

emailed Report 5/7  
Finance Etc 5/7  
Advt 7/7.

East Lothian Council  
Licensing  
05 JUL 2023  
Received



**EAST LOTHIAN LICENSING BOARD**

**3**

**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**

EL364

**2(b) Name and Address of Premises**

Whitekirk Hill  
Whitekirk  
North Berwick  
EH39 5PR

<b>Post Code</b>	EH39 5PR	<b>Phone No.</b>	01620 671700
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**2(c) Full Name and Address of Current Licence Holder**

Whitekirkhill Limited Whitekirk Mains Farm Whitekirk Dunbar East Lothian EH42 1XS			
<b>Post Code</b>	EH42 1XS	<b>Phone No.</b>	██████████
<b>Email address</b>			

**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)

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

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

We are seeking to extend the licensed area to include the immediate environs of the main building and to include the 9 holiday lodges that have been built.  
This will allow us to provide alcohol at outdoor events (e.g mulled wine for adults at our Santa Claus experience) and private dining in the lodges.

**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?

X YES

NO

If the answer is NO, please provide an explanation.

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

The licence has not yet been issued by the Board

- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)  
.....

**SECTION 5: FEE PAYABLE**

Information on fees can be found at  
[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2)

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

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

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

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £200.00 is enclosed.

**Signature**

.....James Wilkie..... (See note 5 below)

**Date** 07.02.2023  
.....

Capacity: APPLICANT

**If agent, please provide name, address, phone number and email address** .....

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

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

Whitekirk Hill  
Whitekirk  
North Berwick  
EH39 5PR

### 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	01.00
<i>Friday</i>	11.00	01.00
<i>Saturday</i>	11.00	01.00
<i>Sunday</i>	11.00	01.00

**Question 3**

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

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<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>
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*\*If YES – provide details*

We would like to take advantage of any general extensions to hours in respect of local or national events of importance including the festive period.

**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	YES
Dance facilities	YES	YES	YES
Theatre	NO	NO	NO
Films	YES	YES	YES
Gaming	YES	YES	YES
Indoor/outdoor sports	YES	YES	YES
Televised sport	YES	YES	YES
5(d)	Please confirm	To be provided during core licensed	Where activities are also to be provided



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

*CONFERENCE FACILITIES MAY START AT 8.00AM*

*RESTAURANT BREAKFAST FROM 6.00AM*

*RECEPTIONS MAY START AT 8.00AM*

*CLU/MEETINGS MAY START AT 8.00AM*

*RECORDED MUSIC- SOFT MUSIC PLAYED ON OPENING UNTIL FACILITIES CLOSE*

*LIVE PERFORMANCES MAY START EARLY AND FINISH LATE*

*DANCE FACILITIES MAY START AT 8.00AM*

*FILMS MAY START EARLY AND END LATE*

*INDOOR/OUTDOOR SPORTS E.G. RUNNING, WALKING OR CYCLING GROUPS MAY START EARLY AND FINISH LATE*

*THIS WILL DEPEND ON INTERNATIONAL TIME ZONES THAT MAY BE EARLY OR LATE IN THE UK*

*OUTDOOR DRINKING FACILITIES WILL BE DEPENDENT ON EVENTS AND FUNCTIONS*

*TO BE CLEAR NO ALCOHOL WILL BE SOLD OUTWITH CORE HOURS EXCEPT ON THE APPLICATION AND GRANT OF AN OCCASIONAL EXTENSION*

*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.*

GYM AND FITNESS STUDIO  
 SWIMMING POOL SUITE WITH SAUNA AND STEAMROOM  
 TREATMENT SPA  
 CHILDRENS INDOOR PLAYBARN AND OUTDOOR PLAY AREA  
 BOUNCY CASTLES  
 INFLATABLES  
 FUNFAIRS  
 ICE RINK  
 FIRE WORKS

