

EAST LOTHIAN

Meeting 22 January 2015 at 10:00am in , Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 ABERLADY BOWLING CLUB ABERLADY BOWLING CLUB HIGH STREET ABERLADY LONGNIDDRY EAST LOTHIAN	ABERLADY BOWLING CLUB	10 November 2014	Change status to open Licence and vary hours on a Friday & Saturday from 11pm to 1am
2 GULLANE MINI-MARKET 2 STANLEY ROAD GULLANE EAST LOTHIAN EH31 2AD	MAJAHID NAZIR C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	24 November 2014	Increase capacity to 32.06 m2 from 10.36 m2. Include deliveries and takeaways as activities. Takeaways will be within licensed hours. To include a proposed post office facility (subject to Post Office approval) New layout plan.
3 LONGNIDDRY ROYAL BRITISH LEGION LINKS ROAD LONGNIDDRY EAST LOTHIAN EH32 0NX	LONGNIDDRY ROYAL BRITISH LEGION	31 October 2014	Change to an open licence. Extend outdoor drinking area. Extend terms of Children & Young Persons Access.

Aberlady Bowling Club is owned by The Wemyss and March Estates in Aberlady and is a small bowling club with 50 adult and 12 junior members.

2(i)

We are looking to change the current licence to an Open Licence with an extension to the opening hours on a Friday and Saturday evening.

The Open Licence would still keep Aberlady Bowling Club first and foremost a bowling club but would allow us to have another valuable source of income. It would enable us to offer the clubhouse to other organisations within the village to hold events in as well as the bowling club being able to have fundraising nights etc without the need to keep applying for Occasional Licences. The amount of extra hours that the clubhouse bar would be open would only be primarily when there was an event on. At present, the clubhouse bar is only open during the bowling season and on a Friday night. During the winter months the clubhouse sits empty with very few events on. With an Open licence and the extra hours and responsibility that comes with it, we would not be changing the bowling club into a pub and opening the bar every day and for all the hours applied for on the licence. Even then, when the bar is open on a Friday night when there are bowling matches on, April – September, the Committee has said that the bar will more than likely still close as usual at 2300hrs.

Also taking the over-provision policy into account, we have decided not to have an Off-Sales licence, primarily because we feel that there is no requirement for it at the bowling club and also especially within the village of Aberlady. The Committee also felt that although East Lothian has an over-provision of licensed premises, Aberlady Bowling Club is a well run bowling club and has had no trouble or problems over the years that have required Police intervention or visits from the LSO. The Open Licence along with the extra hours applied for on the application should not put any more pressure on the relevant licensing departments as we will still be first and foremost a members bowling club. It is not a case of opening the doors at 11.00am and treating the bowling club as a pub. We will only be using the extra hours and Open licence as and when we required them.

The Committee has also said on the application form that they will not be using the club to show films or televised sports. We do have a television within clubhouse but do not want to publicly advertise that the club will be showing live sport matches or holding film nights.

Our nearest neighbour has been in touch with the LSO to ask about the Open Licence as well as speaking to our Committee members and he is happy for us as well as The Wemyss and March Estate to apply to change the licence as they both realise that the club will not be opening as a “pub” but still staying as a bowling club.

The junior members of Aberlady Bowling Club have access to an honesty fridge within the kitchen area of the clubhouse so there is no need for them to try and come to the bar area when the clubhouse is open. The bar staff realise that children have to be kept 1.5m from the bar.

EAST LoTHIAN COUNCIL
LICENSING

21 NOV 2014



**POLICE
SCOTLAND**

Keeping people safe

Date: 20th November 2014

RECEIVED

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

Tel: +44 (0)131 663 2855
Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: ABERLADY BOWLING CLUB
PREMISES: ABERLADY BOWLING CLUB, HIGH STREET, ABERLADY**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to change from a 'club licence' to an 'open premises licence'.

I note that they are also requesting additional hours for 'on sales'.

