



**AGENDA FOR THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 31 MARCH 2022 at 10.00am  
VIA DIGITAL PLATFORM**

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**Agenda of Business**

**Apologies**

**Declarations of Interest**

*Members and officers should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.*

- 1. Minutes for Approval**  
East Lothian Licensing Board, 27 January 2022 **(pages 1-8)**
- 2. Statement of Principles, 2022 to 2025 – Gambling Act 2005 – Report by the Clerk of the Licensing Board (pages 9-58)**
- 3. Premises Licence**  
Falko Café & Restaurant, 91 High Street, Haddington **(pages 59-86)**
- 4. Provisional Premises Licence**  
Broxmouth Courtyard, Broxmouth Park, Dunbar **(pages 87-109)**
- 5. Major Variation of Premises Licence**
  - a. Scotmid, 180-184 High Street, Prestonpans **(pages 110-128)**
  - b. Aldi, 48-52 Dunbar Road, North Berwick **(pages 129-156)**
  - c. Tower Inn, 128-130 Church Street, Tranent **(pages 157-178)**
  - d. Station Yard Micropub, Station Road, Dunbar **(pages 179-238)**
  - e. North Berwick Bowling Club, 17 Clifford Road, North Berwick **(pages 239-379)**

**Carlo Grilli**  
**Clerk of the Licensing Board**  
**24 March 2022**

Public papers for this meeting are available to view on the East Lothian Council website:  
[http://www.eastlothian.gov.uk/meetings/committee/53/east\\_lothian\\_licensing\\_board](http://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board)





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

**THURSDAY 27 JANUARY 2022  
ONLINE PLATFORM MEETING**

**1**

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**Board Members Present:**

Councillor L Bruce  
Councillor F Dugdale  
Councillor J Henderson  
Councillor J McMillan (Convener)  
Councillor F O'Donnell

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Legal & Procurement

**Attending:**

Ms G Herkes, Licensing Officer  
Mr R Fruzynski, Licensing Standards Officer  
PC G Bairden, Police Scotland  
Inspector S Fletcher, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J Goodfellow

**Declarations of Interest:**

None

Due to restrictions imposed during the COVID 19 pandemic, the East Lothian Licensing Board determined to proceed with the meeting by way of video conferencing.

**1. MINUTES FOR APPROVAL  
Licensing Board 25 November 2021**

The minutes of the East Lothian Licensing Board meeting of 25 November 2021 were approved as a true record of the meeting, subject to the correction of an error in officer attendance.

**2. Major Variation of a Premises Licence  
West Barns Shop, School Brae, West Barns, Dunbar**

The application sought to increase the licenced hours from 8pm to 10pm for off-sales, and to add deliveries to the operating plan. The application had attracted no objections from the police, NHS, planning, the LSO, or community council. One public objection had been received in regard to noise caused by store shutters and delivery vans, as well as the state of the road through use by heavy vehicles.

Alistair Macdonald, agent, was present to speak to the application, along with Surria Khan on behalf of the applicant. Mr Macdonald advised that deliveries were being requested to prepare for all eventualities, particularly in light of the Covid-19 pandemic. A terminal hour of 10pm would bring the store in line with other premises in the area, although the applicants did not intend to begin opening until 10pm right away. Mr Macdonald had submitted photographs to illustrate parking availability in a small layby, and to address objections raised. He noted that most of the objections raised related to operational matters rather than the application being made for increased hours. He advised that the delivery of newspapers was in a fixed morning slot, and milk was also delivered early; these delivery times would not change as a result of the increased trading hours, but the applicants would ask delivery drivers to work as quietly as possible. Mr Macdonald referred to the photographs and said there was no noticeable problem with parking. He suggested that a notice could be posted asking patrons to park considerately, but invited the objector to raise any problems with the shop owners. He noted that objections regarding the surface of the road may be resolved by the ongoing roadworks. He said that his clients were experienced operators and had no issues in any of their other stores.

Ms Khan responded to questions from Board Members. She advised that a terminal hour of 10pm would be useful to the business, particularly in peak seasonal times. She confirmed that delivery times would not be affected by the change in terminal hour.

Councillor McMillan undertook to discuss the matter of the road repairs with council officers in his role as Transport Spokesperson.

PC Bairden confirmed that Police Scotland held no objections to the application, and advised that the premises had never caused the police any issues. He also advised that no reports of the road being blocked by traffic had been received.

Rudi Fruzynski, Licensing Standards Officer (LSO) said that the store had always been well run, and thanked the previous owner, Mr Mahinder Pal, for his service to the community over the years. He had no objection to the application, and noted the local community's reliance on the store. He referred the applicants to relevant legislation and Licensing Board policy regarding the responsibilities of delivery drivers. Mr Macdonald confirmed his clients were familiar with the rules for delivery drivers.