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?	NO
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When fully occupied, are there likely to be more customers standing than seated?	YES
*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 ARE ALLOWED IN ALL AREAS WHILE SUPERVISED BY AN ADULT  
THE PLAYBARN IS A WONDERFUL EXPERIENCE FOR CHILDREN. THIS IS AN AREA  
THAT IS SPECIFICALLY DESIGNED FOR EARLY DEVELOPMENT AND LEARNING  
THIS AREA WILL ALSO HOST CHILDREN'S BIRTHDAY PARTIES

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

0-15 CHILDREN  
16-17 YEAR OLDS (YOUNG ADULTS)

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

GENERALLY ACCEPTED UP TO 22.00HRS BUT UNTIL CLOSE OF ANY PRE - ORGANISED FUNCTION

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- 700

Outside area 500

Lodges 60

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

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

Date .....07.02.23.....

Capacity ..... APPLICANT

Telephone number and email address of signatory ..... [REDACTED] .....

**\* Data Protection Act 2018**

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

**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.

High Quality Holiday Lodges in a rural Estate

The Estate has extensive walking and cycling paths open to guest and the general public.

There is a central hub that provides dining facilities and leisure activities to lodge and other visitors . In addition there is an event space catering primarily to weddings and also a large indoor play facility for children.

(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) Bar and restaurant facilities in central Hub. Serving of drinks to lodge guests in their lodges.

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

b) To allow people to take home any unfinished bottles of wine .

**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:

Accommodation and weddings are our main business plus we operate a 100 seater coffeeshop that serves drinks ( currently less than 5% of food sales)

**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:

In time we hope to have these at least weekly . Capacity is 120.

**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:

Not a large part of the business but we want to be flexible and respond to opportunities

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

These are natural extensions to the coffee shop and event space and will allow visitors to enjoy the great outdoors when the weather proves clement.

**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:

NO

**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:  
SUBSTANTIAL DETAIL GIVEN AT 5(e)

**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:

SUBSTANTIAL DETAIL GIVEN AT 5(f)

**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.



PLAYBARN IS AIMED At 1 TO 10 YEAR OLD

THERE ARE SPECIALIST TOILET AND CHANGING FACILITIES IN THE PLAYBARN PLUS BABY CHANGING IN MAIN TOILET FACILITIES.

**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:**

1. There will be no underage drinking
2. There will be no drunkenness on the premises
3. There will be no illegal possession or use of drugs
4. There will be no violent or anti social behaviour
5. There will be no unauthorised advertising

**Securing Public Safety:**

1. There will be a sufficient number of people employed or engaged to ensure the safety of the premises and patrons
2. There will be appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
3. There will be an implementation of crowd management measures.
4. There will be proof of regular testing and certification of procedures, appliances and safety systems.
5. There will be suitable and sufficient risk assessments, including compliance with the requirements of the Fire (Scotland) Act 2005.

**Preventing Public Nuisance:**

1. There will be effective and responsible management of the premises.
2. There will be appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, for instance to ensure that customers leave quietly.
3. There will be control of operating hours for all parts of the premises , for instance garden areas and the deliveries and disposal of glass.
4. There will, where appropriate , be management of people including staff and vehicular traffic arriving and leaving .
5. We will liaise with public transport providers
6. There will be management arrangements for the the collection and disposal of waste and empty bottles.
7. There will be effective ventilation systems to prevent nuisance from odour and noise from air conditioning units.

**Protecting and Improving Public Health:**

1. We will at all times be vigilant to the risk of over consumption.
2. Children and young people will be protected.
3. There will be informative signage displayed in appropriate places to educate the public about excessive drinking.
4. There will be a wide range of reasonably priced non alcoholic beverages on offer.

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

1. We will demonstrate that suitable and sufficient measures will be identified and will be

- implemented to protect children and young people from harm.
- 2.Children will be accompanied by responsible adults.
  - 3.Children’s food and drinks will be served in suitable and safe containers.
  4. Stairs on the premises are risk assessed and where necessary will be adequately guarded.
  - 5.All heating appliances on the premises will be risk assessed and where necessary adequately guarded.
  - 6.All electrical plug sockets in areas accessible to children will be adequately guarded.
  - 7 . All furniture and fittings will be of safe design having regard to their use by children.
  8. The floor coverings in the public toilets will be non slip and of an easily cleaned nature.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