They currently operate 1100 hours – 2300 hours Monday – Saturday and 1230 hours – 2300 hours on a Sunday. They are requesting an increase in hours on a Friday and Saturday night until 0100 hours and a Sunday morning from 1100 hours.

Having spoken to the applicant, I have confirmed that they no longer require the 'off sale' facility and as a result, they have omitted this from their operating plan.

EAST LoTHIAN COUNCIL

**ENVIRONMENT
ENVIRONMENTAL & CONSUMER SERVICES DIVISION**

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

To: K. Neill
Clerk to the Licensing Board

per:

per

ref:

ref:



Date: 19 December 2014

**Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – NOVEMBER 2014**

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation.

I have no objections to the granting of this application.

Premises Inspected:

Aberlady Bowling Club, High Street, Aberlady, East Lothian EH32 0RD

R. Fruzynski
Licensing Standards Officer

It is however pertinent to point out that this major variation is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

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

There are no police objections to the grant of this licence.

Yours faithfully

A blacked-out signature, likely of the Divisional Licensing Officer, is present here.

Divisional Licensing Officer

EAST LOTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0218

2(b) Name and Address of Premises

ABERLADY BOWLING CLUB HIGH STREET ABERLADY EAST LOTHIAN		
Post Code	EH32 0RD	Phone No.

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

Post Code		Phone No.

SECTION 3: NATURE OF VARIATION

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

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

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

CHANGE TO
VARIATION TO AN OPEN LICENCE

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

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

OPERATING PLAN ENCLOSED.
PROPOSED CHANGES ARE THE LICENSING HOURS AND CHANGING TO AN OPEN LICENCE
FRIDAY + SATURDAY 11PM TO 1AM.

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

7 Copies of the proposed Layout Plan must accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

NO CHANGES PROPOSED TO LAYOUT PLAN.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief, and (b) the appropriate fee of £150 is enclosed.

Signature

[Redacted Signature]

(See note 5 below)

Date

4/11/14

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

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

Ms Aileen Dyer

[Redacted Address Line 1]

[Redacted Address Line 2]

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

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<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

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)

TO CHANGE THE PREMISES LICENCE TO AN OPEN LICENCE

[REDACTED]

[REDACTED]

[REDACTED]

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

- YES NO

If the answer is NO, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

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

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

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

2(ii)



**POLICE
SCOTLAND**

Keeping people safe

Date: 8th December 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Telephone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: MUJAHID NAZIR
PREMISES: GULLANE MINI MARKET, 2 STANLEY ROAD, GULLANE**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

I note the applicant is wishing to increase the capacity of the alcohol display to 32.06m². The shop currently is licensed for 10.36m². This is a considerable increase, 3 times what they currently have.

In terms of the Board Policy this major variation is out with, with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Gullane and any increase in capacity would be surplus to requirements in terms of provision.

East Lothian Council
Licensing

11 DEC 2014

Received

scotland.police.uk  @PoliceScotland  PoliceScotland

I would also request that the applicant clarifies whether or not 'alcohol' would be included in the 'home deliveries'.

The police have serious concerns in relation to deliveries of alcohol to private addresses. Whilst it is appreciated that ID etc would require to be checked at point of delivery, there is no way of checking who else is within the property. ie underage house parties etc. It is well documented that children and young persons utilise home delivery services to obtain alcohol, using an older sibling / friend to take receipt of it.

The Chief Constable would request that 'alcohol' is excluded from the 'deliveries and takeaways'.

Submitted for your attention in consideration of this application.

Yours faithfully

A blacked-out signature, likely of Inspector Hogarth, is present here.

Inspector Hogarth

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 09/01/15

Subject: LICENSING SCOTLAND ACT 2005

PREMISES LICENCE APPLICATION (MAJOR VARIATION) – November 2014

Gullane Mini Market, 2 Stanley Road, Gullane, East Lothian EH31 2AD

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to an application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in accordance with the Act. The increase in alcohol display capacity is however outwith the Licensing Board's policy.

