



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

**THURSDAY 24 AUGUST 2023 at 10.00am
VIA DIGITAL PLATFORM**

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, 22 June 2023 (**pages 1-8**)
- 2. Major Variation of Premises Licence**
East Lothian Yacht Club, 36-40 Victoria Road, North Berwick (**pages 9-36**)
- 3. Variation of Provisional Licence**
Whitekirk Hill, Whitekirk, North Berwick (**pages 37-70**)
- 4. Extension of Provisional Licence**
Thomson's of Tranent, Winton Place, Church Street, Tranent (**pages 71-78**)
- 5. Occasional Licences**
 - a. Mazzoli Café, 6 High Street, Haddington (**pages 79-86**)
 - b. Carfrae Farm Shop, Garvald, Haddington (**pages 87-98**)
 - c. Eagle Inn, 75 High Street, Dunbar (**pages 99-110**)

Carlo Grilli
Clerk of the Licensing Board
17 August 2023



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD
THURSDAY 22 JUNE 2023
ONLINE PLATFORM MEETING**

1

Board Members Present:

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

Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Governance

Attending:

Ms A Rafferty, Licensing Officer
Ms K Harling, Licensing Standards Officer
Sgt R Stark, Police Scotland
Sgt G Wood, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor F Dugdale

Declarations of Interest:

None

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 25 May 2023

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

2. MAJOR VARIATION OF PREMISES LICENCE
a. Carberry Tower, Whitecraig, Musselburgh

The application sought a major variation to: add the four estate houses, including film viewings; add community events, such as a Santa's grotto; increase the capacity from 320 to 366; and to amend the address of the premises manager, Peter Morrow. The application had attracted no objections from planning, environmental health and safety, the community council, the LSO, or Police Scotland. Two public objections had been received.

Chloe Johnstone, agent, was present to speak to the application, alongside Andrew and Jill Mitchell, owners of Carberry Tower. Ms Johnstone advised that the application was meant to bring the premises licence up to date, to provide the guests staying in the four estate houses the same offer as those residing in the main house, and to more accurately reflect the premises' operations. She highlighted that there had been no adverse recommendations from consultees. She referred to the one objection and one representation, and highlighted that the premises operated successfully and without incident. She advised that guests residing in the four estate houses were currently free to consume their own alcohol, and there had been no noise complaints thus far. Although the objector was concerned that the application would lead to noise pollution away from the main house, the owners imagined the guests would continue to consume alcohol within the public areas and within their estate houses, so would not lead to any real change. Ms Johnstone reassured the Board that age check verifications would be in place when room service was delivered to the estate houses. She noted that the premises operated within the luxury premium market and did not host hen and stag parties, 18th or 21st birthday parties. Although the estate houses may be booked by linked parties, there would be strict governance of outdoor traffic and large gatherings would not be permitted outside. She reassured Members that staff would not allow behaviour that may jeopardise the estate. With reference to the temporary marquee, she submitted that the conditions referred to were planning conditions and were not relevant to the licence. She advised that the marquee was used only for feasting and conferencing, and the premises licence currently permitted live events in the chapel, which had better sound insulations. She summarised that none of the grounds for refusal applied, and commended the application to the Board.

Responding to questions from Councillor McMillan, Ms Johnstone advised that the addition of films only related to televisions in bedrooms. Mrs Mitchell said staff were aware of the need to operate respectfully within their location, and the current operators had run more than 900 events. She said staff were experienced in giving strong direction to guests when the party atmosphere had to come to a close. There had been no noise complaints under their operation, and robust terms and conditions were in place for contracted parties and individual bookings. Large damage deposits were also taken to include noise and behaviour, and expectations were clearly laid out to parties as part of their contracts.

Sergeant Rachel Stark confirmed that Police Scotland had no objection to the major variation.

Karen Harling, Licensing Standards Officer (LSO), had visited the premises and found it to be well run and fully compliant. She had discussed the owners' intentions with

regards to the estate houses and had no concerns with any of the proposed changes, and all of the mandatory conditions of the premises licence would still apply. She advised that there had been no complaints in the last year. Previously, only a complaint regarding a speech in the marquee being a bit loud had been received, and no complaints had been made regarding patrons' behaviour moving around the premises.

The Convener commented that he had taken the objections into account but felt satisfied with the actions taken to manage the premises. He said Carberry Tower was a well-regarded business which he was delighted to support and see business expand.

Councillor McGuire thanked the applicants for their comprehensive report into the facilities available at the premises, and felt they had shown their business to be well run. He commented that the staff were clearly competent, having run 900 events without issue. He would support the application and felt such ventures should be welcomed to attract visitors to the area.

Councillor McMillan had experience of visiting the venue and attending events, and felt assured by the clarity of reports and comments from the owners. He noted the rich history of Carberry Tower, including the 475th anniversary of signing of the Treaty of Haddington, and felt the proposals fit in well with the council's Strategy for Economic Development and Tourism.

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

Decision

The East Lothian Licensing Board agreed to grant the major variation application.

b. The Co-op, Main Street, Ormiston

The application sought to vary the premises licence to add recorded background music within and outwith core hours, and to add home deliveries. There had been no objections from the public, NHS, community council, environmental health and safety, planning, Police Scotland, or the LSO.

Lewis Barn, agent, was present to speak to the application. Mr Barn sought permission from the Convener to discuss both applications from the Co-op concurrently, and the Convener agreed to this course of action. Mr Barn highlighted the continued public appetite for home deliveries amongst the public post-Covid, hence the major variation application from the two Co-op stores. The stores also looked to add recorded music to be able to play Co-op Radio. He advised of the procedures around deliveries, including Challenge 25 at the point of delivery, and alcohol never being left unattended. All delivery drivers received the two hours of mandatory training.

Sergeant Stark confirmed there were no objections from Police Scotland, and the LSO also had no objections.

Councillor McMillan had found the service in the Co-op Ormiston to be positive. He asked about the effect of loading deliveries on parking on the High Street. Mr Barn advised that the majority of deliveries would be from third party couriers, who generally used bicycles, and there had rarely been large vehicles making an obstruction as a result of deliveries from other stores. Councillor McMillan welcomed deliveries by cargo bikes and was in full support of the application.

The Convener acknowledged community benefits of having the opportunity to have groceries delivered, particularly for elderly people. He commented on the personalised service and Co-op ethos, and was happy to support the application.

Councillor McMillan clarified that he also knew the Co-op Tranent and would also be in support of their application, although Mr Grilli confirmed that the Tranent application would be introduced as a separate item and have a separate vote.

The Convener moved to a roll call vote, and Members unanimously confirmed their support for the application, including the LSO's suggested standard condition relating to deliveries of alcohol.

Decision

The East Lothian Licensing Board agreed to grant the major variation application, subject to the LSO's recommended standard condition that the terms of the Licensing (Scotland) Act 2005 and the Board's statement of licensing policy on deliveries of alcohol be complied with.

c. The Co-op, Brotherstone's Way South, Tranent

The application sought to vary the premises licence to add recorded background music within and outwith core hours, and to add home deliveries. There had been no objections from the public, NHS, community council, environmental health and safety, planning, Police Scotland, or the LSO.

The application had been made in the same terms as the previous item for the Co-op Ormiston, and as such, the Convener moved directly to a roll call vote after establishing there were no further questions or comments from Members. Members unanimously confirmed their support for the application, including the LSO's suggested standard condition relating to deliveries of alcohol.

Decision

The East Lothian Licensing Board agreed to grant the major variation application, subject to the LSO's recommended standard condition that the terms of the Licensing (Scotland) Act 2005 and the Board's statement of licensing policy on deliveries of alcohol be complied with.

3. OCCASIONAL LICENCE APPLICATION

a. Laurence Brunton, Castle Hotel, 163 High Street, Dunbar

The application was for three occasional licences for an outside seating area. There had been no objections from Police Scotland or the LSO. The LSO had recommended conditions, noted below.

Laurence Brunton had made Members aware that he would be unable to attend, but had indicated that he was happy to accept all of the LSO's recommended conditions.

Sergeant Stark confirmed there were no police objections to the proposals.

The LSO had no direct objections, but highlighted her five proposed conditions for use of the outside area. She had met with Mr Brunton and reported he had been happy to comply with those suggested conditions.

The Convener commented that he was happy to support the application, subject to the conditions suggested by the LSO.

The Convener then moved to a roll call vote, and Members unanimously voted to grant the application, subject to the LSO's recommended conditions.

Decision

The East Lothian Licensing Board agreed to grant the occasional licences, subject to the following:

1. No public entertainment, amplified music, amplified vocals, or live music played in the outdoor area to ensure the use does not cause nuisance to neighbouring residential properties.
2. The outdoor area should be clearly delineated with removable barriers and all seating and barriers should be removed between 2000-1100 hours.
3. The occasional licence holder shall ensure that staff:
 - a. Promptly collect all empty/unused drinking glasses and bottles from the outside area; and
 - b. Regularly supervise the outside area and its patrons.
4. Alcohol shall only be consumed in the licenced area(s) whilst being seated and a notice should be placed in a suitable place in the outside area informing all patrons of such.
5. If the outside area is on council land or a road/pavement then a valid permit/authorisation issues from the East Lothian Council Roads Department must be in place in order to use the occasional licence

b. Scott Dodds, Hickory Food, Scottish Open, Renaissance Golf Course, Cowden Hill Drive, North Berwick

The application was for six bars proposed to be situation in various locations around the course. On sales of 10am to 9pm were requested each day, and no off sales were requested. Board policy was for on sales to begin at 11am, but on sales from 10am had been allowed since 2019 when the event first came to Renaissance Golf Course. The application had attracted no objection from Police Scotland. The LSO had submitted a report asking for improvements to be made in terms of signage and staff training based on findings of a visit in the previous year. The LSO also recommended a condition that there should be a personal licence holder allocated to each of the six bar areas at all times, and all staff involved in the sale and/or supply of alcohol should have received the two hours of mandatory training as required under the legislation.

Scott Dodds and Brian Galbraith, both of Hickory Food, were present to speak to the application, and were represented by Mr Macdonald. Mr Macdonald advised that Hickory Foods were providing bars for the Scottish Open Golf from 12-16 July. Hickory Foods were a well-known events management organisation and had catered for events across the country. They had provided bars for the Scottish Open in 2019, 2021, and 2022 without adverse comment or appearance before the Board. He noted that the new LSO had assumed post by the 2022 event, and had highlighted some concern regarding signage. The LSO had also raised concern regarding staff training, and Hickory Foods had given explanation for this, namely that more agency staff had been employed in the previous year through necessity, who had been trained in a more general way than Hickory Foods would ordinarily train their staff. Mr Macdonald reassured the Board that this year, Hickory Foods would be providing far more of their own staff. He advised that his clients were content to accept the suggested LSO

conditions, and would take on feedback to lodge the application to be heard earlier in future years.

Sergeant Stark confirmed that Police Scotland had no objections to the applications. There would be a licensing officer present at the event who would be able to carry out checks and observations.

The LSO had spoken with Mr Dodds since writing her report, and said that Mr Dodds had reassured her regarding operations at the event. She would be happy to support the application with the condition that a personal licence holder would be allocated to each of the six bar areas at all times and staff would receive the mandatory two-hour training. She also asked the Board to consider the 10am commencement of on sales, which was outwith Board policy.

Mr Macdonald advised that the 9am start time had been accepted in previous years. When spectators arrived, they often purchased a drink before following their golfer, and did not engage in continual drinking. He advised that the early start time did apply to most golf events, and some clubs had permission in place for the earlier commencement of alcohol sales on a permanent basis. He advised that the first bar on the course was at the fourteenth hole.

Responding to questions from Councillor McMillan, Mr Galbraith advised of a successful recruitment drive by the company, which now had 280 front of house staff on their books. There was also a full time team which managed and delivered training.

Councillor McMillan asked whether the arrangements, including deliveries and opening times, had been discussed at a SAG meeting. The LSO advised that the main operations of the event had been through the SAG process. She had also discussed with event organisers the possibility of implementing alcohol and drug management policies to implement a wider event plan for stewards. The start time for the service of alcohol was not discussed as this was a Board decision.

Responding to further questions from Councillors McMillan and Gilbert, Mr Galbraith felt it would be positive for all facilities to be open when the public arrived. Should the sale of alcohol not be allowed to commence early, he thought this would impact on approximately 10% of all sales. He pointed out that people attended the event early but the days did not finish late.

Councillor McGuire felt that all concerns raised had been addressed. He noted the scale of the event, which expected a turnout of 60,000. Although the 10am commencement of on sales was outwith Board policy, he felt this could be justified for an exceptional international event.

Councillor McMillan felt reassured by the applicant and after hearing from the LSO. He knew from previous events that the standard of organisation would be extremely high, and the event would help to put East Lothian on the map. He would support the application, including the 10am commencement of on sales.

The Convener agreed with the descriptions of spectator behaviour at such events, and noted that arrival time was likely to be dictated by the golfer the spectator followed.

