



27132
East Lothian Council
Licensing
27 JUN 2024
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)

1. Align on sale and off sale to 10am

2. Increase capacity of lodges

3. Hold a permanent Market Operators License

4. Include "theatre"

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL364 _____

2(b) Name and Address of Premises _____

Whitekirk Hill, Whitekirk, North Berwick

Post Code EH39 5PR _____ Tel. No. 01620 671700 _____

Email arlene@whitekirkhill.co.uk _____

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

Whitekirk Hill Ltd

Whitekirk Mains Farm

Whitekirk _____ Post Code EH42 1XS _____

_____ Tel. No. 01620 671700 _____

Email address arlene@whitekirkhill.co.uk _____

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

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)

1. On sale hours to be changed to 10am to be in line with off sales. Currently lodge guests can purchase alcohol to consume in their lodge at 10am but cannot consume on the premises. This change would support spa days, weddings and events too.
2. Increase capacity of lodges to 132
3. Hold a permanent Market Operators License

****NOTHING CURRENTLY ON THE OPERATING PLAN TO BE DELETED OR REMOVED****

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.

1. Increased capacity of lodges reflected in altered layout as highlighted in plan attached.

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 variation

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

Does the appropriate Premises Licence accompany this application?

YES

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)

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 *online (enclosed)* 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 29/6/2024