Councillor O'Donnell commented on the vital role small shops played during the pandemic, and Councillor Henderson noted that requests were within Board policy and was satisfied that all objections had been given due consideration.

The Convener moved to a roll call vote, and the application was granted unanimously.

## **Decision**

The Board unanimously granted the major variation of the premises licence.

### **3. Occasional Licence Extension The Mercat Grill, 10 Whitecraig Road, Whitecraig, Musselburgh**

The application sought an occasional licence extension from 12 midnight to 4am to hold an event to screen the Super Bowl 2022. There would be approximately 20 attendees at the ticket-only event, which would include a meal. No objections had been made, but the applicant had responded to the police letter submitted.

Graham Blaikie, applicant, was present to speak to the application. He read his submitted letter responding to the police objection, which detailed mitigations and plans to be put in place for the smooth running of the event. He reiterated that the premises would close as soon as the game had finished, probably between 3am-4am.

Mr Blaikie responded to questions from Members. He was happy to put a limit on the number of attendees, and wished to find a compromise to ensure the application would be granted to allow the event to run responsibly and respectfully. He said that he did not want police to be worrying about his premises, and described the respectful behaviour of American football fans during screenings of other games. Mr Blaikie confirmed that no children would be in attendance. Tickets would not be on general sale, and attendees would be known to the premises. Mr Blaikie would discuss transport with attendees, and intended to organise pickup with a local taxi company in advance should the licence be granted.

PC Bairden said that the premises caused no issues, and that police concern lay with whether the late finish of the event would lead to antisocial behaviour, particularly when Monday morning was at the beginning of the working week. He asked the Board to consider whether the Super Bowl could be considered an event of national significance. He said that Police Scotland would work with Mr Blaikie to support the smooth running of the event should the licence be granted.

There was discussion as to the nature of the event, which had been described as a 'Super Bowl party'. It was established that the main thrust of the event would be watching the game, with food and drinks provided. Councillor Henderson suggested that from a policing perspective, having the event contained within a venue which was working to hold a responsible event may be preferable to events being held in people's own homes. PC Bairden agreed that imposing conditions on such an event could be helpful, but reiterated concern over whether the event could be considered to be of local/national significance.

The LSO referred to his report dated 14 January 2022. He commented that Mr Blaikie was a very responsible person and there had been no complaints about the premises since he had taken over. He also noted Mr Blaikie's positions as a member of the Licensing Forum and as the Scottish Licenced Trade Association Chairperson, which he would not hold unless he was a fit and proper person. The premises had demonstrated they took imposed conditions seriously, and Mr Fruzynski held no objection to licensed premises being afforded a little extra leeway. He listed the conditions detailed in his report. He supported the application and suggested that a future application would not be considered should there be any issues.

Councillor O'Donnell found the LSO conditions reassuring, but suggested that wording be tightened up around double rounds at last orders. The timing of last orders was also discussed, and Mr Blaikie suggested last orders could be called by 2.30am. He confirmed that food would be provided and was satisfied with the LSO's suggested conditions. He said a break for cleaning after the dinner service and prior to the Super Bowl event would be achievable, as the premises would be empty by 9pm. He reassured the Board that the event would be run very professionally.

The Convener called for an adjournment for Board Members to discuss the application in private session. Upon their return, Members gave their decisions in turn.

Councillor Bruce felt that the Super Bowl was a special event, and drew comparison with other premises showing the British Lions games. He noted that it was easier to curb antisocial behaviour at a licenced event. As attendees would be a pre-existing group known to the applicant, he was comfortable to grant the application, subject to the LSO's stated conditions.

Councillor Henderson said that the event would not set any precedent and that the application was to be considered on its own merit. She was happy to support the application.

Councillor Dugdale had noted the police objection and reports of the well-run premises. She was reassured by Mr Blaikie's description of how the event had been planned. She was minded to grant, subject to the LSO's conditions and last orders being called at 2.30am. Councillor O'Donnell also supported the application, and was reassured by the LSO's conditions and by the thought given to the submission.

The Convener said that it should be made clear that the event was not a party, and asked Mr Blaikie to accept the offer of police assistance to try to minimise disruption to neighbours.

It was proposed that all of the LSO's conditions be imposed, with the exception that last orders be called at 2.30am. This was unanimously agreed by roll call vote.

## **Decision**

The Board agreed to grant the occasional licence extension, subject to the following conditions:

- A personal licence holder be in attendance throughout the event.
- That the event be by invitation/ticket only and limited to no more than 40 persons.
- That attendance must include consumption of a meal.
- That last orders be called by 2.30am and comprise no more than one drink per customer.
- That the sale and supply of alcohol terminate no later than 3am with drinking up no later than 4am, by which time the premises should be closed.
- That staff advise customers to be considerate of others and leave quietly.
- That any Scottish Government temporary coronavirus measures and restrictions in place at the time be fully complied with.

