



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 29 AUGUST 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

1

Board Members Present:

Councillor L Bruce
Councillor C Cassini
Councillor F Dugdale
Councillor N Gilbert
Councillor G McGuire
Councillor J McMillan

Clerk of the Licensing Board:

Mr C Grilli

Attending:

Ms G Herkes, Licensing Officer
Ms C Aitken, Licensing Officer
Ms K Harling, Licensing Standards Officer
PC L Wilson, Police Scotland
Ms E Barclay, Committees Assistant

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

None

Declarations of Interest:

Item 2b: Councillor McMillan, due to having worked with the premises on economic development issues.

The Clerk of the Board advised that Item 3 on the agenda was no longer required to be heard because the licence holder had submitted the required documentation for confirmation of the premises licence.

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 27 June 2024

Members approved the minutes as an accurate record of the meeting.

2. PROVISIONAL LICENCE
a. Costcutter, 103-105 High Street, Tranent

An application had been received for a provisional licence for a convenience store. There had been no objections from Police Scotland or the Planning Authority. The NHS and Tranent and Elphinstone Community Council had submitted objections on the basis of overprovision. The Licensing Standards Officer (LSO) had submitted representation, including a recommended condition, noted below.

Tejinder Singh Bath, applicant, and Alistair Macdonald, agent, were present to speak to the application. Mr Macdonald advised that Mr Singh's store had been in operation since May 2024, and had sold alcohol under occasional licences. Although the applicant had intended to make an application for a premises licence, issues had surfaced due to a missing completion certificate for a building warrant from 12 years previously when the store had been a Farmfoods; this had caused issues in gathering the complete documentation required to apply for a full premises licence. Mr Macdonald had lodged this provisional licence application on behalf on his client in the interim, but advised of correspondence with building inspectors and attempts to contact Farmfoods. He undertook to do all he could to finalise the building standards issue.

Mr Macdonald provided background information on the store, and on Mr Singh's experience in running shops across the central belt. His client would accept the LSO's condition relating to home deliveries. He advised that there were two other members of staff who had, or were in the process of obtaining, personal licences. He turned to the consultees, and noted that there were no objections from planning, the public, or other stores. He addressed the list of premises with 800m provided within the LSO's report; he suggested that the only similar shops served different immediate areas, or were on a different end of the high street from his client's premises, and also pointed out that a new shop which had been granted a licence still had a 'to let' sign displayed. He noted that the premises was accessible to wheelchair users. He submitted that there was no argument towards overprovision in the centre of a town with an increasing population. He felt that NHS representation regarding higher levels of harm would always be the case because people came into the town centre, and did not present reason for refusal. He summarised that there was no evidence that an additional shop would increase availability, but instead would increase choice for customers wanting to do grocery shopping and pick up a bottle of wine.

The LSO reported she had visited the premises, and had arrived as staff were putting a delivery away. She advised that all signage was in place, and she found staff to be competent and knowledgeable. She reported that the alcohol display was tidy and per the layout plan. One member of staff already had a personal licence and was able to get Mr Singh, DPM, on the phone immediately. She highlighted the status of some of the stores contained within her list of premises within 800m, and also highlighted her suggested condition relating to deliveries.

PC Lee Wilson advised there were no police objections to the application. He had visited the store in June and found it to be well organised and with knowledgeable staff. He also advised that there had been no issues or concerns reported since the store had run on occasional licences.

Responding to questions from Councillors McMillan and Dugdale, Mr Singh described arrangements for Challenge 25 and accepted forms of identification, and gave an account of his experience in the industry. He commented that was uncommon to have underage persons trying to buy alcohol at the store when compared to his experience in Edinburgh. He advised that most staff had been trained by Mr Macdonald. He reported that posters were also displayed and an electronic refusal book was kept by the EPOS till system.

Members commented on the comprehensive presentation, the full responses to the questions, accounts of responsible management of the premises, and of use of systems, training, and policies. Councillor McMillan felt that choice provided by convenience stores on the high street was positive. He also welcomed the beginnings of a business association in the town. Members indicated that they would support the application.

The Convener agreed with his colleagues' comments on the application, and was also minded to grant. He acknowledged the comments of the NHS and Community Council relating to overprovision and said the Board was also concerned about this matter; however, he noted that the Board had not declared an area of overprovision anywhere in the county, and thought that more area-specific data would be required for refusal on this basis.

The Convener proposed the LSO's recommended condition, and this was seconded by Councillor McGuire. The Convener then moved to a roll call vote, and Members unanimously supported the application.

Decision

The East Lothian Licensing Board granted the provisional licence, subject to the following condition:

- 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.

Sederunt: Councillor McMillan left the meeting.

b. Papple Steading, Haddington

An application had been received for a provisional licence. There had been no objections from Police Scotland, LSO, or the Planning Authority. Dunder Community Council had submitted representation. There had also been three public objections and three public representations in support of the application.

Alistair Sutherland, agent, was present to speak to the application, and was accompanied by Papple Steading representatives George Mackintosh, Verity Sinclair, and Eri Mackintosh, as well as Tom Chisholm of Buck and Birch. Mr Sutherland provided background information about the premises, its restoration, work and partnerships within the community, and an overview of permissions, including planning permission and a short-term let (STL) licence. He gave examples of the types of high-end events held at the premises, and the team members' skills. He referred to the layout plan to explain which areas were covered under the STL licence, and provided information on future phases of development; he pointed out that the auditorium/conference centre would come forward in three-to-five years and was not covered under this licence application. He also described the heritage museum, which would show the local agricultural history. He advised that Ms Sinclair, DPM, lived close

to the premises. He highlighted that there had been no issues at the events run so far. He pointed out that there were no adverse comments from statutory consultees, and said that directors were mindful for the potential for impact on the local community. He highlighted that issues of amenity were addressed through the planning permission, and pointed out that the Planning Authority was satisfied that there would not be an unacceptable impact on the amenity of residents. Responding to objectors' concerns for the potential for antisocial behaviour as a result of guests' consumption of alcohol, he pointed out that the STL residents were already free to consume alcohol. He suggested that sale and consumption of alcohol controlled by a premises licence would be of great benefit by ensuring that trained staff would be on site, the operating plan would be enacted, and licensing objectives would be met. He also reiterated that there had been no objection by the Roads Officer.

Mr McIntosh added that plans remained consistent with his personal project to save a steading building. He explained that the size of the project meant that Papple Steading required to be a mixed-used development, and serving of refreshments and alcohol was required for financial sustainability. He advised that the steading was two-thirds of the way to being restored, and said there had been much community engagement through the works. He explained that the museum would highlight different styles of farming, and reported that Papple Steading had been warmly welcomed by the neighbourhood.

Fiona Constable spoke against the application, and said she represented the views of the tenants and residents of Papple Cottages. She said Papple Cottages faced the steading, and the boundary of her own property was only 20m away. She felt that the operating plan did not provide reassurance of the business' high degree of responsibility, and detailed licensing objectives with which she felt the proposals were inconsistent. She felt that neglecting to seek residents' views led to questions of whether the business could be trusted to manage a large event venue. She referred to previous irresponsible behaviour of the business, including allowing bonfires and fireworks, felling trees, and cutting back hedges without residents' permission. She questioned whether there was experience to move to larger scale events, particularly when managers were not resident on site. She thought that similar venues tended to have a buffer area between the premises and the nearest residents. She highlighted issue with features of the premises, such as an interior courtyard which would serve to amplify noise. She highlighted a recent noise survey which had shown the noise of the surrounding area to be barely audible. She also raised concern over use of lighting in a site of significant biodiversity. She described the plans as resulting in an unacceptable loss of amenity for neighbours. She was also concerned that off sales would allow residents to drink all day and night, and that groups such as stag parties would behave in an antisocial manner. She asked Members to consider the effect of the constant presence of strangers under the effect of alcohol, particularly when there were no streetlights, on the rural community. She also raised road safety concerns, and said that visual splays required at the entry had not been resolved under the travel plan. She felt that issuing a provisional premises licence was not justified, and pointed out that the premises was originally to have been an agricultural museum.

Eileen Gill spoke on behalf of Dunpender Community Council (DCC). She explained that DCC wanted to support local priorities and businesses and balance the views of residents; they did not wholly object, but raised concerns about this application. She covered DCC's concerns relating to several licensing objectives. On securing public safety, she raised concerns over road traffic issues, including an increase in noise in the rural location, and a further increase due to the availability of off sales. Regarding preventing public nuisance, she raised concern about residential amenity, and felt the operating plan did not set out actions to monitor and mitigate issues. She pointed out World Health Organisation guidance that noise pollution could cause annoyance, have a detrimental effect on health and sleep patterns, and cause anxiety, even at low levels;

she encouraged Members to take additional noise from traffic and socialising into account. She also noted potential effects on wildlife and livestock. Regarding public safety, DCC felt there should be no outdoor facilities for consumption of alcohol or off licence facility. It was also felt that licensed hours should be restricted to 10pm, with separate applications to be made for extensions to host specific events. It was also felt that a system for monitoring noise was required. She summarised that DCC supported local businesses, but also acknowledged the impact on wildlife and livestock, and were sympathetic to the views of those who had objected to the licence.

The LSO reported that she had visited the premises twice. She felt Ms Sinclair had communicated openly regarding the provision of alcohol and had provided regular updates. The LSO found Ms Sinclair to be very knowledgeable on the proposed operations; Ms Sinclair had clearly explained on two tours what would happen in separate parts of the venue, and how staffing would work. The LSO advised that there had been no complaints when the venue had operated on an occasional licence around Christmas. She advised that the application was compliant with the Licensing (Scotland) Act 2005 (the Act), and that there were no other premises within an 800m radius. She had no concerns about the sale of alcohol at the premises and felt that Ms Sinclair had represented herself as being in control of operations.

PC Wilson had accompanied the LSO on her second visit, and commented that Ms Sinclair had provided a good explanation of the site's operations. He said the premises raised no immediate or overt policing concerns, and he felt confident that Ms Sinclair would run the premises well. He advised that Police Scotland had also received no complaints following the Christmas event.

Responding to questions from Councillor Cassini, Mr Sutherland advised that conditions attached to the planning permission regarding soundproofing and ventilation were in relation to the auditorium, which would hold up to 150 people, but that a further licensing application would cover this space. He pointed out that the stated capacity of 190 persons could not be held in any one space, and that this would be made up of smaller gatherings. He had no concern about noise breakout from these spaces; he had advised that there would be no amplified music in the outdoor spaces, and no alcohol served after 10pm in the outdoor spaces. Ms Sinclair added that the café area would have space for 50 persons standing, and highlighted other spaces in the steading which could host only smaller groups. She thought it was unlikely that the open building would be used as an events space as it would house agricultural equipment. She advised that many of the windows could not be opened fully, and staff would ensure that doors and windows were closed to prevent noise issues. She advised that noise would be well contained within courtyard spaces.

Responding to a question from Councillor Dugdale, Ms Sinclair advised that there would be only a small number of tables and chairs for use in the courtyard at the entrance to the main café. She added that the premises would have to make a further application should they look to host a wedding in a marquee.

Councillor McGuire enquired about young people causing a disturbance in the woods, and about other security issues. Mr Sutherland responded that the disturbance in the woods had been unrelated to Papple Steading. Ms Sinclair added that staff would be present to manage people leaving the premises; guests were asked to leave quietly, and staff were very conscious of neighbours. She agreed that the premises would consider hiring security staff for a large event, and already had parking attendants. She advised that neighbours had been invited to talk to staff at Papple Steading, and stated that the steading was 220m from residences.

Responding to an earlier point, Mr Sutherland advised that the off sales part of the licence had been requested to allow Buck and Birch to sell alcohol for people to take

away with them, and submitted that this would not cause additional vehicle movements. Ms Sinclair advised that Papple Steading had good working relationships with two taxi firms, and would sell tickets to events which included a pickup and drop off service.

Responding to a question from the Convener, Ms Sinclair confirmed that the 10pm terminal hour for the outdoor consumption of alcohol would also apply to residents of the STL accommodation.

There was discussion regarding the potential to extend the licensed area to house a marquee, and Mr Sutherland confirmed that this may be considered in the future under Section 67 of the Act.

Responding to questions from the Convener, Ms Sinclair advised that her personal mobile number was available on the website, and she had met most of the residents. She was happy to attend the premises to resolve any issues. The LSO added that noise was dealt with by other statutory legislation; general noise, for example in relation to music, would be dealt with by environmental protection; she pointed out that noise was not always associated with the sale of alcohol.

The Convener called for an adjournment to allow the Board to discuss the application in private.

Upon their return, the Convener gave a summary of the Board's discussions, and expressed that Members wanted to find the best situation for all parties. Members felt that this was a special location and building, and the matter had to be managed carefully. He outlined and proposed conditions, noted below, and these were later seconded by Councillor Dugdale. He also noted that any discussions regarding a marquee could not be prejudged and would have to come back before the Board. The Convener reminded residents that issues could not be dealt with if the Board was unaware of them, and encouraged residents to contact officers with any concerns.

The Convener then moved to a roll call vote, including the proposed conditions, and the application was unanimously supported by Members.

Decision

The East Lothian Licensing Board granted the provisional licence, subject to the following conditions:

- No amplified music to be played in the outdoor areas; and
- Alcohol must not be sold after 10pm in the outdoor areas.

3. Extension of Provisional Licence – Thomson's of Tranent

Following receipt of documents for confirmation of the premises licence, this item was no longer required to be heard by the Board.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board

4 5536

FL407

East Lothian Council
Licensing

- 1 AUG 2024

Received



APPLICATION FOR ~~PREMISES LICENCE~~ / PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

*Delete as appropriate

2

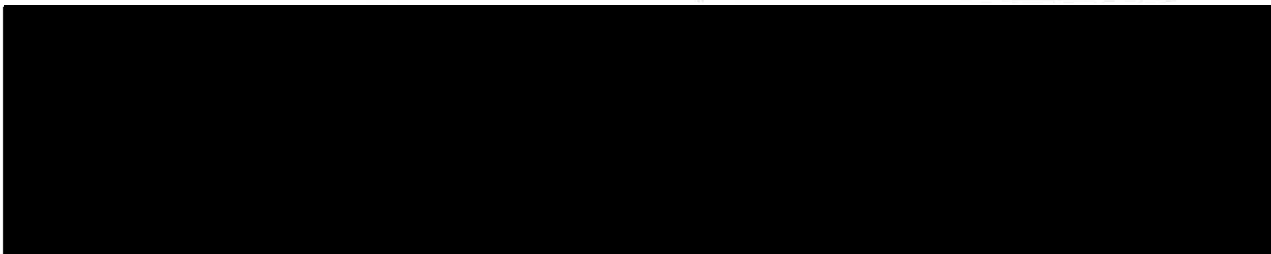
Question 1 – Name, address and postcode of premises to be licensed

PREMIER, 135 HIGH ST, DUNBAR EA42 1ES

Question 2 – Particulars of applicant

2(a) Where applicant is an individual, provide full name, date & place of birth, home address including postcode, telephone number & email address.

SHIVAKUMAR KANDASWAMY



2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

N/A

2(c) Where applicant is a company, please provide name, registered office and company registration number.

N/A

2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

N/A

2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*

N/A

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.



Question 3 – Previous applications

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?

YES NO

If YES – provide full details _____

Question 4 – Previous convictions

Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)

YES NO

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

NAME	DATE	COURT	OFFENCE	SENTENCE
None	N/A			

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES

Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5 - Description of premises

(where application is submitted by a members' club, please also complete question 6)

THE COMMERCIAL PROPERTY IS A RETAIL UNIT LOCATED IN THE HEART OF DUNDEE. THE PREMISES OPERATES AS A MODERN CONVENIENCE STORE ON THE GROUND LEVEL WITH RESIDENTIAL ACCOMMODATION ON THE UPPER FLOOR.
THE PREMISES BENEFIT FROM HIGH ST PARKING.

