

Plek 7/9  
Ogechas  
5/10.



East Lothian Council  
Licensing  
28 AUG 2023  
Received

# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

# 3A

LICENSING (SCOTLAND) ACT 2005, SECTION 29

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

## 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)

I AM APPLYING TO CHANGE THE LICENCE FROM SEASONAL TO ALL YEAR ROUND.

ALSO TO CHANGE THE POSTAL ADDRESS

## 2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL312

2(b) Name and Address of Premises STIRLING STEWART T/A THE LOBSTER SHACK  
NORTH HARBOUR WALKWAY, (B2) HARBOUR TERRACE, NORTH BERWICK

Post Code EH39 4JW Tel. No. 01620 895577

Email [REDACTED]

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

STIRLING HUNTER STEWART

[REDACTED]

[REDACTED]

Post Code [REDACTED]

Tel. No. [REDACTED]

Email address [REDACTED]

## 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

TO CHANGE THE POSTAL ADDRESS.

TO CHANGE THE LICENCE FROM SEASONAL TO ALL YEAR ROUND

**3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and detail below the proposed changes. **(See Note 1)**

LOOKING TO CHANGE THE LICENCE FROM SEASONAL TO ALL YEAR ROUND. ALSO TO CHANGE THE POSTAL ADDRESS

**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.

SAME

**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)

**4. LICENCE TO BE AMENDED (See note 3 below)**

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

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

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**5. FEE PAYABLE**

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2)

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

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

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

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

I confirm that

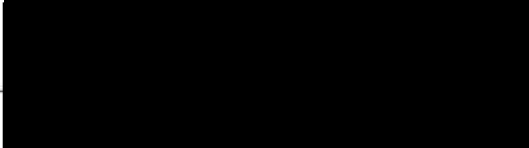
(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date \_\_\_\_\_

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

**If agent, please provide details**

Full name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

Tel. No. \_\_\_\_\_ 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 2018**

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

Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

<b>FOR OFFICE USE ONLY</b>		
Received & Receipt No.	System Updated	Licence Issued



# OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

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

## 1. STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

**Name and Address of Premises** LOBSTER SHACK (mobile unit situated in North Berwick Harbour)

C/O ROCKETEER RESTAURANT

26 VICTORIA ROAD, NORTH BERWICK

Post Code EH39 4JL

- 1(a)** Will alcohol be sold for consumption solely ON the premises? YES  NO
- 1(b)** Will alcohol be sold for consumption solely OFF the premises? YES  NO
- 1(c)** Will alcohol be sold for consumption both ON and OFF the premises? YES  NO

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

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	11.00	20.00
Tuesday	11.00	20.00
Wednesday	11.00	20.00
Thursday	11.00	20.00
Friday	11.00	20.00
Saturday	11.00	20.00
Sunday	11.00	20.00

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	11.00	20.00
Tuesday	11.00	20.00
Wednesday	11.00	20.00
Thursday	11.00	20.00
Friday	11.00	20.00
Saturday	11.00	20.00
Sunday	11.00	20.00



#### 4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES  NO

\*If YES – provide details

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

<b>ACTIVITY</b>	<b>ACTIVITY PROVIDED? YES / NO</b>	<b>To be provided during core licenced hours. Please confirm YES / NO</b>	<b>Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO</b>
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<b>5a.</b> Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	YES	YES	NO
Bar meals	NO	NO	NO

Social functions including:

<b>5b.</b> Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	NO	NO	NO

Entertainment, including:

<b>5c.</b> Recorded music – see 5(g)	NO	NO	NO
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO
Films	NO	NO	NO
Gaming	NO	NO	NO
Indoor/outdoor sports	NO	NO	NO
Televised sport	NO	NO	NO

<b>5d.</b> Outdoor drinking facilities	YES	YES	NO
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<b>5e.</b> Adult Entertainment	NO	NO	NO
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

[Empty rectangular box for providing further details]

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

**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?

YES  NO

When fully occupied, are there likely to be more customers standing than seated?