**5. Chief Constable's Report to the East Lothian Licensing Board, Period 1 April 2020 – 31 March 2021**

Inspector Stuart Fletcher and PC Graeme Bairden were present from Police Scotland to speak to the Chief Constable's Report to the East Lothian Licensing Board for the period 1 April 2020 to 31 March 2021.

Inspector Fletcher wished to place on record his thanks on behalf of Police Scotland to the East Lothian Licensing Board, the supporting council staff, and to PC Graeme Bairden for their support through a challenging period for licensed premises. He highlighted that this support had put East Lothian in a strong position with the licensed trade moving forward, with joint working strongly established. Inspector Fletcher then highlighted changes in divisional personnel. He provided a summary of the report, and drew attention to headline figures regarding alcohol theft, alcohol outlet availability, incidents within licenced premises, and crimes of violence with an alcohol marker attached. He noted the impact of the pandemic on figures and also highlighted the positive impact of licensing officers undertaking premises inspections.

Responding a question from Councillor Dugdale, PC Bairden advised that it had not been possible to begin the national proxy purchase campaign to raise awareness of the impact of adults buying alcohol for children and young people in 2021; officers looked forward to getting this campaign underway in 2022.

Responding to a question from Councillor Henderson, Inspector Fletcher and PC Bairden provided anecdotal feedback regarding the impact of relaxation of the rules around outdoor drinking; despite concerns, it did not seem to have raised issues for the subdivision. The licensed trade had looked to future-proof their business offer by diversifying, and patrons had embraced the new approach. Councillor Henderson commented that people had enjoyed the outdoor environment and thought this approach would continue.

The Convener enquired as to whether alcohol-related crime was being committed by those travelling into an area, and asked if flexible patterns of policing could address this. Inspector Fletcher said that each incident would have to be considered in turn, and noted that some areas were a draw at weekends. However, police were not aware of people travelling and committing crime as a result of alcohol consumption.

The Convener thanked Police Scotland officers on behalf of the East Lothian Licensing Board for the reassuring report and for their work promoting public safety. He commented on the strong relationships which had been built during the period, and also wished the new officers within the division well in their new roles.

**Decision**

The Board agreed to note the Chief Constable's report.

**Additional Item: Statement of Hours for the Queen's Jubilee Celebration**

The Clerk of the Licensing Board made a statement on behalf of the East Lothian Licensing Board relating to an extension of trading hours over Queen Elizabeth II's platinum jubilee celebration.

In terms of Statement 67 of the Licensing (Scotland) Act 2005, the Board had determined it was appropriate to grant a general extension of licensed hours for the platinum jubilee holiday weekend. This extension would apply from Thursday 2 June

to Sunday 5 June 2022, dates inclusive, and would allow a general extension on the sale of alcohol during that period until 1am. This extension would apply only to on-sales and not to off-sales of alcohol. There would be no general extensions outside of this, although any applications for extended hours outwith the general extension would be considered on a case-by-case basis. It should be noted that such applications would require to be submitted no later than 16 May 2022. There would be no need for licensed premises to apply for the general extension to 1am; on-sales premises could utilise these hours to the extent they considered appropriate.

#### **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Committee agreed to exclude the public from item 4 due to the sensitive nature of discussions around the police letter.

#### **4. TRANSFER OF A PREMISES LICENCE Shivedev Singh, The Scotsman, 179 North High Street, Musselburgh**

The East Lothian Licensing Board unanimously refused the application.

**PRIVATE**

**4. TRANSFER OF A PREMISES LICENCE**  
**Shivedev Singh, The Scotsman, 179 North High Street, Musselburgh**

[REDACTED]

Signed .....

Councillor J McMillan  
Convener of East Lothian Licensing Board

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**REPORT TO:** East Lothian Licensing Board

**MEETING DATE:** 31 March 2022

**BY:** Clerk of the Licensing Board

**SUBJECT:** Statement of Principles, 2022 to 2025 – Gambling Act 2005

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## **1 PURPOSE**

- 1.1 To report to East Lothian Licensing Board (the Board) on the results of the consultation exercise for the review of the Board's Statement of Licensing Principles (the Gambling Policy/the policy);
- 1.2 To ask that the Board considers the consultation responses (Appendix 1) and decides if any amendments are required to the draft policy; and
- 1.3 To ask that the Board approves and adopts the attached Gambling Policy (Appendix 2), subject to any agreed amendments

## **2 RECOMMENDATIONS**

That the East Lothian Licensing Board:

- 2.1 Approves and adopts the draft Gambling Policy for the period 2022 – 2025, subject to any agreed amendments; and
- 2.2 Delegates to the Clerk of the Board to finalise the policy in respect of any amendments required to the draft consultation version of the policy.