Question 6 - To be completed by members' clubs only

N/A

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?

YES NO



DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

The contents of this Application are true to the best of my knowledge and belief.

Signature _____ * (see note below)

Date 31/7/2024

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

Telephone number and email address of signatory TEL _____

EMAIL: _____

I have enclosed the relevant documents with this application – please tick the relevant boxes

- Operating plan
- Layout plan (highlighting the area where alcohol is sold/consumed)
- Planning certificate
- Building standards certificate
- Food hygiene certificate

* 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.



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 PREMIER
135 HIGH ST, DUNBAR,
Post Code EH42 1ES

- 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	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10 AM	10 PM
Tuesday	10 AM	10 PM
Wednesday	10 AM	10 PM
Thursday	10 AM	10 PM
Friday	10 AM	10 PM
Saturday	10 AM	10 PM
Sunday	10 AM	10 PM

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	N	N/A	N/A
	Conference facilities	N	N	N
	Restaurant facilities	N	N	N
	Bar meals	N	N	N

Social functions including:

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

Entertainment, including:

5c.	Recorded music – see 5(g)	Y	Y	Y
	Live performances – see 5(g)	N	N	N
	Dance facilities	N	N	N
	Theatre	N	N	N
	Films	N	N	N
	Gaming	N	N	N
	Indoor/outdoor sports	N	N	N
	Televised sport	N	N	N

5d.	Outdoor drinking facilities	N	N	N
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5e.	Adult Entertainment	N	N	N
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4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

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

BACKGROUND MUSIC WILL ~~BE~~ PLAYED ALL TRADING HOURS.

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

THE STORE WILL OPEN AT 7AM DAILY.

THE STORE WILL OFFER THE FOLLOWING ADDITIONAL SERVICES:

HOME DELIVERY OF FOOD & ALCOHOL
PARCEL COLLECTION SERVICE
FOOD TO GO.

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 ^{N/A} NO

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

YES ^{N/A} 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

N/A

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

N/A

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

N/A

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

N/A

7. CAPACITY OF PREMISES

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

32.94m²

8. PREMISES MANAGER

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

Full Name _____

Date of birth _____

Contact address _____

_____ Post Code _____

Tel. No. _____ Email address _____

Personal licence

Date of issue _____

Name of Licensing Board issuing _____

Reference no. of personal licence _____

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 18/7/2024

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

Tel. No. of signatory 

Email address gordon@gneconsultancy.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.

GNE Consultancy Ltd
47 Wallace Brae Drive
Reddingmuirhead
Falkirk
FK2 0FB

Licensing (Scotland) Act 2005

Section 20(2)(b)(iia)

DISABLED ACCESS AND FACILITIES STATEMENT

Question 1

Disabled Access and Facilities

1(a)	Is there disabled access to the premises	YES/ NO *
1(b)	Do you have facilities for those with a disability	YES / NO *
1(c)	DO you have any other provisions available to aid the use of the premises by disabled people	YES/ NO *
<i>*Delete as appropriate</i>		

If you have answered YES to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide a clear and detail description of how accessible the premises are for disable people. E.g. ramps, accessible floors, signage.

Access to the premises is available via one main entrance door. This is an electronic door that opens inwards.

This doorway is wheelchair accessible.

The premises is one level flooring surface throughout the site.

There is suitable space within the premises to accommodate wheelchairs and customers who may have mobility difficulties.

Question 3

Facilities available

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

The serving counter area can be accessed by wheelchair users.

Question 4

Other provisions

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

Assistance is offered to all customers when they enter the premises irrespective of whether they have a disability or not.

All staff have been trained to identify those who may appear to require support or assistance.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this Disabled Access and Facilities Statement are true to the best of my knowledge and belief

Signature  * (see note below)

Date 31/7/2024

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

Telephone number and email address of signatory TEL. 

Email: gordon@gneconsultancy.co.uk

*** 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 (SCOTLAND) ACT 2005
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:	Shivakumar Kandaswamy
NAME AND ADDRESS OF PREMISES:	Premier, 135 High Street, Dunbar, EH42 1ES

SECTION 50 PLANNING CERTIFICATE

I confirm that planning permission (ref:.....) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.

I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:		Date:	31 st July 2024
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Keith Dingwall
Service Manager, Planning (Chief Planning Officer)



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

THE COMMERCIAL PROPERTY IS A RETAIL UNIT IN HIGH ST DUNBAR.

THE PREMISES WILL OPERATE AS A MODERN CONVENIENCE STORE, OFFERING AN EXTENSIVE RANGE OF GROCERY ITEMS, FRESH FOODS, NEWSPAPERS AND GENERAL MERCHANDISE.

IT WILL ALSO PROVIDE ANCILLARY SERVICES, INCLUDING FOOD TO GO, PARCEL COLLECTION SERVICE AND HOME DELIVERY OF FOOD & ALCOHOL, CATERING FOR THE NEEDS OF THE GROWING COMMUNITY IT SERVES.

ON CONSUMPTION

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

N/A

OFF CONSUMPTION

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

MODERN CONVENIENCE STORE OFFERING HOME DELIVERY OF ALL PRODUCTS VIA SNAPPY SHOPPER NETWORK.

**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:

N/A

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:

N/A

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:

N/A

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:

N/A

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:

N/A

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:

BACKGROUND MUSIC ALL TRADING (WITHIN & OUTWITH CORE HOURS)

FOOD TO GO – 6am THROUGH TO 10pm

HOME DELIVERY – 10am – 12pm (MIDNIGHT)

PARCEL COLLECTION SERVICE – ALL TRADING 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:

N/A

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.

N/A

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

AS PER ATTACHED SHEET

Securing Public Safety:

AS PER ATTACHED SHEET

Preventing Public Nuisance:

AS PER ATTACHED SHEET

Protecting and Improving Public Health:

AS PER ATTACHED SHEET

Protecting Children and Young Persons From Harm:

AS PER ATTACHED SHEET

APPLICATION SUPPORTING COMMENTS

Additional Information

A STATEMENT OF LICENSING OBJECTIVES IS ATTACHED

Supporting Comments

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

THIS IS NEW MODERN CONVENIENCE STORE DESIGNED TO SERVE THE GROWING NEEDS OF THE DUNBAR COMMUNITY. MY CLIENT IS A WELL RESPECTED LICENCE OPERATOR IN EAST Lothian AND KNOWN TO THE BOARD AS COMPETITIVE RETAILER THAT DELIVERS HIGH STANDARDS OF SERVICE & OPERATIONAL COMPLIANCE

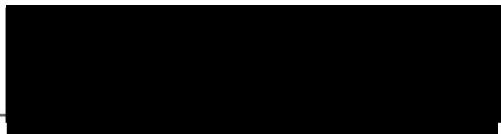
SIGNATURE AND DECLARATION BY APPLICANT

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

31/7/2024

Statement of Licensing Objectives

Preventing Crime and Disorder:

- All staff will be issued with an age verification policy, including procedures for handling the sale or service of alcohol to potentially intoxicated individuals.
- A refusals log will be maintained to document any refusal of alcohol sales.
- A CCTV camera system will be installed, including an external camera to monitor customers entering and exiting the premises.
- The premises will have at least one Scottish Certificate for Personal Licence Holders (SCPLH) holder, and all other staff will complete mandatory 2-hour training before beginning alcohol sales.
- Challenge 25 signage will be displayed to ensure no alcohol is sold to anyone appearing under 25 years old, verifying age for anyone who looks under 18.
- Alcohol will be displayed in two key areas, inaccessible, behind the counter and accessible via a beer/ wine chilled room which is operated by an electronic door. Control to this door is managed from behind the service counter. This restricts the likelihood of underage persons gaining access to this secure display area.

Securing Public Safety:

- The premises will regularly manage litter in its vicinity.
- All staff will receive training on customer service skills, focusing on providing a safe shopping environment.
- Customer service training will include identifying and managing potential conflict situations.
- The convenience store will have modern CCTV cameras to monitor customer activity.

Preventing Public Nuisance:

- To minimize noise from deliveries, full consideration will be given to local residents, with deliveries made during normal working hours.
- The premises will operate until 10 PM to reduce the likelihood of late-evening conflicts.

Protecting and Improving Public Health:

- All alcohol products will display unit measures on each bottle or can, following industry standards.
- All alcohol promotions will comply with licensing legislation.
- Staff will be trained to understand daily and weekly recommended maximum alcohol consumption levels.

Protecting Children and Young Persons from Harm:

- The premises will have a written policy to prevent the sale or supply of alcohol to individuals under 18.
- Visible age verification requirements "Challenge 25" posters will be displayed on the premises.
- All staff will be trained on the proof of age scheme and acceptable forms of ID.
- Staff will monitor customers for unusual shopping patterns to prevent proxy alcohol purchases for minors.
- An electronic refusals log will be maintained to record any sales refusals.
- Staff training records will be kept on-site for inspection.

Home delivery policy

- All purchases for home delivery of food & alcohol will be made via the Snappy Shopper app.
- It is Premier Dunbar's responsibility to service and deliver any food or alcohol being ordered online for home delivery.
- Records will be kept and maintained showing each order placed for despatch and will be held on the premises.
- A record of each transaction is carried electronically by the person delivering the alcohol.
- The record will show the quantity, description and price of the foods/alcohol being delivered.
- The record will show the name and address of the person to whom the alcohol is being delivered to.
- Alcohol will only be delivered between the hours of 10am and 24.00 pm daily.
- Challenge 25 will be in place where any person receiving a delivery must prove they are over the age of 25 should they appear to look younger than this.
- Only current acceptable proof of age ID will be accepted e.g. European Driving Licence, European Provisional Driving Licence, a current passport or PASS logo's identification
- All delivery drivers will be employed by Premier Dunbar.
- All delivery drivers will have undertaken their 2- hour training to demonstrate their competence.
- All staff training records are held on site within an appropriate file.
- A refusal log will be used should any delivery not be made due to either the recipient being unable to prove their age or appearing intoxicated. This will be electronic.

07/08/2024

Your Ref: EL407
Our Ref: 848241

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

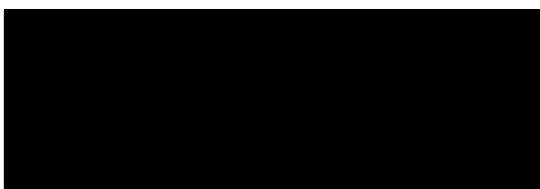
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
PREMIER STORE DUNBAR
135 HIGH STREET, DUNBAR, EAST LoTHIAN, EH42 1ES.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



Gregg Banks
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: 20th August 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

PREMIER,135 HIGH STREET, DUNBAR, EAST LoTHIAN EH42 1ES

I refer to the above subject and can confirm that the applicant has liaised with the LSO in relation to this application. I visited the premises the site notice was displayed.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

This type of licence is considered for premises that are yet to be, or in the course of being, constructed or converted for use as a licensed premises. On my visit the premises was constructed but was in the process of being refitted as a shop and was not yet operational.

I can confirm that the application is compliant with the act.

The off sales capacity applied for is 32.94 m². Within an 800m radius there are 22 other premises, 4 of which are off sales only:

Off sales only

Co-op, High Street – capacity 30.33m²

Co-op, Countess Crescent – capacity 41.23m²

Morrisons Daily – capacity 13.8m³

The Tipsy Truffle – capacity 2m²

On and Off sales

Street Burger, High Street

New Bayswell Hotel, Bayswell Park

Hallhill Sports Centre, Lochend Road

Royal MacIntosh Hotel, Station Road

The Bear and Bull, High Street

Eagle Inn, High Street

The Volunteer Arms, Victoria Street

King's Palace Chinese Restaurant, High Street

The Rocks Bar and Restaurant, Marine Road
Station Yard, Station Road
The Royal British Legion, High Street

On sales only

Castle Hotel, High Street
Dunmuir Hotel, Newhouse Terrace
The Creel, Lamer Street
Hector's, High Street
Hillside Hotel, Queens Road
Shapla Tandoori, High Street
The Harbour Chapel, Victoria Street

I recommend the following condition be considered in relation to deliveries of alcohol:

- 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.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 02 August 2024 11:29
To: Licensing
Subject: RE: Provisional Premises Licence Application - Premier, 135 High Street, Dunbar - EL407

Hello,

Please note I have no 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, August 1, 2024 8:33 AM
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>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; licensing@nhslothian.scot.nhs.uk; dunbarcommunitycouncil@gmail.com
Subject: Provisional Premises Licence Application - Premier, 135 High Street, Dunbar - EL407

Dear All

Please find attached Provisional Premises Application for the above for report/representation by 25th August, 2024.

Kind regards

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



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 _____

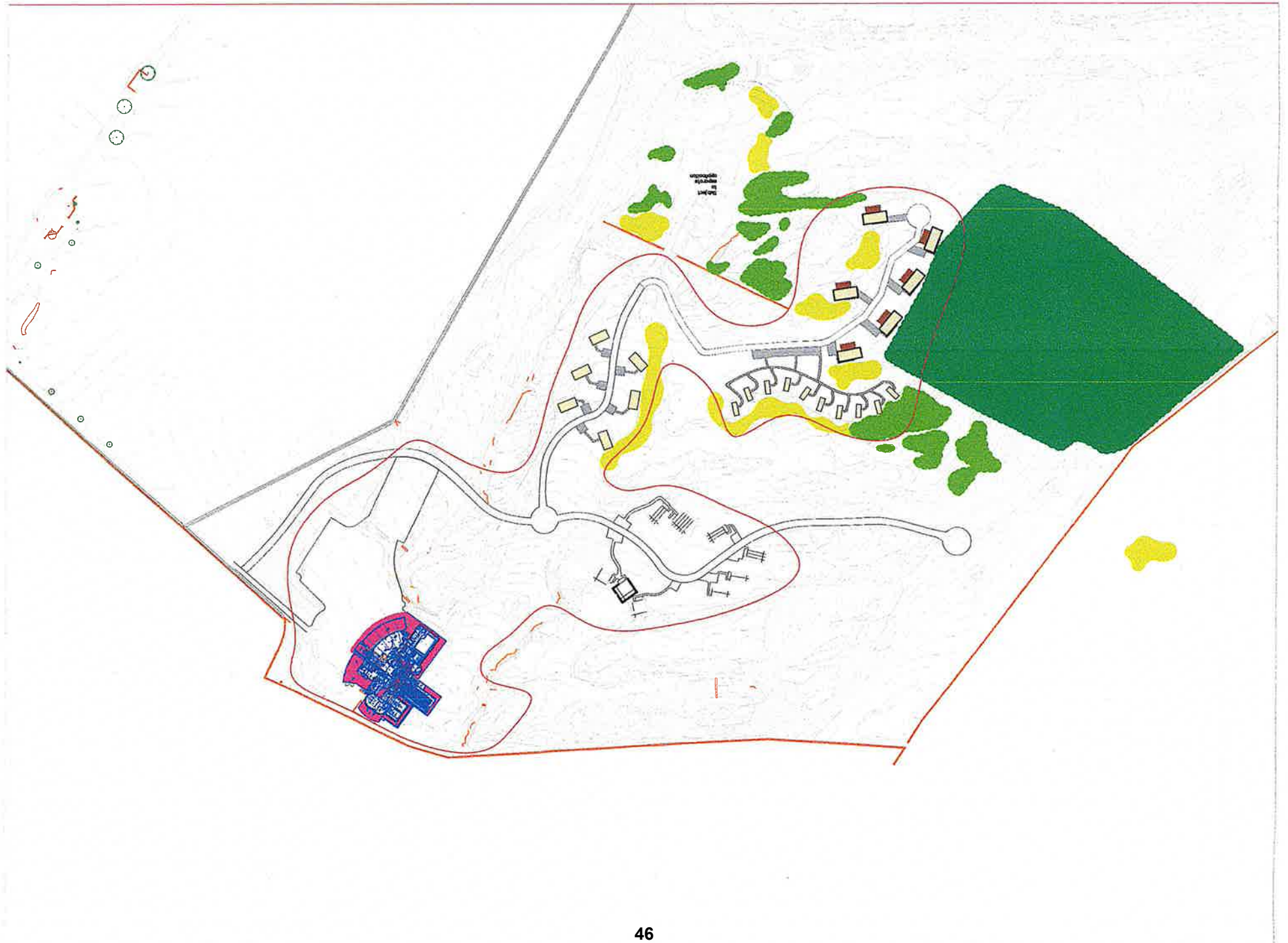
Address _____

_____ 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
----------	--------------------------------	--	---

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

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

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

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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



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

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

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



Law Society
of Scotland

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**APPLICATION FOR VARIATION
OTHER THAN MINOR VARIATION**
LICENSING (SCOTLAND) ACT 2005, SECTION 29

3b

**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)

To change from Licensed Club premises to Open Licence basis.

