

EAST LoTHIAN LICENSING BOARD

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

Police fire
LSO Env Rec
Env T/S T/S
Spina Grant

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

Gullane CC

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)

Site Notice +
Neighbour
notifications
Sent

- 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).

2a

(Provide Details)

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0245

2(b) Name and Address of Premises

Luffness New Golf Club
Aberlady
Longniddry
East Lothian

Post Code EH32 0QA

Phone No.

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

Luffness New Golf Club Committee
Luffness New Golf Club
Aberlady
Longniddry
East Lothian

Post Code EH32 0QA

Phone No.

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

N/A

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 amend the on sales commencement hour to 9am Monday to Sunday.

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.

N/A

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

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

N/A

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

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) Will follow under a separate cover.

.....

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 £150 is enclosed.

Signature – Nicola Smith – TLT Solicitors

..... (See note 5 below)

Date - 23 February 2023

.....

Capacity: AGENT

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

TLT Solicitors
Cadworks, Floor 9
41 West Campbell Street
Glasgow
G2 6SE
0333 006 0710
Nicola.Smith@TLTsolicitors.com

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

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

OPERATING PLAN

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

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>	09.00	23.00
<i>Tuesday</i>	09.00	23.00
<i>Wednesday</i>	09.00	23.00
<i>Thursday</i>	09.00	23.00
<i>Friday</i>	09.00	23.00
<i>Saturday</i>	09.00	23.00
<i>Sunday</i>	09.00	23.00

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>	NO
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**If YES – provide details*

N/A

Question 5

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

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

<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	YES	YES	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	YES	YES	NO
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<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.

Accommodation – This is the clubmaster’s accommodation.

Restaurant facilities – These facilities may operate outwith core hours but not before 9am and not later than 11pm.

Sport – Golfing facilities are normally available weather permitting dawn until dusk.

Televised sport – May operate outwith core hours but not before 8am and not later than 11pm.

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.

Corporate golf days. Open golf competitions.

Retail sales – visiting golfers.

Charitable activities.

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>	N/A
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	N/A
<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 up to the age of 13 must be accompanied by an adult. Children and young persons from the age of 14 upwards will have access to the premises without the need to be with a responsible person.

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

Children – 5-15 years

Young persons – 16 and 17 years.

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

Children and young persons will have access normally from 9am to 11pm, in the height of Summer it may be earlier in the morning, but never later than 11pm.

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

There will be no access for children under the age of 12 to the bar area. Children and young persons from the age of 13 to 17 years of age will have access to all areas but will be restricted and not allowed within 1.5 metres of the bar area.

Question 7

CAPACITY OF PREMISES

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

On sales - 250

Question 8

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

Personal details

8(a) *Name*

N/A

8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address*

--

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

Signature – Nicola Smith – TLT Solicitors

Date – 23 February 2023

Capacity - AGENT

Telephone number and email address of signatory – 0333 006 0710; Nicola.Smith@TLTsolicitors.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.

10/03/2023

Your Ref: LUFTNESS GC

Our Ref: 704708

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



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

FOR THE ATTENTION OF EAST LOTHIAN BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
LUFFNESS NEW GOLF CLUB
LUFFNESS NEW GOLF CLUB, A198 (28) FROM AVENUE ROAD (C1,
GULLANE, EAST LOTHIAN, EH32 0QA.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of –

- An increase in on sales to commence at 0900 hrs, seven days a week

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

I wish to bring to the attention of the Board that the proposed change to on sale hours comes under East Lothian Board Policy (section 17.4) which states –

17.4 Should an application be received in respect of opening earlier than 11am, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.

The applicant is entitled to apply for hours which they deem to be in their business interests to meet a demand, which they feel outweigh the existing availability that members and guests can be sold and supplied during their time on the premises.

The applicant submitted six Occasional Licences in 2022 which requested 0900 hrs commencement which were to facilitate golf tournaments. These applications

OFFICIAL

were all granted, with no reports raised. The premises are in good order and Police Scotland have received no calls related to the premises in the last 24 months.

Police Scotland have no objection to the granting of this variation, however we would seek clarification that the earlier hours would be used to facilitate members and guests attending tournaments and events as this was not made clear of the application form we received.