Mr Grilli confirmed the condition submitted by Mr Macdonald, as this condition varied slightly from the LSO's suggested condition. Members confirmed they were content with this condition.

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

Decision

The Board agreed to grant to occasional licence, subject to the following conditions:

- There will be a personal licence holder present at the village bar, a personal licence holder who will take responsibility for the VIP bar and the public bar at the sixth hole, and a personal licence holder at the bar at the fourteenth hole. With regard to the bar at the seventeenth hole, this will be covered by the site manager, who will also be a personal licence holder.
- All staff involved in the sale and/or supply of alcohol should have received the two hours of mandatory training as required under the legislation.

4. EXTENSION OF LICENSED HOURS Scott Dodds, Eskmills Venue, Station Road, Musselburgh

Two applications had been made for extended hours for 8 October and 15 October 2023, requesting an additional hour from midnight to 1am to accommodate two weddings. The applications had attracted no objections from Police Scotland. The LSO had made representation, which raised question as to whether the events could be considered special events for the premises to hold, as wedding functions were part of their business model. She also questioned why the events could not take place within the on sales policy hours appropriate to the premises, which took full advantage of the maximum hours as detailed in the statement of licensing policy. Her report also highlighted the venue's 15 applications for extended hours between 2021 and 2022, and recommended that the Board consider whether a major variation application would be more appropriate to continue these operations.

Mr Dodds and Mr Galbraith also spoke to this application. Mr Dodds advised that Sundays were becoming more popular for weddings, and the venue wished to be able to extend these weddings the same duration of celebrations as those held on Fridays and Saturdays, thus the request to extend the licenced hours to 1am on 8 October and 15 October.

Sergeant Stark advised that Police Scotland had no objection to the application, and noted that an occasional licence could not be put in place to cover these events as it was already a licenced premises. She raised that the weddings were not special events for the premises to hold, as weddings were part of its core business, and also asked why the celebrations could not take place within the currently permitted hours. She highlighted that clients that wanted wedding celebrations to go on to 1am had the option to book on a Friday or Saturday. She suggested that the venue should look to vary their premises licence. She recommended that the Board give these comments full consideration and assess whether this was the most appropriate course of action.

Councillor McMillan sought clarity on the business relationship between Mr Dodds and Mr Galbraith, who responded that Mr Galbraith was the owner and director of Hickory Foods, and Mr Dodds was the licence holder. The LSO clarified that Mr Dodds was the premises manager. The premises licence was held by Hickory Foods, of which Mr Galbraith was a director, and Mr Dodds had permission to make the application.

Councillor Gilbert asked whether any premises had an extension to 1am on a Sunday. The LSO advised that there were no premises which had a permanent extension beyond 12am on a Sunday, and said that Eskmills Venue was the only premises that routinely made applications for such an extension.

Councillor McGuire asked whether consideration had been given to applying for a permanent change to a 1am terminal hour on a Sunday, and Mr Galbraith said he would be happy to make an application for this change to the premises licence.

The Convener sought clarity on the benefit of the additional hour, which under Board policy could not be granted purely to provide an additional hour of drinking time. Mr Galbraith responded that couples spent a significant sum of money on their wedding day and wanted to be able to enjoy the extra hour of dancing. He reassured the Board that guests would depart at 1am.

Councillor Gilbert felt that an application to vary the premises licence should be made and was not content to support the current application.

The Convener and Councillor McMillan were happy to support the application on the understanding that a major variation application would be brought forward should the current model continue. Councillor McGuire supported the suggestion that an application for a permanent change be made, but was prepared to support the current application, and Councillor Cassini agreed.

Councillor McMillan commented that the premises at Eskmills was an exciting and highly professional venue. He felt there was sufficient evidence to support the application made by a well-managed operation, but felt that the major variation application should be made for further such events on Sundays going forward.

The Convener then moved to a roll call vote, and votes were cast as follows:

Grant	4	(Councillors Bruce, Cassini, McGuire, and McMillan)
Refuse	1	(Councillor Gilbert)
Abstain	0	

Decision

The Board agreed to grant an extension of hours to 1am on 8 October and 15 October 2023 to accommodate weddings.

On behalf of the East Lothian Licensing Board, the Convener thanked Sergeant Rachel Stark for her help and service to the Board, and welcomed Sergeant Gail Wood, who would replace Sergeant Stark in her role. Councillor McMillan also echoed these remarks.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board



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)

- 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

EL0227

2(b) Name and Address of Premises

East Lothian Yacht Club
36-40 Victoria Road
North Berwick
East Lothian

Post Code

EH39 4JL

Phone No.

01620 892698

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

East Lothian Yacht Club 36-40 Victoria Road North Berwick East Lothian			
Post Code	EH39 4JL	Phone No.	01620 892698
Email address	secretary@elyc.org.uk		

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

none

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)

<p><u>Question 4</u> Remove Seasonal Variations – applicant no longer intends to operate according to seasonal demand</p> <p><u>Question 5</u></p> <ul style="list-style-type: none">• (c) Permit Televised Sport to be provided within and outwith core licensed hours <i>see PREMISES</i>• Generally amend the Further Details of Activities (in addition to supply of alcohol)• Delete the General Statement <p><u>Question 6</u> Amend to simplify the statements of the terms of entry, ages, times and parts of the premises for Children and Young Persons</p> <p><u>Question 7</u> Upper Ground Floor capacity reduced from 100 to 80 - MAKING TOTAL 240 PERSONS</p>

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.

No changes

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)

none

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 is enclosed.

Signature



Secretary

..... (See note 5 below)

Sharon Gibbons

Date 22 May 2023

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

**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

FOR OFFICE USE ONLY		
<i>Received & 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.

**East Lothian Yacht Club
36-40 Victoria Road
North Berwick
East Lothian
EH39 4JL**

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>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/NO*</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>	12 noon	23:00
<i>Tuesday</i>	12 noon	23:00
<i>Wednesday</i>	12 noon	23:00
<i>Thursday</i>	12 noon	23:00
<i>Friday</i>	12 noon	12 midnight
<i>Saturday</i>	12 noon	12 midnight
<i>Sunday</i>	12 noon	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>	-	-
<i>Tuesday</i>	-	-
<i>Wednesday</i>	-	-
<i>Thursday</i>	-	-
<i>Friday</i>	-	-
<i>Saturday</i>	-	-
<i>Sunday</i>	-	-

Question 4

SEASONAL VARIATIONS

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

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
<i>Accommodation</i>	No	No	No
<i>Conference facilities</i>	Yes	Yes	Yes
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	No	No	No
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
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	Yes	Yes	Yes
<i>Club or other group</i> <i>meetings etc.</i>	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
<i>Recorded music – see</i> 5(g)	Yes	Yes	No
<i>Live performances –</i> see 5(g)	Yes	Yes	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>	Yes	Yes	Yes
<i>Televised sport</i>	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>	No	No	No
5(e) Activity	<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.

5(a) *Conferences* – the premises are hired out for small-scale conferences/ training sessions. No alcohol is sold or consumed in any part of the premises during these times.

Times: 09:00 - 12 noon

5(a) *Restaurant facilities* – the Sail Loft Café on the First Floor is open for members and visitors providing a range of hot and cold snacks, bacon rolls, teas, coffees and soft drinks and meals as well as catering for social functions. No alcohol is sold on the First Floor.

Times: 08:00 - 12 noon

5(b) *Receptions and Club meetings* – the Club occasionally hosts receptions for external organisations and occasional events such as members' birthday parties and weddings are held on the premises. Formal Committee meetings and AGMs, etc as well as informal meetings of groups (such as the Sail Training Instructors or the training of members for Bar service) are held within the Club.

Times: 09:00 - 12 noon

5(c) *Indoor/Outdoor Activities* – the Club's main activity is the provision of outdoor sailing activities but instruction in sailing/racing theory is provided from time to time in the premises. The Club may consider hiring the premises for external small-scale activities such as yoga/fitness classes.

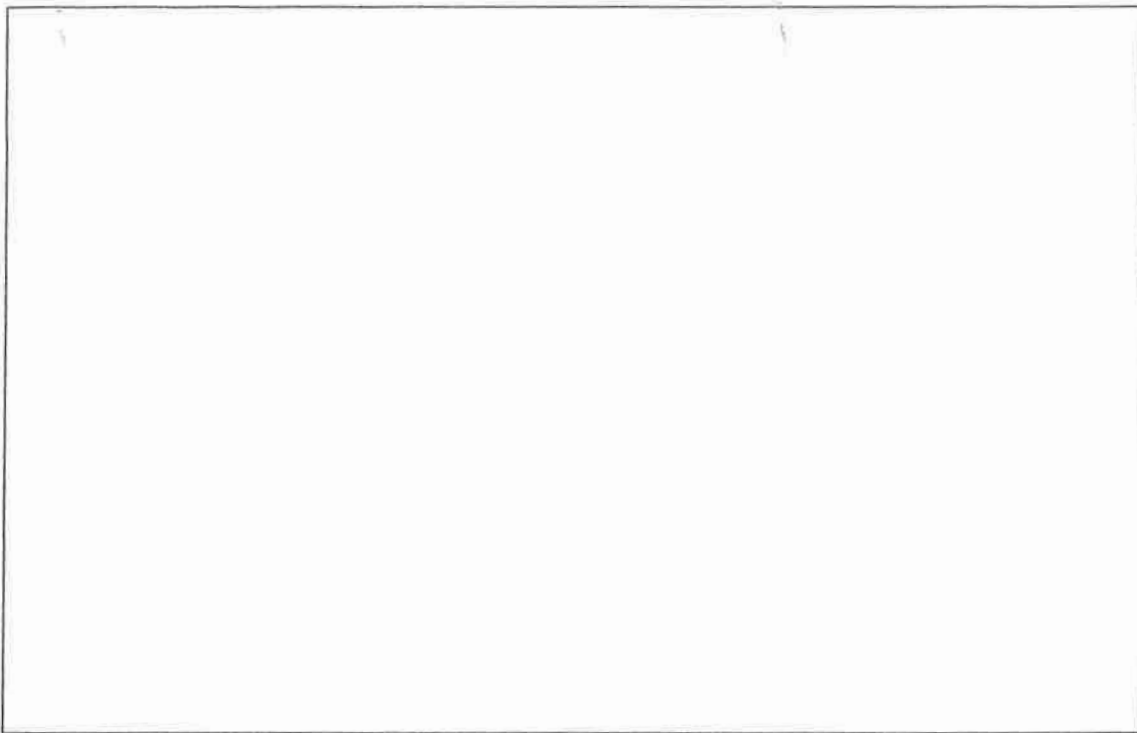
Times: 09:00 - 12 noon

5(c) *Televised Sport*

Times: 09:00 - 12 noon

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.



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/NO*
	<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*

The core purpose of the Club is to promote participation in the sport of sailing by all age groups. The Club devotes considerable financial and personnel resources to encouraging children and young persons to do so. It strives to provide a safe and friendly environment as part of which the premises are designed to be open and welcoming.

As part of this

- (a) the Club operates a robust Safeguarding Policy and Procedures in accordance with guidance from the Royal Yachting Association (Scotland) (RYA). All Club members working or volunteering in capacities defined as Regulated Work must hold PVG Membership with Disclosure Scotland which has been applied for/updated specifically by the Club.
- (b) Employees are required to undergo formal Safeguarding training through the RYA which is refreshed annually by the Club's Child Protection Officer (CPO).
- (c) Club members supporting events targeted at under 18s are required to complete our Volunteer Agreement, which requires them to read, understand and comply with our Safeguarding Policy and Procedures.
- (d) The CPO sits on the Management Committee of the Club and regularly advises the committee about the club's safeguarding responsibilities towards under-18 members and visitors.

Children and young persons who are members of the Club under the Cadet category are entitled to entry to the premises and are bound by the Rules of the Club.

Children under 11 who are members by reason of the Family Membership category must be accompanied by and remain under the supervision of a responsible person at all times while in the premises.

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

Children and young persons up to and including 17 years of age are permitted entry to the premises.

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

Bar on the Upper Ground Floor

Children and young persons are allowed entry to the Bar area

- (a) during the Core Times set out in Question 2 but only when at least one responsible adult - a Committee member or other member including bar-trained members or other authorised person -

is present. When no responsible adult is present, the door to the Bar area is always kept locked.

(b) outwith the Core Times (eg for a morning session of teaching in sailing/racing theory and tactics) but there will always be at least one responsible person present.

Lower Ground Floor and First Floor

During the times set out in Columns 3 and 4 under Question 5, children and young persons are permitted access to the Lower Ground Floor (Changing Rooms, Toilets and Disabled/Baby-changing facilities) and to the First Floor (Sail Loft Café).

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

Children and young persons have access to all three floors of the premises and a Notice to that effect is located at the entrance to the premises.