To amend the opening hours for Sundays from 12:30 - 18:30 to 11:00 - 22:00

To name a Premises Manager

To permit alcohol to be consumed in the garden areas at the side and rear gardens.

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)**

To amend the opening hours on Sundays from 12:30 - 18:30 to 11:00 - 22:00

To permit alcohol to be consumed in the garden areas at the side and rear gardens

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.

Not applicable

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)

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 £ 200.00 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature [Redacted] (See note 5 overleaf)

Date 3 JULY 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

Lodge St. John Fisherrow No. 112

7 Balcarres Road, Goose Green, Musselburgh, East Lothian

Post Code

EH21 7SD

- 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	23:00
Tuesday	11:00	23:00
Wednesday	11:00	01:00
Thursday	11:00	23:00
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	22:00

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

Only to the extent that fortnightly lodge meetings are not held in the months for June, July and August but the lodge premises may open for social functions, birthday parties etc all year round.

Other masonic organisations that share or lease the premises may hold meetings during the summer months when the lodge itself is in recess.

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

5a.

Accommodation	No	N/A	N/A
Conference facilities	No		
Restaurant facilities	No		
Bar meals	No		

Social functions including:

5b.

Weddings, funerals, birthdays, retirements etc.	Yes	Yes	No
Club or other group meetings etc.	Yes	Yes	No

Entertainment, including:

5c.

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

5d.

Outdoor drinking facilities	Yes	Yes	No
-----------------------------	-----	-----	----

5e.

Adult Entertainment	No	No	No
---------------------	----	----	----

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

Not applicable

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

Occasional use by the local children's nursery for Christmas parties etc.

Occasional use for children's birthday parties.

On occasions such as described above, bar facilities are not granted.

5(g) Late night premises opening after 1.00am Not applicable

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 must be accompanied by parents / guardians or other adult family member.
Areas around bar and lounge servery, kitchen are strictly excluded to children

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

All ages up to 18 years old. Only applies when the facilities are open for weddings, christening or birthday parties, funerals or other social functions.

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

Core times only

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

Function hall, Lounge area, Lodge room on upper floor. Toilets
Restrictions in function hall and lounge to exclude children from bar servery area

7. CAPACITY OF PREMISES

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

On sales - 175. Maximum of 150 in the function hall and 25 in the member's lounge area

8. PREMISES MANAGER

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

Full Name Andrew McLaughlan Raeburn

Date of birth [REDACTED]

Contact address [REDACTED]

Post Code [REDACTED]

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

Personal licence

Date of issue 25 June 2024

Name of Licensing Board issuing East Lothian Licensing Board

Reference no. of personal licence EL2251

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 3 Juny 2024

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.

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

Lodge St John Fisherrow No 112 is a Freemason's Lodge operating under the Constitution of the Grand Lodge of Scotland.

Our core function is to promote the principles of Freemasonry, support charitable causes in the local community and support local groups and associations in their fund-raising activities.

Our main source of income arises from the sale of alcohol during our operating hours. We hold masonic meeting on a fortnightly basis between September and May with an additional meeting in July but the income generated from these events is not sufficient to maintain our premises and to support other organisations.

To increase our bar income, we make our facilities available for family celebrations such as weddings, birthday and anniversary parties etc. These tend to come from our membership and trusted contacts known to lodge members. We offer our facilities to local community groups to hold their fund-raising activities also.

We do not intend to open our facilities for general public access but remain on a member's social club basis but operating under an Open Premises Licence.

ON CONSUMPTION

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

Sale of alcohol for Masonic meetings open to lodge members and members of other masonic lodge. We hold, on average, 17 lodge meetings per year.

Allow the use of our facilities to hold social functions to raise funds for the lodge. Hold wedding functions, birthday / anniversary / retirement parties etc.

Allow the use of our facilities to local charities and other community groups for their fund-raising efforts.

OFF CONSUMPTION

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

This is expected to be a rare event and only to allow guests who are leaving the function early to purchase alcohol for later consumption at home.

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:

We cannot offer Accommodation facilities.

We do not offer Conference Facilities.

We do not intend to operate as a restaurant or provide bar meals. The only catering provision will be in combination for social events and other celebrations such as wedding / birthday parties etc.

We provide light buffet type meals after lodge meetings (e.g. soup, sandwiches, curry, sausage rolls). We have no more than two formal dinners per year with a 3 course dinner provided for members and guests.

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:

Lodge social functions - approximately 6 to 8 per year.

Weddings / birthday / retirement parties etc - average 10 to 12 per year.

Local organisations and community groups - average 6 to 8 per year.

There is scope to hold lunches / barbecues etc. on weekends but our target audience will be lodge members, their families and friends or local associations to assist in fund raising.

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 do not offer facilities for Theatre, Films, Sports - indoor or televised. We do not have TV facilities.

Gaming - occasional Race Night events.

Live music, dancing, recorded music at social functions or birthday parties etc.
- average 20 to 30 per year.

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:

This is likely to be restricted to events such as a barbecue, picnics or allowing guests to take drinks outside in good weather. We do not envisage this is likely to be often used but would like the option to be on offer.

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

No intention to hold adult entertainment events. This is not in keeping with masonic principles.

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:

We occasionally offer the use of our facilities to the local children's nursery to stage "graduation" events or Nativity shows.

Bar facilities are never offered outwith core operating 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:

We have allowed the use of our function hall for Children's parties - ages 2 to 16. The bar does not open for these events. Party organisers are allowed to provide their own soft drinks and refreshments. Alcohol is not permitted.

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.

Children are allowed access to the function and toilets. The kitchen, bar areas and member's lounge in the rear of the building are off limits to children.

We have a baby changing stall installed in the disabled toilet area which can be accessed by parents of either gender.

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

Our lodge meetings are conducted in an orderly manner and musical entertainments is limited (e.g. one or two songs performed in addition to short speeches and toasts.

Social events often have lodge committee members in attendance who will monitor proceedings.

Other events such as a birthday parties etc. are usually held via lodge contacts who are normally present to monitor the event.

Four committee members also reside within 5 minutes of the premises and bar staff have been instructed to contact them if they any concerns arise. In the unlikely event of any distrubances arising, staff know to contact the police for assistance.

Securing Public Safety:

As stated above, lodge members are often present at non-masonic events and bar staff are aware of the steps they should take to seek further assistance from committee members or police authorities.

We have a defribillator on site and first aid box in the bar area for medical situations.

Preventing Public Nuisance:

Live music events - performers are reminded to keep noise levels to acceptable limits.

Notices on display to remind members and guests to vacate the premises quietly without disturbing our neighbours.

Bar staff retain empty bottles / cans within the bar area for disposal during daylight hours the following day.

Cigarette disposal bin provided at the front door area.

Protecting and Improving Public Health:

Bar staff are aware of the guidelines of providing alcohol and will decline sales to inebriated guests.

Bar staff will challenge guests who do not appear to be of legal age and seek proof of ID where doubt arises.

Signage around the premises will remind guests of age limits, drink driving dangers etc.

Non-alcoholic alternatives are provided and advertised as being available.

Protecting Children and Young Persons From Harm:

Children are not allowed on the premises unless accompanied by a responsible adult.

Children are not allowed to the bar, kitchen or member's lounge area. Even to purchase soft drinks, crisps etc.

APPLICATION SUPPORTING COMMENTS

Additional Information

Supporting Comments

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

Lodge St. John Fisherrow No 112 has been a part of the local community for 250 years. Our aim is to be a community asset to assist other local groups and charities. We have operated licensed premises for decades and have not presented any difficulties to our neighbours or to the community at large.

Our reasons to operate under an Open Premises Licence is to remove the need for guests to be signed in and approved by lodge members as a 6:1 ratio can be difficult to ensure. Also, on occasions such as funeral parties, it can be an irritation to guests to be vouched for in this way when their emotions are already unsettled. We have no intention to operate any differently than before, only to ease the burden on bar staff to record sales to guests as they have more than enough to contend with.

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 16/07/2024

SCHEDULE 6 Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

1. DISABLED ACCESS AND FACILITIES

1(a). Is there disabled access to the premises YES NO

1(b). Do you have facilities for those with a disability YES NO

1(c). Do you have any other provisions available to aid the use of the premises by disabled people YES NO

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

2. DISABLED ACCESS TO, FROM AND WITHIN THE PREMISES

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

Front door entrance is level with the pathway except for a small step approximately one inch in depth which is easy negotiated by wheelchairs, walking frames and other wheeled mobility aids.

The rear entrance from the car park has an elevated doorstep but this has been rounded off by a concreted slope on three sides which wheelchairs and other mobility aids can easily negotiate.

The ground floor areas are all on the same level with disabled toilet facilities available.

The upper lodge rooms are accessed by a stone staircase. This cannot be negotiated by wheelchair users. Disabled guests with limited mobility are offered assistance to negotiate stairs.

3. FACILITIES AVAILABLE

Please describe in detail the facilities provided for disabled people.

e.g. disabled toilets, lifts, accessible tables.

There are disabled toilet facilities on the ground floor (beside ladies toilets bloc). The ground floor function hall, hallways etc are on the same level. There are no raised areas to negotiate.

The Front door access is wide enough for wheelchairs. The function hall doors are double doors which can be opened easily. All other doorways are wide enough for wheelchairs and other mobility aids.

Fire exits can be easily negotiated by wheelchairs and other mobility aids.

Signage for fire exits and disabled facilities are on display.

4. OTHER PROVISIONS

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

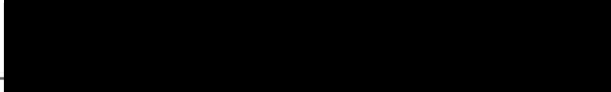
Assistance dogs are welcome - we have one member who used to bring his assistance dog to lodge meetings.

We do not normally hold formal dinners with a menu option. When formal dinners are provided, guests are usually offered a choice between two choices which are communicated verbally to them.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 16 / 07 / 2024

Capacity Personal Licence Holder EL 2251

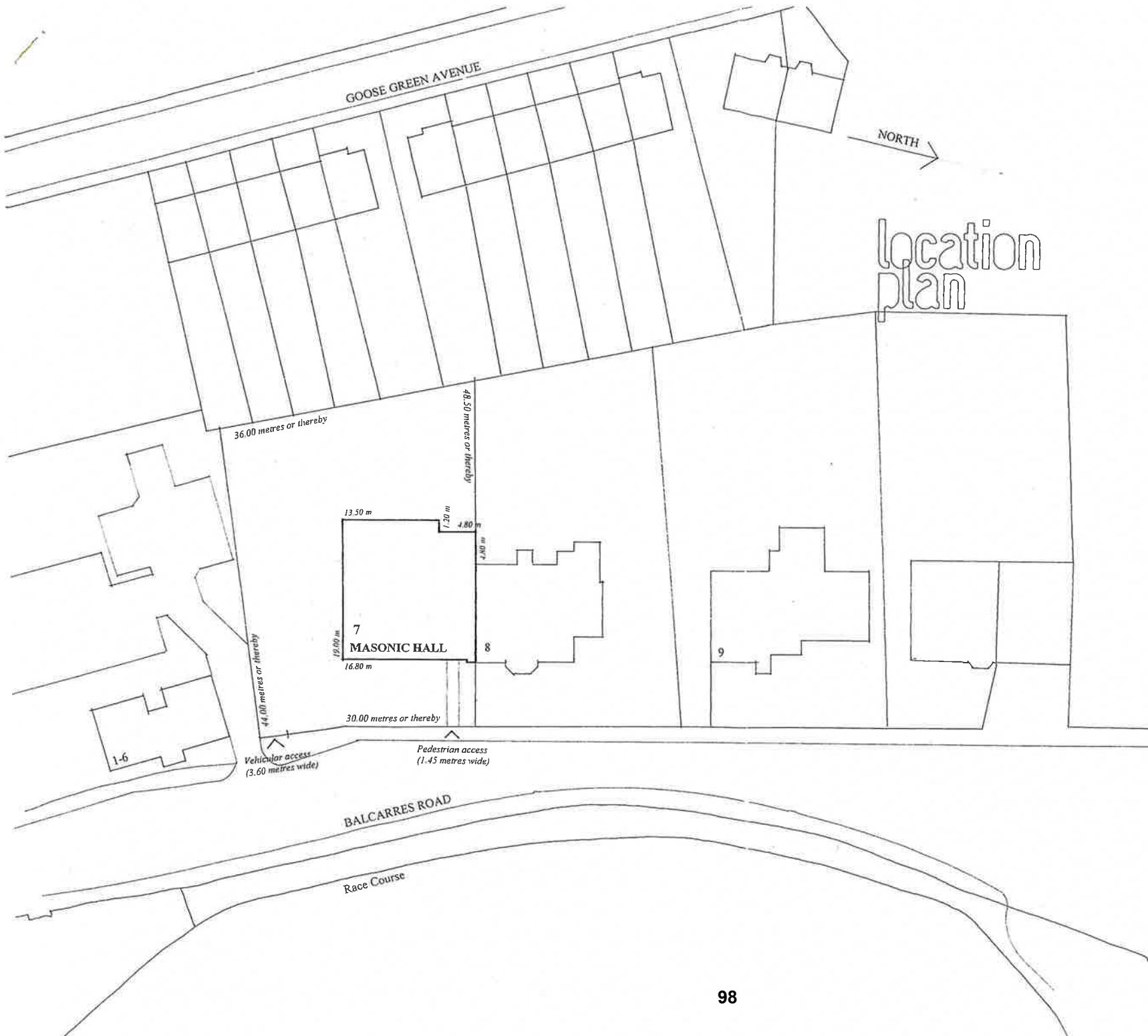
APPLICANT/~~AGENT~~ (delete as appropriate)

Tel. no. of signatory 

Email 

*** 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.



SURVEY DRAWING
 LOCATION PLAN 1:500
 MASONIC HALL
 7 BALCARRES ROAD, MUSSELBURGH

Jack Powell BArch DipArch ARIAS RJBA
 Architect
 60 Newhailes Crescent
 Musselburgh
 East Lothian, EH21 6EG

Telephone: 0131 665 1700

112/S/O

Licensing

From: Andrew Raeburn [REDACTED]
Sent: 26 August 2024 21:40
To: Licensing
Cc: Licensing Standards Officer
Subject: Lodge St John Fisherrow No 112 - Change of Licence to Open Premises Licence

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 evening


I refer to the application made on behalf of Lodge St John Fisherrow No 112 to amend its licence from a Club Licence to an Open Premises Licence.


The original application included a proposal to allow guests to drink in the outdoor garden area. However, as this will require a planning permission application, it has been decided to withdraw this condition in our application.


I therefor attach amended copies of the Major Variation, Operating Plan, Supplementary Questionnaire and Layout Plan with references to outdoor consumption of alcohol removed.

Please advise if you require further information.