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

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	James Wilkie	Date	078.0 2.23
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**“SCHEDULE 6**

Regulation 7

**DISABLED ACCESS AND FACILITIES STATEMENT**

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

**Question 1**

**Disabled access and facilities**

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

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**Question 3**

**Facilities available**

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

**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.

**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)

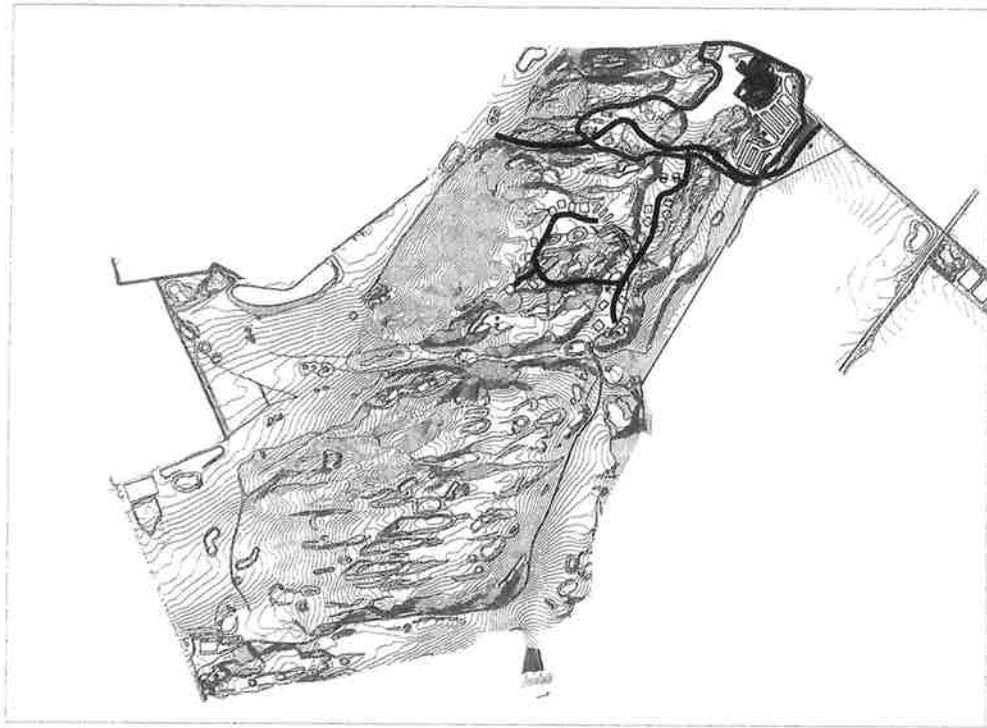
Date .....