Other than Falko (Konditormeister) Limited bakers shop and cafe, some 50 yards away, and the Co-operative Group Food Store, some 300 yards away, there are no other off-sales premises in the immediate vicinity of the applicants shop.

The Mini Market is well run and is a busy and popular convenience store. No complaints have been received in relation to the operation of the existing premises licence.

I have no objections to the granting of this variation of licence.

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN COUNCIL
ENVIRONMENT
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Internal Memorandum

From: Environmental Health Partnership Manager
per: Darren Johnson
ref: DJ/AC

To: Litigation & Licensing
per: M Winter
ref:

Date: 5th December 2014

Subject: Licensing (Scotland) Act 2005
Section 29 Application for Variation other than a Minor Variation
Gullane Mini-Market, 2 Stanley Road, Gullane

I refer to the application dated 18th November 2014 received on the 2nd December 2014 attaching a copy of the Application for Variation other than a Minor Variation together with the copy of the Operating Plan and Layout Plan drawing for the above named premises.

I have no objections to the application for "Variation other than a Minor Variation".

It must be ensured that all food and drink supplied for takeaway or delivery, as intended in the application, is done so in a manner that complies with all relevant Food Safety Legislation

Darren Johnson
Food Safety Officer

EAST LoTHIAN LICENSING BOARD

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

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SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- X Any of the information contained within the Operating Plan
- X The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0182

2(b) Name and Address of Premises

Gullane Mini-Market
2 Stanley Road
Gullane
East Lothian

Post Code EH31 2AD

Phone No.

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

Mujahid Nazir
2b Stanley Road
Gullane
East Lothian

Post Code EH31 2AD

Phone No. 07971 345000

SECTION 3: NATURE OF VARIATION

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

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

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

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

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

To increase the capacity figure to 32.06 square metres.

To include Deliveries and Takeaways as activities. Takeaways will be within licensed hours.

To include a proposed Post Office facility (subject to Post Office approval).

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

To replace the current Layout Plan with new plans, showing proposed changes.

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

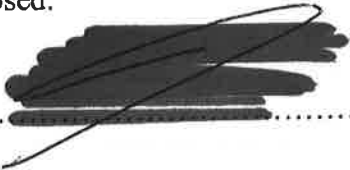
(e.g. Alteration to the description of the premises contained within the Premises Licence)

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature



..... (See note 5 below)

Date

18/06/12

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

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

.....
Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

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SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation

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

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

SECTION 5: FEE PAYABLE

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

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

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

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

Mujahid Nazir

Gullane Mini Market, 2 Stanley Road, Gullane, EH31 2AD

Variation Application

Statement on Licensing Objectives

The following statement is in connection with the Application for a Variation at the above address.

Our client has owned/ operated these premises since 2011. The premises are currently undergoing a major refurbishment and part of this Variation is to reflect that. The whole layout of the property is changing and as part of that there is an increase in the alcohol display area. In general the area accessible to the public is being increased so there is a greater facility for all types of produce not just alcohol. There is a discerning market in Gullane, and it will provide them with a greater choice!

The previous shop was very small and the alcohol display area is being increased.

In terms of your Statement of Licensing Policy, it is requested that for an Application of this type that a Statement on the promotion of the Licensing Objectives should be lodged.

As the Board will appreciate these premises have been operating for many years without concern and there is no reason to think that these changes will cause any issues either, and indeed will create a better facility for the village.

Our client has been in the licensed trade, in off sales premises, for about 5 years and has been involved in various shops, some of which are in your own area.

Taking each of these in turn we would identify possible issues under each Licensing Objective as follows:-

Preventing Crime and Disorder

- Underage drinking.
- Drunkenness on premises.
- Public drunkenness.
- Illegal possession and/ or use of drugs.
- Violent behaviour.
- Antisocial behaviour.
- Litter.
- Unauthorised advertising.

With regard to this matter, our clients have strict due diligence in place.