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name _____

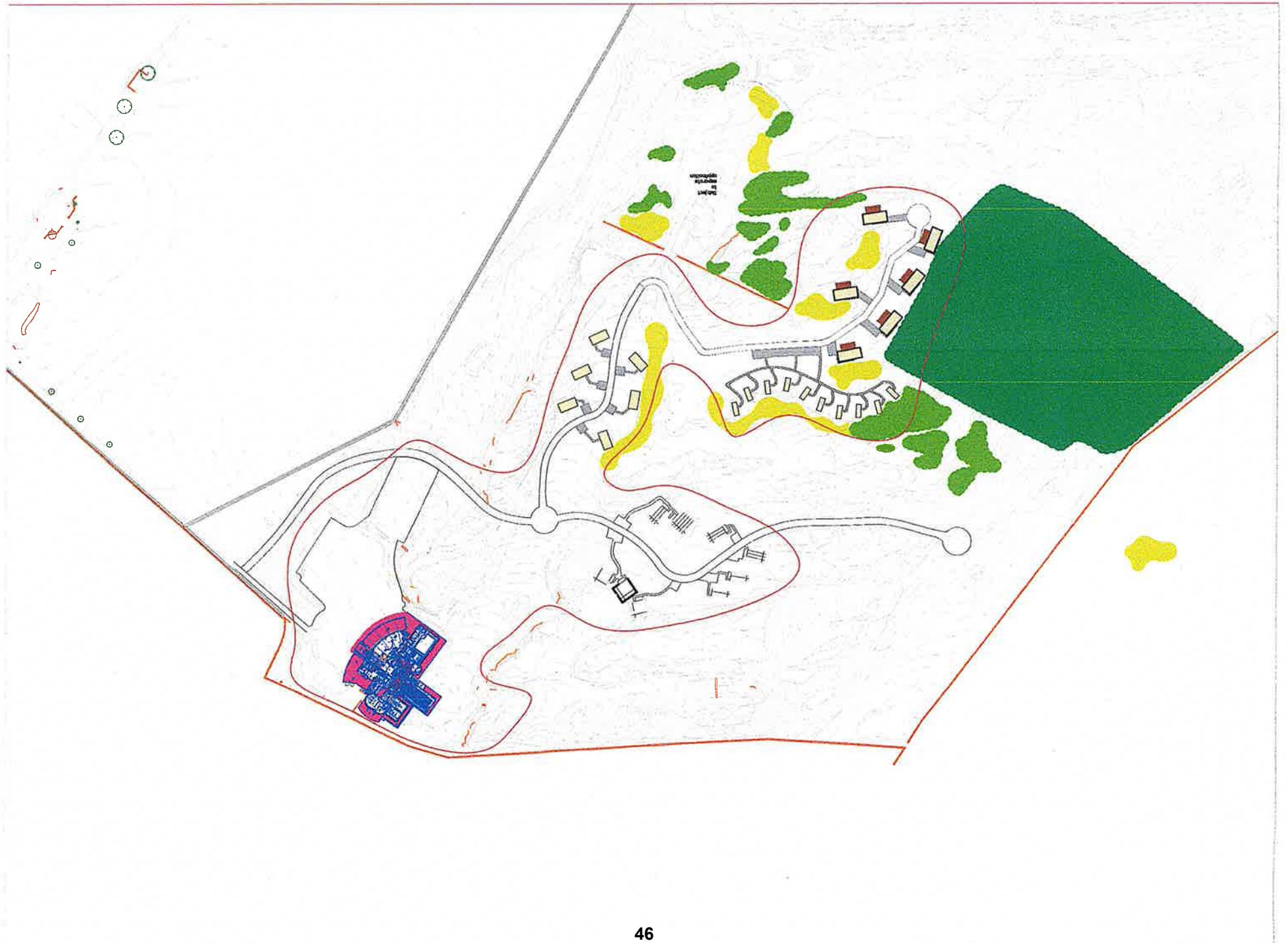
Address _____

_____ 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.)



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 _____

Whitekirk Hill

Whitekirk, North Berwick

Post Code EH39 5PR

- 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	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00
Sunday	10:00	12 Midnight

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10:00	22:00
Tuesday	10:00	22:00
Wednesday	10:00	22:00
Thursday	10:00	22:00
Friday	10:00	22:00
Saturday	10:00	22:00
Sunday	10:00	22:00

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

WE WOULD LIKE TO TAKE ADVANTAGE OF ANY GENERAL EXTENSIONS TO HOURS IN RESPECT OF LOCAL OR NATIONAL EVENTS OF IMPORTANCE. INCLUDING THE FESTIVE PERIOD.

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

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

Social functions including:

5b. Weddings, funerals, birthdays, retirements etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes

Entertainment, including:

5c. Recorded music – see 5(g)	Yes	Yes	Yes
Live performances – see 5(g)	Yes	Yes	Yes
Dance facilities	Yes	Yes	Yes
Theatre	No Yes	No Yes	No Yes
Films	Yes	Yes	Yes
Gaming	Yes	Yes	Yes
Indoor/outdoor sports	Yes	Yes	Yes
Televised sport	Yes	Yes	Yes

5d. Outdoor drinking facilities	Yes	Yes	Yes
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5e. 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.

ACCOMMODATION - GUESTS STAYING IN SELF CATERING ACCOMMODATION

CONFERENCE FACILITIES - MAY START AT 8AM

RESTAURANT - BREAKFAST MAY START FROM 6AM

BAR MEALS - WOULD BE SERVED CAFÉ STYLE AND DURING 9AM - 5PM

WEDDINGS/FUNERALS ETC - BOOKED AND PLANNED IN ADVANCE AND OPERATED WITHIN ALL LICENSES HOURS

RECEPTIONS - MAY START FROM 8AM

CLUB/MEETINGS - MAY START FROM 8AM

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

LIVE PERFORMANCES - MAY START EARLY AND END LATE

DANCE FACILITIES - E.G. SALSA MAY COMMENCE AT 9AM

FILMS - MAY START EARLY AND END LATE

GAMING - WITHIN ALL OPERATING LICENCES AND RESTRICTIONS

INDOOR/OUTDOOR SPORTS - MAY START EARLY E.G. RUNNING & WALKING GROUPS

TELEVISED SPORT - THIS WILL BE DEPENDANT ON INTERNATIONAL TIME ZONES WHICH MAY BE EARLIER OR LATER IN THE UNITED KINGDOM

OUTDOOR DRINKING FACILITIES - WILL BE DEPENDANT ON EVENTS AND FUNCTIONS

TO BE CLEAR - NO ALCOHOL WILL BE SOLD OR SUPPLIED OUTWITH CORE LICENSED HOURS EXCEPT ON THE APPLICATION AND GRANTING OF AN OCCASIONAL EXTENSION.