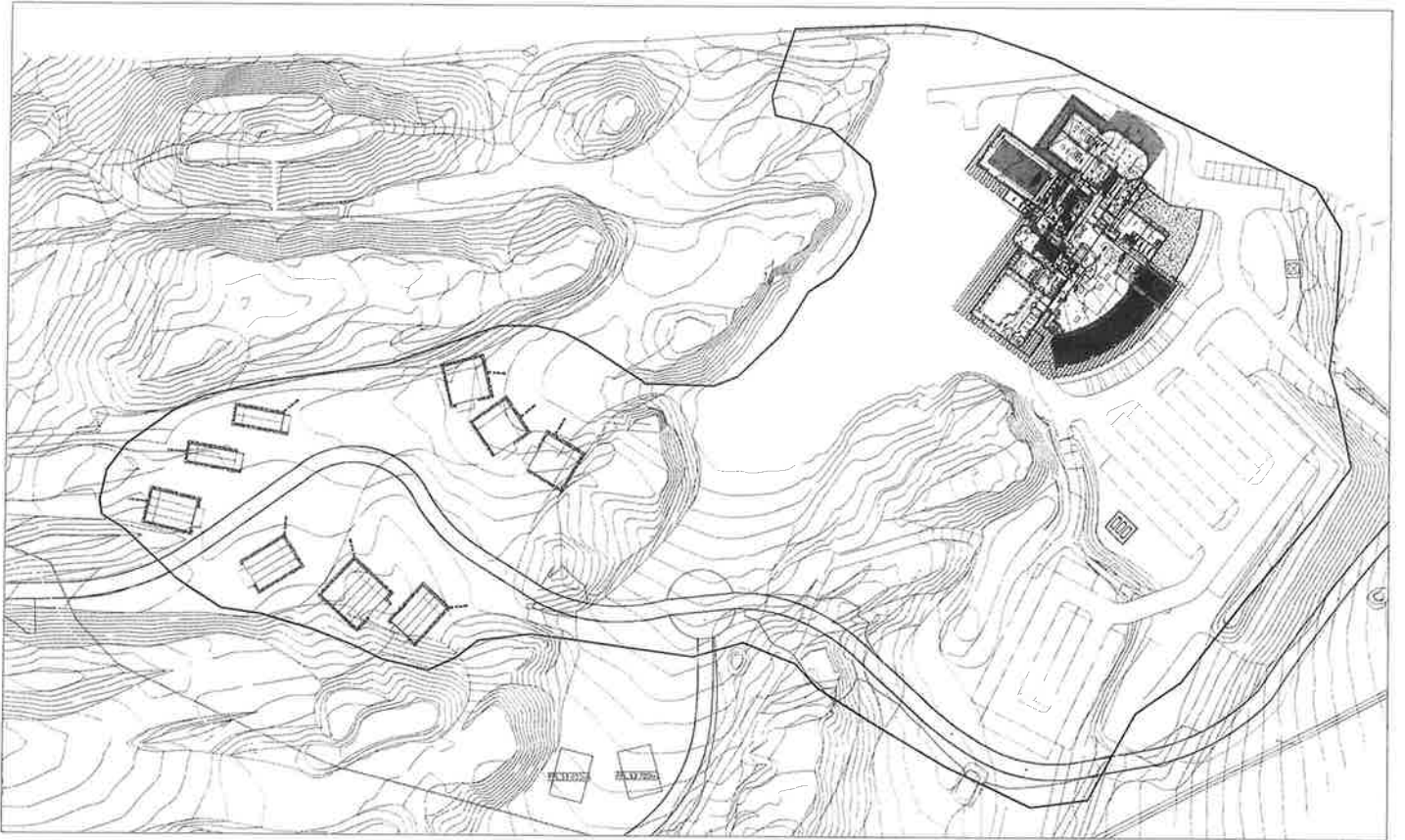
Capacity ..... APPLICANT/AGENT

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

**\* Data Protection Act 2018**

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







06/07/2023

Your Ref:

Our Ref: 738717

The Clerk of the Licensing  
Board  
Midlothian Council  
Midlothian House  
Buccleuch Street  
Dalkeith  
Midlothian  
EH22 1DN



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent

Licensing Department  
Dalkeith Police Station  
Newbattle Road  
EH22 3AX

**FOR THE ATTENTION OF MID LOTHIAN LICENSING BOARD**

Dear Sir/Madam,

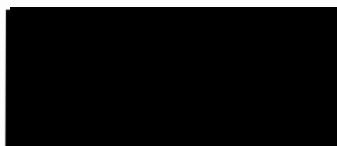
**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK, EH39 5PR.**

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 a variation to the layout plan (To include an amendment to the layout plan to extend the licensed area to include the immediate environs of the main building and to include the holiday lodges that have been built. This will allow for the provision of alcohol at outdoor events (e.g. mulled wine for adults at our Santa Claus experience) and private dining in the lodges - all ancillary changes. In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Catriona Paton  
Divisional Commander

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Karen Harling

**Licensing Standards Officer**

**To:** C. Grilli

**Clerk to the Licensing Board**

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

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

**PREMISES LICENCE MAJOR VARIATION**

**WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK, EAST LoTHIAN, EH39  
5PR**

I can confirm that I have spoken with Mr James Wilkie in relation to this variation application. I have also conducted a visit at the premises where I met with Mr Wilkie in January 2023. The premises were found to be well run. The premises is currently operating on occasional licences for nearly 4 years It has a provisional licence that was granted on 26<sup>th</sup> September 2019 and expires on 25<sup>th</sup> September 2023. No further information has been given as to why the provisional premises licence has not been confirmed.