Lower Ground Floor

Access to the changing rooms, toilets and disabled toilet/baby-changing facility. A security gate prevents access to the stairs to the Upper Ground Floor and First Floor unless responsible persons such as Committee and other adult members, or other authorised persons are present.

Upper Ground Floor

Access to the Bar area subject to the Terms and Times previously stated.

First Floor

The Sail Loft Café facilities are open to children and young persons subject to the Terms and Times previously stated.

Question 7

CAPACITY OF PREMISES

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

Lower Ground (Changing Rooms and Toilets) - 100 persons

Upper Ground (Bar) – 80 persons

First Floor (Sail Loft Café) – 60 persons

Question 8

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

Personal details

8(a) *Name*

N/A – Members' Club

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  * (see note below)

Date 22 May 2023 *STEWART GIBBONS*

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

Telephone number and email address of signatory 01620 892679 secretary@elvc.org.uk

*** 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

The Club's primary activities comprise:

- promoting community participation in healthy recreation by providing facilities for sailing
- providing training in the sport of sailing and related activities, for all ages and in particular for young sailors.
- promoting and facilitate sailing competition at all levels.
- providing and maintain facilities including a suitable clubhouse, for the use of sailors and others.
- promoting good relations with other organizations engaged in sailing related activities in general and in the North Berwick harbour area.
- providing social and other facilities for members as from time to time may be determined.

On/Off Consumption

(a) Please describe the type of business you intend to operate in respect of On consumption.

a) The on-sale of alcohol is ancillary to the primary activity of the Club and enables members of all ages to socialize in a safe and controlled space. It is not the major source of income for the Club but operates at a profit as sales are delivered by bar-trained adult members as volunteers.

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

b) The Club does not provide any off-sales.

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 – NO

Conference Facilities – The premises are used by members for RYA Training and Competency Courses such as Short Range Radio Certificate, PowerBoat Use and First Aid. The premises are also hired occasionally by external organisations for conference/staff training events. Examples include the Scottish Seabird Centre and the North Berwick Harbour Trust Association.

Restaurant Facilities – The Sail Loft Café on the First Floor is currently operated by a third party under an agreement with the Club. (This arrangement may be undertaken in the future by Club members.) It provides hot and cold snacks, teas, coffees and soft drinks. The Café is open for visitors during Core times and outwith core times on Saturdays and Sundays. It also provides meals for competitors attending weekend and whole-week regattas and for Club social events such as Burns' Nights, Christmas Carol Evenings, etc. No alcohol is sold at any time in the Café.

The operation of the foregoing facilities provide a welcoming space for members, visitors and regatta competitors as well as local organisations, and are ancillary to the primary activity of the Club.

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:

Members are able to hire the premises for private functions such as weddings and birthday parties. On average, two such functions will occur every year.

Both the Bar and the Café would be in use. One or more trained members will be on duty behind the Bar to serve alcohol in the event of it not being provided free by the family.

Entertainment: –

Dance Facilities; Theatre; Films; Gaming - NO

Recorded Music – this is played only when the Bar is in use during the Core Times; current PRS and PPL are available.

Live Performances – these are not regular or frequent. Occasional singing and instrumental performances occur at events such as Burns' Nights, Christmas Carol Evenings, etc.

Indoor/outdoor sports - the primary activity is sailing which takes place off-shore. There are no indoor sports

Televised Sport – this would be in use particularly for International Sailing, Rugby, Football and Cricket matches.

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: NO

Adult Entertainment – 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:

As sailing is weather dependent, the range and scale of use of the Club premises can vary from week to week although the Club now has developed a regular programme of winter sailing.

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: NONE

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.

Club membership includes persons of all ages from 11 years upwards. Children under 11 may be members by reason of Family Membership but require to be accompanied by and supervised by a responsible person.

- Level access is available for disabled and less-abled persons to the Lower and Upper Ground Floors.
- The Lower Ground Floor contains the male and female toilets as well as the combined disabled toilet and baby-changing facility.
- The Bar on the Upper Ground Floor has no bar stools but coffee-tables and a mix of conservatory-style chairs, armchairs and sofas.
- Persons of all ages are able to use the Sail Loft on the First Floor (whether or not the Café is operating) and which has tables of dining and “coffee-table” height and appropriate dining chairs as well as armchair seating.
- There are no pool tables, dartboards or gaming machines anywhere in the premises.
- Baby and toddler changing facilities are available in the disabled toilet on the Lower Ground Floor.

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:

- The Club appoints (1) a Bar Convener who serves on the Management Committee and also appoints (2) a Cadet Captain and Vice-Captain who represent the children and young persons using the Club facilities and who are able to attend Committee meetings which assists with communication about and resolution of any behaviour issues which might arise.
- A Club member who has held a Personal Licence (EL020) since 2009 provides instruction and refresher training to members of the Club who have chosen to undertake Bar Duty as part of their contribution. The Training Record is retained at the Bar.
- Part of the training course covers conflict management.
- The Club operates the Challenge 25 Scheme and relevant Notices are in the entrance stairway and Bar area.
- A Sales Refusals Record is kept at the Bar.
- The Club does not have a large membership which makes it easier for members to know and recognise each other and assists in fostering a positive pride in Club identity.
- Family Membership encourages a positive atmosphere in and around the Club.
- Sailing Instructors undertake PVG Certification through Disclosure Scotland and other adult members who have occasional contact with under-18s are encouraged to join the RYA-backed voluntary scheme.

Securing Public Safety:

- An appropriate occupancy level for the three floors of the premises is in place and stated on the Operating Plan.
- An annual fire risk assessment is undertaken of the premises.
- The hours of operation reflect the varied use made of the Club throughout the year.
- While disabled access is available to the Lower and Upper Ground Floors, the structure and layout of the B-Listed premises prevents access to the First Floor.
- The Club is happy to accept the usual requirement to provide plastic glasses when the marquee is in use during regattas.
- Empty glass bottles and cans are taken to North Berwick Recycling Centre.
- The premises are regularly cleaned by a professional cleaner
- There are First Aid kits on every floor and an Accident Book is kept in the Café kitchen.

Preventing Public Nuisance:

- Club officials regularly advise close neighbours when regattas are going to occur and that there will be an increase in activity at the Club.
- A Notice warning those leaving the premises about noise, smoking and littering and requesting consideration of neighbours is located at the main entrance/exit of the premises.
- The Club does not intend to operate any outdoor drinking areas.
- When busy, the Bar staff advise customers that last orders are 30 minutes before the terminal hour.

- Recorded and live music are not permitted outside Core Times or any earlier time as may be directed by the terms of an Occasional Licence.
- There is limited off-street parking around the harbor area so many Club users will walk or cycle to and from the premises.

Protecting and Improving Public Health:

- Bar-trained members are aware of the dangers of over-consumption of alcohol including disorderly and aggressive conduct.
- On offer at the Bar are alcoholic drinks with a variety of strengths and measures as well as non- and low-alcohol beers, soft drinks, free tap water and reasonably-priced snacks.
- The Club supports the Minimum Pricing Policy and the ban on Irresponsible Drinks Promotions. Although lower than some commercial licensed premises in North Berwick, the prices are high enough to discourage purely “social” membership of the Club.
- All floors have the appropriate Fire Exit signage.

Protecting Children and Young Persons From Harm:

- Risk assessments are in place for all areas to which children and young persons have access.
- Electrical sockets on all Floors are protected by safety appliances.
- Sailing Instructors and other members specifically involved in delivering or supervising sailing instruction, training and practice to children and young persons are PVG-certificated by Disclosure Scotland.
- Club members supporting events targeted at under 18s are required to complete our Volunteer Agreement, which requires them to read, understand and comply with our Safeguarding Policy and Procedures.
- As previously identified, the Club ensures that all persons who serve at the Bar have had the required training specified in the 2005 Act including the need to ensure that children and young persons do not purchase or consume alcohol on the premises.
- Bar-trained members ensure that children do not approach within 1.5metres of the Bar counter.
- The Club operates the Challenge 25 Scheme and bar-trained members are reminded from time to time that photographic proof-of-age must be asked for in the event of any doubt.
- Section 110 and Challenge 25 Notices are displayed.
- Plastic glasses for children are available on request.
- Baby and Toddler changing facilities are provided as previously stated.

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	 STEPHEN GIBSON	Date	22 May 2023
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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.

The B-Listed premises date from 1802 and are built over 3 floors on a steeply sloping site with the rear facing onto the Anchor Green and the front facing onto Victoria Road and the harbour. The Lower Ground Floor containing the disabled toilet/baby-changing facility has level access from Victoria Road. The door of the facility is appropriately signed.

There is a steep flight of stairs leading to the Upper Ground Floor which contains the Bar room (entered by a lockable door) with a level landing leading to the fire escape door out on to the Anchor Green. This egress route also serves as the disabled access route from the Green to the Bar.

The two disabled access points are shown on the layout plan.

Internally, there is a further flight of stairs leading from the landing to the First Floor containing the Sail Loft Café. There is no disabled access to the First Floor.

Question 3

Facilities available

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

There is a disabled toilet on the Lower Ground Floor accessed from Victoria Road.

Level access suitable for wheelchair users to the Bar on the Upper Ground Floor is available from the Anchor Green.

Question 4

Other provisions

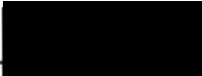
Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Assistance Dogs welcome signage has been installed.

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)

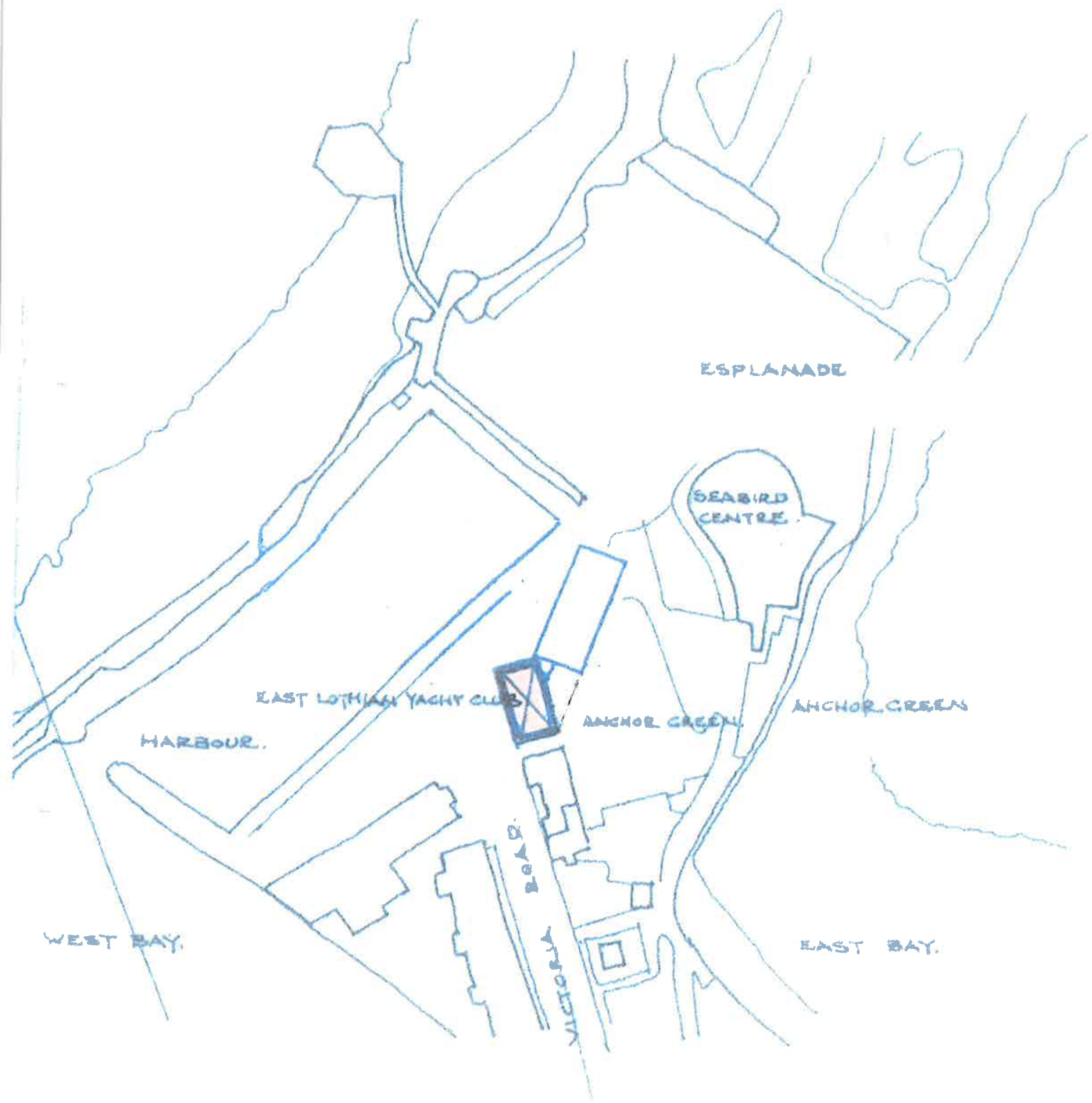
Date 22 May 2023 STEWART GIBBONS

Capacity On behalf of Club: Secretary APPLICANT/AGENT

Telephone number and email address of signatory 01620 892679 secretary@elyc.org.uk