Kind regards
Andrew Raeburn
Personal Licence Holder

 [Layout Plan amended August 2024.pdf](#)

 [Supplementary Application amended August 2024.pdf](#)

 [Major Variation amended August 2024.pdf](#)

 [Operating Plan amended August 2024.pdf](#)

07/08/2024

Your Ref: LODGE ST JOHN
Our Ref: 844441

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
LODGE ST JOHN FISHERROW No. 112
7 BALCARRES ROAD, GOOSE GREEN, MUSSELBURGH, EAST LOTHIAN,
EH21 7SD.**

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 from a club licence to an open licence.**
- **To amend the opening hours for Sundays from 12.30-18.30 to 11.00-22.00.**
- **To add a premises manager.**
- **To permit alcohol to be consumed in the garden area.**

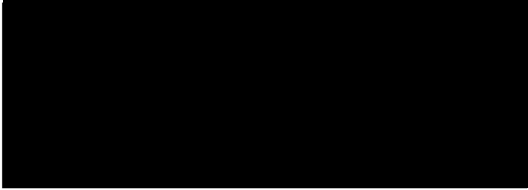
In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed however would highlight to the board that this premises is situated directly next to the Links Nursery. The rear garden of the nursery and the premises are separated by a single slat fence meaning children can see through the fence. I made contact with the nursery manager [REDACTED] and she indicated that she had never had any problems with the premises, highlighting it is generally closed during the nursery opening hours. The nursery is open 7.30-18.00 Monday to Friday. She expressed no concerns with the changes proposed provided the premises continues to operate in the way it has till now (as indicated will be the case in the application). She also highlighted a change from single slat to double slat fencing in the garden area may be beneficial if outdoor drinking was to take place.

OFFICIAL

It may be appropriate to add conditions to the proposed outdoor drinking area during the nursery opening times.

Yours faithfully



Gregg Banks
Chief Superintendent

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

Licensing

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.police.uk>
Sent: 03 September 2024 18:30
To: Licensing
Subject: RE: Lodge St John Fisherrow No 112 - Change of Licence to Open Premises Licence
[OFFICIAL]

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.

OFFICIAL

Good Evening Gillian,

Acknowledging this update.

My main concern regarding this application was the visibility between the neighbouring nursery and the premises garden. Given this has been removed I would only look to highlight the proximity of a potential open licence premises to a nursery as I would have without the garden being present.

Kind Regards,

Lee Wilson
PC 12294 / J973
East Lothian Liquor & Civic Licensing Officer
Police Scotland | Dalkeith Police Station
07866219088

Email : lee.wilson2@scotland.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: [@policescotland](https://twitter.com/policescotland)
Facebook: www.facebook.com/policescotland



From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, August 27, 2024 9:45 AM
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; kat.burke@nhs.scot; [REDACTED]
Subject: FW: Lodge St John Fisherrow No 112 - Change of Licence to Open Premises Licence

Good Morning

Please see below email from Lodge St John Fisherrow No. 112. They now wish to remove the outside garden area from their application. Can you please acknowledge and respond accordingly.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 28th August 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

**EL0241, LODGE ST. JOHN FISHERROW 112, 7 BALCARRES ROAD, GOOSE GREEN,
MUSSELBURGH, EAST LoTHIAN EH21 7SD**

I can confirm that the application has been discussed with Andrew Raeburn and premises have been visited in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- To change the club premises licence to an "open" premises licence from a club premises removing the special provisions for certain clubs under section 125 Licensing (Scotland) Act 2005
- To appoint Andrew Raeburn as premises manager
- To amend the on sales hours on Sunday to 1100-2200
- Add use of the premises by the local children's nursery for Christmas parties and use of the premises for children's birthday parties as additional activities

The current on sales licensed hours of the premises are show below:

<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	01:00
<i>Thursday</i>	11:00	23:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	12:30	18:30

The new 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	23:00
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	01:00
<i>Thursday</i>	11:00	23:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	22:00

I have received no complaints about the premises and have no adverse comment in relation to the changes requested.

Licensing Standards Officer

Licensing

From: Anshus, Oyunn
Sent: 29 July 2024 10:11
To: Licensing
Cc: Macdonald, Holly
Subject: 24/00607/LICLHC - Major Variation - Lodge St John Fisherrow No. 112, Musselburgh
Attachments: Herkes_Gillian_XVF20528_FIREBIRD_4792_001.pdf

Good morning,

Re: Change to operating hours on Sunday to 11am to 10pm , permit alcohol sales in garden and change from members club to open sales.

We have no food or health and safety reason to object to these changes being granted. The Environmental Protection team will comment on matters incl. noise.

Kind regards,

Oyunn Anshus

Senior Environmental Health Officer - Business Compliance East Lothian Council, John Muir House Brewery Park, Haddington, East Lothian, EH41 3HA M 07855 187997 | E oanshus@eastlothian.gov.uk

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

From: Licensing <licensing@eastlothian.gov.uk>

Sent: Friday, July 19, 2024 1:52 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>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; 'licensing@nhslothian.scot.nhs.uk' <licensing@nhslothian.scot.nhs.uk>; [REDACTED]

Subject: FW: Attached Image - Major Variation - Lodge St John Fisherrow No. 112, Musselburgh

Good Afternoon

Please find attached application for Major Variation for the above premises for report/representation by 11th August 2024.

Kind regards

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

Licensing

From: Robertson, Scott
Sent: 28 August 2024 08:43
To: Licensing
Subject: RE: Lodge St John Fisherrow No 112 - Change of Licence to Open Premises Licence

Hello,

Please note I have no comments or objections to this change to the licence 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: Tuesday, August 27, 2024 9:45 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>; kat.burke@nhs.scot; [REDACTED]
Subject: FW: Lodge St John Fisherrow No 112 - Change of Licence to Open Premises Licence

Good Morning

Please see below email from Lodge St John Fisherrow No. 112. They now wish to remove the outside garden area from their application. Can you please acknowledge and respond accordingly.

Kind regards

Gillian

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



Accredited paralegal
liquor licensing

Licensing

From: Burke, Kat <kat.burke@nhs.scot>
Sent: 10 August 2024 20:39
To: Licensing
Subject: Major Variation - Lodge St John Fisherrow No. 112, Musselburgh
Attachments: Lodge St. John Fisherrow no 112 Alcohol Licence Application SOP.docx

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.

You don't often get email from kat.burke@nhs.scot. [Learn why this is important](#)

Good evening,

Please find attached our response in relation to Major Variation - Lodge St John Fisherrow No. 112, Musselburgh. This is in an area we determine as having higher levels of harm and therefore object to the license. Please consider this report in your licensing determination.

With best wishes

Kat

Kat Burke • Population Health Strategic Programme Manager (East Lothian) • Population Health Division
Directorate of Public Health and Health Policy • NHS Lothian
kat.burke@nhslothian.scot.nhs.uk

REGISTERED
UKPHR
PRACTITIONER
Protecting the public – improving practice

This email is intended for the named recipient only. If you have received it by mistake, please (i) contact the sender by email reply; (ii) delete the email from your system; . and (iii) do not copy the email or disclose its contents to anyone.

Email title: Licensing Board Applications – Objection by NHS Lothian Public Health

As a statutory partner in the licensing forum and reviewer of applications, NHS Lothian value receiving new premises license applications and the opportunity to comment.

NHS Lothian continue to support the licensing board particularly in relation to the objectives of protecting and improving public health, and protecting children and young people from harm.

The licensing regime does not have responsibility for promoting business growth, but does have a legal requirement to promote the licensing objectives of ***Preventing crime and disorder; Securing public safety; Preventing public nuisance; Protecting and improving public health Protecting children and young persons from harm.***

Alcohol deaths in Scotland are increasing. There were 1,276 alcohol specific deaths registered in Scotland in 2022, an increase of 2%.¹

Levels of alcohol related harm in relation to crime, community safety, child welfare, health and wellbeing are concerning and have a greater affect in our most deprived communities, contributing to inequalities.

NHS Lothian is submitting the following objection with regards to the premises applications at:

Lodge St. John Fisherrow no 112
7 Balcarres Road

Goose Green
Musselburgh
East Lothian
EH217SD

The objection is based on the application being inconsistent with one or more of the licensing objectives.

We believe the application listed above is located within an area we have identified as having higher health related harm.²

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health. Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets (on and off sales). This relationship was particularly striking for off sales outlet density.³

Protecting and improving public health

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

² As calculated by Public Health and submitted to be considered as part of the licensing statement consultation.

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality>.

There is strong evidence that when alcohol is more available, due to more places to buy or longer opening hours, people buy and drink more, resulting in an increase in harm to health and alcohol related crime.⁴

Excessive use of alcohol is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality. Medical conditions linked with alcohol use include high blood pressure, liver disease, stroke, cancer and brain damage.

The license board should consider the cumulative implication for each license application across the population, including implication on children and young people, and those recovering from alcohol dependency. The licencing board has a powerful role in reducing availability and acceptability over time, by acting on both the number and opening hours of on and off licence premises.

More licensed premises contribute to population alcohol related harm:^{5, 6}

- Alcohol-specific deaths are 4.3 times higher in the most deprived areas compared to the least deprived areas (1.8 times higher for all causes of death).
- Alcohol related death rates in neighbourhoods with the most off-sales outlets were 2.4 times higher than in neighbourhoods with the least.

Protecting children and young persons from harm

Alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Children have no control over what they are exposed to and therefore limiting exposure to alcohol is crucial, especially since:⁷

- Off sale alcohol outlets accounted for 47% of children's exposure.
- Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
- Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
- Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
- Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

Thank you for considering this written objection. We will not be objecting in person. Please contact us directly if you wish to discuss further.

⁴ <https://exilens.stir.ac.uk/>

⁵ <https://www.alcohol-focus-scotland.org.uk/media/310734/alcohol-outlet-availability-and-harm-in-city-of-edinburgh.pdf>

⁶ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

⁷ Inequalities in children's exposure to alcohol outlets in Scotland:

<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3>

5/5/25



44115
OCC569/24
Ad 218

LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

4a

Before completing this form please read the guidance notes.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)

Premises licence number (if applicable) _____

Personal licence number (if applicable) WL2312

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname Dakers

Forenames Laura Caitlin

Date of birth (Day / Month / Year) ██████████

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

██████████

Post town ██████████ Post code ██████████

Telephone Numbers

Daytime Tel. _____ Evening Tel. _____

Mobile No. ██████████

Fax No. _____ Email laura@theedinburghcateringcompany.co.uk

3. THE PREMISES

Description of premises

Wedding and Events venue

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

Wedding, max attendees 60 pax

Full postal address of premises which this application refers to _____

Gilmerton House, Athelstaneford, North Berwick, EH39 5LQ

4. DURATION OF LICENCE

Date: From Monday 5th May 2025 To Monday 5th May 2025

Time: From 12:00 To 23:00

5. Is alcohol to be sold on & off the premises

YES NO

Provide relevant details as to hours requested when alcohol will be sold on/off the premises.

Times for sale of alcohol for consumption on premises

12:00- 23:00

Times for sale of alcohol for consumption off premises

N/A

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

N/A

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry?

YES NO

(If answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry 0-17yrs

Times at which children or young persons permitted entry 12:00- 23:00

Parts of premises to which children or young persons permitted entry

The bar area is in the dining room which means children will be permitted into the bar area, they will require to be accompanied by an adult at all times

7. CHECKLIST

I have (please tick for yes) made or enclosed payment of the fee for the application

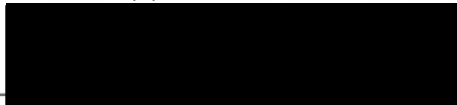
YES

8. Signature and declaration by applicant (see note 3)

DECLARATION

The contents of this Application are true to the best of my knowledge and belief.

Signature



Date 29/07/2024

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 2018

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

**PLEASE SUBMIT THIS SHEET WITH YOUR
OCCASIONAL LICENCE APPLICATION FORM**

SUPPLEMENTARY INFORMATION

1. Event

(a) Please detail the type of event (e.g. birthday party, anniversary, ceilidh, etc.)

Wedding

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

N/A

2. Attendance

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

60 pax

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

Provided by the couple

(c) In the main, what age group will form the majority of those attending?
Please tick one box

Under 18

18 – 30

30 – 50

over 50

2. (cont)

- (d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)

Private Invitation

3. Stewarding

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act. More information can be found at Security Industry Authority.

- (a) Please state the number, if any, of stewards to be employed at the event.

N/A

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

N/A

4. Layout Plans

Please indicate if –

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or
- (b) the premises relate to a members club which has been issued with a premises licence; or
- (c) if neither of the above, please attach a detailed layout plan of the venue with the application

N/A

5. Applications Lodged by Voluntary Organisations or Members Clubs Only

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

N/A

6. Will alternatives to glass receptacles be provided?

N/A

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

Please provide details of any training certificate held.

Bartenders have undergone the mandatory two hour training

LICENSING OBJECTIVES

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objectives.

8. How will you prevent Crime and Disorder at the event?

Crime and disorder will be prevented by a zero tolerance policy to anti-social behaviour, following all of the licence conditions. The appropriate authorities will be called if an incident arises that requires them.

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

Public safety will be secured by no overcrowding or queuing, the venue will carry out the appropriate fire safety checks and there will be a first aid trained member of staff onsite.

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

Public nuisance will be prevented by working with the venue to ensure guests remain inside the venue after the drinks reception until leaving the venue.

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

TECC commit to providing safe events and promote responsible drinking at all times- the bride & groom have been made aware of this and have been asked to make their guests aware of this also.

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

All children and young persons must be accompanied by an adult at all times.

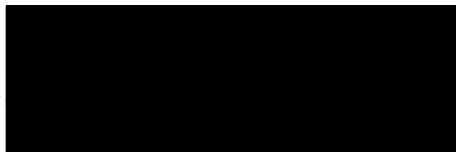
SIGNATURE AND DECLARATION BY APPLICANT

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

29/07/2024

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 20th August 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC083-85/24, OCC097-100/24

LAURA DAKERS FOR GILMERTON HOUSE, ATHELSTANEFORD, NORTH BERWICK, EAST LoTHIAN, EH39 5LQ

The applicant is Laura Dakers who is a personal licence holder. Application has been made for 4 occasional licence for a weddings at Gilmerton House as follows:

OCC569/24 – Monday 5th May, 2025 1200-2300
OCC570/24 – Saturday 31st May, 2025 1200-0000
OCC571/24 – Saturday 6th June 2025, 1200-0000
OCC572/24 –Saturday 2nd August 2025 1200-0000

Gilmerton House is advertised as a luxurious and exclusive-use estate welcoming guests for private stays, golfing retreats, corporate events, and weddings throughout the year. The premises has been operating on occasional licences submitted by outside caterers/personal licence holders. The venue appears to have been in operation since 2013 using occasional licences. The following number of occasional licence applications have been submitted and granted:

2013 – 4	2018 – 6	2023 – 1
2014 – 4	2019 – 8	2024 - 18
2015 – 10	2020 - 0	
2016 – 10	2021 – 7	
2017 – 9	2022 – 1	

There has been a significant increase in the number of applications and the venue was used on a near weekly basis, hosting weddings on weekdays and weekends from March to October in 2024.

I have spoken at length with the factor Colin Carter Campbell at Gilmerton Estate about the intentions for the premises. Currently renovations to the Old Laundry House to the rear of the main house are taking place and there is a building warrant that requires to be completed. Following this I am informed the intention is to apply for a full premises licence most likely some time mid-2025. It is hoped that the business will continue to grow with increased bookings for 2025. As clients often want peace of mind for weddings and events application for occasional licences have been made a year in advance by the caterer.

I refer the Board to section 23.1 and 23.2 of the Statement of Licensing Policy:

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

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

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

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

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

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will be referred to the Board for consideration in the first instance.

I understand that the applicant is as a hired caterer however as the policy details - “This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events.”. The applicant has been in communication with Colin Carter Campbell.