The premises is a multifunction clubhouse that contains a gym, wellness centre, leisure facilities, restaurants, an indoor children's play barn and outdoor children's play area.

The changes applied for are:

- To increase the licensed area as per the submitted layout plans
- To increase the capacity
- To add the following activities
  - Gym and fitness studio
  - Swimming pool suite with sauna and steam room
  - Treatment Spa
  - Children's indoor play barn and outdoor play area
  - Bouncy castles
  - Inflatables
  - Funfairs
  - Ice rink

- Fireworks
- To vary the terminal on sales hour on Sunday to 0100 hours.

The increase in licensed area is to allow for outdoor events as well as experiences in the lodges. At this time I remind the applicant that if the lodges are within the licensed area the premises licence and licensing objectives are in force at this accommodation and must still be adhered to.

As a result of the increased area the capacity has also been increased to add 500 for the outside area and 60 for the lodges. This equates to an increase from a total capacity of 700 to 1260 for the whole site. This should be reviewed and considered by the Board.

I would recommend that the previous break down of the areas on the current provisional licence be included in any varied licence.

I have no objections to the additional activities.

The change in terminal hour to 0100 hours on Sunday is outwith Board policy to terminate at 12 midnight. This change has not been added to the major variation application form. The applicant is entitled to apply for hours which they deem to be in their business interests to meet a demand which they feel outweighs the existing availability and legal exception that residents 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 and satisfied that the application process has been adhered to.

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

K. Harling  
Licensing Standards Officer

# EAST LOTHIAN COUNCIL

## Licensing Standards

**From: Karen Harling**  
**Licensing Standards Officer**

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

---

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

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

### **ADDITIONAL INFORMATION**

**WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK, EAST  
LOTHIAN, EH39 5PR**

Additional Information for the Board in relation to Major Variation Application for Whitekirk Hill

There has been an error in relation to licensing compliance whereby from 7<sup>th</sup> July - 3<sup>rd</sup> August 2023 the premises did not have any occasional licences and made sales of alcohol. On 31<sup>st</sup> July 2023, I spoke with duty manager Ian Wilkie and asked that all sales of alcohol be ceased immediately to which he agreed.

It was also established at this time that the premises had been selling alcohol as part of a welcome pack for lodge guests for consumption off the premises. On review of the occasional licences granted previously no off sales provision had been applied for.

I thereafter spoke with Jenifer Gasinska, who has previously submitted the occasional licence applications. She explained it had been an error and oversight on her part and that she had not made the applications.

Ms Gasinska has submitted applications for occasional licences from 3rd August onwards. She was instructed that no sales of alcohol should take place until an occasional licence was granted.

The above is submitted for the information of the Board.

K. Harling  
Licensing Standards Officer

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From: Karen Harling**

**Licensing Standards Officer**

**To: C. Grilli**

**Clerk to the Licensing Board**

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Date: 11<sup>th</sup> August 2023

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

**PREMISES LICENCE MAJOR VARIATION**

**WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK, EAST LoTHIAN, EH39  
5PR**

In addition to my report dated 21<sup>st</sup> July 2023 please see a recommendation below.

The current layout plan of the main building will remain the same and not be altered as part of this variation (see attached).

As part of this layout the play barn is within the licensed area. Within the new licensed area the outdoor children play area that outside the play barn is also within the licensed area. The outside area is contained by fencing and the play barn is access door is through this area.