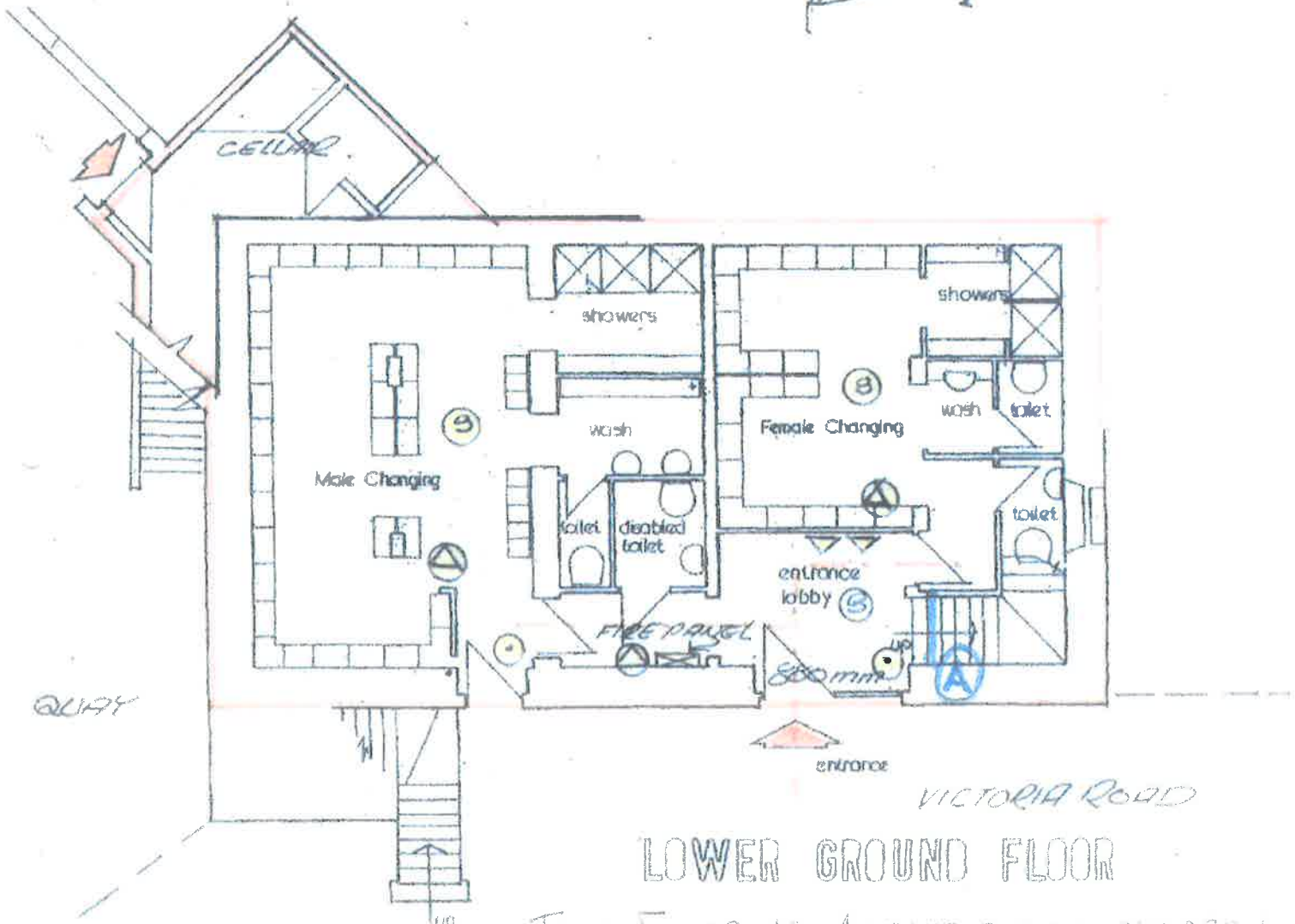
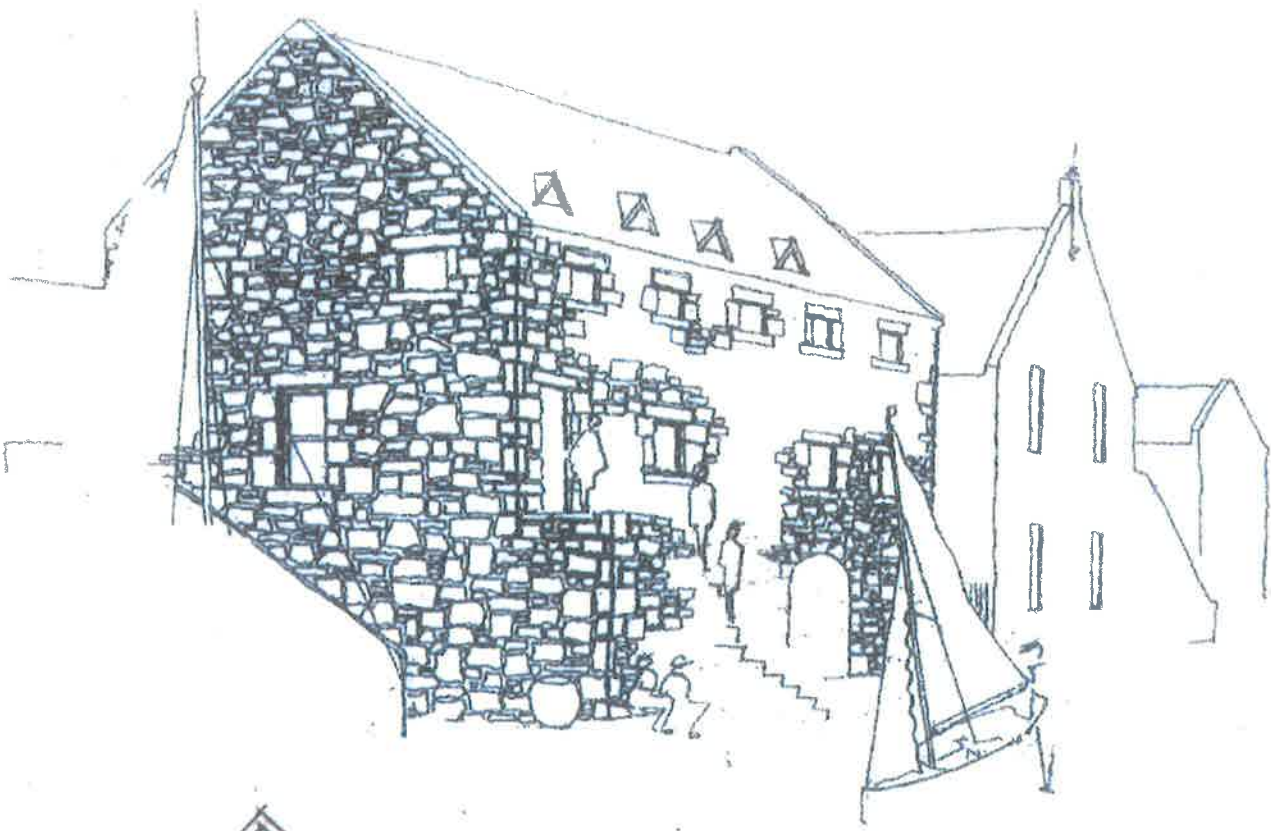
*** Data Protection Act 2018**

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



site plan.

scale 1:1250.