I met with a previous employee at Gilmerton House in 2022 and detailed guidance was given on the process of applying for a premises licence. A large amount of correspondence was sent however I was then made aware that the employee had left his position. Communications then stalled until this year.

In accordance with board policy above, I refer the application to the Licensing Board for determination.

Licensing Standards Officer

Licensing

From: Lee Wilson <Lee.Wilson2@scotland.police.uk>
Sent: 01 August 2024 09:48
To: Licensing
Subject: OC LIC APP - LAURA DAKERS - GILMERTON HOUSE - 05/05/25
Attachments: OCCASIONAL LICENCE - MONDAY 5TH MAY 2025.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,

No police objections.
Ref: 847647

Regards,
Lee

OCC661/24



LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

4b

Before completing this form please read the guidance notes.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)

Premises licence number (if applicable) _____

Personal licence number (if applicable) SB/LIQ/12316

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname Gray

Forenames Ian

Date of birth (Day / Month / Year) ██████

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

██████████

Post town ██████████ Post code ██████████

Telephone Numbers

Daytime Tel. ██████████ Evening Tel. _____

Mobile No. _____

Fax No. _____ Email _____

3. THE PREMISES

Description of premises

The premises are a country house situated on the outskirts of the village of Gullane, and are adjacent to Muirfield Golf Court. The premises consist of 23 bedrooms, kitchen facilities, bar/lounge area, dining room, office space, reception rooms and staff accommodation.

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

Accommodation, conference facilities, restaurant facilities, bar meals, receptions including weddings/funerals/birthdays etc., club or other group meetings, music, dance facilities, films, indoor/outdoor sports, televised sport, outdoor drinking facilities, charity events, corporate events, community events, BBQs, wedding ceremonies

Full postal address of premises which this application refers to _____

Greywalls Hotel, Duncur Road, Gullane, East Lothian EH31 2EG

4. DURATION OF LICENCE

Date: From 27 September 2024 To 10 October 2024

Time: From Monday to Sunday 11:00 To Sun 12 midnight
Mon to Wed 23:00
Thurs to Sat 01:00

5. Is alcohol to be sold on & off the premises YES NO

Provide relevant details as to hours requested when alcohol will be sold on/off the premises.

Times for sale of alcohol for consumption on premises

Sunday 11:00 to 12 Midnight; Monday to Wednesday 11:00 to 23:00;
Thursday to Saturday 11:00 to 01:00

Times for sale of alcohol for consumption off premises

Monday to Sunday 10:00 to 22:00

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

Please see attached paper apart

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES NO

(If answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry 0 - 17 years inclusive

Times at which children or young persons permitted entry All times the premises are open

Parts of premises to which children or young persons permitted entry

All public parts of the premises and will not be allowed within 1.5 metres of the bar counter within the lounge bar area.

7. CHECKLIST

I have (please tick for yes) made or enclosed payment of the fee for the application

YES

8. Signature and declaration by applicant (see note 3)

DECLARATION

The contents of this Application are true to the best of my knowledge and belief.

Signature _____

Alexander _____, Director, Brodies LLP (on behalf of the applicant)

Date 19 Sept _____

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 2018

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

**PLEASE SUBMIT THIS SHEET WITH YOUR
OCCASIONAL LICENCE APPLICATION FORM**

SUPPLEMENTARY INFORMATION

1. Event

(a) Please detail the type of event (e.g. birthday party, anniversary, ceilidh, etc.)

To allow the hotel to operate pending grant of a Premises Licence application

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

Live music/pianist, recorded music, films, televised sport

2. Attendance

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

298 persons

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

Capacity of venue

(c) In the main, what age group will form the majority of those attending?
Please tick one box

Under 18

18 – 30

30 – 50

over 50

2. (cont)

- (d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)

Through hotel booking system for guests staying at the hotel; guests dining

3. Stewarding

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act. More information can be found at Security Industry Authority.

- (a) Please state the number, if any, of stewards to be employed at the event.

N/A

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

N/A

4. Layout Plans

Please indicate if –

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or
- (b) the premises relate to a members club which has been issued with a premises licence; or
- (c) if neither of the above, please attach a detailed layout plan of the venue with the application
-
-
-

5. Applications Lodged by Voluntary Organisations or Members Clubs Only

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

N/A

6. Will alternatives to glass receptacles be provided?

No

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

Please provide details of any training certificate held.

Personal licence holders and 2 hour liquor trained staff

LICENSING OBJECTIVES

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objectives.

8. How will you prevent Crime and Disorder at the event?

As we are providing quiet and relaxed dining experience, booking times will be taken to ensure the sale of alcohol is well controlled; all staff have completed requisite training.

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

All staff have completed requisite training; booking system ensures no over crowding and customer numbers are easily managed.

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

All staff have completed requisite training with adequate numbers of staff on duty to ensure that customers do not cause a public nuisance.

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

The hotel follows stringent guidelines to ensure public health is promoted and protected.

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

Children are not permitted within 1.5 metres of the bar counter; adequate staff are always on duty to enforce this.

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


Alexander Dalrymple Stewart Buchan, Solicitor, Brodies LLP (on behalf of the applicant)

Date 19 September 2024

PAPER APART TO OCCASIONAL LICENCE APPLICATION

Greywalls Hotel

5. Is alcohol to be sold on & off the premises – Statement of the times at which any activities other than the sale of alcohol is to be carried on in the premises:

Accommodation is available 24 hours a day, seven days a week.

Conference facilities – these may occur outwith core hours but not before 07:00 hours and not after 01:00 hours.

Bar and restaurant facilities – being a hotel breakfasts are served outwith core hours, and catering is provided outwith core hours as requested by customers but not before 06:00 hours and not after 01:00 hours.

Receptions – these may occur outwith core hours but not before 07:00 hours and not after 01:00 hours.

Club or group meetings – they may occur outwith core hours but not before 07:00 hours and not after 01:00 hours.

Recorded music – may be played from time to time outwith core hours but not before 07:00 hours and not after 01:00 hours.

Live performances – may occur outwith core hours but not before 07:00 hours and not after 01:00 hours.

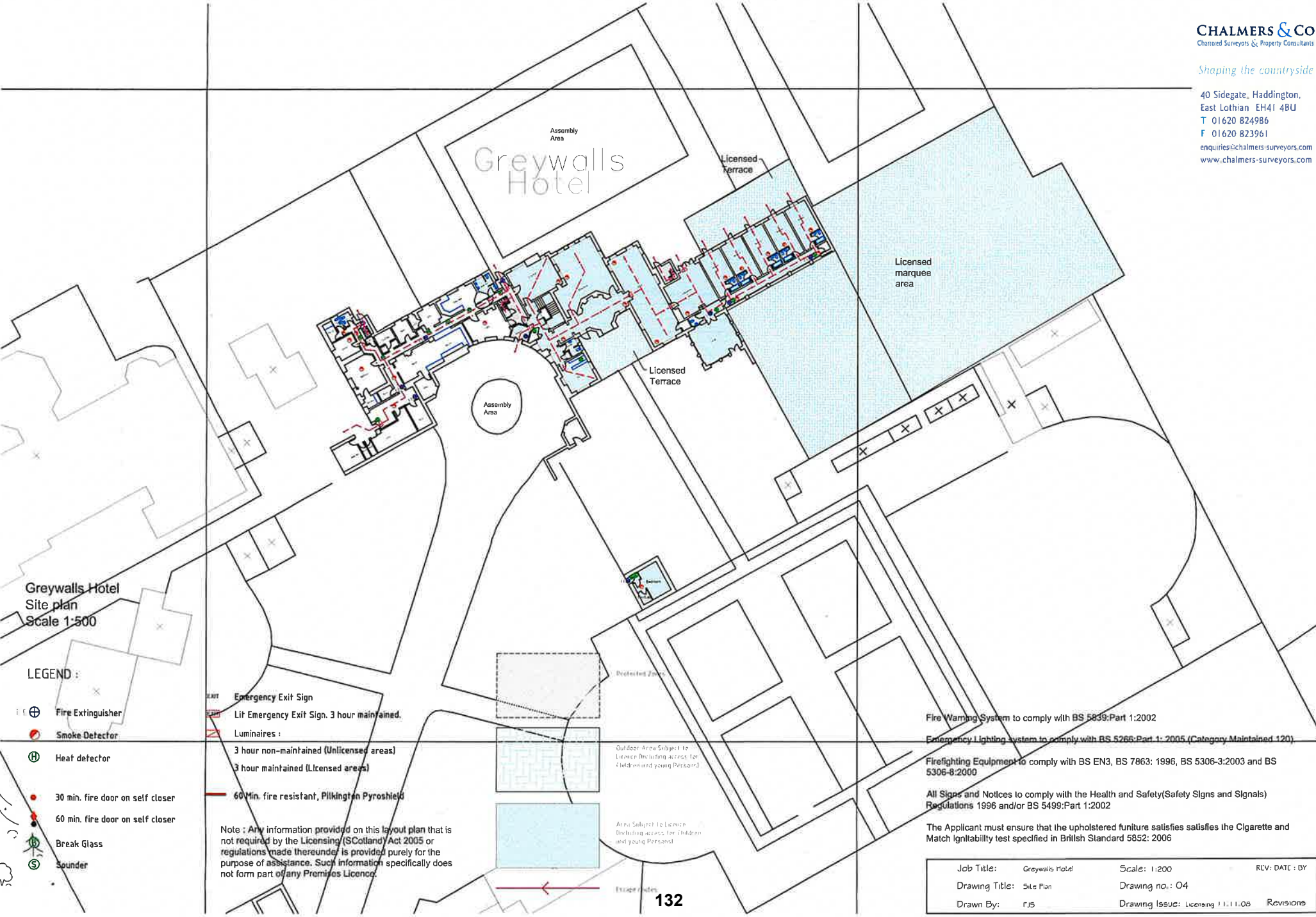
Dance facilities – may occur outwith core hours but not before 08:00 hours and not after 01:00 hours.

Films – are available in hotel rooms 24 hours a day, 7 days a week.

Indoor/outdoor sports – may occur outwith core hours but not before 07:00 hours and not after 01:00 hours.

Outdoor drinking facilities may be used outwith core hours but not before 07:00 hours and not after 01:00 hours.

No alcohol will be sold to non-residents or their guests outwith core hours.



Greywalls Hotel
Site plan
Scale 1:500

LEGEND :

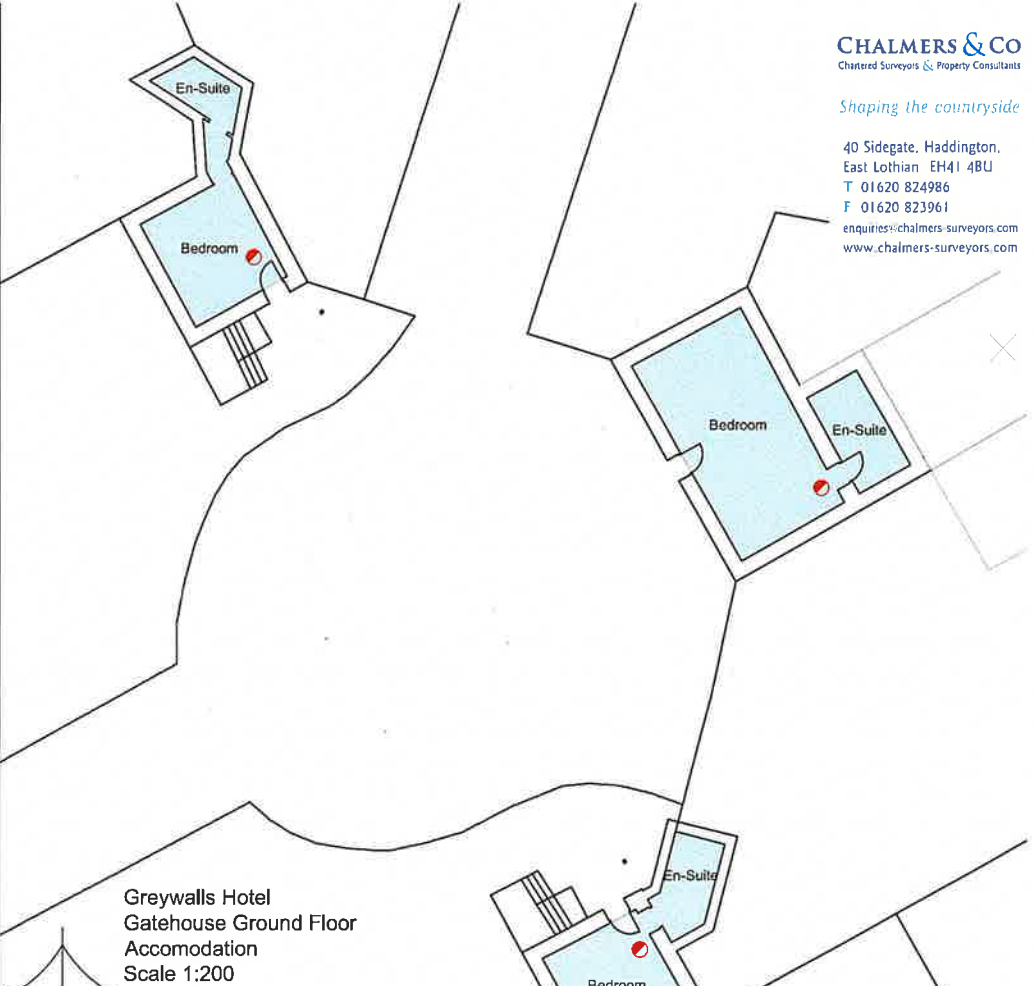
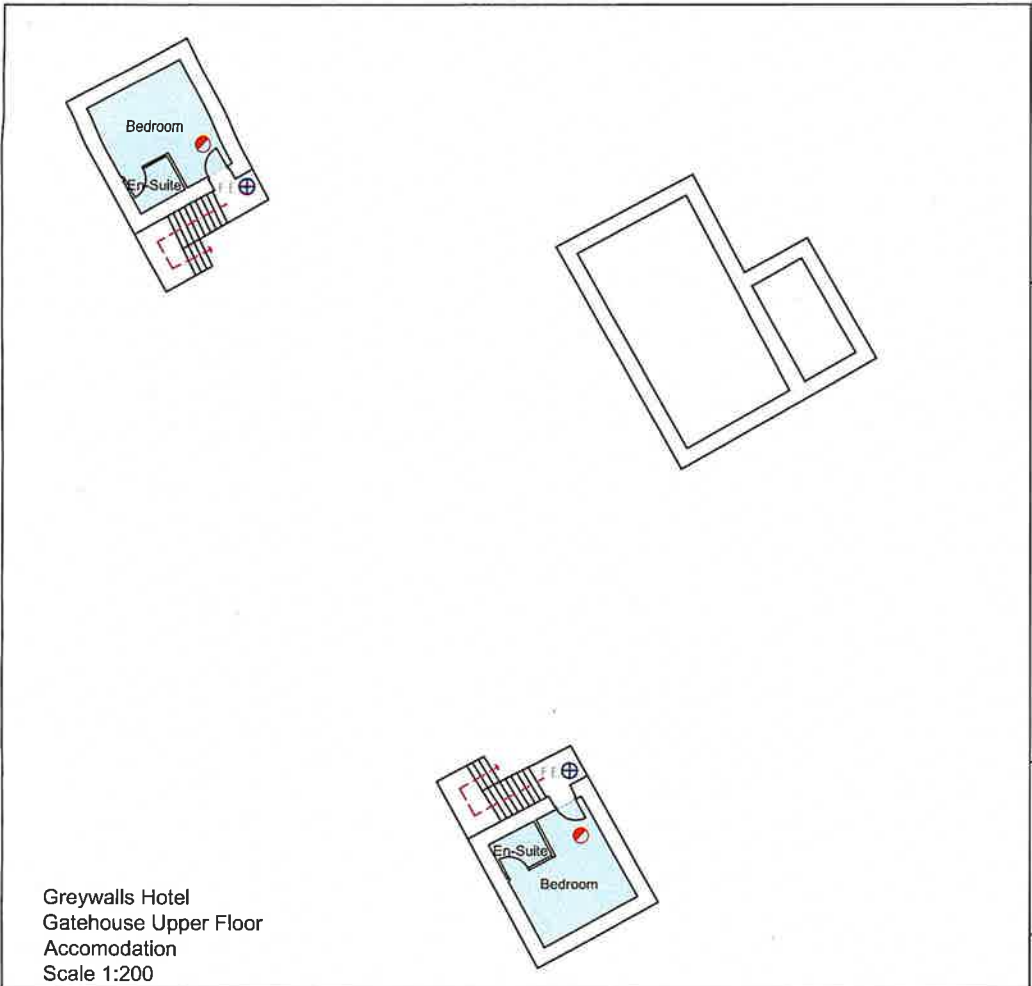
- ⊕ Fire Extinguisher
- Ⓢ Smoke Detector
- Ⓜ Heat detector
- 30 min. fire door on self closer
- 60 min. fire door on self closer
- Ⓟ Break Glass
- Ⓢ Sounder

- EXIT Emergency Exit Sign
- EXIT Lit Emergency Exit Sign. 3 hour maintained.
- Luminaires :
 - 3 hour non-maintained (Unlicensed areas)
 - 3 hour maintained (Licensed areas)
- 60 Min. fire resistant, Pilkington Pyroshield

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.