## **3 BACKGROUND**

- 3.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a Gambling Policy under which the Board will exercise its statutory functions for the next three years.
- 3.2 The Board's current Gambling Policy expired on 31 January 2022. The policy for the period 2022 to 2025 has been drafted and has been subject to a statutory consultation with Responsible Authorities and other key stakeholders. The consultation was also open to the general public via East Lothian Council's consultation hub, from 7 February 2022 to 6 March 2022.

- 3.3 There has been a slight delay in reviewing the Policy as East Lothian Council is still operating in business contingency mode, and the Licensing Service has given priority to Covid-19 related work, such as the payments of taxi driver and operator grants.
- 3.4 The list of consultees are listed at Appendix 2.
- 3.5 There has been one response to the consultation received via the consultation hub.
- 3.6 Once the Board has adopted the 2022-2025 policy, there is a statutory requirement to publish this on the Council's website for 28 days before it can come into force. The policy will be published as soon as practicable after today's Board meeting and will come into force 28 days later.

## **4 POLICY IMPLICATIONS**

- 4.1 Once agreed and adopted, the Statement of Principles will become the Gambling Policy for East Lothian Licensing Board.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Integrated Impact Assessment (Appendix 3) has been completed and has been published on East Lothian Council's website.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

## **7 BACKGROUND PAPERS**

- 7.1 None.

Appendix 1 – Consultation Response

Appendix 2 – Draft Policy

Appendix 3 – Integrated Impact Assessment

<b>AUTHOR'S NAME</b>	Carlo Grilli
<b>DESIGNATION</b>	Clerk of the Licensing Board
<b>CONTACT INFO</b>	cgrilli@eastlothian.gov.uk
<b>DATE</b>	24 March 2022

## **Gambling Statement of Principles**

<https://eastlothianconsultations.co.uk/council-resources/gambling-statement-of-principles>

This report was created on Thursday 17 March 2022 at 11:49

The activity ran from 07/02/2022 to 06/03/2022

Responses to this survey: **2**

### **1: What is your name?**

#### **Name**

There was 1 response to this part of the question.

### **2: What is your email address?**

#### **Email**

There was 1 response to this part of the question.

**3: What is your organisation?**

**Organisation**

There was 1 response to this part of the question.

**4: Please provide your views and comments on the draft Statement**

**0**

There were 2 responses to this part of the question.

What is your name? - Name	What is your email address? - Email	What is your organisation? - Organisation	Please provide your views and comments on the draft Statement - 0
Ralph	chair@pencaitland.org	Pencaitland CC	I would like to make a personal observation regarding gambling. In my time living in East Lothian (18 years) I have observed a growth in gambling venues. Intentionally or otherwise these are located within catchments where people have less disposable income, greater health and lifestyle challenges and are potentially susceptible to a range of addictive behaviours. I would like to see an effort from the authorities, tasked with managing and granting licenses for gambling venues, that such establishments are not permitted to increase in number in coming years.



# **GAMBLING ACT 2005**

## **STATEMENT OF PRINCIPLES**

**JANUARY 2022 – JANUARY 2025**

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## 1 Introduction

The Gambling Act 2005 (the Act) is an Act of UK Parliament and is designed to control all forms of gambling. The Act transfers authority for the licensing of gambling activities to Scottish licensing boards, and also created the Gambling Commission (the Commission).

The Commission works in partnership with licensing authorities and licensing boards to regulate gambling. The Commission will tend to focus on operators and issues of national or regional significance, and licensing boards will take the lead on regulating gambling locally.

Section 349(1) of the Act requires East Lothian Licensing Board (The Board) to publish a Statement of Principles (the Policy) to be applied in exercising the authority's functions under the Act.

The Policy will come into effect on 31 January 2022 and will remain in place for a maximum period of three years to 31 January 2025. The Policy will be reviewed, updated and modified as and when the Board considers it appropriate, and at least every three years.

The function of the Policy is to reflect local specific gambling concerns. It also sets out the expectations of gambling operators who have premises in the Board's area and for people who are applying for a premises licence in the Board's area.

Nothing in this Policy will override the right of any person to make an application under the Act or to have the application considered on its individual merits, undermine the right of any person to make representations on an application, or to seek a review of a licence where they have a legal basis to do so.

The Policy is intended to be a general statement of the Board's gambling licensing principles. Applicants and other parties should have regard to codes of practice issued by the Gambling Commission.

The Gambling Commission is an independent public body and is the main advisory body to national and local government on gambling. The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry.

East Lothian Licensing Board is responsible for issuing gambling licences and permits for premises.