LOWER GROUND FLOOR

THIS FLOOR IS ACCESSIBLE TO CHILDREN AND YOUNG PERSONS

SCALE 1:100

1.1.1.1.1.1.1

Rest of premises to be licensed into

Bar thus

Display of alcohol thus

Access & egress thus

Escape route thus

Door widths as marked on the drawings

Fire detection

Fire panel thus

Call points thus

Alarm sounders thus

Smoke / Heat detectors thus

Fire extinguishers thus

Lockable Bar Room Door

Toilets as shown on the drawings

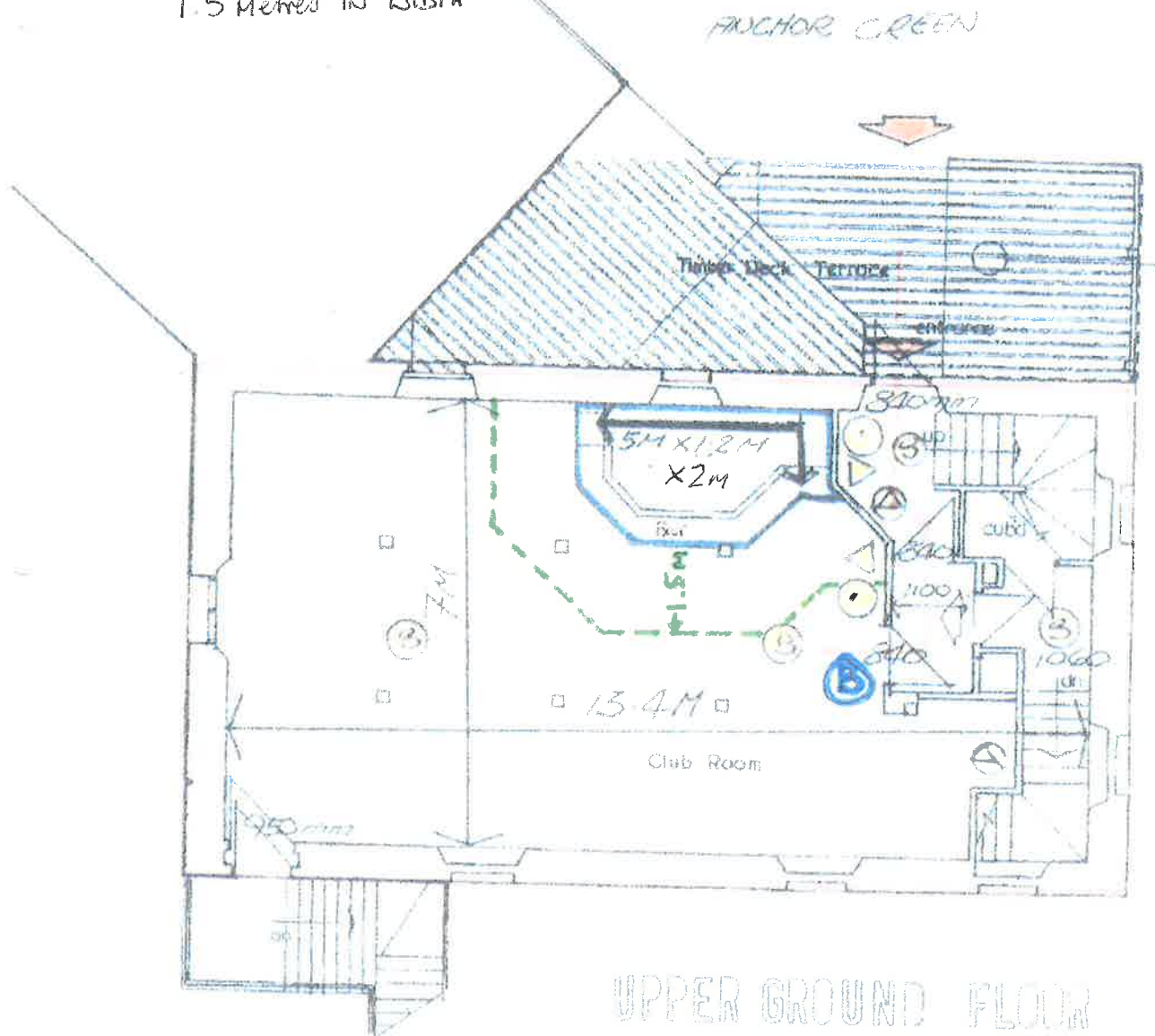
Security Gate

Note disabled toilet also set aside for baby changing

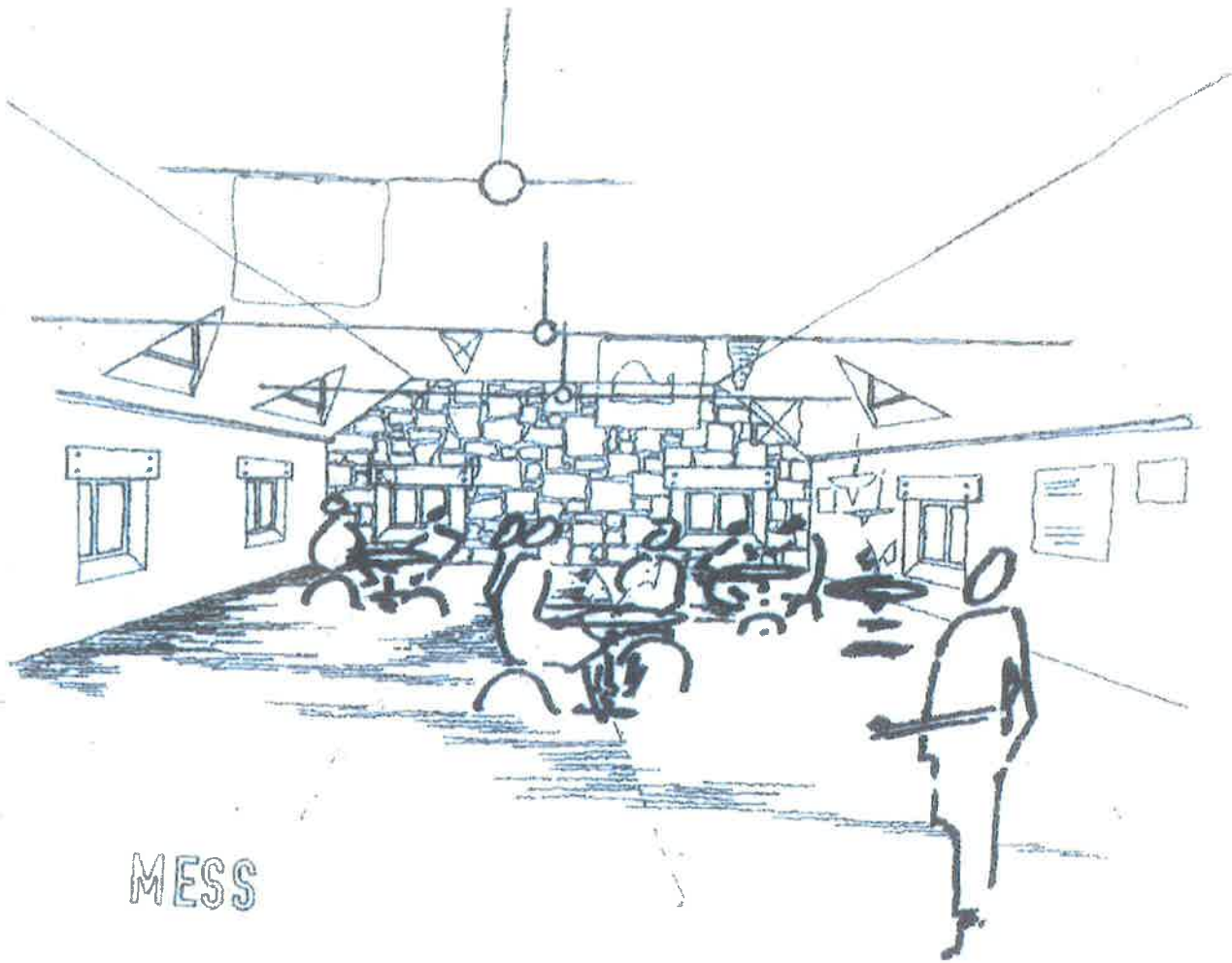
EXCLUSION ZONE AROUND BAR FOR CHILDREN & YOUNG PERSONS

1.5 metres in width

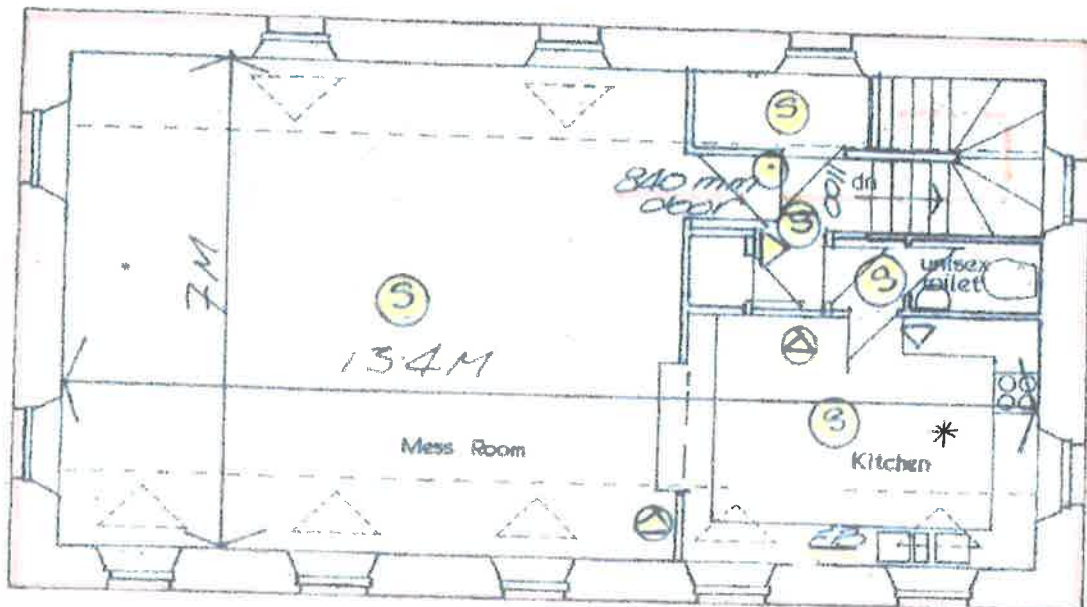
SMOKE DETECTORS TO BS5839 CONFIRMED AND APPROVED BY MR. G. KING BUILDING STANDARDS SURVEYOR - SITE INSPECTOR ON 30-6-2004



THIS FLOOR IS ACCESSIBLE TO CHILDREN AND YOUNG PERSONS BUT THEY ARE EXCLUDED FROM A ZONE 1.5 metres in DEPTH AROUND THE BAR.



MESS



* Alarm / strobe

FIRST FLOOR

THIS FLOOR IS ACCESSIBLE TO CHILDREN AND YOUNG PERSONS

* CHILDREN AND YOUNG PERSONS ARE EXCLUDED FROM THE KITCHEN

30/06/2023

Your Ref:

Our Ref: 737095

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

Licensing Department
Dalkeith Police Station
Newbattle Road
EH22 3AX

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
EAST LOTHIAN YACHT CLUB, 36-40 VICTORIA ROAD, NORTH BERWICK,
EAST LOTHIAN, EH39 4JL**

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 operating plan (To include changing information contained within the operating plan) - 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

For enquiries please contact the Licensing Department.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Karen Harling

To: C. Grilli

Licensing Standards Officer

Clerk to the Licensing Board

Date: 17th July 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

**EAST LoTHIAN YACHT CLUB, 26-40 VICTORIA ROAD, NORTH BERWICK,
EAST LoTHIAN, EH39 4JL**

I can confirm that I have spoken with David Robertson from the East Lothian Yacht Club committee in relation to this variation application. I have also conducted a visit at the premises where I met with Mr Robertson. The premises were found to be well run, fully compliant and no issues were found. The applicant is Stewart Gibbons, club secretary.

The premises is a club premises, used by members of East Lothian Yacht Club on a regular basis. It provides facilities for members including a bar area, changing facilities and a restaurant that provides teas, coffees, hot and cold snacks. No alcohol is served in the restaurant area, only the bar area.

The changes applied for are:

- Remove seasonal operation so the premises can operate all year
- Change the description of restaurant facilities outwith core hours for the restaurant to open at 0800am
- Change the description of reception and club meetings to include the hiring of the venue for external organisations
- Change the description of indoor/outdoor sports to add yoga/fitness activities to begin from 0900am
- Add televised sport within and outwith core hours
- Delete the general statement
- Changes to children and young persons section to simplify
- Change in capacity from 160 to 240 persons

In relation to the above I make the following recommendations and comments.

- 1) I have no objection in relation to the premises operating on an all year round basis
- 2) I have no objection to the change of description for restaurant facilities outwith core hours
- 3) I have no objection to the change of description for reception and club meetings outwith core hours, however I ask the applicant to be mindful that should alcohol be sold at any of these meeting to external persons/non-members then an occasional licence would be required.
- 4) I have no objection to the change of description for indoor/outdoor sports outwith core hours and the addition of fitness classes
- 5) I have no objection to the addition of televised sport within or outwith core hours
- 6) I am unclear as to what the request to delete the general statement is. If tis refers to the description of the premises this is required and cannot be removed.
- 7) I make the following comments and recommendations about the children and young person section. This is still complex and difficult to interpret.
 - a. I recommend Question 6a) be changed to – **Children and young persons who are members of the club are bound by the rules of the club. Children and young persons 11-17 years can enter the bar area and all other areas of the premises unaccompanied. Children 0-10 years must be accompanied in the bar area by a responsible adult at all times.**
 - b. I recommend Question 6c) be changed to – **0-17 years**
 - c. I recommend Questions 6d) be changed to - **0800 – end of core hours**
 - d. I recommend Question 6e) be changed to – **All public areas**

These changes make the licence easier to understand and clear. Much of the information submitted on the application can be held as club policy in a separate document for the committee and members to adhere to.

- 8) The change in capacity is an increase from the current licence of 160 persons to a total of 240 persons and this should be reviewed and considered by the Board

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

K. Harling
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 30th June 2023

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: East Lothian Yacht Club, 36-40 Victoria Road, North Berwick

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

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

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

Post Code	EH39 5PR	Phone No.	01620 671700
------------------	----------	------------------	--------------

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

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

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)

--

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

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

FOR OFFICE USE ONLY

<i>Received & 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

Day	OFF Consumption	
	Opening time	Terminal hour
<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*

<p>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.</p>
--

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
<i>Accommodation</i>	YES	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	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
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	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
<i>Recorded music – see</i> 5(g)	YES	YES	YES
<i>Live performances –</i> see 5(g)	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	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
---	----

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)

Date07.02.23.....

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
-----------	--------------	------	---------------

“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

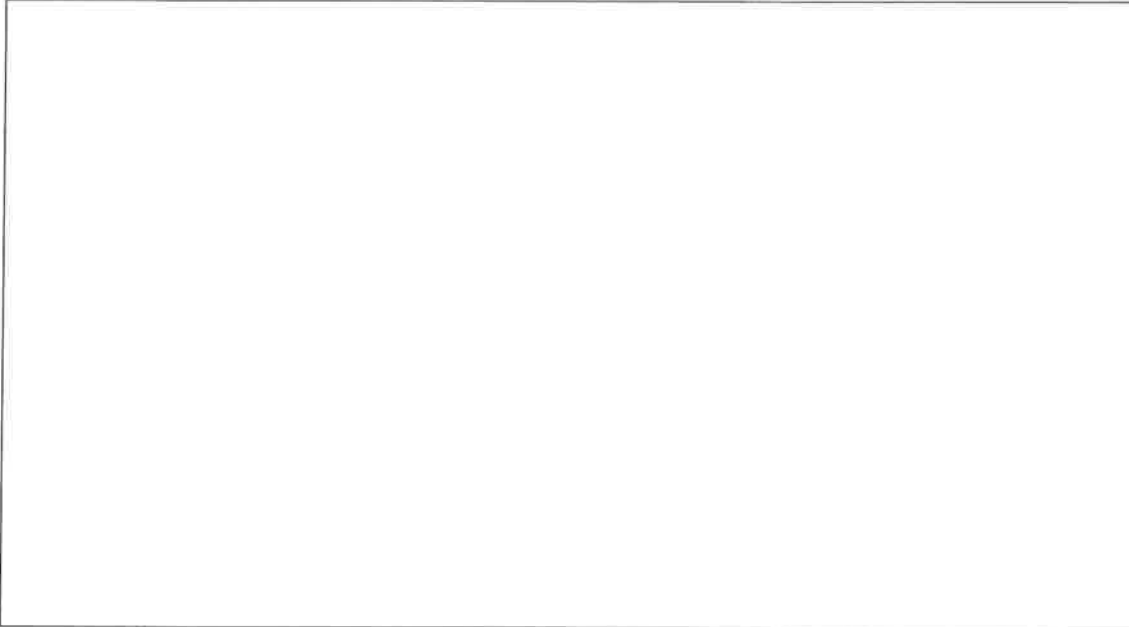
Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

Question 3

Facilities available

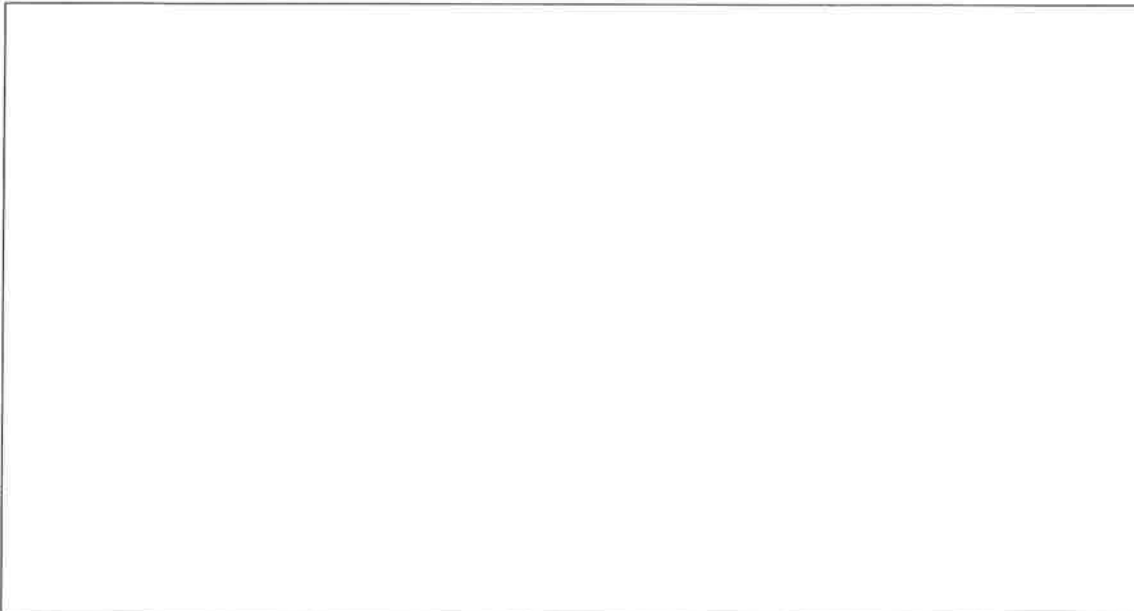
Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.