- Fire Warning System to comply with BS 5839:Part 1:2002
- Emergency Lighting system to comply with BS 5266:Part 1: 2005 (Category Maintained 120)
- Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000
- All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002
- The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match Ignitability test specified in British Standard 5852: 2006

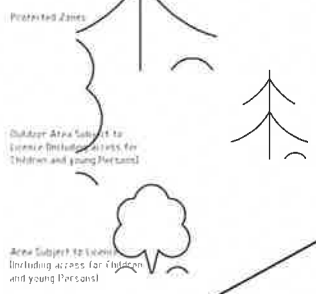
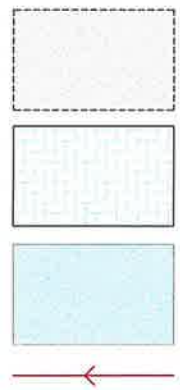
Job Title:	Greywalls Hotel	Scale:	1:200	REV:	DATE :	BY
Drawing Title:	Site Plan	Drawing no.:	O4			
Drawn By:	FJS	Drawing Issue:	Licensing 11.11.05	Revisions		



LEGEND :

- Fire Extinguisher
- Smoke Detector
- Heat detector
- 30 min. fire door on self closer
- 60 min. fire door on self closer
- Break Glass
- Sounder
- Emergency Exit Sign
- Lit Emergency Exit Sign, 3 hour maintained.
- Luminaires :
3 hour non-maintained (Unlicensed areas)
3 hour maintained (Licensed areas)
- 60 Min. fire resistant, Pilkington Pyroshield

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.



Fire Warning System to comply with BS 5839:Part 1:2002

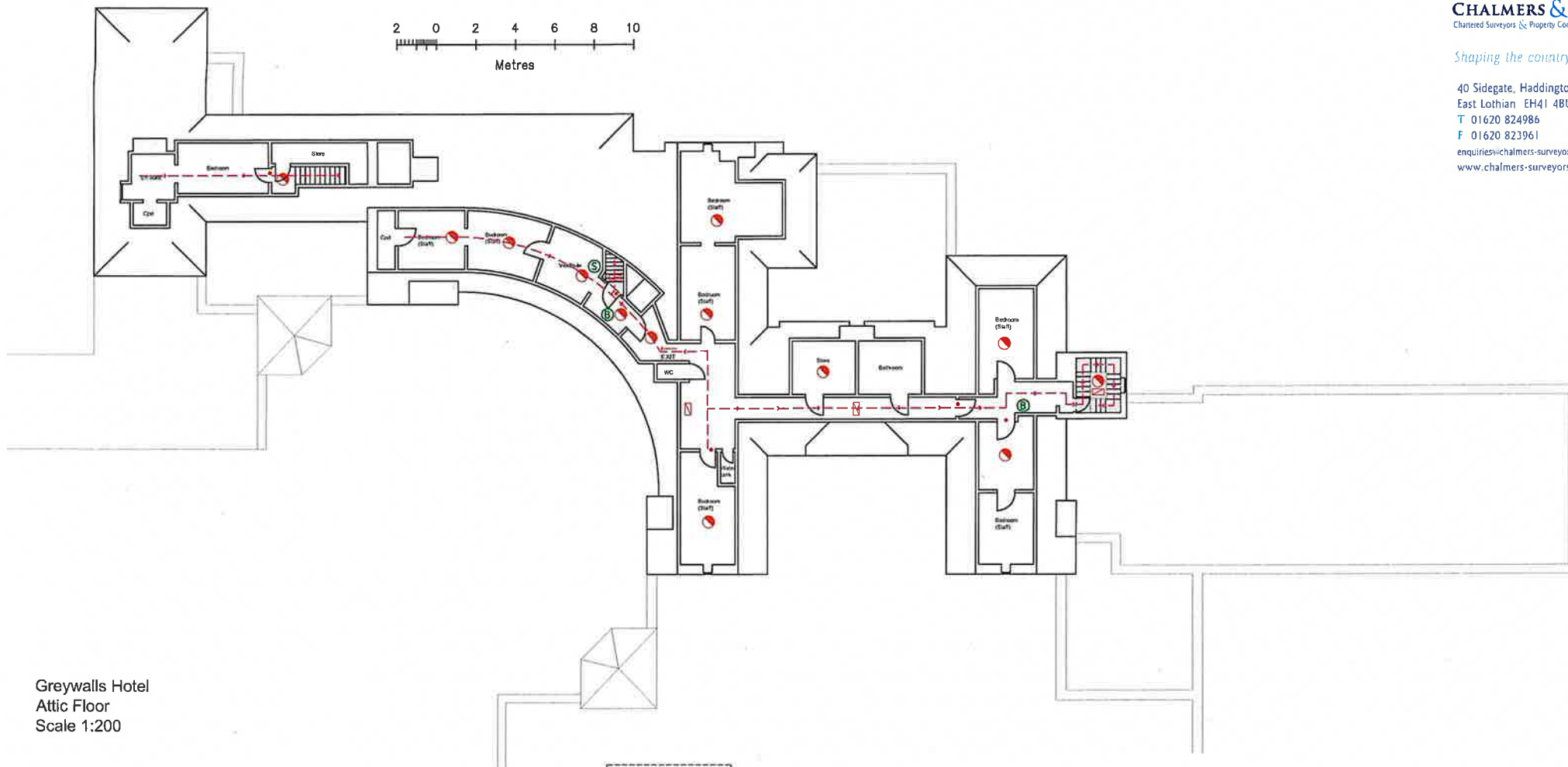
Emergency Lighting system to comply with BS 5266:Part 1: 2005 (Category Maintained 120).

Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000

All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002

The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match Ignitability test specified in British Standard 5852: 2006

Job Title:	Greywalls Hotel	Scale:	1:200	REV:	DATE	BY
Drawing Title:	Gate House Accomodation	Drawing no.:	05			
Drawn By:	FJS	Drawing Issue:	Licensing 11.11.08	Revisions:		

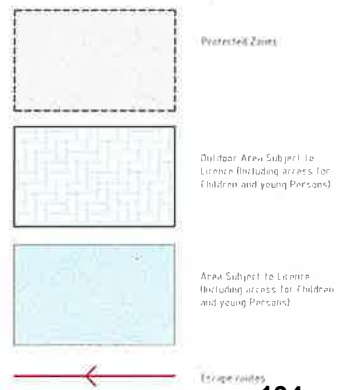


Greywalls Hotel
Attic Floor
Scale 1:200

LEGEND :

- ⊕ Fire Extinguisher
 - ⊙ Smoke Detector
 - ⊕ Heat detector
 - 30 min. fire door on self closer
 - 60 min. fire door on self closer
 - ⊕ Break Glass
 - ⊙ Sounder
- EXIT Emergency Exit Sign
 - EXIT Lit Emergency Exit Sign. 3 hour maintained.
 - Luminaires :
3 hour non-maintained (Unlicensed areas)
3 hour maintained (Licensed areas)
 - 60 Min. fire resistant, Pilkington Pyroshield

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.



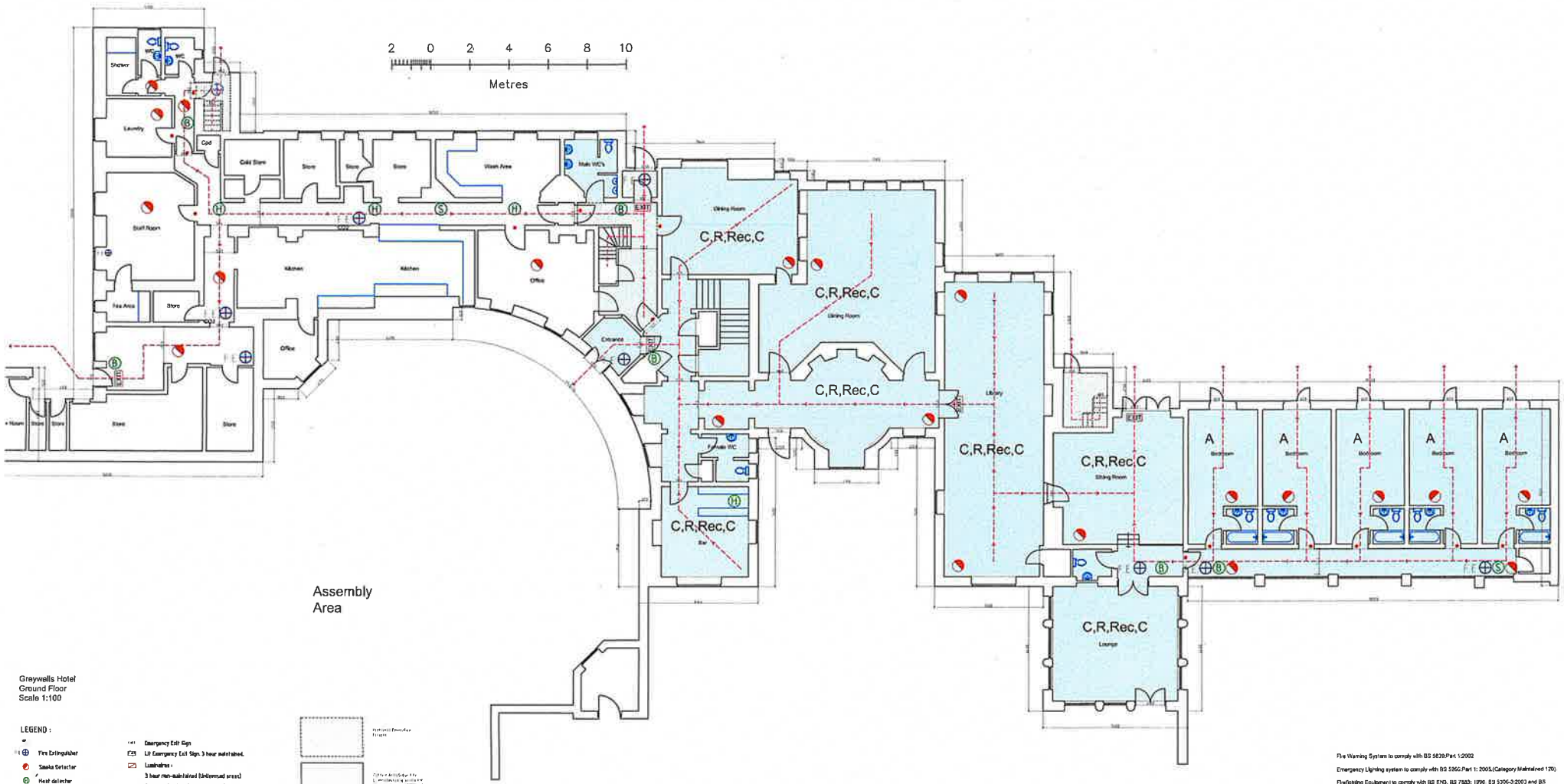
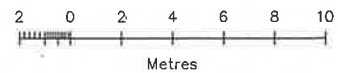
- Fire Warning System to comply with BS 5839:Part 1:2002
- Emergency Lighting system to comply with BS 5266:Part 1: 2005.(Category Maintained 120).
- Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000
- All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002
- The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match ignitability test specified in British Standard 5852: 2006

Job Title:	Greywalls Hotel	Scale: 1:200	REV: DATE : BY
Drawing Title:	Attic Floor Plan	Drawing no.: 03	
Drawn By:	FJS	Drawing Issue: Licensing 11.11.08	Revisions

- Legend:
- A - Accommodation
 - C - Conference Facilities
 - R - Restaurant Facilities
 - Rec - Recreational Use (Workshops, Parties, Birthdays)
 - C - Club or Group meetings
 - RM - Restaurant/Bar
 - LP - Live Performances
 - F - Fairs
 - F - Indoor/Outdoor Events
 - T - Tabled Areas
 - Q - Quilts Dining

Room Occupancy Public Areas:	
Dining room A	20
Dining room B	40
Breakfast Bar	34
Lounge	38
Library	17
Sitting Room	46
Total	235
Economic Ground Floor	10
Bedroom First Floor	21
Bedrooms - Ground Floor	10
Bedrooms - Garden House	2
Total	43
Concluded Total	298

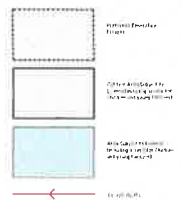
CHALMERS & CO
 Chartered Surveyors & Fire Risk Assessors
 45 Selwyn Way, Wokingham, RG40 3EJ
 Tel: 0118 751 2222
 Fax: 0118 751 2222
 www.chalmersandco.co.uk



Assembly Area

Graywells Hotel
 Ground Floor
 Scale 1:100

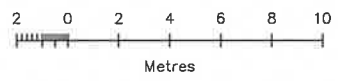
- LEGEND:**
- ☒ Fire Extinguisher
 - ☒ Smoke Detector
 - ☒ Heat detector
 - 30 min. fire door on self closer
 - 45 min. fire door on self closer
 - ☒ Break Glass
 - ☒ Sounder
 - Emergency Exit Sign
 - ☒ Exit (if Emergency Exit Sign 3 hour maintained)
 - ☒ Latched Exit
 - ☒ 3 hour non-maintained (30min interval area)
 - ☒ 3 hour maintained (30min interval area)
 - 30 min. fire resistant, Pilkington Pyroshield
- Note: Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Fireworks Licence.



The Warning System to comply with BS 5839 Part 1:2002
 Emergency Lighting system to comply with BS 5266 Part 1:2005 (Category Maintained 170)
 Firefighting Equipment to comply with BS EN3, BS 7243:1996, BS 5266-3:2003 and BS 5266-2:2002
 All Signs and Notices to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/or BS 5499 Part 1:2002
 The Applicant must ensure that the up-to-date fire risk assessment satisfies the Fireworks and Match Ignition by test specified in British Standard BS5839:2002

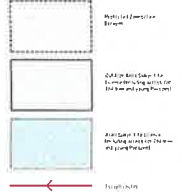
Drawn By: [Name] Scale: 1:100
 Drawing Title: [Title] Drawing No: [No]
 Drawn By: [Name] Drawing Scale: 1:100

- (Legend)
 A - Association
 C - Conference Facilities
 R - Restaurant / Facilities
 Rac - Reception / Reception
 Funeraria, BIRMGHAM
 G - Club or Group Meetings
 M - Recorded Music
 LP - Live Performances
 F - Films
 L - Indoor/Outdoor Sports
 T - Tabled Sports
 D - Double Dining



Graywalls Hotel
 Attic Floor
 Scale 1:100

- LEGEND :**
- Fire Extinguisher
 - Smoke Detector
 - Heat detector
 - 30 min. fire door on self closer
 - 60 min. fire door on self closer
 - Break Glass
 - Sealant
 - Emergency Exit Sign
 - Exit Emergency Call Sign 3 hour maintained
 - Loadbearing
 - 3 hour non-slabbed (dashed areas)
 - 3 hour slabbed (hatched areas)
 - 40 Min. fire resistant, Pilkington Pyroshield



Note: Any information provided on this layout plan that is not required by the Licensing (BSC) Act 2003 or regulations made thereunder is provided solely for the purpose of assistance. Such information specifically does not form part of any Planning Licence.