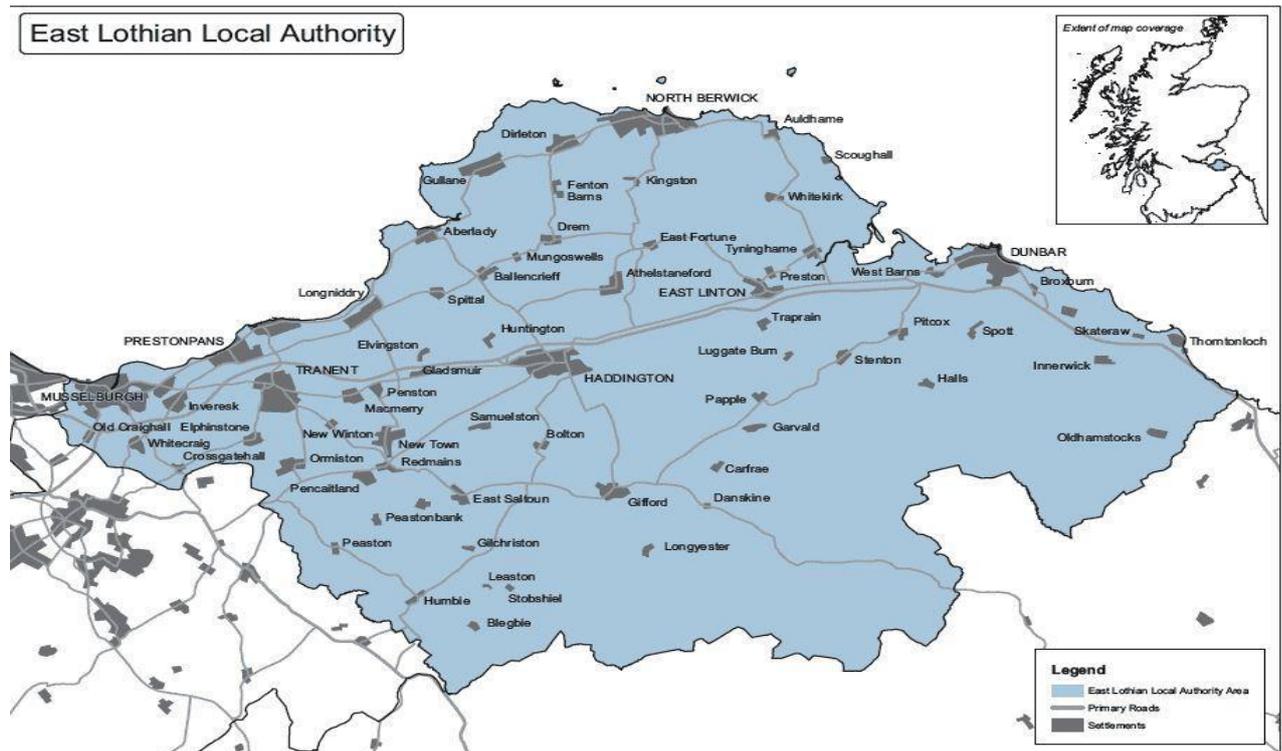
There are four principles to inform the Board as to how it carries out its duties:

- Gambling Commission Code of Practice
- Gambling Commission Guidance to licensing authorities/licensing boards
- The licensing objectives as set out in the Act (see section 1.4)
- The Board's own Statement of Principles (Policy)

## 1.1 Declaration

In producing this statement, the Board declare it will have regard to the licensing objectives of the Act, the Guidance issued by the Gambling Commission and responses from those consulted.

## 1.2 Geographical Area



East Lothian had an estimated population of 104,840<sup>1</sup> in 2020 in an area of 679.1 square kilometres<sup>2</sup>. East Lothian shares borders with the City of Edinburgh, Midlothian and Scottish Borders.

Although East Lothian's largest town is Musselburgh, which lies on the border with the City of Edinburgh, the administrative centre of East Lothian Council is in Haddington.

<sup>1</sup> The National Records of Scotland Statistics, 2020

<sup>2</sup> Scottish Government Statistics, 2011

### **1.3 Licensing Board Functions**

This Board will make decisions upon applications or notifications made for:

- Premises licences
- Temporary Use Notices
- Occasional Use Notices
- Permits as required under the Act and
- Registrations as required under the Act

This Policy relates to all licensable premises, notices, permits and registrations that fall within the provisions of the Act. These are:

- Casinos
- Bingo premises
- Betting premises
- Adult gaming centres
- Tracks
- Licensed family entertainment centres
- Unlicensed family entertainment centres
- Club gaming permits
- Prize gaming and prize gaming permits
- Occasional use notices
- Temporary use notices
- Registration of small society lotteries
- Travelling fairs

The Board will not be involved in licensing remote gambling as defined in Section 4 (1) of the Act. Regulation of remote gambling is the responsibility of the Gambling Commission.

### **1.4 Licensing Objectives**

In exercising its functions under the Act, the Board intends its licensing policy to have regard to the statutory licensing objectives as set in the Act, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or being used to support crime,

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

- Ensuring that gambling is conducted in a fair and open way, and

This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority has noted that the Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling, (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority also expects that other gambling related issues will be a consideration and as suggested in the Gambling Commission's Guidance, will take all such matters into account when deciding whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

## **1.5 Responsible Authorities**

Responsible Authorities are public bodies that must be notified about applications. Responsible Authorities are entitled to make representations to the Board in relation to existing premises licences, and applications for premises licences.