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

GYM AND FITNESS STUDIO

SWIMMING POOL WITH SAUNA AND STEAM ROOM

TREATMENT SPA

BOUNCY CASTLES

INFLATABLES

FUNFAIRS

ICE RINK

FIREWORKS

INDOOR/^{OUTDOOR} MARKETS

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

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

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 ALLOWED ACCESS WHILE SUPERVISED BY AN ADULT.

THE PLAY BARN WILL BE A WONDERFUL EXPERIENCE FOR THE CHILDREN. THIS IS AN AREA THAT IS SPECIFICALLY DESIGNED FOR EARLY DEVELOPMENT AND LEARNING. THIS AREA WILL ALSO HOST CHILDREN'S BIRTHDAY PARTIES. ALCOHOL WILL NOT BE SOLD OR CONSUMED IN THIS AREA OF THE PREMISES.

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

AGED 0 - 15 CHILDREN
AGED 16 - 17 YOUNG ADULTS

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

GENERALLY ACCEPTED UP TO 22:00 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

7. CAPACITY OF PREMISES

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

ON SALES - 700
OFF SALES - OUTSIDE AREA - 500
LODGES - 130
CAPACITY BREAKDOWN
LOUNGE BAR - 200
ORANGERY - 150
RESTAURANT - 150
GYM/SPA - 100
PLAY BARN - 100

8. PREMISES MANAGER

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

Full Name Craig Anderson _____

Date of birth [REDACTED] _____

Contact address [REDACTED] _____

_____ Post Code [REDACTED] _____

Tel. No. [REDACTED]

Email craig@whitekirkhill.co.uk

Personal licence

Date of issue 3/7/2018 (expires 2/3/2028) _____

Name of Licensing Board issuing City of Edinburgh Council _____

Reference no. of personal licence 388434 _____

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 11/07/2024

Capacity APPLICANT / AGENT (delete as appropriate)

Tel. No. of signatory DIRECTOR

Email address iaim@whitekirkhill.co.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

Please describe your business offering

Whitekirk Hill is a luxury resort supporting the local community through the provision of a leisure club and gym, children's play barn, spa, lodge accommodation, events space and restaurant.

ON CONSUMPTION

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

A DRINKS MENU TO RUN ALONGSIDE THE FOOD MENU THAT IS OFFERED IN OUR ORANGERY.

A DRINKS PACKAGE TO FORM PART OF A WEDDING PACKAGE.

A BAR OPERATING DURING A CELEBRATION OF LIFE OR DURING A PARTY OR BUSINESS EVENT.

WE WOULD LIKE TO MOVE THE TIME TO 10AM TO BE IN LINE WITH OUR OFF CONSUMPTION SO THAT SPA GUESTS CAN HAVE A BUCKS FIZZ WITH BRUNCH OR BLOODY MARY WITH BRUNCH.

OFF CONSUMPTION

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

LODGE GUESTS ABLE TO PURCHASE A WINE/BEER/PROSECCO TO CONSUME IN THEIR LODGE.

**CLARIFICATION IS REQUIRED IN RELATION TO THE
CONTENT OF YOUR PROPOSED OPERATING PLAN**

To what extent do you intend to use any of the following:

Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

ACCOMMODATION WELCOMES GUESTS 365 DAYS A YEAR ON A SELF-CATERING BASIS.

CONFERENCE FACILITIES BOOKED ON A REGULAR BASIS (DEVELOPING THE BUSINESS)

RESTAURANT IS OPEN 7 DAYS A WEEK FROM 10AM - 5PM MONDAY TO FRIDAY AND FROM 9AM - 5PM SATURDAY AND SUNDAY

BAR MEALS - WE OFFER A CAFÉ STYLE DINING EXPERIENCE RATHER THAN A BAR MEAL. ALCOHOL SALES DO NOT CONSTITUTE A LARGE % OF OUR TURNOVER

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:

WEDDINGS ARE AN IMPORTANT PART OF OUR BUSINESS AND AT THE MOMENT WE HOST WEDDINGS ON 50% OF THE WEEKENDS IN A YEAR (IE 26 WEDDINGS). WE HOPE TO DEVELOP THIS BUSINESS FURTHER.

