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	1	100		
) of the Licensing (S	ner than a Minor Variat cotland) Act 2005 in o		nce is made under	965
	Any of the Conditions to which the Premises Licence is subject				
	Any of the inform	ation contained within		*	
	The Layout Plan		East Loth	nian Council ensing	
	Any other informa deletion or other n	ation contained or referration).	-		n,
Ø	(Provide Details)		Re	ceived	
	REMISES LICENCE I			.gK ====================================	
EL100	X 0	1 g = 1	2		
2(b) Name an	d Address of Premi	ises .			
Winton Castle Pencaitland East Lothian	* ************************************	5	ii 35		2
Post Code	EH34 5AT	Phone No.	01875 340 222		
88 M ST 20 S S S S S S S S S S S S S S S S S S		Surrent Licence Holder			
The Winton T Winton Castle Winton Estate East Lothian		2			
Post Code	EH34 5AT	Phone No.	01875 304 222		

SECTION 3: NATURE OF VARIATION

Complete	the relevant section(s) regarding the variations sought:-
3(a) Varia	tion to the Conditions to which the Premises Licence is subject
Provide de	tails of the Condition(s) to be varied and the variation being sought
We are not	t seeking to alter the Condition(s) of our existing Premises Licence.
3(b) Varia	tion to the information contained within the Operating Plan of the Premises Licence
Provide a c	copy of the proposed operating plan and highlight below the proposed changes. (See Note 1
	seeking to alter the information contained within the Operating Plan of the Premises Ve are only altering the Layout Plan and area of the Premises Licence.
3(c) Varia	tion to the Layout Plan of the Premises Licence
7 Copies of In addition	f the proposed Layout Plan must accompany this application. (See Note 2) please provide details below of the proposed change to the layout of the Premises.
now seekin This space Please see t This application footprint are Shed.	t plan which was approved on 12 th July 2020 included a Licensed Marquee area. We are g to extend the Licenced space to include The Potting Shed (0.015ha) is located in our Walled Garden (.67ha) less than 50m from the Castle itself. The attached Plans for reference ation seeks to maintain all the features of the original Premises Licence and extend the ea of our existing plan to encompass a new ancillary building referred to as The Potting erve as an ancillary space for meetings, small parties, celebrations and private ent.
3(d) Variat	tion to any other information contained or referred to in the licence
Provide deta (e.g. Altera	ails below of any other variation sought to the Premises Licence tion to the description of the premises contained within the Premises Licence)
SECTION 4: (See note 3	LICENCE TO BE AMENDED below)
Does the ap	propriate Premises Licence accompany this application?
YES	□ NO
If the answe	r 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 £200
If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be £220 (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 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.)

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:

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

EHA1 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

AITT SIE	FOR OFFICE USE ONLY	
Received & Receipt No.	System Updated	Licence Issued

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.

Winton Castle is set in over 2,000 acres of land in the village of Pencaitland. The Castle is both a hospitality venue, and home to Sir Francis Ogilvy and Family. The Large detached stone built house is over 500 years old and is available for exclusive use. There are only areas of the premises licensed to sell alcohol, namely the basement and first floor, together with the garden area to the left of the premises. The castle has dining areas, reception areas, kitchens, toilets, offices, car parking and croquet lawn which occasionally houses a temporary marquee, which is used for weddings and other corporate and private events.

In addition, this license will extend to the Walled Garden space and Potting Shed as outlined in the attached plan

On/Off Consumption

- (a) Please describe the type of business you intend to operate in respect of On consumption.
- (b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries
- a) To purchase alcohol exclusively in conjunction with our events, e.g.
 Wedding ceremonies, parties and celebrations.
- b) To supply alcohol for consumption on our grounds and at our self-catering properties located on our estate.

<u>Clarification is required in relation to the content of your proposed Operating Plan</u> (extend the boxes below if you require additional space)

To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

The Castle does not operate as restaurant or offer bar meals.

