

East Lothian Council
Licensing
13 MAR 2024
Received



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

6a

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)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises CL 0387

2(b) Name and Address of Premises Broxmouth Courtyard
Broxmouth Park
Dunbar

Post Code EH42 1QW Tel. No. _____

Email c/o - Caroline.Loudon@TLT.com

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

Broxmouth Estates Limited, Broxmouth Park, Dunbar, East Lothian

_____ Post Code EH42 1QW

Tel. No. _____ Email address c/o - Caroline.Loudon@TLT.com

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 detail below the proposed changes. (See Note 1)

Q2 - To amend the terminal hour to 00.00 Monday - Wednesday.
Q5 - To add accommodation as an activity.
Q5(f) - To add the following wording, "The premises will operate as a private hire event space with catering provision. Weddings (including ceremonies), receptions and other celebrations may take place. Private, corporate, community and charity events may include fundraising (raffles, auctions etc). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches can take place. Ceremonies, meetings, conferences and presentations may also take place from time to time. Marquees may be used. Pop up bars may also be used to service licensed external areas. Click and collect/delivery services to service Broxmouth estate only."

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.

N/A

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)

N/A

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)

Can be sent under a separate cover if required.

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) (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 6 March 2024

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

If agent, please provide details

Full name Caroline Loudon - TLT Solicitors

Address Cadworks
Floor 9
41 West Campbell Street
Glasgow Post Code G2 6SE

Tel. No. 0333 006 1405 Email address Caroline.Loudon@TLT.com

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.)

OPERATING PLAN

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

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	00.00
<i>Tuesday</i>	11.00	00.00
<i>Wednesday</i>	11.00	00.00
<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	00.00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00	22.00
<i>Tuesday</i>	11.00	22.00
<i>Wednesday</i>	11.00	22.00
<i>Thursday</i>	11.00	22.00
<i>Friday</i>	11.00	22.00
<i>Saturday</i>	11.00	22.00
<i>Sunday</i>	11.00	22.00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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**If YES – provide details*

The premises may utilise any additional hours granted by the board from time to time, more particularly: extension of on sale core hours until 1.00am on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day – whatever day of the week these shall fall.

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

Activities listed above may take place prior to core hours but not before 6am. This will allow set up and preparations for events to take place. Activities will not continue after core hours unless extended hours are in place. Accommodation is private space provided for use during the booked event by the wedding/booking party. This can be used prior to and beyond core hours.

Restaurant facilities and bar meals (to include fish/chip/pizza vans/buffet and lighter meals) may be brought in by external caterers. The external licensed areas can be used for removable bars (including stationary vehicles) and can be used outwith core hours for the service and provision of non alcoholic drinks (unless subject to an extended hours application which would allow the sale of alcohol.)

Question 5

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

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

5(f) any other activities

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

The premises will operate as a private hire event space with catering provision. Weddings (including ceremonies), receptions and other celebrations may take place. Private, corporate, community and charity events may include fundraising (raffles, auctions etc). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches can take place. Ceremonies, meetings, conferences and presentations may also take place from time to time. Marquees may be used. Pop up bars may also be used to service licensed external areas. Click and collect/delivery services to service Broxmouth estate only.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and young persons will be permitted access at management discretion.

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

0-17 years.

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

Children and young persons to 22.00 unless attending a private pre-booked function when they can remain to the terminal hour.

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

All public parts, excepting 1.5m from any bar areas.

Question 7

CAPACITY OF PREMISES

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

On sales - 451

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*

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 – Caroline Loudon – TLT Solicitors

Date – 6 March 2024

Capacity - AGENT

Telephone number and email address of signatory – 0333 006 1405; Caroline.Loudon@TLT.com

*** Data Protection Act 1998**

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

EAST LOTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 8th April 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE MAJOR VARIATION

BROXMOUTH COURTYARD, BROXMOUTH PARK, DUNBAR EAST LOTHIAN EH42 1QW

On 31st March 2022, a provisional premises licence was granted for the above location with the licence holder being Broxmouth Estates. The venue has and continues to operate on occasional licences for weddings.

I can confirm that I have spoken with the applicant's agent Caroline Loudon. The premises have been visited previously and I liaised with Paul Mitchell who has applied for the occasional licences at the premises. At my last visit the premises was found to be fully compliant with the occasional licences granted, and well managed. I have not received any complaints about the premises.

The changes applied for are:

- To change the terminal on-sale hour Monday – Wednesday to Midnight.
- To add accommodation.
- To add additional wording to Q5(f) to detail activities such as corporate, community and charity events including raffles and auctions, tasting and sampling, exhibitions, and special events such as product launches. Marquees and pop-up bars may be used to service external licensed areas.
- To add click and collect delivery service to Broxmouth Estate only.