WE WOULD LIKE TO HOST A VARIETY OF OTHER EVENTS SUCH AS RETIREMENTS, CELEBRATIONS OF LIFE, BIRTHDAY PARTIES AND ENGAGEMENTS. ALSO SEASONAL EVENTS SUCH AS CHRISTMAS PARTIES.

WE ARE SUPPORTING LOCAL CHARITY ORGANISATIONS BY OFFERING OUR VENUE FREE OF CHARGE EG TO RNLI AND EDINBURGH CHILDRENS HOSPITAL CHARITY

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:

WE WELCOME SPORTING GROUPS TO USE WHAT WHITEKIRK HILL HAS TO OFFER. RUNNING GROUPS, CANICROSS AND ORIENTEERING GROUPS VISIT ANUALLY.

ANY RECORDED MUSIC, LIVE ENTERTAINMENT GOES HAND IN HAND WITH A WEDDING OR OTHER EVENT SUCH AS CHRISTMAS PARTY.

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:

WE HAVE A SMALL WALLED TERRACE THAT FORMS PART OF THE ORANGERY. DRINKS WOULD BE SERVED WITH BRUNCH OR LUNCH IN THIS AREA.

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:

NONE

Activities Outwith Licensed Core Hours - In your Operating Plan, at 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:

NO ACTIVITIES WILL TAKE PLACE OUTWITH OUR LICENCED CORE HOURS.

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:

INDOOR MARKET - WE WOULD LIKE TO HOLD AN INDOOR TRADERS LICENCE TO HOST SEASONAL MARKETS AT WHITEKIRK HILL.

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.

WE HAVE A CHILDRENS PLAY BARN WHICH CATERS FOR CHILDREN FROM 6 MONTHS + TO AGE APPROX 10 (WE HAVE A HEIGHT RESTRICTION OF 1.5M)

WE HAVE A CHILDREN'S OUTDOOR PLAY AREA WHICH WELCOMES ALL AGES OF CHILDREN

THE SWIMMING POOL IS AVAILABLE BETWEEN 12PM AND 6PM FOR CHILDREN OF LEISURE CLUB MEMBERS AND LODGE GUESTS.

WE HAVE BABY CHANGING IN BOTH MALE AND FEMALE FACILITIES THROUGHOUT THE MAIN BUILDING.

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

https://www.eastlothian.gov.uk/downloads/file/27884/statement_of_licensing_policy_2018-2023

Preventing Crime and Disorder

ALL RELEVANT TEAM HAVE UNDERGONE FULL ALCOHOL TRAINING AND HAVE REGULAR TRAINING UPDATES.

STICK RIDGIDLY TO OUR CORE OPENING AND CLOSING TIMES AND THE TERMS OF OUR LICENCE.

Securing Public Safety:

ALL AREAS SELLING ALCOHOL ARE SUPERVISED AT ALL TIMES BY PERSONAL LICENCE HOLDERS. FULL MONITORING OF THE AREAS ALSO TAKES PLACE BOTH BY TRAINED TEAM AND ALSO CCTV.

Preventing Public Nuisance:

THERE IS LIMITED NOISE AND WE ADHERE TO ALL NOISE LEVEL REGULATIONS.

WE DON'T HAVE NEIGHBOURS CLOSE TO US BUT WE ARE RESPECTFUL ANYWAY.

Protecting and Improving Public Health:

WE HAVE SIGNAGE ADVISING ON THE EFFECTS OF ALCOHOL AND WE POSITIVELY PROMOTE HEALTH AND WELLBEING THROUGH OUR LEISURE CLUB, SPA AND SPORTING ACTIVITIES.

Protecting Children and Young Persons From Harm:

ALL CHILDREN ENTERING THE FACILITIES MUST BE ACCOMPANIED BY A RESPONSIBLE ADULT.



APPLICATION SUPPORTING COMMENTS

Additional Information

GRANTING US A PERMANENT MARKET TRADERS LICENCE WILL ALLOW US TO SUPPORT SMALL LOCAL BUSINESSES. IT OFFERS ENTERTAINMENT FOR LOCALS IN A LOCATION WHICH HAS EXTENSIVE PARKING FACILITIES THEREFORE CAUSING NO DISTURBANCE TO OTHERS.