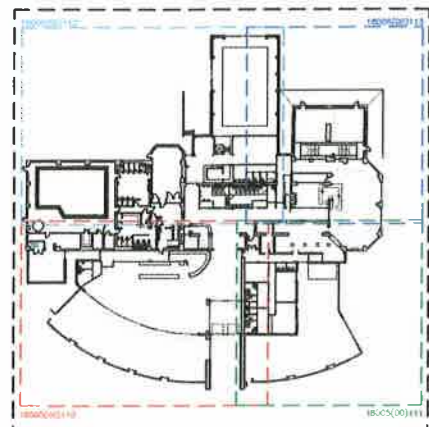
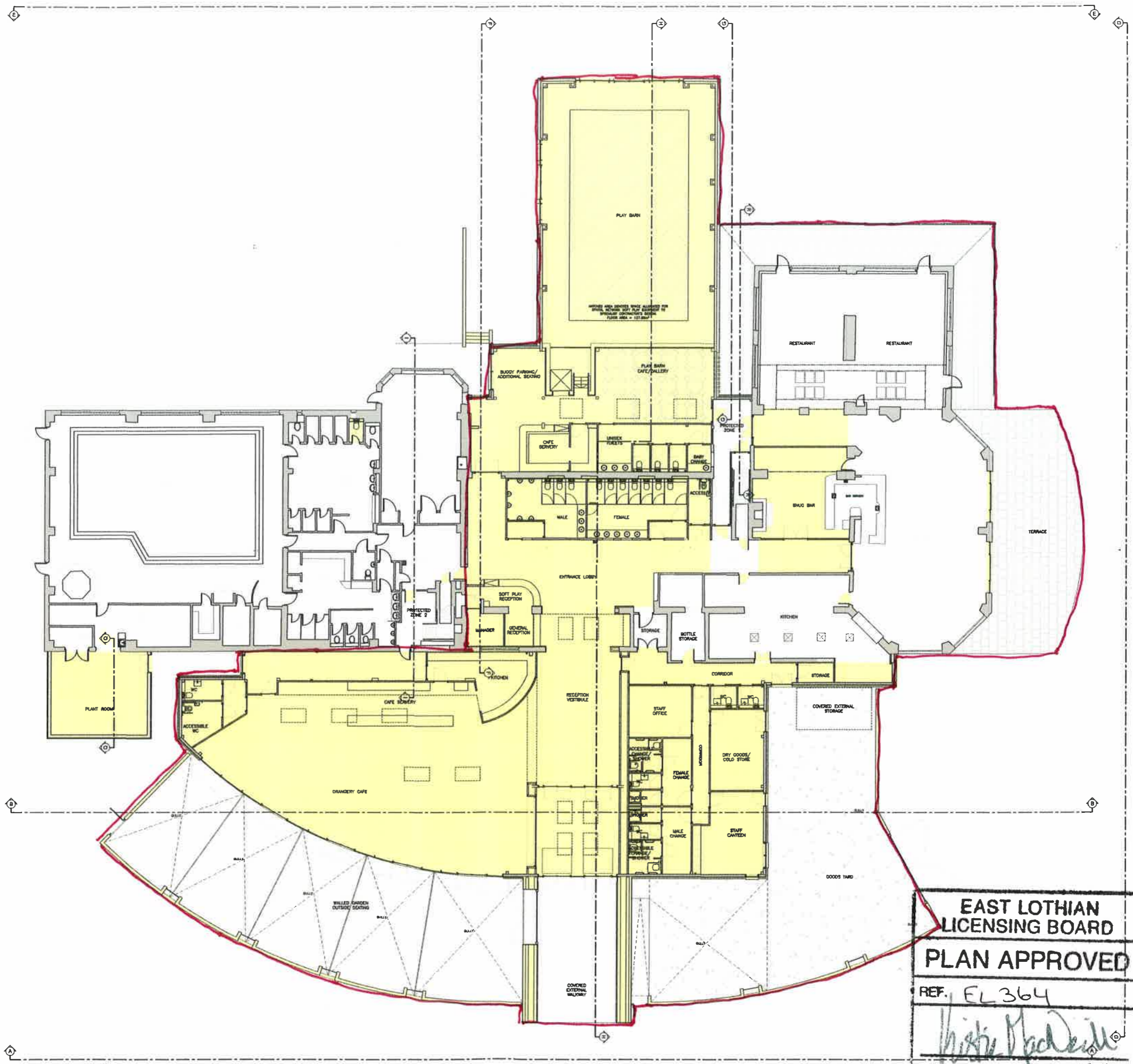
In order to safeguard and uphold the licensing objective of protecting children and young persons from harm I recommend that the two areas above be excluded from the licensed area so that alcohol cannot be sold or consumed in areas that are specifically for children and families. There are significant risks should patrons be able to consume alcohol in areas for children at play and in my opinion the nature of the activities proposed to be carried out in these areas are not suitable for the sale or consumption of alcohol.