YES  NO

**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  NO

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

CHILDREN WILL BE ADMITTED ONLY WHEN ACCOMPANIED BY AN ADULT

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

0 - 17

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

CHILDREN AND YOUNG PERSONS MAY BE ADMITTED UNTIL 21.00 HOURS OR UNTIL END OF MEAL

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

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED TO ALL PUBLIC AREAS

## 7. CAPACITY OF PREMISES

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

ON SALES - 30  
CAPACITY BREAKDOWN - 30 IN OUTSIDE SEATING AREA

## 8. PREMISES MANAGER

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

Full Name STIRLING HUNTER STEWART

Date of birth [REDACTED]

Contact address [REDACTED]

[REDACTED] Post Code [REDACTED]

Tel. No. [REDACTED] Email address [REDACTED]

### Personal licence

Date of issue 18/01/2023

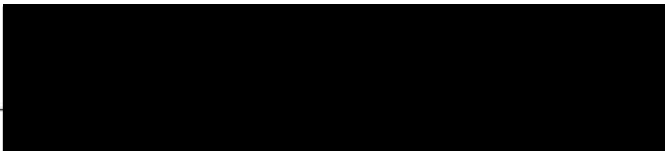
Name of Licensing Board issuing EAST LoTHIAN LICENSING BOARD

Reference no. of personal licence EL1463

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

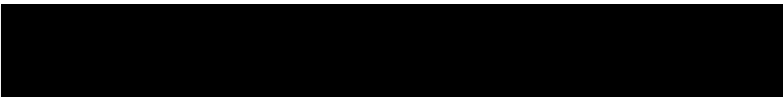
**If signing on behalf of the applicant please state in what capacity.**

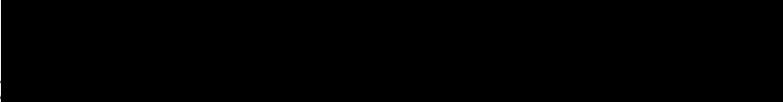
The contents of this operating plan are true to the best of my knowledge and belief

Signature  (\* see note below)

Date 17/08/2023

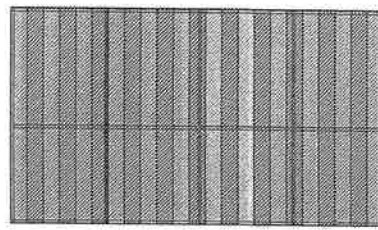
Capacity APPLICANT /~~AGENT~~ (delete as appropriate)

Tel. No. of signatory 

Email address 

**\* 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.



1:50 SCALE ROOF PLAN

Sign boards and signs are all as per the photos on this drawing including actual colours

6mm thick steel plate secured to shack with screws with white cover plates to hide them



1:10 SCALE SIDE DETAIL AT ALL LOBSTER SHACK SIGN BOARDS

Mouldings holding chalk boards in place to be screwed into shack with screw holes filled in and painted to match mouldings



1:5 SCALE DETAIL AT ALL SIGN BOARDS (TOP, SIDES AND BOTTOM)

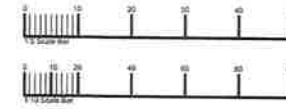
Roof of Canopy to be finished with Traffic Red (RAL 3020) and white striped Plastic sheeting to match existing

Rear of canopy to be finished with clear Glass panel

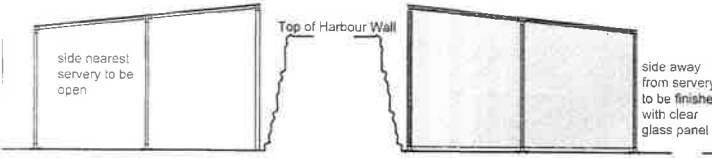
Front of canopy to be open



1:50 SCALE REAR ELEVATION (NORTH WEST)

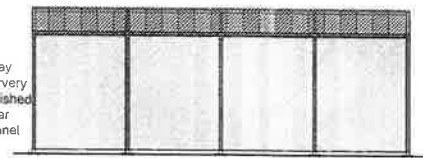


Lobster shack sign is predominately white background with sea blue wash in places, Lobster is red with lettering in white and black colours



1:50 SCALE SIDE ELEVATION (NORTH EAST)

1:50 SCALE SIDE ELEVATION (SOUTH WEST)



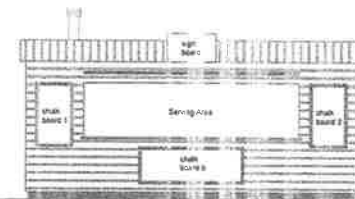
1:50 SCALE FRONT ELEVATION (SOUTH EAST)

## NEW CANOPY - Refer to Drawing 18-70-002



1:50 SCALE SIDE ELEVATION (NORTH EAST)

1:50 SCALE SIDE ELEVATION (SOUTH WEST)



1:50 SCALE FRONT ELEVATION (SOUTH EAST)

Lobster shack signage as per existing Servery

Hinged shutter for when not in use, to be finished with timber boarding to match servery

Chalk boards either side of servery.