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)

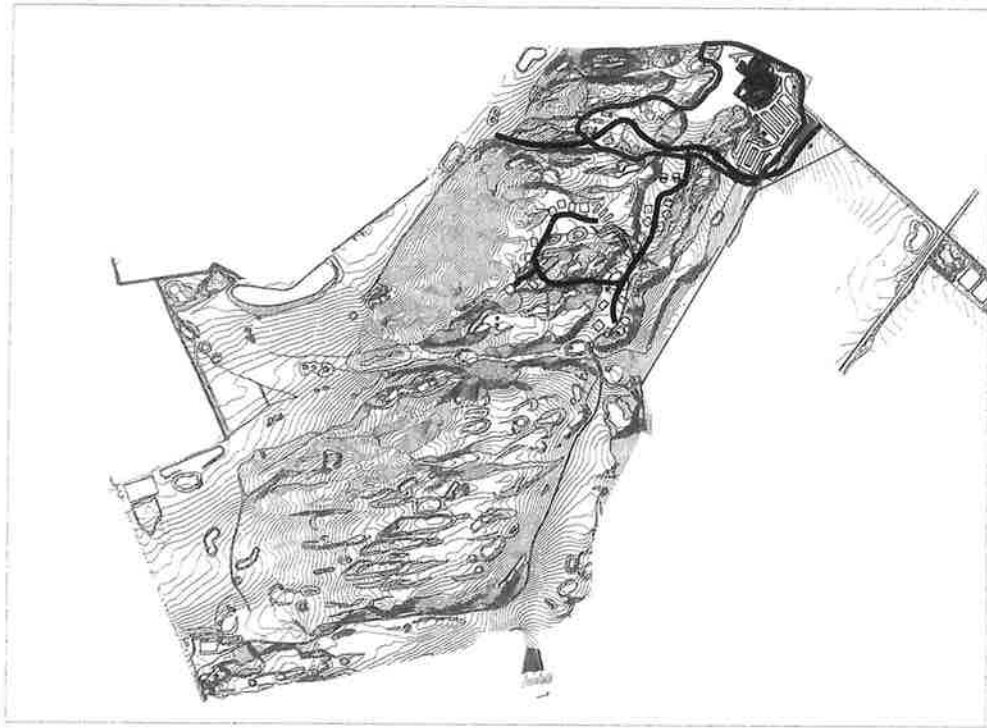
Date

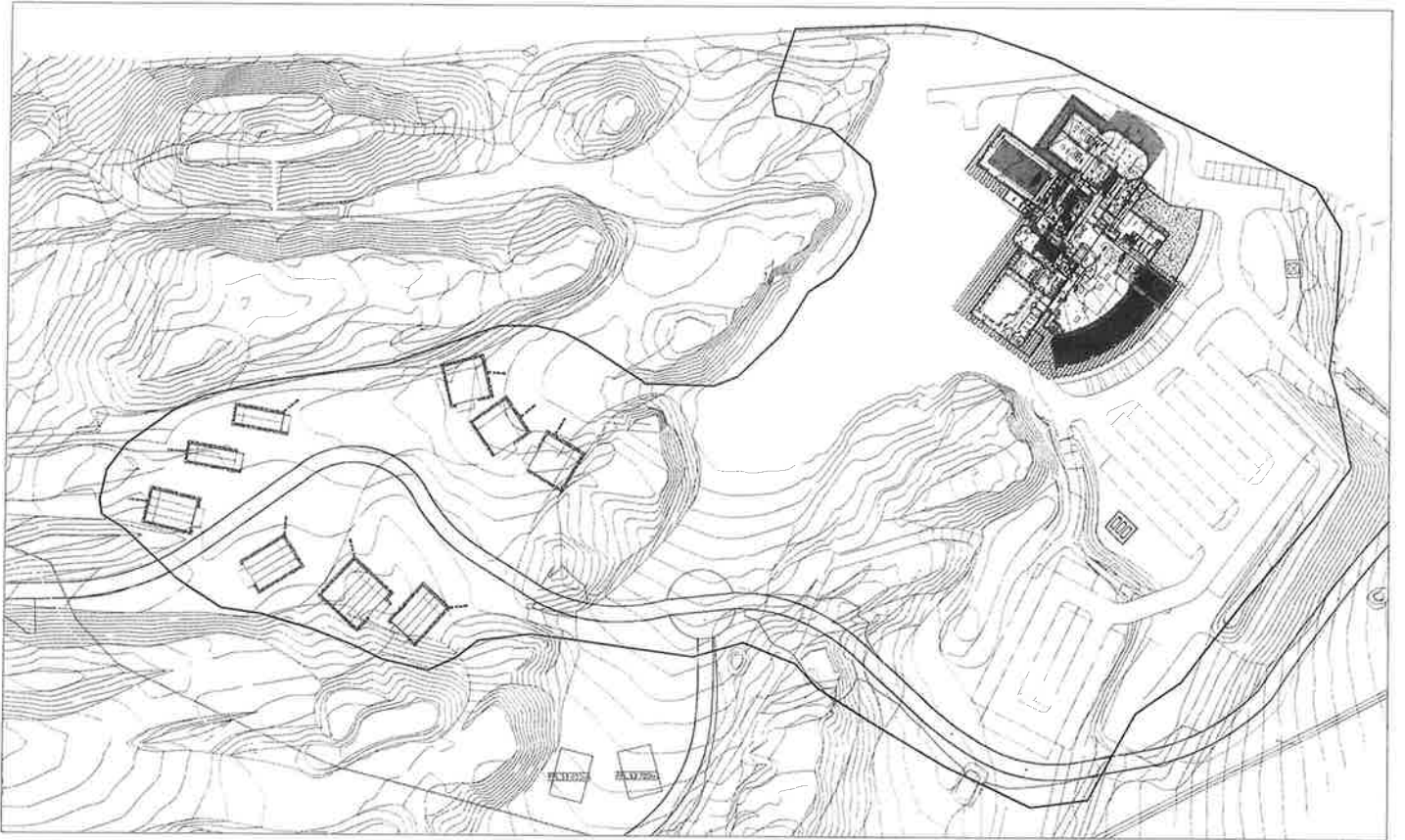
Capacity APPLICANT/AGENT

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,

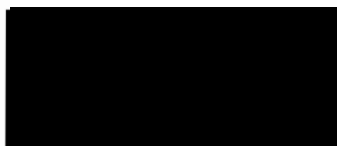
**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK, EH39 5PR.**

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 out 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

Date: 21st 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 26th September 2019 and expires on 25th 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: 1st 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 7th July - 3rd August 2023 the premises did not have any occasional licences and made sales of alcohol. On 31st 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

Date: 11th 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 21st 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.

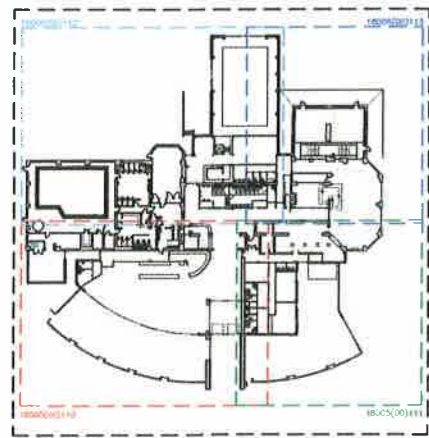
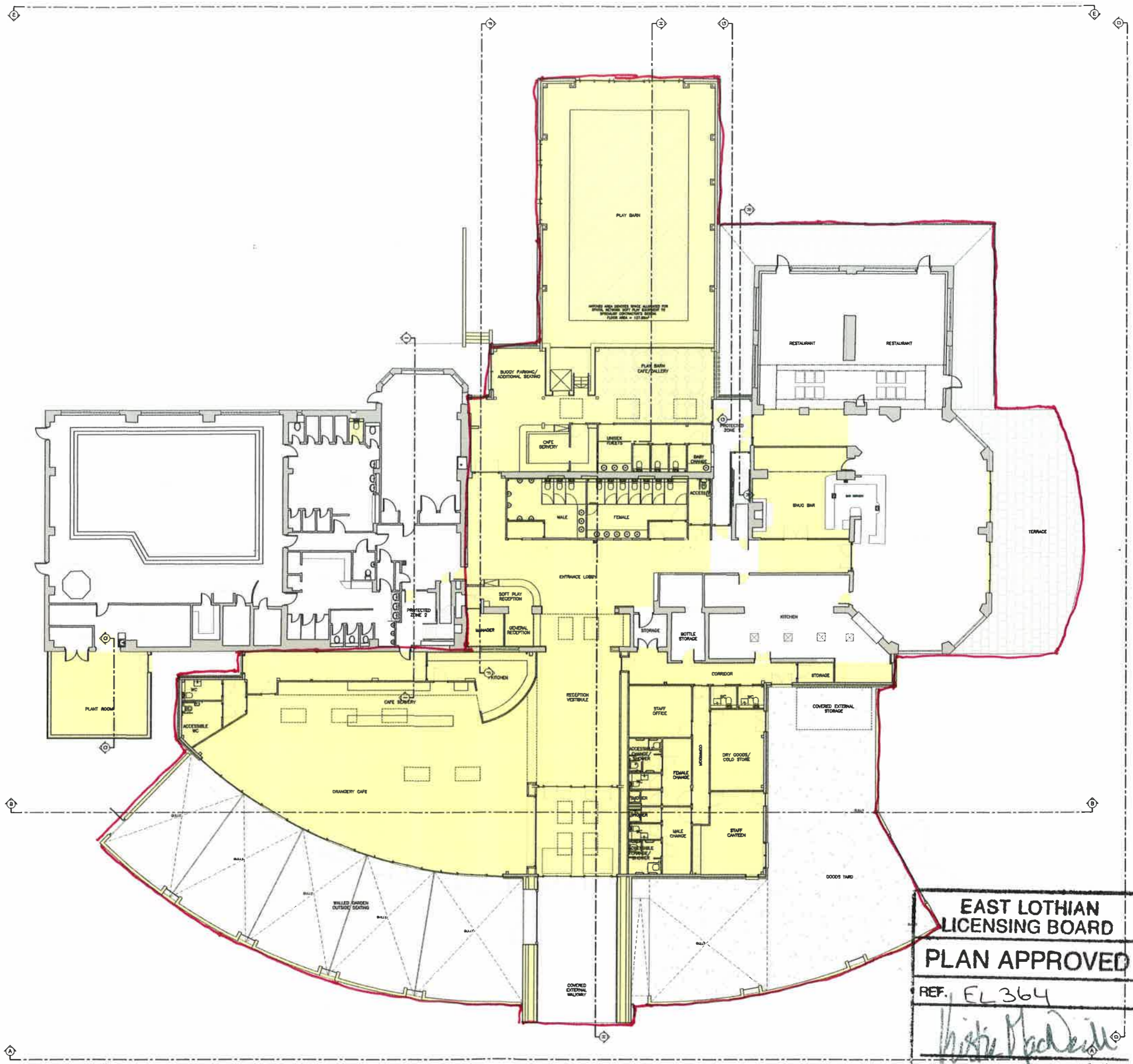
In order to safeguard and uphold the licensing objective of protecting children and young persons from harm I recommend that the two areas above be excluded from the licensed area so that alcohol cannot be sold or consumed in areas that are specifically for children and families. There are significant 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
 EH2 4DF
 T 0131 527 1900
 F 0131 527 1901
 E info@emaarchitects.co.uk
 www.emaarchitects.co.uk

WHITEKIRK HILL LTD.
 PROPOSED REFURBISHMENT,
 ALTERATIONS & EXTENSION
 WHITEKIRK CLUBHOUSE

GROUND FLOOR PLAN
 AS PROPOSED

18005(00)100-M

Licensing

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 28th 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

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 28th July, 2023.