BRINGING OUR ON SALES INLINE WITH OUR OFF SALES ALLOWS US TO SERVE A VERY LIMITED AMOUNT OF ALCOHOL TO THOSE HAVING BRUNCH. IT IS NOT ANTICIPATED TO BE ANY VOLUME OF SALES BUT PROVIDES US WITH THE ABILITY TO DO SO IF ASKED.

Supporting Comments

i.e. reasons why the Board should support your application.

WE ARE COMMITTED TO BECOMING AN EAST LOTHIAN HUB. ATTRACTING VISITORS TO THE AREA AND WELCOMING REGULARS.

WE WANT TO SUPPORT LOCAL BUSINESS AND CONTINUE TO SUPPORT LOCAL CHARITIES.

WE ARE ENTIRELY RESPECTFUL OF THE CONDITIONS OF OUR LICENCE AND SEE NO REASON THAT OUR PROPOSED CHANGES WILL IMPACT ON OTHERS.

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

11/07/2024

19/07/2024

Your Ref: WHITEKIRK HILL

Our Ref: 844071

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



**POLICE
SCOTLAND**

Keeping people safe

Gregg Banks
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
WHITEKIRK HILL
WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK, EAST LOTHIAN, EH39
5PR.
PREMISES LICENCE HOLDER: WHITEKIRK HILL LIMITED (SC585716)**

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:

- 1. On Sales hours to be changed to 10am to be in line with off sales.
Currently
lodge guests can purchase alcohol to consume in their at 10am but cannot
consume on the premises. This change would support spa days, weddings,
and events too.**
- 2. Increase capacity of lodges to 132**
- 3. Hold a permanent Market Operators licence.**

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

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

OFFICIAL

Yours faithfully



Gregg Banks
Divisional Commander

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: 8th August 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL364, WHITEKIRK HILL, WHITKIRK, NORTH BERWICK, EAST LoTHIAN EH39 5PR

I can confirm I have visited the premises in relation to this application. On my visit the site notice was correctly displayed and I requested an additional site notice be posted on the outside of the building.

The changes applied for are:

- To amend the on sales hours to commence at 10am daily
- Increase the capacity of the lodges to 142 and amend the layout plan to include the new lodges taking the total capacity of the whole site to 1342
- Permit markets to take place on the premises
- Include theatre within and outwith core hours

The current licensed hours of the premises are show below:

Licensed hours

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>	12:30	00:00

The new hours applied for are, as shown below:

Proposed ON SALES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00
Sunday	10:00	00:00

The current off sales hours are 11:00 – 22:00 Monday – Saturday and 12:30-22:00 on Sunday. The off-sales commencement hour has been requested to change to 10:00am daily.

On sales hours to start at 10am is out with Board’s policy for on-sales hours and is also inconsistent with the Scottish Government’s recommendation and Board policy of not permitting licensed hours in excess of 14 hours per day. However, I direct the Board to sections 20.2 and 20.3 of the policy below in their determination:

20.3 The Scottish Government Section 142 Guidance advises the Board “considers flexibility and pragmatism in decision-making and sensitivity to the wider economic situation should be at the forefront of how a board decides to operate” Each application for a premises licence will be assessed on its own merits, against the general on sale policy hours, the appropriateness of the type of activity for which a licence is being sought against the licensing objectives. Where an application received is requesting licensed hours exceeding 14 hours, the Board will require further information for the consideration of such applications and the Board will take into account the effect the granting of such a licence will have on the area and the licensing objectives.

20.4 Should an application be received in respect of opening earlier than 11am, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.

I have received no complaints about the premises, the premises licence holder has been guided to make this variation as activities not listed on the operating plan were being conducted at the premises.

Licensing Standards Officer

Licensing

From: Arlene Wynn <Arlene@whitekirkhill.co.uk>
Sent: 05 August 2024 11:33
To: Licensing Standards Officer
Cc: Licensing
Subject: RE: Attached Image - Major Variation - Whitekirk Hill

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 Karen

Thank you for your email I can confirm that I am in full agreement with the figures you have detailed below.