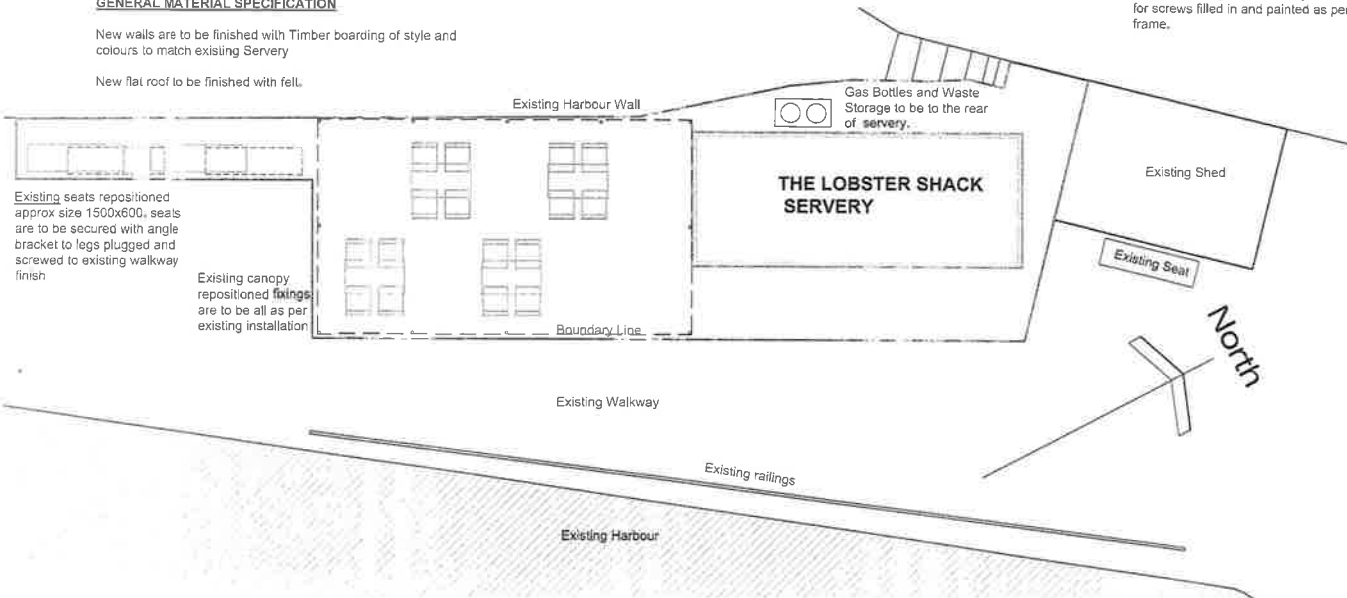
1:50 SCALE REAR ELEVATION (NORTH WEST)

## NEW SERVERY

### GENERAL MATERIAL SPECIFICATION

New walls are to be finished with Timber boarding of style and colours to match existing Servery

New flat roof to be finished with felt.



### Shack Colours

All paint colours are from the Sikkens Woodstain Range;  
 Timber Cladding - Ref. R6.07.57T (Modern Collection)  
 Plinth - Ref. C7.44.26T (Classic Collection)

### FIXING NOTES

All advert boards are to be secretly fixed through framing to the servery unit with holes for screws filled in and painted as per rest of frame.