Kind regards

Gillian

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

Licensing

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

Hi

Please find attached Variation to Provisional Premises licence for Whitekirk Hill, Whitekirk. Can I please have reports by 28th 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

From: George Thomson [REDACTED]
Sent: 04 August 2023 11:06
To: Licensing
Cc: Herkes, Gillian; Winter, Maree
Subject: Fwd: 16003: Winton Place, Church Street, Tranent.
Attachments: 16003 Electrical Certificate .pdf; 16003 fire certificate.pdf; 16003 Response to BC re outstanding items.pdf

4

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

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Clerk To The Licensing Board

Please find attached the latest correspondence with Building Control and we are hopeful that the section 50 will be issued in the near future, unfortunately it looks like it will not be issued in time for the August Board meeting, therefore I would be grateful if the temporary Licence could be extended until the Section 50 is in place.

Many Thanks

Susan

Sent from my iPad

Begin forwarded message:

From: Walter Wood <walter@qbwoodarchitects.com>
Date: 25 July 2023 at 16:38:08 BST
To: dmiller@eastlothian.gov.uk
Subject: 16003: Winton Place, Church Street, Tranent.

Hi Donald,

Attached is a response to your notes from your site visit, also attached are electrical fire certificates and drainage photos. I'll be in touch with any further information, meantime if you can confirm if you are happy with the points answered.

Best Regards,

W.

Please note that I only work on Tuesdays. If your message is urgent please e-mail info@qbwoodarchitects.com

Walter Wood
Consultant
for

East Lothian Council
 Building Control Department
 John Muir House
 Brewery Park
 HADDINGTON
 East Lothian
 EH41 3HA

25 July 2023
 16003 / 3.1 / CL180523-13

FAO Donald Miller

Dear Donald,

Winton Place/Church Street Tranent

Hope this finds you well, we refer to your letter/email of 18th April 2022. And add the points below.

1. The practice has a new name, it is still the same limited company with the same telephone numbers and address. Simply a change of directors from a few years ago.
2. We attached Drawing number 16003 B60K this shows the site changes, these are increase size of conversation room, addition of store at ladies toilets and store under the mezz stairway. We have also added the wall specifications at the adjoining building, which at this time is still under the same ownership.
3. The contractor was dealing with this, we have asked why there was no inspections. We ask if we can agree a way forward as drainage has been laid basically as the drawings. Would a pressure test be sufficient?
4. A fire safety summary is attached to this letter.
5. Noted.

Certification:

1. Can we arrange a drain test at a convenient time.
2. We have asked the contractor to issue Electrical, Smoke detection and Emergency Lighting certification for the project.

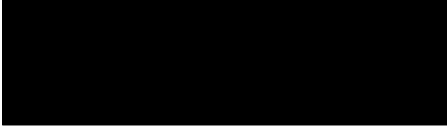
Point required for attention/clarification.

1. All structural steel has been encased in a minim of two layers of plasterboard given 31mm thickness and 1 hours fire protection.
2. Fire resistance of external cladding above glazed café area.
3. Drawing 16003 B60K now shows the correct layout and confirmation of the new wall constructions that have been erected as items 4 below.
4. As item 3 above.
5. This is an issue as we do not own the pavement, so we would ask for this to be relaxed, these doors are fire escape only, and staff would be on hand should this exit need to be used.
6. We will request the client to get this works carried out.
7. Can you clarify where this would be required, all existing ceilings were replaced and sealed and a further suspended ceiling was added to most areas. We would ask you to consider that no change was made and in most cases improved.

8. Air Conditioned units? We are awaiting this information.
9. We can confirm that all glazing below 800mm complies with BS 6262-4 2005 & BSEN 12600:2002 & BS EN 1991 -1-1 and associated PD6688-1-1.

We will forward any further information we receive as soon as we receive it.

Best Regards,



Walter Wood
For
QB Wood Architects

WEST LOTHIAN
GROUP
RDA



**It's what you can
do that counts**

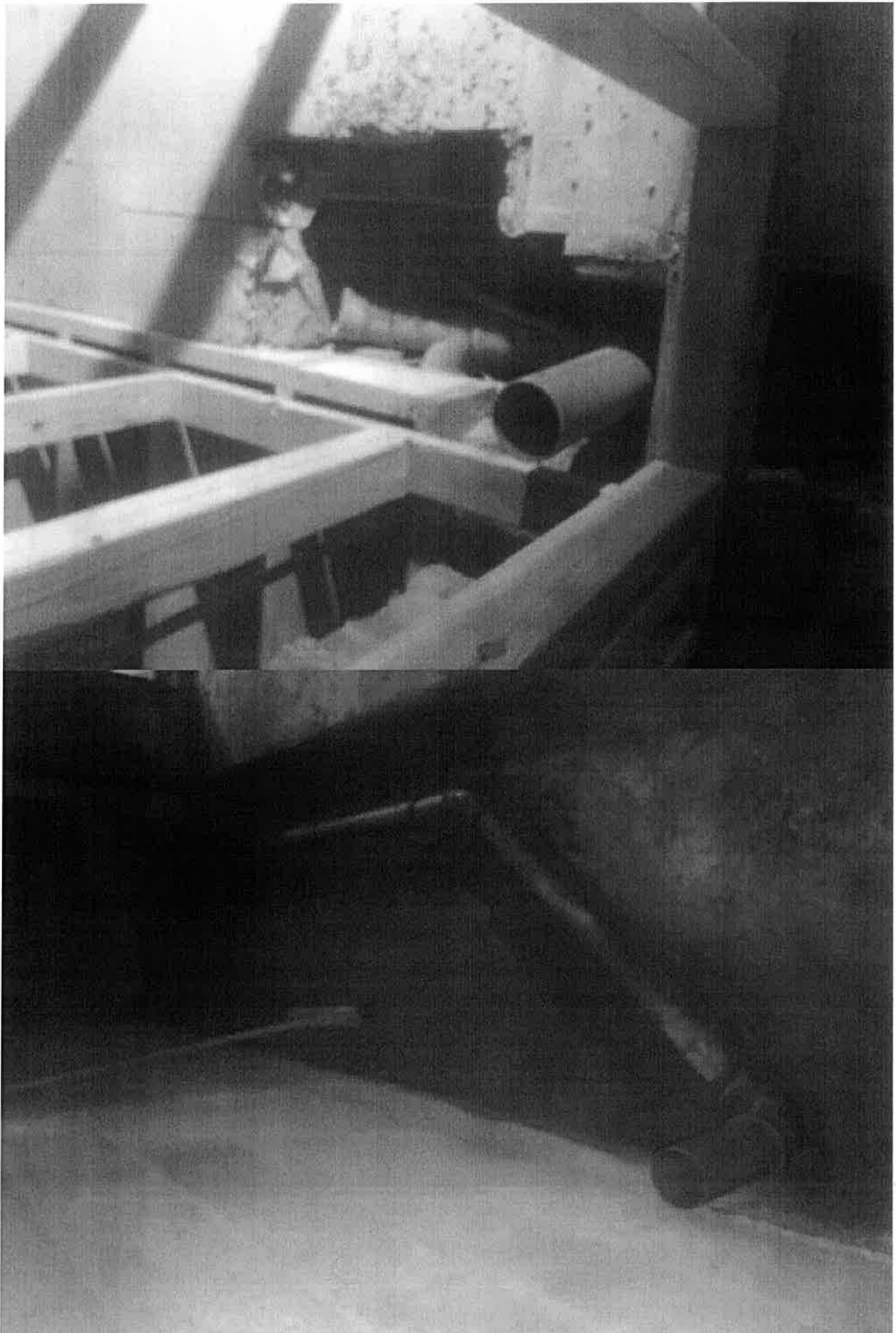
**West Lothian Group
Riding for the Disabled
Registered Charity Number SC049451
www.westlothianrda.org**

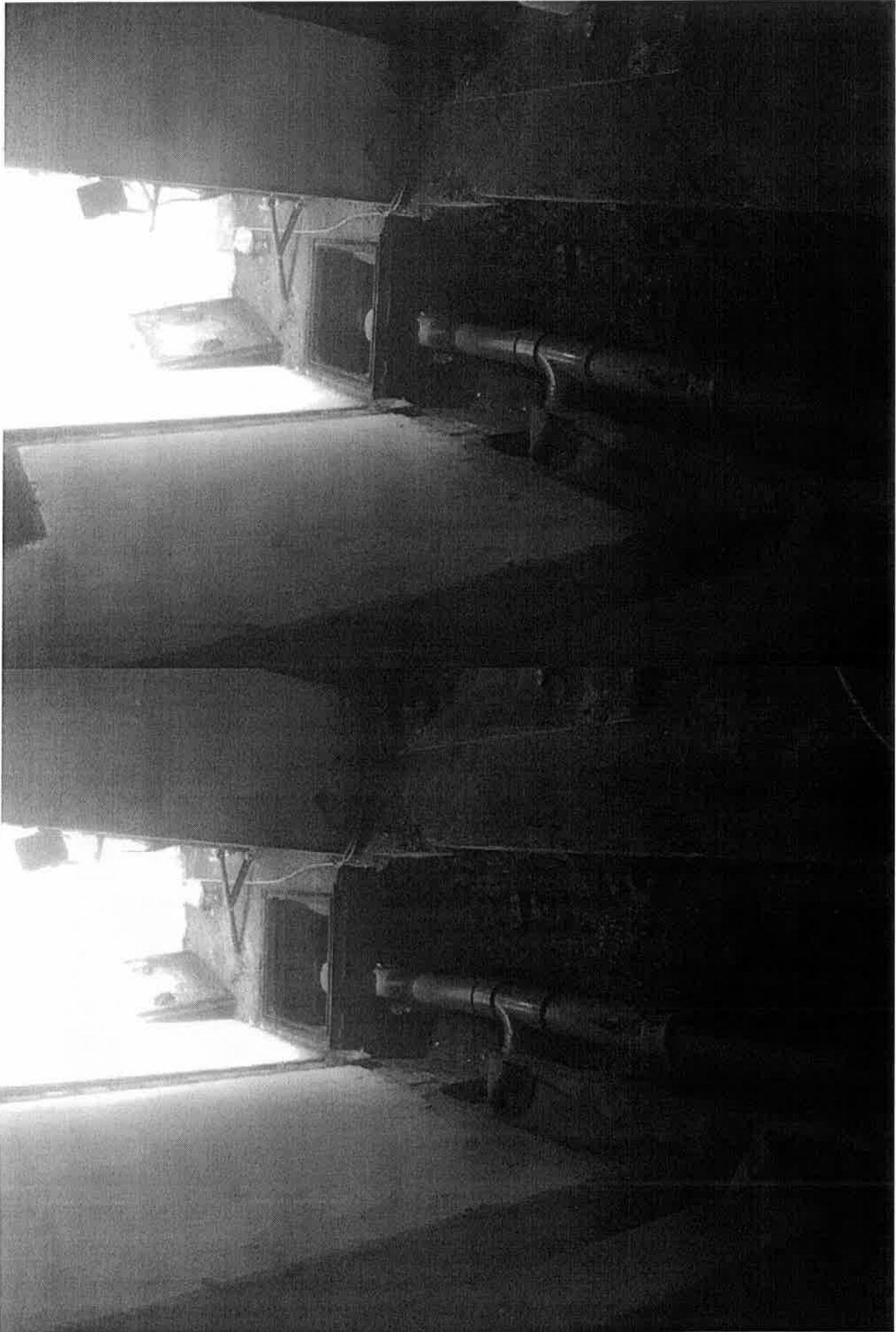


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LICENSING (SCOTLAND) ACT 2005, SECTION 142

**OCCASIONAL LICENCE
APPLICATION FORM**

5A

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) ECU 283

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate)

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

Surname KINNOCH

Forenames PAUL MAZZOLI

Date of birth (Day / Month / Year) [REDACTED]

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

Post town _____ st code _____

Telephone Numbers

Daytime Tel. _____ Evening Tel. _____

Mobile No. _____

Fax No. _____ Email _____

3. THE PREMISES

Description of premises

Cafe / Takeaway / food + drinks service
16 persons

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

CAFE BAR

Full postal address of premises which this application refers to

6 HIGH STREET WASHINGTON
EH41 3EG

4. DURATION OF LICENCE

From 24/08/2023 To 6/09/2023

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

11 AM - 10 PM

Times for sale of alcohol for consumption off premises

10 AM - 10 PM

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

N/A

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 0 - 17 yrs

Times at which children or young persons permitted entry 9 AM - 9 PM

Parts of premises to which children or young persons permitted entry

ALL AREAS EXCEPT 1-5 METRES

FROM THE SERVICE

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 and correct to the best of my knowledge and belief.