They are fully aware of Challenge 25 and maintain a refusals/ incident book.

There will be CCTV when the premises are ready, with 15 cameras, including 2 outside. They would be happy to provide footage to the Police, if required, and staff have been shown how to download footage.

Staff Training included identifying signs of drunkenness and how to refuse.

They have a zero tolerance with regard to drugs.

They are aware of dealing with violent behaviour, and that they have a duty of care to their staff and other customers, who should not be put at risk. Having said that, there have been no such incidents since they took over.

Securing Public Safety

- The standard of maintenance of the building having regard to its age and the design and layout of the premises, including the means of escape and the event of a fire.
- The adequacy of vehicular access to the premises by the Fire and Rescue Service.
- The safety of gas and electrical installations.
- Customer profile.

Since taking over they have made substantial improvements to the shop and very much wish it to be the local shop that people feel welcomed and comfortable in.

Any perceived short comings are dealt with swiftly. Our client and his staff take great pride in their place of work.

Preventing Public Nuisance

- The location of the premises and the proximity to residential properties.
- The design and layout of the premises and in particular the presence of CCTV.

These premises are in a row of commercial properties, but are surrounded by residential properties.

They are aware of their responsibilities in this respect, but the people living in these properties are their customers and they have already built up a very good rapport with the local community.

They would be happy to become involved with any initiatives regarding alcohol and/ or drugs. They are not aware of any at present.

As explained there is substantial CCTV.

Protecting and Improving Public Health

- Serving of patrons who have over consumed.
- Agency sales to people purchasing on behalf of drunk people.
- Duty of care to customers.
- Management/ staff being aware of concerns in Scotland regarding public health.
- The calculation of units of alcohol and advisable limits per day/ week.

With regard to public health, they are aware of issues regarding the concerns of overconsumption of people in Scotland. They are aware of their restrictions with regard to promotion, and they do not discount alcohol to ridiculous prices. They simply regard alcohol as an ancillary product which customers may wish to purchase with other items. That has been the experience so far.

There is now extra space as part of the refurbishment. Better supply of wines, beers etc. Don't expect to sell much more. Just a better variety.

As part of the community they are aware of whom may be considered vulnerable, and who they should take particular care with regard to in the sale of alcohol.

Protecting Children from Harm

- Underage sales.
- Agency sales to underagers.
- Suitability of staff being employed.
- Acceptance of only accredited forms of ID.

As explained before they have a rigorous Challenge 25 Policy and only accept the appropriate ID.

He lives in the flat above with his wife. His mother and father in law own the building and his wife was brought up in the area. They know lots of people! They know who is underage!

They are also aware of potential agency sales and would not hesitate to notify the Police if any adults were involved in the purchase of alcohol on behalf of children.

The staff have been trained accordingly and it has been made very clear to them that they must keep up the standard they consider they have already set.

Alistair I Macdonald

Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)

21a Rutland Square

Edinburgh

EH1 2BB



THE ROYAL BRITISH LEGION SCOTLAND



**Longniddry Branch & Social Club
Links Road, Longniddry
East Lothian, EH32 0NQ
01875 853241**

2(iii)

29 December 2014

Clerk to the Licensing Board
Licensing Division, Room 1
John Muir House
Haddington
East Lothian
EH41 3HA

your ref KM/de/EL244

For the attention of Kirstie MacNeill

Dear Sirs

Major Variation to License Application

I refer to your letter dated 21 November 2014 and apologise for the delay in responding.

I am not completely sure that I fully understand your letter but assume it refers to the possibility that by granting a further area where alcohol can be consumed, you would be affecting your overprovisions statement.

Our request to use a small "garden" area to the rear of the premises was to improve the areas available to smokers and allow greater choice to sit when trying to enjoy what warm weather we may see in the summer months. This area was overgrown with weeds and having been tidied up, looks to be a nice area to sit and enjoy the fresh air.

We would not expect the capacity numbers already noted on our license to be increased.