Section 157 of the Act details the Responsible Authorities. In the Board's area, these are:

- The Gambling Commission
- The Chief Constable, Police Scotland
- The Chief Fire Officer, Scottish Fire and Rescue
- East Lothian and Midlothian Public Protection Committee
- East Lothian Council Licensing Board
- The Planning Authority, East Lothian Council
- Environmental Health Authority, East Lothian Council
- HM Revenue and Customs

Full contact details are available at Appendix 1.

The public health body is not a Responsible Authority; however, the Board will include NHS Lothian in all notifications about licence applications and on all Policy consultations. This is also the situation for Midlothian and East Lothian Drugs & Alcohol Partnership (MELDAP), which will also be included in all notifications and consultations.

In addition to the above, the Board is required under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Board about the protection of children from harm. The Licensing Authority designates the East Lothian

and Midlothian Public Protection Committee.

## **1.6 Interested Parties**

Interested parties can make representations about licence applications, or apply to the Board for a review, of an existing licence.

Section 158 of the Act defines these parties:

“A person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy (a) or (b)”.

In determining whether any person is an interested party in relation to a particular licence or application, as required by regulation, the Board must state the principles it will apply.

The Board will determine each case on its merits. The following factors are likely to be relevant but not necessarily decisive and will not apply a rigid rule:

- Nature of activities taking place
- Size of the premises
- Location of the premises and the character of the surrounding area
- Likely business hours of the premises concerned

The Board will consider the examples provided in the Gambling Commission’s Guidance to Licensing Authorities.

Interested parties can be persons who are democratically elected such as Councillors and MPs and MSP’s. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP/MSP represents the ward or constituency likely to be affected. Likewise, Community Councils likely to be affected, will be considered interested parties. Other than these however, the Board will require written evidence that a person/body “represents” someone who is defined in the Act as an interested party as either (a) or (b) above. A letter from one of those persons is sufficient or a statement that they are their legal representative, whether Solicitor or Advocate.

Any written representations submitted to the Board in relation to an application or premises will be made available to the licence holder or applicant and if a hearing is held, will form part of the public documents.

## 1.7 Consultation

In terms of section 349(3) of the Act, the Board has consulted with the Responsible Authorities listed at 1.5, together with the following parties, before finalising this Policy:

- NHS Scotland
- MELDAP
- The General Manager, Musselburgh Racecourse
- Ladbrokes, William Hill, Coral Racing, Scotbet, and BetFred,
- East Lothian Licensing Forum
- Gamblers Anonymous
- East Lothian Area Partnerships
- Local MP
- Local MSP
- All Community Councils in East Lothian
- All Parent Councils in East Lothian
- All Schools in East Lothian
- Head of Communities and Partnerships, East Lothian Council
- Head of Children and Adult Services, East Lothian Council
- Head of Education, East Lothian Council
- Licensing Standards Officer, East Lothian Council
- The general public, via publication on East Lothian Council's Consultation hub/website

There was one response to the consultation and this is attached at appendix 2.

## 2 Consideration of Applications

The Board shall in making decisions concerning premises licences and temporary use notices have regard to Section 153 of the Act which requires it to permit the use of the premises for gambling in so far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives
- in accordance with the Statement of Principles in this licensing policy

Nothing in this Statement will:

- override the right of any person to make an application under the Act or to have that application considered on its individual merits,
- undermine the right of any person to make representations on an application or to seek a review of a licence where there is a legal power to do so.

In terms of the Act, unmet demand is not a criterion for a Licensing Authority in considering an application and in accordance with Gambling Commission Guidance for Licensing Authorities “moral objections to gambling are not a valid reason to reject applications for premises licences”

Therefore, the Board will consider any application in accordance with the Act, on its own merits, without regard to demand or moral objection to gambling in general.

The Board may, under Section 155, of the Act arrange for the delegation of its functions to a Committee of the Board, the Clerk or other appropriate person appointed to assist the Clerk, and the Board will delegate certain powers where it considers that appropriate in the interests of efficiency and in recognition of the largely administrative nature of certain of the procedures.

The Board recognises that the likelihood, or not, of planning permission being granted or building regulation approval being given, are not criteria that the Board may take into account when determining an application (Section 210 of the Act).

Fire or health and safety risks do not form part of the consideration when determining a premises licence as these issues fall under other statutory regimes.

However, the Board can consider the impact of planning and/or building control restrictions (if any) on a licence holder’s ability to comply with any conditions that the Board may attach to the licence.