The Wiring System to comply with BS 5838 Part 1:2002
 Emergency lighting system to comply with BS 5266 Part 1: 2005 (Category Maintained 100%)
 Fire Fighting Equipment to comply with BS EN3, BS 7893: 1996, BS 5306-3:2003 and BS 5306:2000
 All Signs and Notices to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/or BS 2459 Part 1:2002
 The Applicant must ensure that the subcontracted firework services adhere to the Fireworks and Match Act 1996 and BS 2459 Part 1:2002

App Title	Revision No.	Scale	Rev. No.
Drawing Title	Author No.	Drawing no.	03
Drawn By	E.S.	Checking Name	03/03/11

Greywalls Hotel
Garden Outhouse Accomodation
Scale 1:100

CHALMERS & CO
Chartered Surveyors & Property Consultants

Shaping the countryside

40 Sidegate, Haddington,
East Lothian EH41 4BU
T 01620 824986
F 01620 823961
enquiries@chalmers-surveyors.com
www.chalmers-surveyors.com

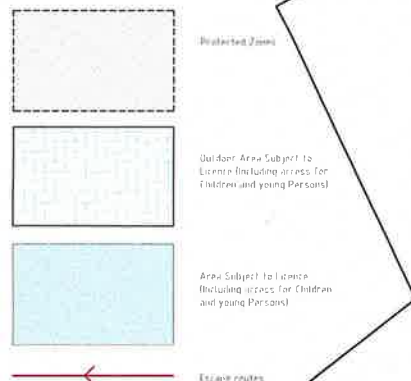


LEGEND :

- FE ⊕ Fire Extinguisher
- ⊙ Smoke Detector
- ⊕ Heat detector
- 30 min. fire door on self closer
- ◆ 60 min. fire door on self closer
- Ⓟ Break Glass
- Ⓢ Sounder

- EXIT Emergency Exit Sign
- EXIT Lit Emergency Exit Sign, 3 hour maintained.
- ☐ Luminaires :
3 hour non-maintained (Unlicensed areas)
3 hour maintained (Licensed areas)
- 60 Min. fire resistant, Pilkington Pyroshield

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.



Fire Warning System to comply with BS 5839:Part 1:2002

Emergency Lighting system to comply with BS 5266:Part 1: 2005.(Category Maintained 120).

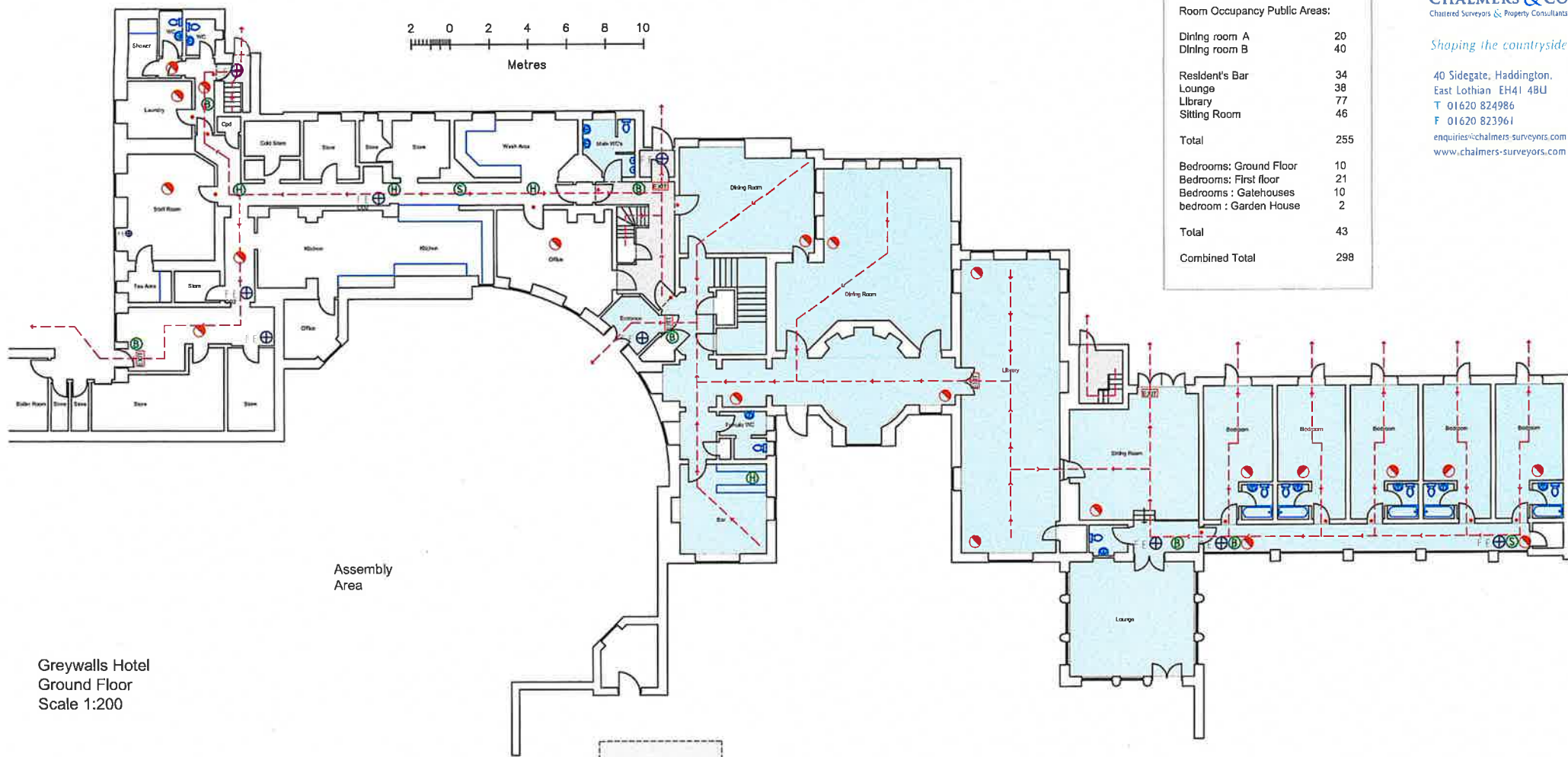
Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000

All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002

The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match Ignitability test specified in British Standard 5852: 2006

Job Title:	Greywalls Hotel	Scale:	1:200	REV:	DATE:	BY
Drawing Title:	Garden House	Drawing no.:	06			
Accommodation		Drawing Issue:	3	06/11/11	06	Revisions
Drawn By:	FJS					

Room Occupancy Public Areas:	
Dining room A	20
Dining room B	40
Resident's Bar	34
Lounge	38
Library	77
Sitting Room	46
Total	255
Bedrooms: Ground Floor	10
Bedrooms: First floor	21
Bedrooms : Gatehouses	10
bedroom : Garden House	2
Total	43
Combined Total	298

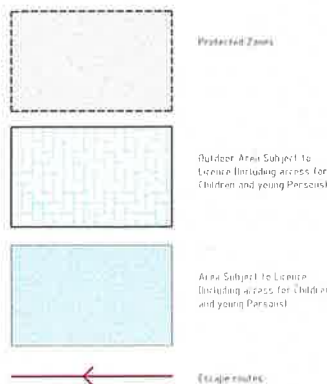


Greywalls Hotel
Ground Floor
Scale 1:200

LEGEND :

- ⊕ Fire Extinguisher
 - Smoke Detector
 - ⊕ Heat detector
 - 30 min. fire door on self closer
 - 60 min. fire door on self closer
 - ⊕ Break Glass
 - ⊕ Sounder
- EXIT Emergency Exit Sign
 - EXIT Lit Emergency Exit Sign, 3 hour maintained.
 - ⊕ Luminaires :
3 hour non-maintained (Unlicensed areas)
3 hour maintained (Licensed areas)
 - 60 Min. fire resistant, Pilkington Pyroshield

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.



Fire Warning System to comply with BS 5839:Part 1:2002

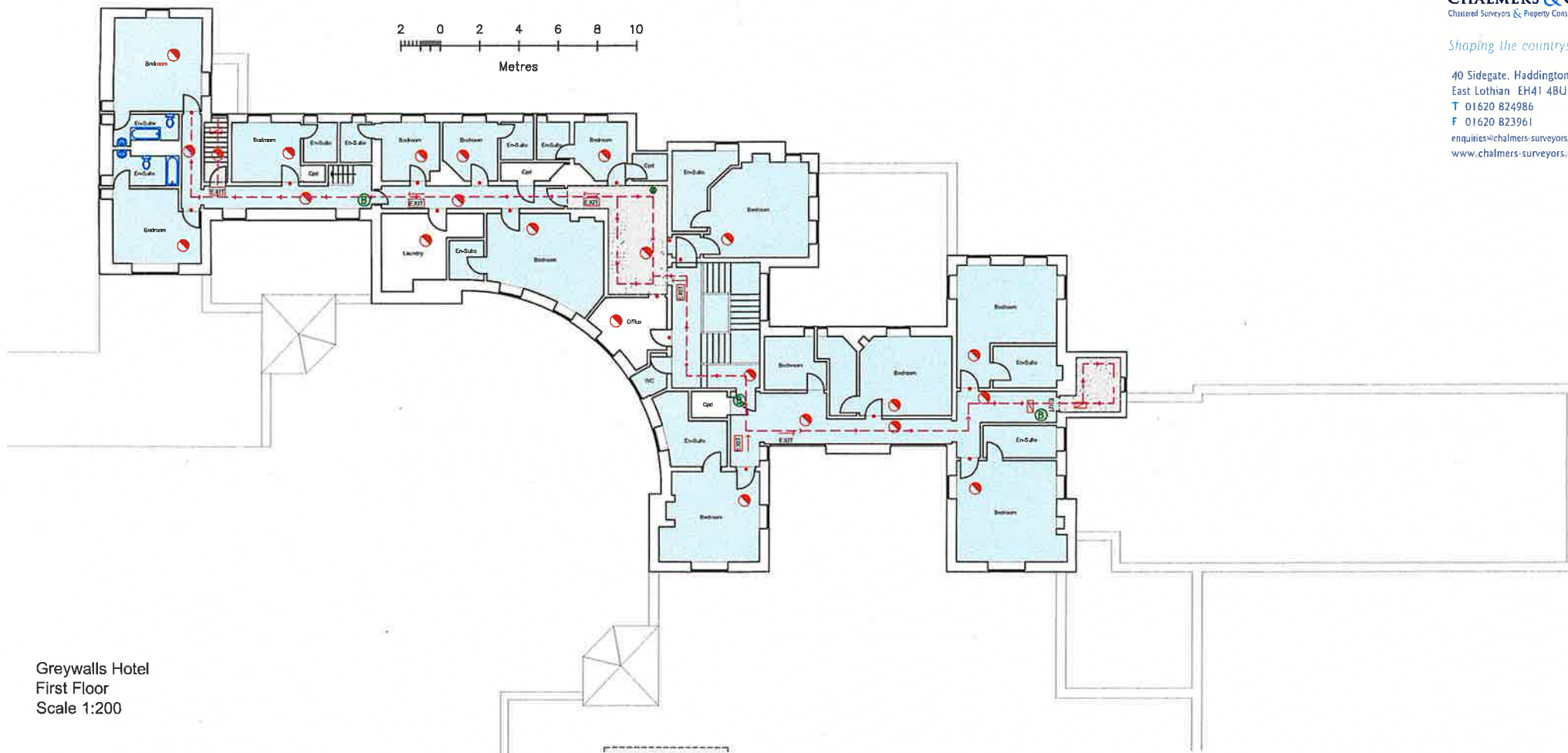
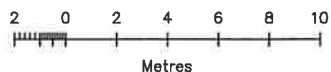
Emergency Lighting system to comply with BS 5266:Part 1: 2005.(Category Maintained 120).

Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000

All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002

The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match Ignitability test specified In British Standard 5852: 2006

Job Title:	Greywalls Hotel	Scale:	1:200	REV: DATE :	BY
Drawing Title:	Ground Floor Plan	Drawing no.:	01		
Drawn By:	FJS	Drawing Issue:	Licensing 11.11.08	Revisions	



Greywalls Hotel
First Floor
Scale 1:200

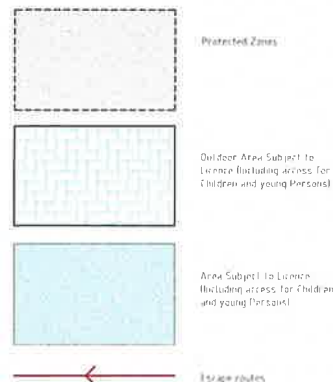
LEGEND :

- Fire Extinguisher
- Smoke Detector
- Heat detector
- 30 min. fire door on self closer
- 60 min. fire door on self closer
- Break Glass
- Sounder

- EXIT Emergency Exit Sign
- Lit Emergency Exit Sign, 3 hour maintained.
- Luminaires :
3 hour non-maintained (Unlicensed areas)
3 hour maintained (Licensed areas)

60 Min. fire resistant, Pilkington Pyrosield

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.



