha Gregory <Natasha.Gregory@scotland.police.uk>  
**Sent:** 09 March 2023 09:11  
**To:** Licensing  
**Subject:** ref 153/23  
**Attachments:** HERKES\_ GILLIAN\_QXK01562\_FIREBIRD\_2897\_001.PDF

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no police objection