Please feel free to contact me if I can help with anything else.

Kind regards
Arlene

General Manager
01620 671700

WHITEKIRK HILL
EAT • PLAY • CHILL • STAY

From: Licensing Standards Officer <lso@eastlothian.gov.uk>
Sent: Thursday, August 1, 2024 5:05 PM
To: Arlene Wynn <Arlene@whitekirkhill.co.uk>
Cc: Licensing <licensing@eastlothian.gov.uk>
Subject: RE: Attached Image - Major Variation - Whitekirk Hill

Hi Arlene,

Thank you for this and showing me round today.

In relation to the capacity a better breakdown for the premises licence would be the following to make it clear:

Total on sales capacity of whole site – 1342

Outside drinking areas – 500

Lodges – 142

Main Building Total – 700

Breakdown of areas in Main Building:

Lounge Bar – 200

Orangery – 150

Restaurant – 150

Gym/Spa – 100

Play Barn - 100

If you are happy with this please can you confirm to licensing@eastlothian.gov.uk (cc'd in the email)

Licensing - on confirmation from Arlene please can you send the changes to all consultees for any additional comment.

Thanks,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)



Accredited paralegal
liquor licensing

Certified Carbon Literate



From: Licensing <licensing@eastlothian.gov.uk>
Sent: Thursday, August 1, 2024 4:26 PM
To: Licensing Standards Officer <lso@eastlothian.gov.uk>
Subject: FW: Attached Image - Major Variation - Whitekirk Hill

From: Arlene Wynn <Arlene@whitekirkhill.co.uk>
Sent: Thursday, August 1, 2024 4:17 PM
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Re: Attached Image - Major Variation - Whitekirk Hill

Licensing

From: Environmental Health/Trading Standards
Sent: 24 July 2024 11:38
To: Licensing
Subject: FW: Major Variation - Whitekirk Hill, Whitekirk

From: Redshaw, Ian <iredshaw@eastlothian.gov.uk>
Sent: Wednesday, July 24, 2024 11:37 AM
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: RE: Major Variation - Whitekirk Hill, Whitekirk

Hi

No objections subject to the usual conditions

Cheers
Ian

Ian Redshaw
Environmental Health Officer - Business Regulation
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA
Mobile: 07855 187998

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: Thursday, July 18, 2024 3:22 PM
To: Redshaw, Ian <iredshaw@eastlothian.gov.uk>
Subject: FW: Major Variation - Whitekirk Hill, Whitekirk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Thursday, July 18, 2024 3:12 PM
To: Lothian & 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>; secretary@northberwickcommunitycouncil.org.uk; licensing@nhslothian.scot.nhs.uk
Subject: Major Variation - Whitekirk Hill, Whitekirk

Good Afternoon

Please find attached Major Variation for the above premises. Can I please have reports/representations by 8th August 2024.

Gillian

Gillian Herkes

Licensing

From: Robertson, Scott
Sent: 23 July 2024 08:52
To: Licensing
Subject: RE: Major Variation - Whitekirk Hill, Whitekirk

Morning,

Please note I have no comments or objections to this application.

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 www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Thursday, July 18, 2024 3:12 PM
To: Lothian & 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>; secretary@northberwickcommunitycouncil.org.uk; licensing@nhslothian.scot.nhs.uk
Subject: Major Variation - Whitekirk Hill, Whitekirk

Good Afternoon

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Gillian

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



Law Society
of Scotland

Accredited paralegal
liquor licensing

Licensing

From: Kathryn Smith [REDACTED]
Sent: 09 August 2024 12:00
To: Licensing
Subject: RE: Major Variation - Whitekirk Hill, Whitekirk

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

This is to confirm that, having discussed the major variation at Whitekirk Hill at this week's meeting, North Berwick Community Council has no comments to make.

Regards
Kathryn

Kathryn E Smith
Secretary NBCC

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 18 July 2024 15:12
To: Lothian & 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>; secretary@northberwickcommunitycouncil.org.uk; licensing@nhslothian.scot.nhs.uk
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