All catering is supplied by the estate and takes the form of main meals and canapés.

Fully catered accommodation is offered on an exclusive use basis only within the castle.

There are several other smaller self-catering properties on the estate which do not form part of this application.

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:

The estate host between 20-30 Weddings per year, varying in size and scale, form small occasions with up to 12 people to larger celebrations of around 200 people.

Corporate hospitality varies in size and frequency form small business meetings of around 10 people to large corporate away days of up to 100 people. The volume of this business varies year on year but rarely exceeds 100 events in one year.

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:

Live performances - social and business events may have live bands/musicians/entertainments/djs, as required by customers, and may start or end out with the core hours, but not before 10.00 hours and not after 11.00 hours

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:

The gardens are used by customers as needed as ancillary facilities to the premises for food, drink and meeting places and for such related activities such as photo shoots for parties & weddings, but not before 0800 hours and not after 2300 hours.

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, directly below question 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:

N/A

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:

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 and young persons will be allowed entry to both the house and the garden areas only when accompanied by an adult

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 the following link or the Council website policy link

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Winton Castle has its own team of trained individuals who work as serving staff during all our events.

They have all undertaken the mandatory 2 hours of alcohol awareness training in addition to other on the job training.

All events are managed by a Duty Manager, who is present at all times.

Securing Public Safety:

Whilst the venue is isolated from populated areas we ensure that adequate transportation is available at the end of all our events.

Our team are trained to look out for and take action where individuals are considered to be attempting to consume too much alcohol.

Preventing Public Nuisance:

Whilst the venue is isolated from populated areas we ensure that adequate transportation is available at the end of all our events.

Team members are onsite overnight.

Protecting and Improving Public Health:

We have a challenge 25 policy in operation.

We do not offer any promotional deals and all alcohol is purchased on a pre-paid arrangement or sold over our bar.

Protecting Children and Young Persons From Harm:

All children are accompanied at all times.

Application Supporting Comments / Any Other Additional Information (extend the boxes below if you require additional space)

Additional Information:

Since November 2009, Winton Estate has held a License to Sell alcohol. We consider ourselves to be highly responsible operators, operating for over 10 years without incident. We are seeking to extend our existing license to encompass a new smaller outdoor venue, The Potting Shed, which will be used for smaller events and breakout space for larger ceremonies.

Supporting Comments: i.e. reasons why the Board should support your application.

SIGNATURE AND DECLARATION BY APPLICAN	JT
IT IS AN OFENCE TO MAKE A FALSE STATEM APPLICATION	ENT IN OR IN CONNECTION WITH THIS
(Criminal Law (Consolidation)(Scotland) Act 1	1995 Section 44(2)(b))
The contents of this Application are true to t	he best of my knowledge and belief.
Signature	Date 16 April 2021

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Winton Castle		a
Pencaitland	5	
East Lothian	H	F)
EH34 5AT		
	20 	

Question 1

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

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

Question 2

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

Day	ON Consumption		
	Opening time	Terminal hour	
Monday	11:00	Midnight	
Tuesday	11:00	Midnight	
Wednesday	11:00	Midnight	
Thursday	11:00	Midnight	
Friday	11:00	Midnight	
Saturday	11:00	Midnight	
Sunday	12:30	Midnight	

Question 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	12:30	22:00	

Question 4

N/A

SEASONAL VARIATIONS

Does the applicant int	end to operate according to se	easonal demand	NO
0 16		11 14	72
			34
f YES – provide deta	ils		
		¥	

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON TH

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

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

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

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

ACCOMMODATION - IS ONLY AVAILABLE ON AN EXCLUSIVE USE BASIS ONLY AND DOES NOT FORM PART OF THE PREMISES LICENCE

CONFERENCE FACILITIES - MAY START OR END OUTWITH THE CORE HOURS BUT NOT BEFORE 08.00 HOURS AND NOT LATER THAN 23.00 HOURS.

