

EAST LoTHIAN LICENSING BOARD

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).

3B

(Provide Details) The addition of a market to our current operating plan.
.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

E1333

2(b) Name and Address of Premises

Dunbar Garden Centre
Spott Road
Dunbar
East Lothian

Post Code

EH42 1BF

Phone No.

██████████

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

Dunbar Garden Centre
Spott Road
Dunbar
East Lothian
EH42 1BF

Post Code		Phone No.	

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

No Variation to the Conditions

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)

Add following activities:

- Market
- Inflatable course
- VR Rides
- Market

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

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

There is no change to alcohol display locations. Changes are in line with additional services likes of grotto, inflatable course, and market etc.

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*)

No Change to Licence

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is **NO**, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

Date 11/09/2023

.....

Capacity: AGENT (delete as appropriate)

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

Ilmars Bogdanovs



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>ELicence Issued</i>
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EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Dunbar Garden Centre Spott Road Dunbar East Lothian EH42 1BF

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>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	1am

<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	12pm

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>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

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*

To take advantage of any times that allow for local or national trading hour general extension.

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	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	no
<i>Dance facilities</i>	Yes	Yes	Yes
<i>Theatre</i>	no	no	no
<i>Films</i>	no	no	no
<i>Gaming</i>	no	no	no

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

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

THE RESTAURANT IS OPEN FROM 9AM EACH MORNING THEREFORE BREAKFASTS, TEAS & COFFEES ARE ON OFFER TO THE PUBLIC PRIOR TO THE COMMENCEMENT OF CORE HOURS.

THE SAME IS TRUE FOR GROUP MEETINGS, CONFERENCES AND FUNCTIONS ETC WHICH MAY TAKE PLACE FROM 9AM EACH DAY DUE TO THE RESTAURANT BEING OPEN FROM 9AM.

THE GARDEN CENTRE & RESTAURANT ARE OPEN FROM 9AM EACH DAY THEREFORE RECORDED MUSIC IS PLAYED BEFORE THE COMMENCEMENT OF CORE HOURS STARTING AT 9AM DAILY. THE SAME CIRCUMSTANCES APPLY FOR MUSIC & DANCE FACILITIES AS WE MAY HAVE PERFORMANCES OUTWITH CORE HOURS, SUCH AS CAROL SINGERS IN THE RUN UP TO CHRISTMAS.

THE OUTSIDE SEATING AREA & CHILDREN'S PLAY AREA WILL ALSO BE USED OUTWITH CORE HOURS AS THE GARDEN CENTRE & RESTAURANT ARE OPEN TO THE PUBLIC FROM 9AM DAILY.

TO BE CLEAR, NO ALCOHOL WILL BE SOLD OR SUPPLIED OUTWITH CORE HOURS EXCEPT UNDER GRANT OF AN OCCASSIONAL 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.

Fundraising events for charities, seasonal garden centre events & talks and community exhibitions.

Markets

Inflatables

VR/Funfair type rides

Santas Grotto

All of the above activities can take place prior core hours as per Garden centre opening hours 9am-6pm.

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>
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<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

<i>6(a)</i>	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES/NO*</i>
	<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*

Signs at entrance say – Children must be accompanied by an adult.

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

0-17 years of age are allowed entry to garden centre & restaurant.

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

All public (including children & young people) will be permitted access to all public areas of the Garden centre from 9am until 6pm each day.

For special events closing times may extend until 10pm, such as late night Christmas shopping event.

The only exception to this will be when public are attending an arranged function when they will be permitted to stay until the terminal hours.

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 allowed entry to the same areas as adults, which is all public areas of the garden centre and restaurant as per layout plan.

Question 7

CAPACITY OF PREMISES

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

On sales – 180

Off-sales – Farm shop public area 116m². Display Area 10m³. Till area 1m³ m²

Capacity breakdown – restaurant/indoor public seating area 350m², outside public seating area 140m².

Question 8

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

Personal details

8(a) *Name*

Claire Cathro

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
28/07/23	East Lothian Licensing Board	EL967

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 ... 11/09/2023

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory . 

*** Data Protection Act 1998**

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

Licensing

From: ilmars [REDACTED]
Sent: 22 September 2023 11:30
To: Licensing
Subject: FW: Market Application & Major variation application
Attachments: Major Variation.doc; Layout plan.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.

Good Morning,

I would like to resubmit Major Variation application for Dunbar GC with some amendments which are more accurate to our original application.

Please see below email from our chairman/owner of the business, regarding authority to act as agent for the application.

Kind Regards



Ilmars Bogdanovs

Garden Centre Manager

Dunbar Garden Centre

t 01368 238038

a Spott Road, Dunbar, East Lothian EH42 1BF

w www.dunbargardencentre.co.uk



From: Nick Crabbie [REDACTED]
Sent: Thursday, September 21, 2023 4:52 PM
To: ilmars <[REDACTED]>
Subject: Re: Market Application & Major variation application

Dear Sir or Madam,

This is to confirm that Ilmars Bogdanovs, the manager of Dunbar Garden Centre, has full authority to act on the company's behalf in relation to the current application for a Major Variation to the market application.

I am currently out of the country but can be reached on [REDACTED] if required.

Yours faithfully,

Nick Crabbie
Chairman
Dunbar, Berwick & Plantsplus Garden Centres

Berwick-upon-Tweed Garden Centre Ltd.

22/09/2023

Your Ref: Unknown

Our Ref: 755656

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
DUNBAR GARDEN CENTRE
DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR, EAST LoTHIAN, EH42
1BF.**

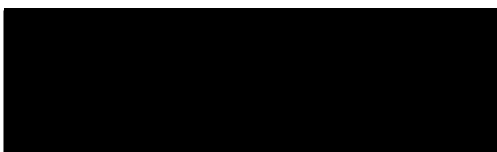
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the addition of a Christmas market to the operating plan.

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

Date: 25th September 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR EAST LoTHIAN EH42 1BF

I can confirm that the applicant and premises have been visited in relation to this variation application. An inspection was completed, and the premises were found to be well run and compliant.

The changes applied for are:

- To add markets, inflatable course, VR rides and Santa's grotto as activities within and outwith core hours to the operating plan

I have no concerns with the proposed changes which are supported.

Licensing Standards Officer

Herkes, Gillian

From: Robertson, Scott
Sent: 19 September 2023 10:35
To: Herkes, Gillian; Licensing
Subject: RE: Attached Image - Major Variation for Dunbar Garden Centre, Dunbar

Hello,

Subject to the markets not taking place for more than 28 days of a calendar year I have no comments or objections to make.

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%7Cgherkes%40eastlothian.gov.uk%7C3cae199340ea4048504508dbb8f3acb7%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638307128923398280%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=WgUwpKQfoETOLDEKDW0m%2Bba7nIQR1EMhKUVZdJ31h6A%3D&reserved=0>

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

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 12 September 2023 14:17
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; licensing@nhslothian.scot.nhs.uk
Subject: FW: Attached Image - Major Variation for Dunbar Garden Centre, Dunbar

Hi All

Please find attached Major Variation for Dunbar Garden Centre, Dunbar to add markets to their operating plan for report/representations by 10th October, 2023.

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

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