We would also advise that we already have a 21:00 hours deadline for using the outside seated areas that is well within the 22:00 hours requested by the Police..

If you have further queries, or if the above is insufficient for your purposes, please do not hesitate to contact me.

Yours faithfully


James W Eccles
Branch Secretary

East Lothian Council
Licensing
- 5 JAN 2015
Received

EAST LoTHIAN COUNCIL
LICENSING

21 NOV 2014

RECEIVED



**POLICE
SCOTLAND**

Keeping people safe

Date: 20th November 2014

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

Tel: +44 (0)131 663 2855
Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: LONGNIDDRY ROYAL BRITISH LEGION
PREMISES: LONGNIDDRY ROYAL BRITISH LEGION, LINKS ROAD,
LONGNIDDRY**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to change from a 'club licence' to an 'open licence'.

I note that they are also requesting children and young person access until 2200 hours normally and for the duration if attending a private function.

I also note that they are requesting an additional outside drinking area to the side of the building, which would result in an increase in the capacity of the licensed area. Whilst I have no objections to this, I would request that a terminal hour of 2200 hours for use of the area is imposed due to the close proximity of residential properties.

Due to the increase in capacity this major variation is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

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

There are no police objections to the grant of this licence.

Yours faithfully

A handwritten signature is present, but it has been completely redacted with a thick black horizontal line.

Divisional Licensing Officer

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

per:

per

ref:

ref:

Date: 18 Dec 2014

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – November 2014

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in order and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

Longniddry Royal British Legion, Links Road, Longniddry, East Lothian EH32 0NQ

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Development Control Manager **To:** Clerk to the Licensing Board
Per: Neil Millar **Per:** Licensing Board
Cc:

Date: 20th November

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Royal British Legion, Longniddry

Application type: Variation other than a minor variation

I have no objection to the variations applied for as detailed in the application forms with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

However, I can confirm that there are no records of a grant of planning permission for the use of a beer garden / external drinking area within the grounds of the premise.

It should therefore be noted that it is the responsibility of the licensee to confirm what planning permission is in place for this use or demonstrate that planning permission is not required for it. Otherwise I would advise that a planning application is sought, retrospectively, for the use of land as a beer garden/external drinking area.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- X Any of the Conditions to which the Premises Licence is subject
- X Any of the information contained within the Operating Plan
- X The Layout Plan
- X Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details) We wish (i) to change to an open license, (ii) to increase the outside area where members and guests can consume alcohol and (iii) the times when young children are allowed on the premises.

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0244

2(b) Name and Address of Premises

Longniddry Royal British Legion
Links Road
Longniddry
East Lothian

Please note correct postcode...

Post Code	EH32 0NQ	Phone No.	01875 853241 during opening hours
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2(c) Full Name and Address of Current Licence Holder

Longniddry Royal British Legion
Links Road
Longniddry
East Lothian

Post Code	EH32 0NQ	Phone No.	01875 853241 during opening hours
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SECTION 3: NATURE OF VARIATION

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

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

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

- 1 We wish to change our license to an open license.**
- 2 We wish to allow alcohol to be consumed in other external areas.**
- 3 We wish to change terms and conditions of the times children and young persons are allowed on the premises.**

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

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

Change to an open license.

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

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

Additional areas of the external plan be included in the area where alcohol can be consumed.

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*)

Access for children and young persons

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

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

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

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

SECTION 5: FEE PAYABLE

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

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

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


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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature

.....  (See note 5 below)

Date

..... 28 OCTOBER 2014
.....

Capacity: APPLICANT / AGENT (delete as appropriate)

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

James W Eccles

.....

.....

.....

Note 1:

Please note that the proposed Operating Plan **must** contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

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

EAST LOTHIAN LICENSING BOARD MEETING

22nd January 2015 at 10am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Premises	Applicant	Date received	Comments
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Application for Premises Licence Review

4	ELPHINSTONE ARMS MAIN STREET ELPHINSTONE EH33 2LT	Licensing Board	28 th August 2015
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