RECEPTIONS INCLUDING: WEDDINGS, OR EXCLUSIVE USE FUNCTIONS MAY START OR END OUTWITH THE CORE HOURS BUT NOT BEFORE 0800 HOURS AND NOT LATER THAN 2400 HOURS.

CLUB OR GROUP MEETINGS - MAY START OR END OUTWITH THE CORE HOURS BUT NOT BEFORE 0800 HOURS AND NOT LATER THAN 2300 HOURS

LIVE PERFORMANCES - SOCIAL AND BUSINESS EVENTS MAY HAVE LIVE BANDS/MUSICIANS/ENTERTAINMENTS/DJS, AS REQUIRED BY CUSTOMERS, AND MAY START OR END OUTWITH THE CORE HOURS, BUT NOT BEFORE 10.00 HOURS AND NOT AFTER 11.00 HOURS

OUTDOOR DRINKING FACILITY - THE GARDEN AREA IS USED BY CUSTOMERS AS NEEDED AS ANCILLARY FACILITIES TO THE PREMISES FOR FOOD, DRINK AND MEETING PLACES AND FOR SUCH RELATED ACTIVITIES SUCH AS PHOTO SHOOTS FOR PARTIES & WEDDINGS, BUT NOT BEFORE 0800 HOURS AND NOT AFTER 2300 HOURS

5(f) any	other	activities
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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.

EXCLUSIVE USE OF PREMISES

OUTDOOR COUNTRY PURSUITS

WEDDINGS

CORPORATE EVENTS

N.B. WHERE ACTIVITIES ARE TO BE CARRIED OUT OUTWITH CORE HOURS, AND ALCOHOL IS TO BE PROVIDED, AN EXTENDED HOURS APPLICATION WILL BE SOUGHT.

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	
*Delete as appropriate		

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

CHILDREN AND YOUNG PERSONS WILL BE ALLOWED ENTRY TO BOTH THE HOUSE AND THE GARDEN AREAS ONLY WHEN ACCOMPANIED BY AN ADULT

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

CHILDREN - BIRTH TO 15 YEAR OLD YOUNG PERSONS - 16 AND 17 YEAR OLD

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

CHILDREN AND YOUNG PERSONS WILL BE ALLOWED ACCESS AT ALL TIMES TO THE PREMISES WHEN IT IS BEING USED FOR EXCLUSIVE USE.

young persons 1	will be allowed entry	, o p	hildren and	
CHILDREN AND YO THE GROUND FLO GARDEN AREA OF	OUNG PERSONS WILL HA OOR, THE BASEMENT (THE PREMISES.	AVE ACCESS TO THE	E PUBLIC AREAS ON ILETS AND TO THE	
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Question 7	8		9	
CAPACITY OF PREM	USES	4	7	
What is the proposed c	capacity of the premises to wi	nich this application re	lates?	
	200		<u> </u>	7
				1
ON SALES - 218				
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Duestion 8 PREMISES MANAGE Icence) Personal details (a) Name RANCIS GILBERT A		tere application is fo	r grant of provisional p	poren

Contact address

8(c)



8(d) Email address and telephone number

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
26 November 2020	East Lothian Licensing Board	EL1701