The current licensed hours of the premises on the provisional premises licence which are in line with Board policy are as follows:

Current ON SALES

<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	00:00 (12 Midnight)

The current off sale hours are 1100-2200 hours.

The new on- sales hours applied for are, as shown below:

Proposed ON SALES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	00:00 (12 Midnight)
<i>Tuesday</i>	11:00	00:00 (12 Midnight)
<i>Wednesday</i>	11:00	00:00 (12 Midnight)
<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	00:00 (12 Midnight)

The requested terminal on-sales hours of 12 midnight Monday – Wednesday are outwith Board policy with the policy the terminal hours on Monday to Wednesday being 2300 hours.

From conversation with Ms Loudon, I understand the click and collect delivery service will be to allow those staying on the estate to pre-order and collect alcohol and other food to take away for example a picnic hamper with alcohol. I recommend the board considers the following condition in relation to the click and collect delivery service.

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board’s statement of licensing policy on deliveries of alcohol, should be complied with.

Licensing Standards Officer

22/03/2024

Your Ref: BROXMOUTH
Our Ref: 807793

The Clerk of the Licensing
Committee
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
BROXMOUTH COURTYARD
BROXMOUTH PARK, DUNBAR, EH42 1QW.**

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

The variation requested consists of:

Q2 – To amend the terminal hour to 00.00 Monday – Wednesday.

Q5 – To add accommodation as an activity.

Q5(f) – To add the following wording: “The premises will operate as a private hire event space with catering provision. Weddings (including ceremonies), receptions and other celebrations may take place. Private, corporate, community and charity events may include fundraising (raffles, auctions etc). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches can take place. Ceremonies, meetings, conferences and presentations may also take place from time to time. Marquees may be used. Pop up bars may also be used to service licenced external areas. Click and collect / delivery services to service Broxmouth estate only.

In terms of Section 29(5) of the Act this request can be considered a variation.

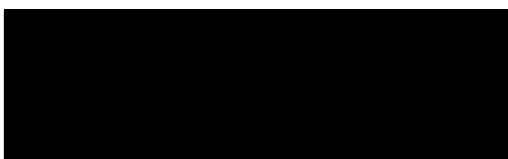
In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation:

OFFICIAL

The additional hours requested are out with board policy.

This representation is submitted for your attention in considering this application.

Yours faithfully



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6136.

Licensing

From: Robertson, Scott
Sent: 04 April 2024 14:26
To: Licensing
Subject: RE: Attached Image - Major Variation to Provisional Licence for Broxmouth Courtyard, Dunbar

Hello,

Please note I have no comment or objection to this application.

Regards
Scott

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

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, March 19, 2024 11:05 AM
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <Iso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; dunbarcommunitycouncil@gmail.com; licensing@nhslothian.scot.nhs.uk
Subject: FW: Attached Image - Major Variation to Provisional Licence for Broxmouth Courtyard, Dunbar

Hi

Please find attached Major Variation for Broxmouth Courtyard, Dunbar for representation/report by 18th April, 2024.

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

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

From: "Herkes, Gillian" <gherkes@eastlothian.gov.uk>
Sent: Tuesday, March 19, 2024 10:46 AM
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: Attached Image

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.

Licensing

From: Johnson, Darren
Sent: 19 March 2024 11:15
To: Licensing
Subject: FW: Attached Image - Major Variation to Provisional Licence for Broxmouth Courtyard, Dunbar
Attachments: Herkes_Gillian_QXM04806_FIREBIRD_1525_001.pdf

Hi

No objections.

Darren

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

From: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Sent: Tuesday, March 19, 2024 11:09 AM
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Attached Image - Major Variation to Provisional Licence for Broxmouth Courtyard, Dunbar

Hello Darren,

Can you please deal with this Licence.

Thanks

Andrew

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: Tuesday, March 19, 2024 11:07 AM
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>; Anshus, Oyunn <oanshus@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>
Subject: FW: Attached Image - Major Variation to Provisional Licence for Broxmouth Courtyard, Dunbar

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

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, March 19, 2024 11:05 AM
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; dunbarcommunitycouncil@gmail.com; licensing@nhslothian.scot.nhs.uk
Subject: FW: Attached Image - Major Variation to Provisional Licence for Broxmouth Courtyard, Dunbar

Hi

Please find attached Major Variation for Broxmouth Courtyard, Dunbar for representation/report by 18th April, 2024.

