

EAST LoTHIAN LICENSING BOARD

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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)

2b

- 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

EL0179

2(b) Name and Address of Premises

The Bonnie Badger
Main Street
Gullane
East Lothian

Post Code	EH31 2AB	Phone No.	
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2(c) Full Name and Address of Current Licence Holder

Bonnie Badger Ltd
Kitchin Head Office
108 Commercial Street
Edinburgh

Post Code	EH6 6NF	Phone No.	
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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 amend the commencement hour of the premises to 9am from 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.

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 £ 150 is enclosed.

Signature - Nicola Smith – TLT Solicitors

..... (See note 5 below)

Date - 7 March 2023

.....

Capacity: AGENT

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

Nicola Smith – TLT Solicitors
Cadworks, 9th Floor
41 West Campbell Street
Edinburgh
Nicola.Smith@TLTsolicitors.com
0333 006 0710

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

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

Question 2

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

<i>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	01.00
<i>Friday</i>	09.00	01.00
<i>Saturday</i>	09.00	01.00
<i>Sunday</i>	09.00	00.00

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>	YES
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**If YES – provide details*

Additional festive hours (Christmas/New Year) plus any additional hours as per Licensing Board may declare and allow.

Question 5

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

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

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

Accommodation will be used 24 hours.

Conference facilities/club and other group meetings/receptions/indoor and outdoor sports may commence earlier than core hours, but not before 9am.

Restaurant/bar meals/recorded music may commence earlier than core hours but not before 6am.

Films and televised sports may be shown anytime.

Outdoor drinking: breakfast/coffee may be served outside from 7am. There will be no sale of alcohol out with core 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.

The premises offer a range of other activities including private dining experiences, tastings, educational tours and learning experiences. Promotional and media activities. Fine dining experiences, TV and filming.

Corporate events, private hire, community events, charity events and auctions.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
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When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children when accompanied by parents/guardians or adults with parental responsibility.

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

Non resident children attending a function are allowed access until 11pm. Young persons will be allowed access until the end of the function or core licensed hours.

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 - 378

Question 8

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

Personal details


8(a) Name

Robert Clark

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>
15 August 2018	City of Edinburgh Council	391313

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 – 7 March 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.

03/05/2023

Your Ref: BONNIE BADGER

Our Ref: 714998

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



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
THE BONNIE BADGER
MAIN STREET, GULLANE, EH31 2AB**

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 17.3 and 17.4) which states –

17.3 Each application for a premises licence will be assessed on its own merits, against the general on sale policy hours and the appropriateness of the type of activity for which a licence is being sought. Where an application received is requesting licensed hours exceeding 14 hours, the Board will require further information for the consideration of such applications and the Board will take into account the effect the granting of such a licence will have on the area.

OFFICIAL

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 guests can be sold and supplied during their time on the premises.

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.

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

Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 4th May 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

THE BONNIE BADGER, MAIN STREET, GULLANE, EAST LoTHIAN EH31
2AB

I can confirm that I have spoken with the applicant's agent Ms Loudon in relation to this variation application. I have also conducted a visit at the premises where I met with the premises manager Mr Clark. The premises were found to be well run, fully compliant and no issues were found.

The premises is a hotel which consists of 13 guest rooms, a restaurant and bar areas and a rear outside area used for eating and drinking.

There have been no complaints received by the Licensing Department in relation to the premises in the last 2 years.

The change applied for is:

- To change the core on sales hours to begin daily at 0900 hours

This application is out with Board policy in respect of licensed hours before 11:00am each day and is also inconsistent with the Scottish Government's recommendation and Board policy of not permitting licensed hours in excess of 14 hours per day.

However, the applicant is entitled to apply for hours which they deem to be in their business interests to meet a demand which he feels outweighs the existing availability and legal exception that hotel guests as well as their guests can be sold and supplied with alcohol at any time during their stay on the premises.

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 by non-residents for the 09:00 hours consumption of alcohol and that none of the licensing objectives would be compromised such as protecting public health with the extended drinking time of up 14-16 hours for non-residents.

On speaking with Ms Loudon and Mr Clark, the change has been requested to facilitate breakfast service for non-residents through a demand due to the location, character of the premises and the patrons it attracts.

I recommend the board considers the following conditions below should they be minded to grant the application:

1. Alcohol served between 0900-1100 hrs is to be accompanied by a substantial plated meal with a limit of 2 drinks per person.
2. Alcohol served between 0900-1100 hours is to be served only by the glass and not the bottle.

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

K. Harling
Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 17 April 2023 14:14
To: Licensing
Subject: RE: EL0179 - Bonnie Badger - Gullane - Major Variation

Hello,

Please note i have no comments or objections to make in relation to the major variation application at Bonnie Badger.

Kind Regards

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 14 April 2023 10:51
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Torquil.Cramer@firescotland.gov.uk; 'Licensing@nhslothian.scot.nhs.uk'; gaccsecretary@gmail.com
Subject: FW: EL0179 - Bonnie Badger - Gullane - Major Variation

Good Morning

Please find attached Major Variation for Bonnie Badger, Gullane for report by 8th May, 2023.

Gillian
Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk