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

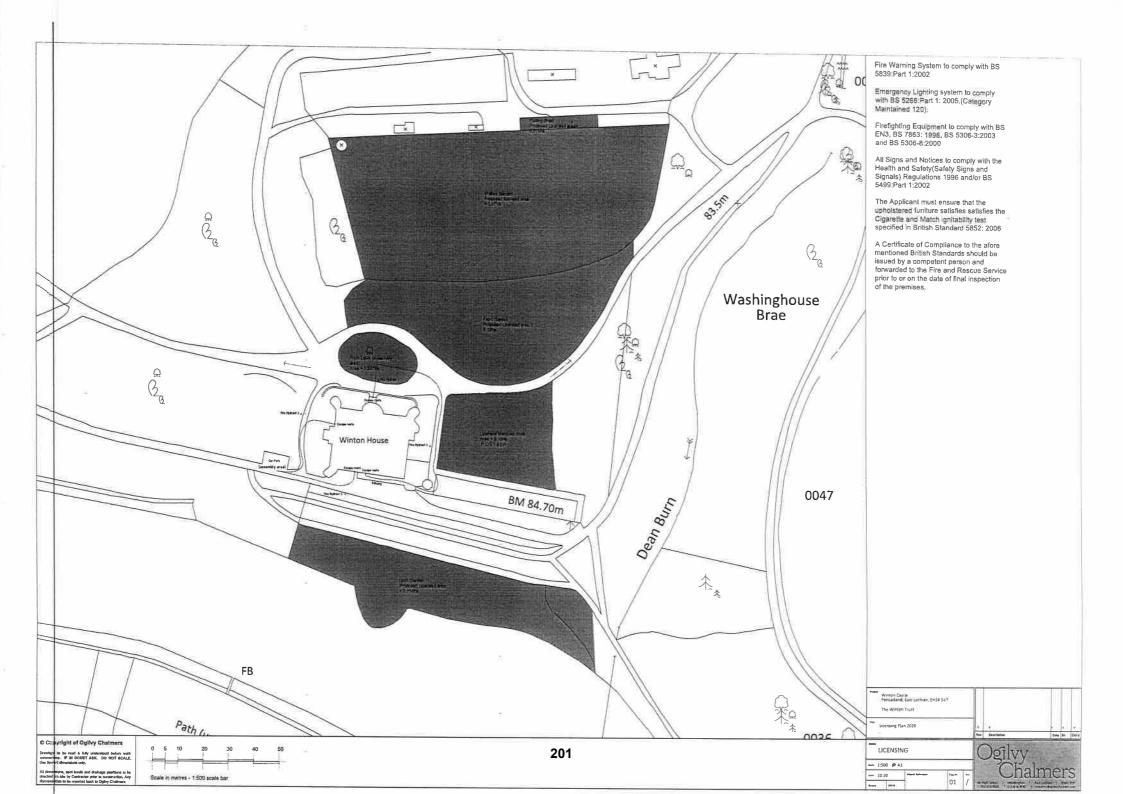
The conte	nts of this one	rating plan are	true to the bes	t of my knowle	dge and belief.	
Signature			* (see r	note below)		
Date	April	2821				

Capacity Applicant 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.



26/04/2021

Your Ref: EL100

Our Ref:

407615/GB

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



Keeping people safe

John McKenzie Divisional Commander The Lothians and Scottish Borders Division Haddington Police Station 39-41 Court Street Haddington **FH41 3AF**

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE WINTON CASTLE PENCAITLAND ROAD, PENCAITLAND, EAST LOTHIAN, EH34 5AT.

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 the addition of the building named "The Potting shed" to the operating licensed area of the premises.

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

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

Yours faithfully

John McKenzie Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6119.

Herkes, Gillian

From:

Fruzynski, Rudi

Sent:

26 April 2021 11:30

To:

Licensing

Subject:

RE: Winton Castle & Potting Shed licencing forms

I have no objection to this variation.

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian
EH41 3HA

01620827363

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 are looking for legal advice on matters.

From: Licensing

Sent: 21 April 2021 14:17

To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; secretary@pencaitland.org; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>;

licensing@nhslothian.scot.nhs.uk

Subject: FW: Winton Castle & Potting Shed licencing forms

Hi all

Please find attached Major Variation for Winton Castle & Potting Shed. Can I please have reports by 12th May, 2021.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114

EAST LOTHIAN COUNCIL

Internal Memorandum

From:

Planning Delivery

To:

Clerk to the Licensing

Board

Per:

Neil Millar

Per: Licensing Board

Cc:

Date: 3rd May 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Winton Castle, Pencaitland

Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for, and 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.