

EAST LOTHIAN

Meeting 23 February 2017 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises Applicant

Date Received

Comments

2 BREWED AND BAKED
83 HIGH STREET
MUSSELBURGH
EAST LOTHIAN
EH21 7DA

PUNCH PARTNERSHIP LIMITED

15 November 2016

Variation for alcohol for on and off sales, Offsales from 11am to 10pm - Monday to Sunday.
Add Takeaways as activity, Children and Young Persons will be permitted access.
Change wording: The premises may be used for various activities of refreshment meals and takeaways outwith core hours. No alcohol will be sold outwith core hours.

3 MUSSELBURGH MINERS CHARITABLE SOCIETY (INCORPORATING ROYAL MUSSELBURGH PRESTONGRANGE HOUSE PRESTONGRANGE ROAD CUTHILL

MUSSELBURGH MINERS' (INCORPORATING ROYAL MUSSELBURGH GOLF CLUB

5 January 2017

Increase core hours on Friday and Saturday nights from Midnight to 1am. Variation to funerals to commence at no earlier than 10am. Variation to use of commencement and televised sport outwith core hours. This will not commence prior to 6am.

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

EL0247

2(b) Name and Address of Premises

Musselburgh Miners (incorporating Royal Musselburgh Golf Club)
Prestongrange House
Prestongrange Road
Cuthill
Prestonpans
East Lothian

East Lothian Council
Licensing
5 - JAN 2017
Received

Post Code EH32 9RP

Phone No. 01875819000

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

Miners Social Welfare Club Musselburgh
Musselburgh Miners (incorporating Royal Musselburgh Golf Club)
Prestongrange House
Prestongrange Road
Cuthill
Prestonpans
East Lothian

Post Code

EH32 9RP

Phone No.

01875819000

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)

The Club seeks increase core hours on Friday and Saturday nights from midnight to 1am. The reason for this change is that staff find it difficult to safely manage dispersal of customers attending parties, weddings etc by 12.15am and feel it would be more manageable to maintain our stance on no sale of alcohol after midnight, and extend the drinking up time to 1am. We will self-impose the restriction on the sale of alcohol during this period.

Q5(b) To vary the position in relation to funerals to permit commencement prior to core hours, but no earlier than 10am. For the avoidance of doubt no alcohol will be sold out with core hours. (I added at time in here since the

Q5(e) To vary the position in relation to the use of recorded music and televised sport outwith core hours. This will not commence prior to 6am.

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.

N/A

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence
(e.g. Alteration to the description of the premises contained within the Premises Licence)

N/A

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

[Redacted Signature]

..... (See note 5 below)

Date 19th December 2016

Capacity: APPLICANT / AGENT (delete as appropriate)

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

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

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Musselburgh Miners (incorporating Royal Musselburgh Golf Club)
Prestongrange House
Prestonpans
East Lothian
EH32 9RP

Question 1

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

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	11pm
<i>Tuesday</i>	10am	11pm
<i>Wednesday</i>	10am	11pm
<i>Thursday</i>	10am	11pm
<i>Friday</i>	10am	1am
<i>Saturday</i>	10am	1am
<i>Sunday</i>	10am	11pm

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

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

The club seeks to take advantage of the extensions to core hours as granted from time to time by the Licensing Board in relation to local or national events of importance i.e. the festive period etc.

Question 5

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

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

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

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

The premises can cater for conferences and club meetings that can begin as early as 6am. Breakfast facilities are also available to club members and visiting parties from 9am. In addition, members and visiting parties can be on the golf course when it opens at first light or 7am, however, for the avoidance of doubt, no alcohol will be sold out with core licenced hours

5(f) any other activities

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

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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?	NO
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When fully occupied, are there likely to be more customers standing than seated?	NO
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

The Club encourages children and young persons to become more active and allows them to be unaccompanied by an adult on the premises until 8pm provided they are a junior member of the Golf Club (including temporary members). This is subject to the Managements discretion.

Children and young persons are permitted on the premises until 10pm if they are accompanied by an adult (ie a person over the age of 18 years of age).

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

Subject to the aforementioned conditions, there are no age restrictions on children or young persons.

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

Reference is made to 6(b). The only exception to this rule is when children and young persons are attending a private pre-booked function, or are consuming a meal, in which case they will be permitted to remain on the premises for the duration of the function or meal.

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

Subject to the aforementioned conditions, children and young persons are permitted in all public areas except in front or adjacent to any bar on the premises.

Question 7

CAPACITY OF PREMISES

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

On Sales - 1063

Off Sales – 19.53 M2

Question 8

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

Personal details

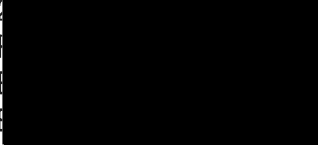
8(a) *Name*

Steven Cross

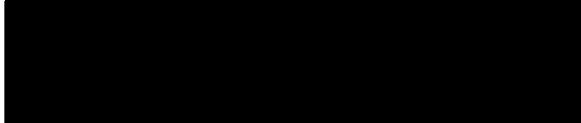
8(b) *Date of birth*

[REDACTED]

8(c) Contact address

	
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8(d) Email address and telephone number

	
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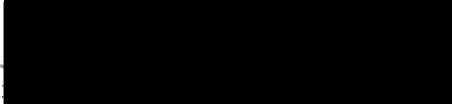
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 st September 2009`	East Lothian Licencing Board	EL411

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 19/12/10

Capacity Managerial Secretary APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

*** Data Protection Act 1998**

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

Date 12th January 2017



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander

The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
Musselburgh Miners' (Incorporating Royal Musselburgh Golf Club)
ROYAL MUSSELBURGH GOLF CLUB, PRESTONGRANGE ROAD,
PRESTONPANS, EAST LOTHIAN**

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

The variation requested consists of an increase in licensed hours on Friday and Saturday from midnight to 1am. For funerals to take place prior to core hours and to allow for recorded music and televised sport out with core hours.

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

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

Whilst the police have no objection to the grant of this variation, it is pertinent to point out that any increase in licensed hours 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 considering this application.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 12 January 2017

**Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JANUARY 2017**

**Musselburgh Miners Welfare Social and Welfare Club incorporating Royal
Musselburgh Golf Club, Prestonpans, East Lothian, EH32 9RP**

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

The current core hours authorised in the Premises Licence are as follows:

On Consumption

Monday to Thursday 10.00 to 23.00
Friday & Saturday 10.00 to midnight
Sunday 10.00 to 23.00

Off-sales

10.00 to 22.00 each day

This application came about following consultation with the Club Secretary and Steward that identified problems had occurred in meeting the dispersal time of 00.15 in respect of patrons attending functions in the events hall at weekends. The sort of situation occasioned was that persons attending a wedding felt closing time to be too early and lingered on the premises causing staff problems in getting them to drink up and leave. With this in mind the Club does not feel it desirable that the bar should remain open after midnight, but patrons could be allowed to drink up to 01.00 thereby managing the orderly and safe dispersal of persons who have had a good night out. It is for this reason that the Club is asking the Licensing Board for approval to increase licensed hours on Friday and Saturday evenings, by one hour, purely to be used for drinking up purposes.

In relation to all the increases in facilities requested, I am satisfied that the amended Operating Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

R. Fruzynski
Licensing Standards Officer