### **3 Local Risk Assessments**

#### **3.1 The Local Risk Assessment and Risk Management Measures**

The Board is entitled to request such information from operators as it requires to make effective licensing decisions. Although the Act requires that an application must be accompanied by a minimum level of information, the Board agrees with the Gambling Commission's view that this does not preclude reasonable requests from the Board for additional information may include, for example, details of the operator's business plan.

The Board welcomes the implementation, from 6 April 2016, of the Social Responsibility Code provision 10.1.1 (which must be followed and has the force of a licence condition). The Code requires applicants and licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. Applicants and licensees must also have policies, procedures and control measures in place to mitigate against those risks.

A local risk assessment must be fully documented and included as part of a premises licence application. Once a licence has been granted, the completed local risk assessment must be retained on the premises.

As a minimum, the Board expects the local risk assessment to address the following, and include details of the measures that will be put in place to manage any identified risks:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather, in relation to the premises
- The location of residential areas with a high proportion of young families
- The location of hospitals, doctors' surgeries and gambling or addiction support or treatment centres and other areas where vulnerable groups may be present or congregate
- The level of crime and/or disorder in the area where the premises are located
- Age verification policies
- Preventing children and young person's entering premises unnoticed or unchallenged
- Line of sight from the counter to gambling machines
- Security of premises and cash
- Security of staff
- Gaming trends that may reflect benefit payments
- Administration of the self-exclusion process, maintaining its effectiveness, and preventing breaches
- Arrangements for localised exchange of information regarding self-exclusions and gaming trends
- Identifying and reporting attempts to launder money on the premises
- Protecting vulnerable people and those with gambling dependencies
- Dealing with complaints about the outcome of gambling
- Providing information on responsible gambling to players

The Local Risk Assessment must include a description of the risk being assessed, the level of risk (low/medium/high), the impact of the risk, the control system that has been put in place for each risk, risk management procedures, and the review date for each risk being assessed. The Local Risk Assessment must be signed and dated by the licence holder.

Existing licensees must also update their Local Risk Assessment:

- When there is an application for a variation to a premises licence; the updated local risk assessment must be included with the application paperwork
- To take account of significant changes in local circumstances, including any listed in the Board's Policy statement
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks

### **3.2 Local Area Profile**

A Local Area Profile for East Lothian would include deprivation statistics, data about crime hot spots, locations of local education facilities, gambling premises and addiction centres, and anti- social behaviour figures.

The Board does not currently have a Local Area Profile as referenced in the Gambling Commission's Guidance to Local Authorities. However, the Board is committed to ensuring that children and vulnerable persons are not harmed by gambling. The Board will therefore expect applicants to research and understand the local environment in which they wish to operate and to demonstrate, via a local risk assessment as outlined at 3.1, that they have effective and robust measures in place to promote this licensing objective and mitigate any risks related to it. The Board will take appropriate action where this does not appear to be the case.

## **4 Scheme of Delegation**

In terms of Section 155 of the Act, the Board may delegate some of its functions to a Committee of the Board, or members of the Board, the Clerk to the Board, or any person appointed to assist the Clerk. However, the Board cannot delegate all of its functions. The scheme of delegation for East Lothian Licensing Board is attached at Appendix 3. The Board reserves the right to determine all applications and relevant matters under the Act.

## **5 Enforcement**

The Board has powers under Part 15 of the Act to inspect premises, to monitor compliance with the provisions of the Act, and to investigate suspected offences. The Board shall be guided by the Guidance, and the Board's approach to compliance and enforcement will be:

- Proportionate – regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- Accountable – regulators must be able to justify decisions and be subject to public scrutiny
- Consistent – rules and standards must be implemented fairly
- Transparent – regulators should be open, and keep regulations simple and user friendly
- Targeted – regulation should be focused on the problem, and minimise side effects.

The Board's main enforcement and compliance role in terms of the Act is to ensure compliance with premises licences and associated conditions and other issues relating to the premises themselves. The Gambling Commission is the enforcement body for the operating and personal licenses. Concerns about manufacture, supply or repair of gaming machines are also dealt with by the Gambling Commission.

The Board has noted the terms of the Commission's advice note entitled The Role of Authorised Persons in Scotland, which relates to the regulatory and enforcement functions of local authorities. As stated in the advice note, East Lothian Council's Licensing Standards Officer (LSO) is not, simply by virtue of the role, an authorised person for the purposes of Section 304 of the Act. That means that the LSO in Scotland has no powers to enter premises to carry out inspections and compliance visits.

## **6 Equality and Diversity**

East Lothian Licensing Board is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Board aims to provide opportunities that meet the diverse needs of all residents of East Lothian by ensuring that services are accessible to all. Every person making an application to, or appearing before the Board, will be treated fairly and with respect.

East Lothian Licensing Board has completed an Integrated Impact Assessment in respect of this Gambling Policy. This will be published on the Council's website before Statement of Principles is published.