Signature _____

Date _____

21/7/23

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>)

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 11th August 2023

Subject: LICENSING SCOTLAND ACT 2005
REPORT - OCCASIONAL LICENCE APPLICATION OCC583/23, OCC638-642/23
Paul Kinnoch, Mazzoli Café, 6 High Street, Haddington, East Lothian, EH41 3ES

The applicant is Paul Kinnoch who is a personal licence holder. Application has been made for six occasional licences for Mazzoli Café from 24th August 2023 - 15th November 2023.

The applications request on sales from 1100-2200 and off sales hours of 1000-2200 Monday – Sunday.

The premises have been operating on occasional licences from 24th January 2022 until present. Should the Board grant the applications the premises will have been trading on occasional licences for 22 months.

I refer the board to section 20.1 and 20.2 of the East Lothian Licensing Board's Statement of Licensing Policy:-

20.1 *Repeated applications for Occasional Licences for the same premises and which are:*

- *not for specific events; and/or*
- *for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months will not generally be considered suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. It is largely expected, that the premises in question should consider an application for a Premises Licence.*

20.2 *Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include "that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives". These licensing objectives include:*

- *Securing public safety.*
- *Protecting and improving public health*
- *Protecting Children and Young Persons from harm*

The scrutiny given to an application for a Premises Licence is not available where premises operate under a series of consecutive Occasional Licences. In the interests of securing public safety, and/or, for protecting and improving public health, the Board, considers that it is not appropriate for a premises to operate on a series of consecutive Occasional Licences, rather than apply for a Premises Licence. The Board will require an applicant to explain at a Hearing why an application for a Premises Licence is not being made unless the Clerk of the Board is satisfied that there are good reasons that prevent such an application that are not within the control of the applicant.

Mr Kinnoch has communicated that he is in the process of making an application for a provisional premises licence. Guidance has been provided in relation to the process of applying for a provisional licence.

It is therefore requested that the board considers the application for determination as per board policy above and they are not granted on delegated powers on consultation with Police and the Licensing Standards Officer alone.

I submit this report for the information of the board members.

K. Harling
Licensing Standards Officer

Licensing

From: Natasha Gregory <Natasha.Gregory@scotland.police.uk>
Sent: 26 July 2023 15:16
To: Licensing
Subject: REF 583
Attachments: OCC583 APPLICATION.PDF

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NPO



OCC572/23.
Adv 21/7.

LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

5B

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) EL1835

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname Linklater

Forenames Eric Linklater

Date of birth (Day / Month / Year) 

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

Post town _____ Post code _____

Telephone Numbers

Daytime Tel. _____ Evening Tel. _____

Mobile No. _____

Fax No. _____ Email _____

3. THE PREMISES

Description of premises

_____ Conversion of farm building to a farm retail shop _____

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

_____ Farm retail shop selling a range of food produce, gifts & alcohol with 70 people _____
_____ anticipated over 2 weeks _____

Full postal address of premises which this application refers to _____

_____ Carfrae Farm, Haddington, East Lothian EH41 4LP _____

4. DURATION OF LICENCE

From 24th August 2023 To 6th September 2023

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

Not applicable

Times for sale of alcohol for consumption off premises

Monday to Saturday inclusive 10am to 10pm, Sunday 10am to 10pm

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

Retail of non-alcoholic products from 8am to 10am, 7 days per week

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 children under 18 years old

Times at which children or young persons permitted entry 8am to 10pm daily

Parts of premises to which children or young persons permitted entry

Public accessible retail display 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 Eric Linklater _____

Date 19th July 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, ceilidh, etc.)

Farm Shop selling wide range of local & Scottish products

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

None

2. Attendance

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

150 people over 2 weeks

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

Projected number of people based on historical number of sales

(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)

Not applicable - public have free access to shop during opening hours

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.

Not applicable

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

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

layout plan attached



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

Not applicable

6. Will alternatives to glass receptacles be provided?

Not applicable

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

Please provide details of any training certificate held.

Staff serving alcohol hold Scottish Certificate for Personal Licence Holders at SCQF Level 6
or have received a minimum of 2 hours training on alcohol licensing legislation

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?

Staff training, CCTV, refusal to sell policy, under 25 years sign

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

Fire Safety Policy

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

CCTV installed

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

Adherence to minimum unit pricing policy

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

An under 25 years notice will be displayed & all under 25's will be challenged to provide ID.

Children will require to be supervised at all times by a responsible adult.

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 Eric Linklater

Date 19th July 2023

Licensing

From: Natasha Gregory <Natasha.Gregory@scotland.police.uk>
Sent: 20 July 2023 14:30
To: Licensing
Subject: ref 572-577
Attachments: OCC572.23 - APPLICATION.DOCX

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no police objections

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 31st July 2023

**Subject: LICENSING SCOTLAND ACT 2005
REPORT - OCCASIONAL LICENCE APPLICATION OCC572 - 577/23
Eric Linklater, Carfrae Farm Shop, Haddington, East Lothian, EH41 4LP**

The applicant is Eric Linklater who is a personal licence holder. Application has been made for five occasional licences for Carfrae Farm Shop from 24th August 2023 – 15th November.

The applications request off sales hours of 1000-2200 Monday – Sunday.

The premises have been operating on occasional licences from 9th September 2022 until present. Should the Board grant the applications the premises will have been trading on occasional licences for 14 months. Previous applications were heard by the Board in May where it was requested that the applicant submit a premises licence application. At the time of writing no application has been received

I refer the board to section 20.1 and 20.2 of the East Lothian Licensing Board's Statement of Licensing Policy:-

20.1 Repeated applications for Occasional Licences for the same premises and which are:

- *not for specific events; and/or*
- *for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months will not generally be considered suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. It is largely expected, that the premises in question should consider an application for a Premises Licence.*

20.2 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include "that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives". These licensing objectives include:

- *Securing public safety.*
- *Protecting and improving public health*
- *Protecting Children and Young Persons from harm*

The scrutiny given to an application for a Premises Licence is not available where premises operate under a series of consecutive Occasional Licences. In the interests of securing public safety, and/or, for protecting and improving public health, the Board, considers that it is not appropriate for a premises to operate on a series of consecutive Occasional Licences, rather than apply for a Premises Licence. The Board will require an applicant to explain at a Hearing why an application for a Premises Licence is not being made unless the Clerk of the Board is satisfied that there are good reasons that prevent such an application that are not within the control of the applicant.

A visit was conducted at the premises with Mr Linklater where an application for a premises licences was discussed and guidance was given. The applicant was in touch in January 2023 detailing that a premises licence application would be submitted and so no report was submitted in relation to the next set of occasional licence applications in anticipation of the application.

To date no application for a premises licence has been received.

It is therefore requested that the board considers the six applications covering the period 24th August – 15th November 2023 for determination as per board policy above and they are not granted on delegated powers on consultation with Police and the Licensing Standards Officer alone. An example application has been provided for the board from 24th August – 6th September 2023, all subsequent applications are the same with the exception of the dates.

I submit this report for the information of the board members.

K. Harling
Licensing Standards Officer

OCC580/23
Adv 28/7



LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

5C

Before completing this form please read the guidance notes.

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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) EL0114

Personal licence number (if applicable) EL1216

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname ELLIOT

Forenames SANDRA

Date of birth (Day / Month / Year) [REDACTED]

East Lothian Council
Licensing
25 JUL 2023
Received

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

SANDRA ELLIOT

Post town

Post code

Telephone Numbers

Daytime Tel.

Evening Tel.

Mobile No.

Fax No.

Email

3. THE PREMISES

Description of premises

Eagle Inn bar on Dunbar High Street

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

Outdoor seating to be placed during daylight hours
(1100-2000) - 4 bistro set tables as per plans

Full postal address of premises which this application refers to

75 High Street, Dunbar, EH42 1EW

4. DURATION OF LICENCE

From FRIDAY 8 SEP To THURSDAY 21ST SEPTEMBER

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

As per licence. Outside drinking from 1100hrs - 2000hrs

Times for sale of alcohol for consumption off premises

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

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 _____

Times at which children or young persons permitted entry _____

Parts of premises to which children or young persons permitted entry

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 SANDRA ELLIOT

Date 27 JUNE 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, ceilidh, etc.)

Outdoor seating

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

None

2. Attendance

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

NA seating for 12 people.

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

Base on plan submitted & approved.

(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)

Seating outside premises.

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.

1-6

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

None.

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

Plan previously submitted

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

6. Will alternatives to glass receptacles be provided?

Yes - plastic

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

Please provide details of any training certificate held.

All fully bar trained.

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?

Challenge 25 in place as well as no serving of intoxicated people.

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

As above - no glasses outside.

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

Seating will be removed at 2000hrs to prevent noise.

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

No serving of intoxicated persons.

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

N/A.

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 27 JUNE 2023

PERMISSION TO PLACE A STRUCTURE ON THE ROAD

Application No. **365 (3391202)**
Location of Apparatus **Eagle Inn
75 High Street
Dunbar EH42 1EW**
Reference **EL001-L1063**

The Council as Roads Authority for the purpose of the Roads (Scotland) Act 1984 having considered the application by:-

Name **Cara Davies**
Address **Eagle Inn
75 High Street
Dunbar EH42 1EW**
Telephone No. [REDACTED]
Email [REDACTED]
Dated **27/06/2023**

hereby grant permission under Section 59 of the Roads (Scotland) Act 1984 to place a structure on the road as follows

table & chairs outside pub during daylight hours / 5 bistro style table & chairs

At

**Outside Eagle Inn
75 High Street
Dunbar EH42 1EW**

High Street

Dunbar, East Lothian

This permission shall be valid from **26/07/2023** to **25/07/2024**

Signed [REDACTED]

Date **21/7/23**

In addition to the standard conditions agreed to at the time of application, the following must be complied with:-

Any changes to the details of this permission must be notified immediately in writing to Roadworks@eastlothian.gov.uk

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 27 July 2023 08:36
To: Licensing
Subject: OCC580.23 - O/L APP - FROM 08/08/2023 TO 21/09/2023 - EAGLE INN, DUNBAR
Attachments: (8-21 SEP) OCCASIONAL_APPLICATION_FORM COPY.PDF

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 - 743741

Regards
Iain

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 24th May 2023

Subject: LICENSING SCOTLAND ACT 2005
REPORT - OCCASIONAL LICENCE APPLICATION OCC580-581/23
Cara Davies for outside area at Eagle Inn, 75 High Street, Dunbar, East Lothian,
EH42 1EW

The applicant for the occasional licences is Sandra Elliot who is the premises manager at The Eagle, 75 High Street, Dunbar. The premises licence holder for the Eagle Inn is Greene King Brewing and Retail Ltd.

Application has been made for 2 occasional licences for an outside area in front of the Eagle Inn, 75 High Street, Dunbar from 25th August – 21st September 2023. No plan has been submitted with these applications and so the licensed area cannot be determined or assessed. A layout plan should be submitted with the applications indicating the licensed area with dimensions and I recommend that the number of seats and tables is also detailed on it. The application details 4 bistro tables however the accompanying permission from the roads department details 5 bistro tables.

The requested hours are 1100-2000 for consumption of alcohol on the premises.

In relation to the application I make the following comments and recommendations for the Board's consideration.

- The applicant should submit a detailed plan of the area to be licensed with measurements and details of the seating arrangement. Information should be provided on how the area will be delineated.
- I am content that the applicant has secured a valid permit from the Roads department for the placing of the tables and chairs on the street

In summary, it is my opinion that there is missing information and a lack of clarity around the applications. The decision as to whether the applications are competently made, does not sit with the LSO, but with officers of the Licensing Board, the clerk, and, in some cases, not even with the clerk, but with the board. A decision by an LSO to reject or refuse to process an application would be *ultra vires* and therefore unlawful.

Should the board wish to grant the 6 occasional licences I recommend the following conditions are added:

- 1) No public entertainment, amplified music, amplified vocals or live music played in the outdoor area to ensure the use does not cause nuisance neighbouring residential properties.
- 2) The outdoor area should be clearly delineated with removable barriers and all seating and barriers should be removed between 2000-1100 hours.
- 3) The Occasional Licence Holder shall ensure that staff:-
 - (a) promptly collect all empty/unused drinking glasses and bottles from the outside area;
 - (b) regularly supervise the outside area and its patrons;
- 4) Alcohol shall only be consumed in the licenced area(s) whilst being seated and a notice should be placed in a suitable place in the outside area informing all patrons of such.
- 5) If the outside area is on council land or a road/pavement then a valid permit/authorisation issued from the East Lothian Council Roads Department must be in place in order to use the occasional licence.
- 6) An authorised officer of the Council or Police Scotland may temporarily suspend the use of the area for reasons of public safety.

I refer the applications to the Licensing Board for consideration of the above conditions and determination of the grant of the occasional licences.

K. Harling
Licensing Standards Officer