K. Harling

Licensing Standards Officer

NO.	DATE	BY	CHKD.
1	18/02/19	...	...

PROPOSED WORKS SHADED THIS



18005(00)100  
REFERENCL KEY

**EAST LOTHIAN LICENSING BOARD**  
**PLAN APPROVED**  
 REF. EL 364  
*Whitekirk Clubhouse*  
 CLERK  
 DATE 26-9-2019

**ema**  
 architects + masterplanners  
 41 CHARLOTTE SQUARE  
 EDINBURGH  
 8 200000 ARCHITECTS  
 1 8333 387 1000  
 WHITEKIRK HILL LTD.  
 PROPOSED REFURBISHMENT,  
 ALTERATIONS & EXTENSION  
 WHITEKIRK CLUBHOUSE  
 GROUND FLOOR PLAN  
 AS PROPOSED  
 18005(00)100-M

## Licensing

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**From:** Robertson, Scott  
**Sent:** 19 July 2023 09:10  
**To:** Herkes, Gillian; Licensing  
**Subject:** RE: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick

Hello,

Please note I have no comments or objections in relation to the variation to the provisional premises license at Whitekirk Hill.

Regards  
Scott

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 05 July 2023 14:25  
**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>; torquil.cramer@firescotland.gov.uk; secretary@northberwickcommunitycouncil.org.uk; licensing@nhslothian.scot.nhs.uk  
**Subject:** FW: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick

Hi

Please find attached Variation to Provisional Premises licence for Whitekirk Hill, Whitekirk. Can I please have reports by 28<sup>th</sup> July, 2023.

Kind regards

Gillian

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





## Herkes, Gillian

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**From:** Kathryn Smith [REDACTED]  
**Sent:** 14 July 2023 12:09  
**To:** Herkes, Gillian  
**Subject:** RE: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick

You don't often get email from ksmith2028@aol.com. [Learn why this is important](#)

**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.

Gillian

Thank you for this.

I can confirm that North Berwick Community Council has no comments to make on the Variation to the Provisional Premises licence for Whitekirk Hill, Whitekirk.

Regards  
Kathryn

*Kathryn E Smith*  
*Secretary, NBCC*

---

**From:** Herkes, Gillian [mailto:gherkes@eastlothian.gov.uk]  
**Sent:** 05 July 2023 14:25  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian'; Harling, Karen (Licensing); Environment Reception; Environmental Health/Trading Standards; torquil.cramer@firescotland.gov.uk; secretary@northberwickcommunitycouncil.org.uk; licensing@nhslotthian.scot.nhs.uk  
**Subject:** FW: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick

Hi

Please find attached Variation to Provisional Premises licence for Whitekirk Hill, Whitekirk. Can I please have reports by 28<sup>th</sup> July, 2023.

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington  
East Lothian Council  
01620 820114

## Licensing

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**From:** Douglas, Andrew  
**Sent:** 06 July 2023 09:07  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards  
**Subject:** FW: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick  
**Attachments:** Herkes\_Gillian\_XVF20528\_FIREBIRD\_2135\_001.pdf

No objs, std conditions.

EHTS – can you please scan this to commercial premises ref: 19/00132/COM , as '2023 Variation to Licence'.

Thanks

Andrew

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 05 July 2023 14:33  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick

**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 05 July 2023 14:25  
**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>; torquil.cramer@firescotland.gov.uk; secretary@northberwickcommunitycouncil.org.uk; licensing@nhslothian.scot.nhs.uk  
**Subject:** FW: Attached Image - EL364 - Variation to Provisional Licence for Whitekirk Hill, Whitekirk, North Berwick

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Kind regards

Gillian

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