Fire Warning System to comply with BS 5839:Part 1:2002

Emergency Lighting system to comply with BS 5266:Part 1: 2005.(Category Maintained 120)

Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000

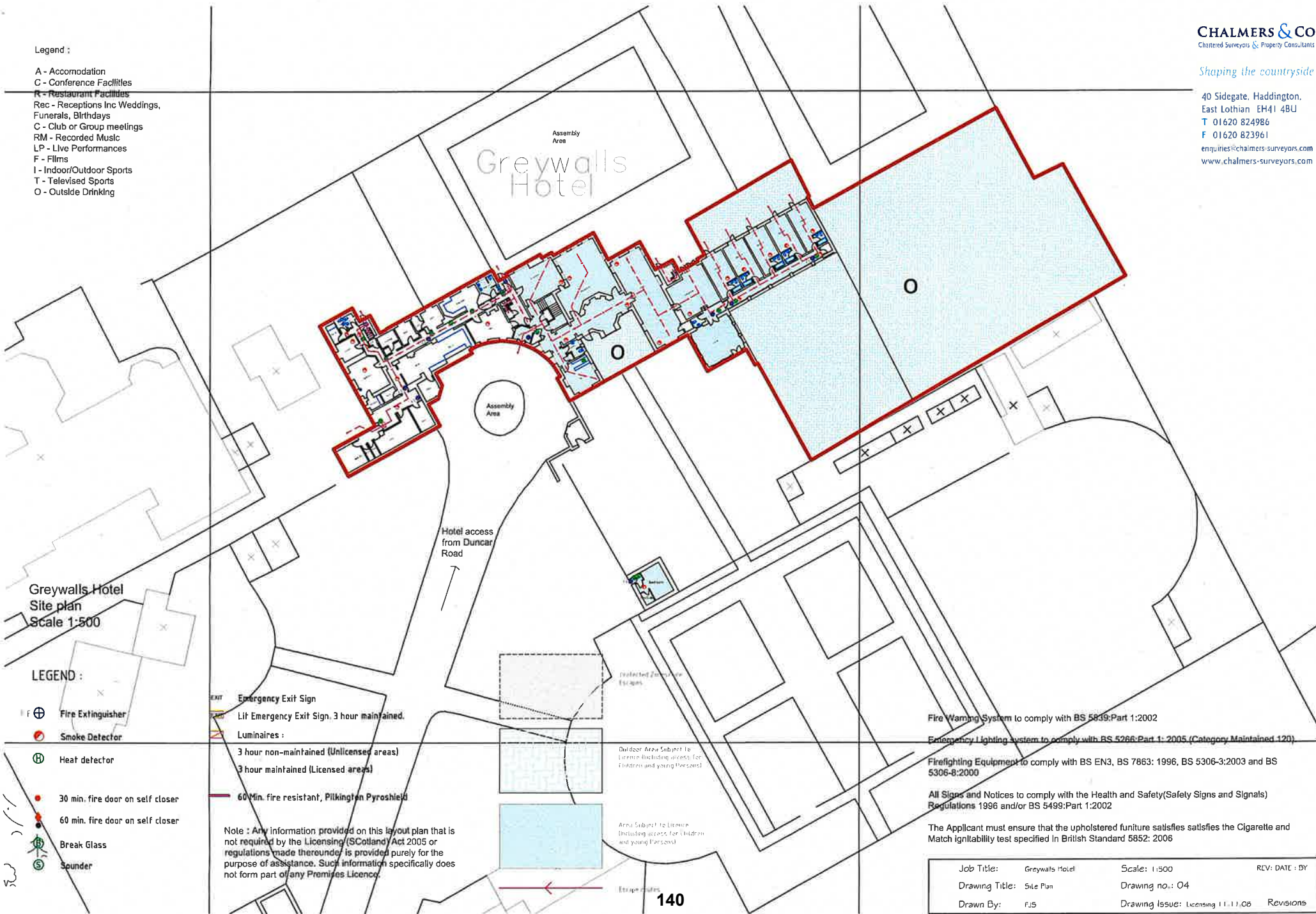
All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002

The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match Ignitability test specified in British Standard 5852: 2006

Job Title:	Greywalls Hotel	Scale:	1:200	REV:	DATE :	BY
Drawing Title:	First Floor Plan	Drawing no.:	O2			
Drawn By:	FJS	Drawing Issue:	Licensing 11.11.08	Revisions		

Legend :

- A - Accomodation
- C - Conference Facilities
- R - Restaurant Facilities
- Rec - Receptions Inc Weddings, Funerals, Birthdays
- C - Club or Group meetings
- RM - Recorded Music
- LP - Live Performances
- F - Films
- I - Indoor/Outdoor Sports
- T - Televised Sports
- O - Outside Drinking



Greywalls Hotel
Site plan
Scale 1:500

LEGEND :

- | | | | |
|--|----------------------------------|--|---|
| | Fire Extinguisher | | Emergency Exit Sign |
| | Smoke Detector | | Lit Emergency Exit Sign, 3 hour maintained. |
| | Heat detector | | Luminaires : |
| | 30 min. fire door on self closer | | 3 hour non-maintained (Unlicensed areas) |
| | 60 min. fire door on self closer | | 3 hour maintained (Licensed areas) |
| | Break Glass | | 60 Min. fire resistant, Pilkington Pyroshield |
| | Sounder | | |

Note : Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.

Fire Warning System to comply with BS 5839:Part 1:2002

Emergency Lighting system to comply with BS 5266:Part 1: 2005 (Category Maintained 120)

Firefighting Equipment to comply with BS EN3, BS 7863: 1996, BS 5306-3:2003 and BS 5306-8:2000

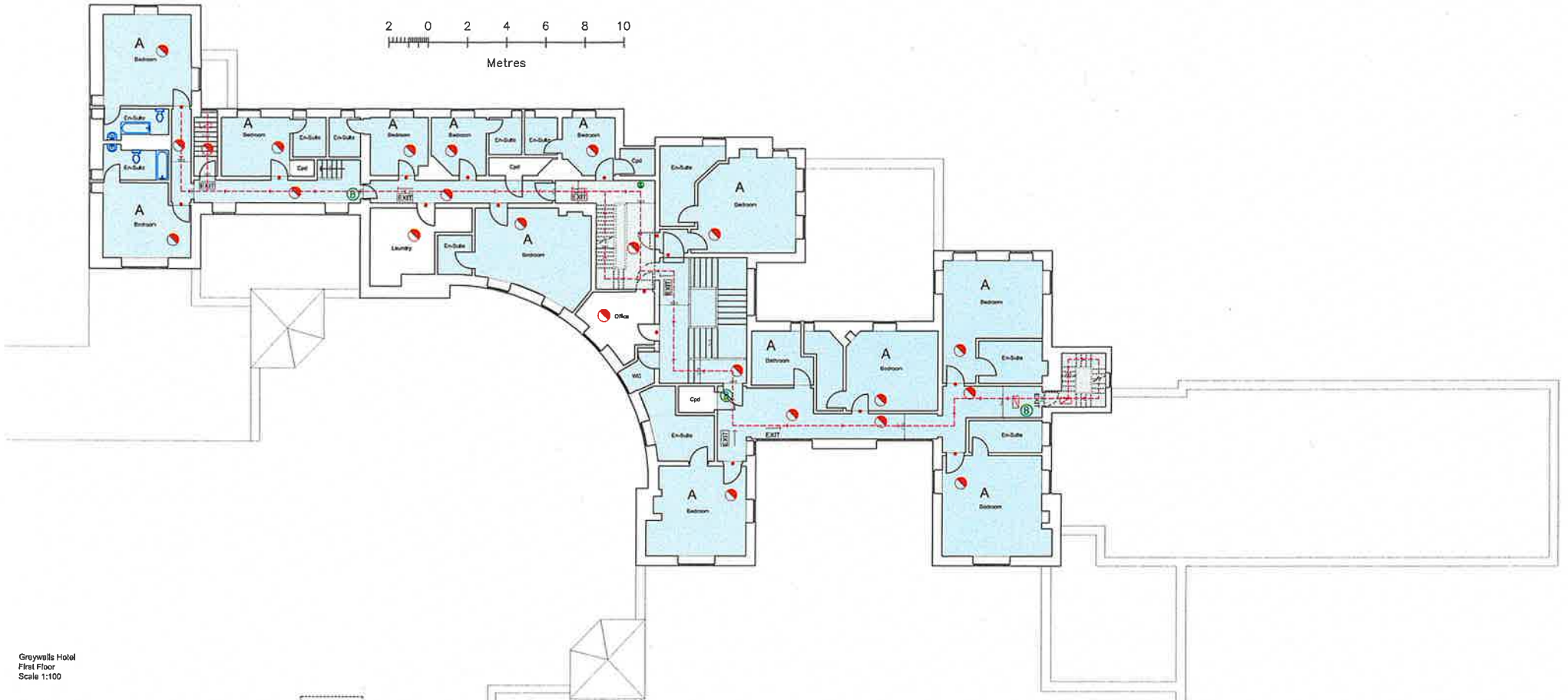
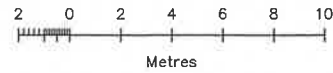
All Signs and Notices to comply with the Health and Safety(Safety Signs and Signals) Regulations 1996 and/or BS 5499:Part 1:2002

The Applicant must ensure that the upholstered furniture satisfies satisfies the Cigarette and Match ignitability test specified in British Standard 6852: 2006

Job Title:	Greywalls Hotel	Scale:	1:500	REV:	DATE	BY
Drawing Title:	Site Plan	Drawing no.:	O4			
Drawn By:	FJS	Drawing Issue:	Licensing 11.11.06	Revisions		

- Legend:
- A - Accommodation
 - C - Conference Facilities
 - R - Restaurant Facilities
 - Res - Reception Inc Woodrps
 - Cur - Curio Displays
 - Cl - Club or Group meetings
 - HL - Reception Hotel
 - LP - Live Performances
 - PI - Pubs
 - I - Indoor/Outdoor Sports
 - T - Tailored Sports
 - O - Outside Dining

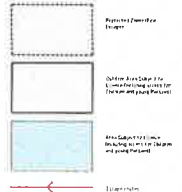
40 Selwyn Road, London, SE18 3JF
 T: 020 30 81 8181
 F: 020 30 81 8182
 www.chalmers.co.uk



Greywell Hotel
 First Floor
 Scale 1:100

LEGEND:

- ☉ Fire Callpoint
- Smoke Detector
- Heat detector
- 30 min. fire door on self close
- 60 min. fire door on self close
- Break Glass
- Sounder
- ☐ Emergency Call Sign
- ☐ 1st Emergency Call Sign 3 hour water rated
- ☐ Loudspeaker
- ☐ 3 hour non-maintained (bi-directional sound)
- ☐ 3 hour maintained (bi-directional sound)
- ☐ 60 Min. fire resistant, Pilkington Pyroshield



Fire Warning System to comply with BS 5839 Part 1:2002
 Emergency Lighting system to comply with BS 5268 Part 1: 2003 (Category Walkway 100)
 Fire/Fighting Equipment to comply with BS 6241, BS 7262:1996, BS 5306-3:2003 and BS 5306-4:2000
 All Signs are subject to comply with the Health and Safety (Signs and Signals) Regulations 1996 and/or BS 5395 Part 1:2002
 The Applicant must ensure that the upholstered furniture complies with the appropriate and Match Ignitability test specified in British Standard BS57: 2008

Job Title	Project Name	Scale	Rev. Date by
Drawing Title	Project Ref.	Drawing No./Rev.	
Drawn By	Checked By	Checked/Issued	Reviewed



**SCOTTISH BORDERS
LICENSING BOARD**

PERSONAL LICENCE
SB/LIQ/12316

NAME: IAN GRAY
EXPIRY DATE: 23 FEBRUARY 2026

The holder of this personal licence is authorised to sell or supply alcohol in accordance with the Licensing (Scotland) Act 2005 as amended.



Council Headquarters, Newtown St Boswells, Melrose,
TD6 0SA Tel: 01835 826662
E-mail: liquorandlicensing@scotborders.gov.uk



SCOTTISH BORDERS LICENSING BOARD

Licensing (Scotland) Act 2005

SCHEDULE 1
PERSONAL LICENCE

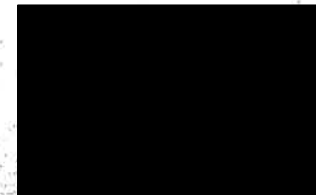
The holder of this licence is qualified and permitted to sell alcohol under the terms of the Licensing (Scotland) Act 2005.

Licence Number

SB/LIQ/12316

Name and address of licence holder

IAN GRAY



Expiry date **23 FEBRUARY 2026**



Licensing Officer

ANNEX A

Training Record

<i>Dates of Training</i>	<i>Title of Course completed</i>	<i>Awarding/ Accrediting Body</i>	<i>Level attained</i>
22/01/2016	Scottish Certificate for Personal Licence Holders at SCQF Level 6	BIAB Scotland	Pass
25/11/2022	Scottish Certificate for Personal Licence Holders at SCQF Level 6	Highfield	Pass

ANNEX B

Convictions for Relevant and Foreign Offences

<i>Offence</i>	<i>Court</i>	<i>Date</i>	<i>Penalty</i>

ANNEX C

Endorsements

<i>Reason for Endorsement</i>	<i>Name of Licensing Board</i>	<i>Date of Commencement</i>	<i>Expiry date</i>

Date: 18th September 2024



[REDACTED]

Carlo Grilli
CLERK OF THE LICENSING BOARD

[REDACTED]

John Muir House
Haddington
East Lothian
EH31 3HA
licensing@eastlothian.gov.uk

Executor for the Estate of [REDACTED]

Licensing (Scotland) Act 2005
Section 28 – Period of effect of premises licence
Death of Premises Licence Holder
Premises EL0180 Greywalls Hotel, Duncur Road, Gullane, East Lothian,
EH31 2EG

I write to you in relation to the above premises licence and recent communication. It has now been established through communication with Nikki Gillies that the current premises licence holder [REDACTED] is deceased. The date of death has been established to be 22nd February 2020.

In terms of section 28(1) of the Licensing (Scotland) Act 2005. A premises licence ceases to have effect on the occurrence of any of the events mentioned in subsection (5). One of these events being the premises licence holder, being an individual dies.

No notification of the premises licence holder's death was made to East Lothian Licensing Board and no transfer application was made by the executor or personal representative within 28 days of his death as per section 28(2) of the Act.

Therefore, the premises licence ceased to take effect on **22nd February 2020**.

I understand that the premises has continued to make sales of alcohol until today which is an offence under Section 1 of the Act. Police Scotland have been informed of the circumstances.

I guide you to urgently seek independent legal advice on this matter.

Yours faithfully

[REDACTED]

Carlo Grilli Clerk to the Licensing Board

eastlothian.gov.uk

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 20th September 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) OCC661-666/24

IAN GRAY - GREYWALLS HOTEL, DUNCUR ROAD, GULLANE, EAST LoTHIAN, EH31 2EG

The applicant is Ian Gray who is a personal licence holder and General Manager at the Hotel. Application has been made for 6 occasional licences running consecutively from 27th September – 19th December 2024 as follows:

OCC661/24 – 27 September – 10 October 2024

OCC662/24 – 11 October – 24 October 2024

OCC663/24 – 25 October – 7 November 2024

OCC664/24 – 8 November – 21 November 2024

OCC665/24 – 22 November – 5 December 2024

OCC666/24 – 6 December – 19 December 2024

The applications request on and off sales all of which are within policy hours.

This premises previously held a premises licence. On 18th September 2024, it was established that the premises licence holder was deceased with the date of death being 22nd February 2020. No notification of the premises licence holder's death was made to the Licensing Board and no transfer of the premises licence took place with 28 days of his death by the executor of his estate. As such the premises licence ceased to take effect under Section 28 of the Act on 22nd February 2020.

On 18th September 2024, I visited the premises with a letter from the Clerk to the Licensing Board (submitted within board papers) outlining the premises licence had ceased and asked that all sales cease immediately. This request was complied with. Unfortunately, alcohol sales had continued at the premises until this visit. This 4 years, 7 months period of unlicensed sales has been reported to Police Scotland, Divisional Licensing Department.

On my visit to the premises, I spoke with the General Manager, Ian Gray, and informed him of the circumstances. I found him to be very professional and competent. He displayed good knowledge of the Licensing (Scotland) Act 2005 and the requirements it places on personal licence holders and premises managers.

As a result of the circumstances, I refer the applications to the Licensing Board for determination.

Licensing Standards Officer

Licensing

From: Donna Pearey <Donna.Pearey@scotland.police.uk>
Sent: 20 September 2024 13:06
To: Licensing
Subject: OCC LIC APP- ON AND OFF SALES - GREYWALLS - 27/09/2024 - 10/10/2024
Attachments: OCCASIONAL LICENCE APPLICATION 27 SEPT- 10 OCT
2024(73048066.1)_CPCHECKED.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.

OCC LIC APP- ON AND OFF SALES - GREYWALLS - 27/09/2024 - 10/10/2024 THERE ARE NO POLICE OBJECTIONS

20/09/2024

Your Ref: GREYWALLS
Our Ref: 861710

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



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
OCCASIONAL LICENCE APPLICATIONS
PREMISES: GREYWALLS HOTEL, DUNCUR ROAD, GULLANE, EAST
LOTHIAN, EH31 2EG.
APPLICANT: IAN GREY, [REDACTED]**

I refer to the above applications and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, I make the following representation:

It has been brought to police attention that the licence holder for this premises, [REDACTED], died on the 22nd of February 2020 and that no licence transfer took place within the allowed 28 days meaning the licence ceased to exist. In essence, the premises has traded since that time without a licence.

This has only just been brought to the attention of police so no enquiries have taken place at this time to establish whether or not this matter should be taken forward criminally.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

[REDACTED]

OFFICIAL

Gregg Banks
Chief Superintendent

For enquiries please contact the Licensing Department.