### Menu Board Colours

All paint colours are from the Sikkens Woodstain Range;  
 Framing - Ref. C7.44.26T (Classic Collection)



PHOTO OF EXISTING BENCHES

LANNING / LISTED BUILDING  
ONSENT APPLICATIONS

REVISIONS	

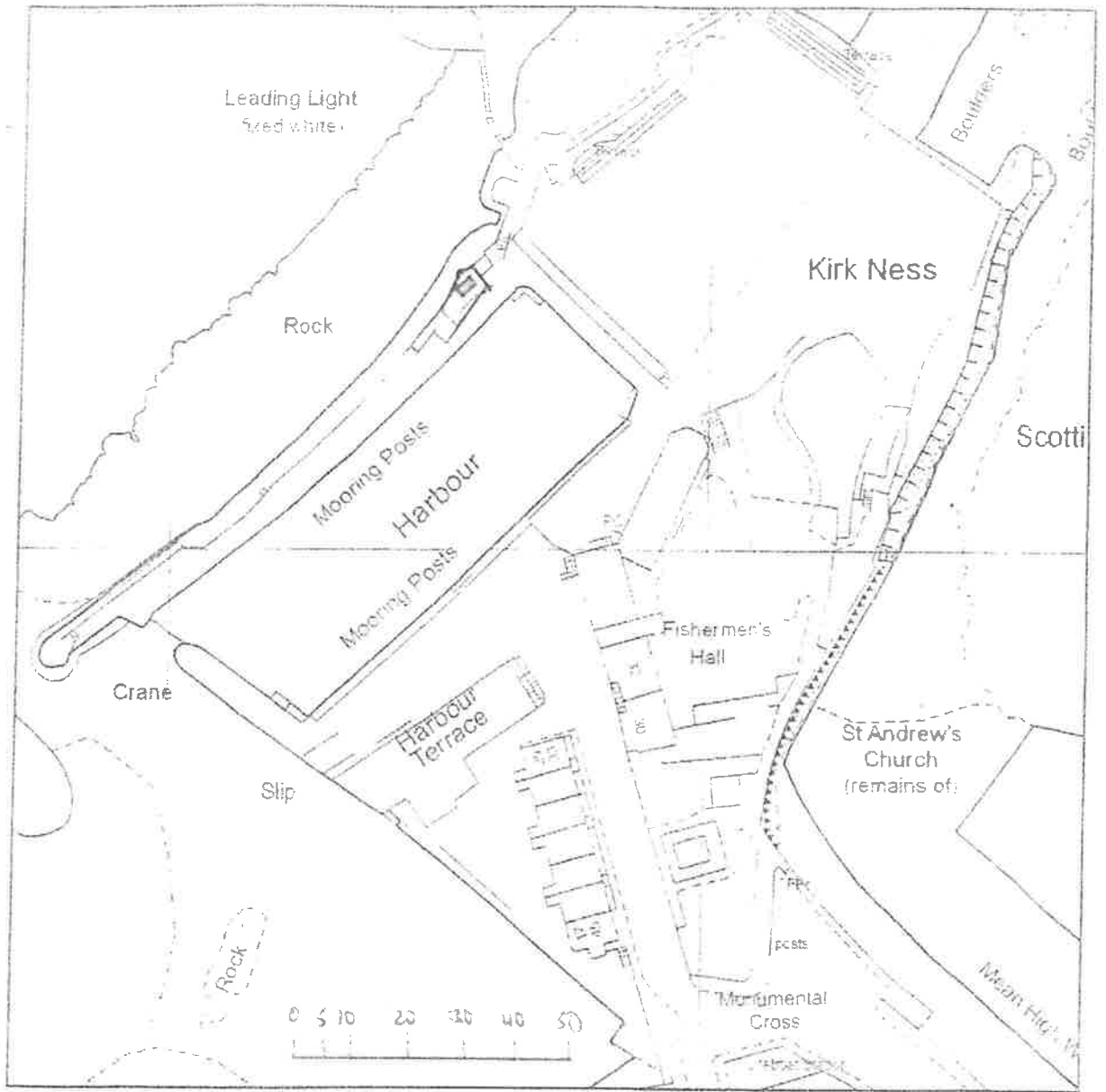
CLIENT The Lobster Shack		PROJECT Mobile Catering Unit at: The Harbour Vielcher Road North Berwick	
DRAWING TITLE Plans & Elevations of Servery and Canopy		DATE May 2023	DRAWN KM
SCALE 1:50 @ A1		JOB NO. 23/26	

**david paton building consultancy**  
 Chartered Architectural Technologists  
 Established in 1951  
 11 High Street, Leamington Spa, Warwick, CV32 9JF  
 Tel: 01926 201 111 Fax: 01926 201 112  
 www.davidpatonbuilding.com  
 email: d.paton@patonbuilding.com