Yours faithfully



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Karen Harling

To: C. Grilli

Licensing Standards Officer

Clerk to the Licensing Board

Date: 15th March 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

**LUFFNESS NEW GOLD CLUB, ABERLADY, LONGNIDDRY, EAST LoTHIAN
EH32 0QA**

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

The changes applied for are:

- To change the on sales commencement hour from 10am to 9am Monday to Sunday

I have visited the premises and spoke with Company Secretary Stuart Graham and Assistant Secretary Mar Lou Watkins. I was shown the premises and the operations. The premises is a club and open to members, their guests and visiting golfers who have booked to use the golf course. There have been no complaints in relation to the premises that I am aware of.

Tournaments and events take place at the club throughout the year which are carefully planned and managed. The club takes great responsibility in ensuring these events are well run.

It was explained that the change in on sales to start at 9am is for the provision of a welcome drink at events such as a bucksfizz or bloody mary. It is expected that golfers would come to the club house for pre-planned events or tournaments and thereafter move to the course to play golf before returning to the club house for a lunch in the dining area. On arrival at the club house tea, coffee, bacon rolls and an optional alcoholic drinks would be offered.

This application is out with policy in respect of licensed hours before 11:00 each day however as the premises has on sales hours until 11pm each day the availability of on sales does not exceed the Scottish Government's recommendation of on sales hours in excess of 14 hours per day.

The applicant is entitled to apply for hours which they deem to be in the business interests of the club to meet a demand which the club feels outweighs the existing availability.

Each application is determined on its own merits and the Board may grant the application against policy if they are satisfied that there is a genuine demand and that none of the licensing objectives would be compromised.

In summary, the proposed changes are supported by the Licensing Standards given the nature of the proposed use of the additional on sale hours and the standards set by the club through the constitution and operations.

K. Harling
Licensing Standards Officer

Licensing

From: Slight, Lynn
Sent: 07 March 2023 08:59
To: Licensing; Gunning, Laura
Subject: Re: EL0245 - Luffness Golf Club - Major Variation Application

No objections to this application subject to the standard conditions.

Kind regards

Lynn Slight
Senior Environmental Health Officer
East Lothian Council

On 6 Mar 2023, at 14:12, Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> wrote:

From: Rafferty, Alison (Licensing) <arafferty1@eastlothian.gov.uk>
Sent: 06 March 2023 14:07
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; gaccsecretary@gmail.com
Subject: FW: EL0245 - Luffness Golf Club - Major Variation Application

Dear all

Please find attached Major Variation of Premises Licence for Luffness Golf Club to amend their core hours Monday to Sunday from 11am to 9am for the sale of alcohol.

Could I please have any representations/objections by 7th April 2023.

Kind regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. arafferty1@eastlothian.gov.uk or licensing@eastlothian.gov.uk

Licensing

From: Robertson, Scott
Sent: 15 March 2023 14:39
To: Rafferty, Alison (Licensing)
Cc: Licensing
Subject: RE: EL0245 - Luffness Golf Club - Major Variation Application

Hello,

Please note I have no comments or objections to the major variation application at luffness Golf Club.

Kind Regards
Scott Robertson
Assistant Planner

From: Rafferty, Alison (Licensing) <arafferty1@eastlothian.gov.uk>
Sent: 06 March 2023 14:07
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; gaccsecretary@gmail.com
Subject: FW: EL0245 - Luffness Golf Club - Major Variation Application

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Kind regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. arafferty1@eastlothian.gov.uk or licensing@eastlothian.gov.uk

NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Licensing

From: Douglas, Andrew
Sent: 06 March 2023 15:23
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: EL0245 - Luffness Golf Club - Major Variation Application
Attachments: Operating Plan.docx; Major Variation.doc

Follow Up Flag: Follow up
Flag Status: Flagged

No objs, std conditions.

EHTS – can you please scan this to commercial premises ref: 17/00064/COM , as '2023 Major Variation to Licence'.

Thanks

Andrew

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 06 March 2023 14:12
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>
Subject: FW: EL0245 - Luffness Golf Club - Major Variation Application

From: Rafferty, Alison (Licensing) <arafferty1@eastlothian.gov.uk>
Sent: 06 March 2023 14:07
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; gaccsecretary@gmail.com
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Kind regards

Alison