	JOB NO. <b>23/26</b>	DRAWING NO. <b>Pn1</b>
--	-------------------------	---------------------------







location plan  
 1:1250 SCALE

08/09/2023

Your Ref: LOBSTER SHACK

Our Ref: 754792

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



**POLICE  
SCOTLAND**

Keeping people safe

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
LOBSTER SHACK  
OLD GRANARY, HARBOUR TERRACE, NORTH BERWICK, EAST LOTHIAN,  
EH39 4JW.**

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

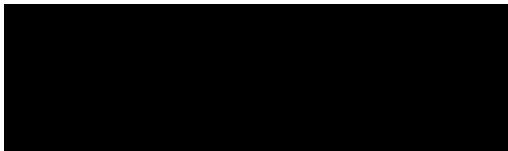
The variation requested consists of –

- To change the licence from seasonal to all year round operation.
- To change the postcode.

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

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

Clerk to the Licensing Board

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**Date:** 19<sup>th</sup> September 2023

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

PREMISES LICENCE MAJOR VARIATION 2023

LOBSTER SHACK, NORTH HARBOUR WALKWAY, (B2) HARBOUR TERRACE, NORTH  
BERWICK, EAST LoTHIAN, EH39 4JW

I can confirm that the applicant and premises have been visited in relation to this variation application. At the time of my visit on 13<sup>th</sup> September the site notice was not displayed however I believe that this was rectified. The premise was compliant with the Act and there have been no complaints received.

The changes applied for are:

- To remove seasonal variations and operate all year round.
- Change premises address to better reflect location.

I have no objections or recommendations to the proposed.

Licensing Standards Officer

## Licensing

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**From:** Robertson, Scott  
**Sent:** 11 September 2023 09:11  
**To:** Licensing  
**Subject:** RE: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

Hello,

Please note that the applicant does not currently have planning permission for the premises to be used all year round. Previously planning permission (Reference: 19/01180/P) was granted for the siting of the snack van on a temporary period until 28th February 2022. No further grant of permission has been granted and the applicant should have ceased trading.

However, a planning application was received in August for the siting of the snack van and associated works, which is currently pending consideration with an expected determination date of 6th October (Reference No. 23/00618/P).

Kind Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA

T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7C47e4f4743dd441b4158808dbb29eb0d1%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638300166852345593%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=i6p3HrcSrl1gva23BU%2FMefl2g5CaY%2Bp50j2i11bpNoY%3D&reserved=0>

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

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 07 September 2023 13:13  
**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; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

Good Afternoon

Please find attached Major Variation for The Lobster Shack, North Berwick. They wish to change from seasonal to all year round. Can I have your report/representation by 5th October, 2023.

Kind regards

Gillian  
Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House

## Herkes, Gillian

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**From:** Slight, Lynn  
**Sent:** 11 September 2023 14:27  
**To:** Herkes, Gillian  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312  
**Attachments:** Herkes\_ Gillian\_XVF20528\_FIREBIRD\_2954\_001.pdf

Thank you for above Major variation for The Lobster Shack, North Berwick to operate from seasonal to all year round.

Environmental Health request that the applicant provide details on the provision of potable water and drainage over the proposed extended trading times.

Kind regards  
L Slight

Senior Environmental Health Officer  
East Lothian Council  
John Muir House  
Haddington  
EH41 3AH  
01620 827374

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

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 07 September 2023 14:21  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

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

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 07 September 2023 13:13  
**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; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

## Licensing

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**From:** Kathryn Smith [REDACTED]  
**Sent:** 05 October 2023 16:35  
**To:** Licensing  
**Subject:** RE: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

[You don't often get email from ksmith2028@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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 the application for a Major Variation for the Lobster Shack.

I can confirm that North Berwick Community Council has no comment to make on the application.

Kind regards  
Kathryn

Kathryn E Smith  
Secretary NBCC

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

**From:** Licensing [mailto:licensing@eastlothian.gov.uk]  
**Sent:** 07 September 2023 13:13  
**To:** 'Lothian Scot Borders Licensing East Mid Lothian'; Harling, Karen (Licensing); Environment Reception; Environmental Health/Trading Standards; torquil.cramer@firescotland.gov.uk; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk  
**Subject:** FW: Attached Image - Major Variation - The Lobster Shack, North Berwick - EL312

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Kind regards

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