The Board expects all applicants, operators, permit holders and licence holders within East Lothian to be fully aware of its equality agenda and to ensure that applications support the Board's commitment to equality and diversity.

## **7 Premises Licenses**

### **7.1 General Principles**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

Premises licence holders shall comply with relevant Codes of Practice issued by the Commission together with any relevant Guidance. The following may also be of assistance: 'The Commission's 'Licence Conditions and Codes of Practice' ('LCCP') October 2020. This document is available at: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **7.2 Decision-making**

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.

The Licensing Authority also notes Gambling Commission Guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences.

In making this determination, this Licensing Authority will have regard to the six indicators of betting as a primary gambling activity:

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

### 7.3 Definition of Premises

Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises, for example by ropes or moveable partitions.

This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that:

- Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non- gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. The plan of the premises should clearly denote entrances and exits. In this content, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also give a list of factors which licensing authorities should be aware of, which may include:

- Do the premises have separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

#### **7.4 Premises ‘ready for gambling’**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at Part 7 of the Guidance.

#### **7.5 Location**

The Licensing Authority is aware that the expected demand for the facilities proposed to be provided cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can.

As per the Gambling Commission’s Guidance, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

The Board will consider individual risk assessments, in particular the Board is mindful of Part 6 of the Guidance in regard to local area profiling to assist licence holders and applicants in preparing locally linked risk assessments for their premises. Taking into account the low volume of licensed gambling premises in the East Lothian, the Board does not consider there to be a high risk of adverse impact on the objectives at the current time therefore will continue to consider each application on its merits.

## **7.6 Duplication with other regulatory regimes**

The Board seeks to avoid any duplication with other statutory regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the Board will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and most not form part of the consideration for the premises licence.

## **7.7 Provisional Statements (Provisional Licenses)**

Section 204 of the Act, states that a person may make an application for a provisional statement for premises that they expect to be constructed, to be altered or acquire a right to occupy. The Board notes the Guidance which states that: “Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.”

Applicants for a premises licence must fulfil certain criteria; however, these requirements do not apply to applications for provisional statements. An applicant for a provisional statement does not require to hold an operating licence and they do not need to have acquired a right to occupy the premises that the application relates to. If a provisional statement is granted by the Board, the Board is aware that it is constrained in the matters it may consider when an application for a full premises licence is subsequently made for the same premises. If any representations are made in respect of a full licence application, the Board will disregard these unless it thinks that the representations:

- address matters that could not have been addressed at the time of the application for the provisional statement, or
- reflect a change in the applicant’s circumstances.

The Board may refuse a subsequent (full) premises licence application (or grant it with conditions not included in the provisional statement), only if there are matters:

- which could not have been addressed in representations at the provisional statement stage
- which, in the Board’s opinion, reflect a change in the operator’s circumstances
- where the premises have not been constructed in accordance with the plan and information submitted with the provisional statement application.

## 7.8 Licence Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the premises suitable as a gambling facility,
- directly related to the premises and the type of licence applied for,
- fairly and reasonably related to the scale and type of premises,
- reasonable in all other aspects.

Decisions on individual conditions will be made on a case by case basis. The control measures, which the Board may consider using, include door supervisors, appropriate signage for adult only areas etc. Licence applicants will be expected to offer their own suggestions as to ways in which the licensing objectives can be effectively met.

The Board may consider specific measures for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling and non-gambling areas frequented by children, the supervision of gaming machines in non-adult gambling specific premises and the display of notices regarding age restriction. These matters are in accordance with the Gambling Commission's Guidance.

The Board will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All machines are located in an area of the premise which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years.

These considerations will apply to premises including buildings where multiple premises licenses are applicable.

This Board is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

## **7.9 Door Supervision**

The Gambling Commission advises in its Guidance to Licensing Authorities that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on a premises licence to this effect.

Door supervision shall have the meaning as set out in Section 178 of the Act. The Board notes that the Guidance states that:

- door staff employed by the operator at casino or bingo premises do not require to be licensed by the Security Industry Authority
- if a door supervisor is required by the Private Security Industry Act 2001 (section 178) to hold a licence under that Act, then that requirement shall be treated as if it were a condition of the premises licence

## **7.10 Register of Licences and Exchange of Information**

The Board will maintain a register of all premises licences and permits issued. This register is available for public inspection at all reasonable times.

If required by the Commission, under Section 29 of the Act, the Board will exchange any information it receives through the application process with the Commission and other regulatory bodies, in accordance with its obligations and functions under the Act. The information to be exchanged must form part of the Board's register and must be in the Board's possession prior to disclosure. This obligation is subject to data protection and freedom of information legislation.

### **7.11 Complaints against Licensed Premises**

The Board may investigate complaints against licensed premises relating to the licensing objectives.

Any complaints received about a particular premises or a class of premises, could have an impact on the general risk rating of those premises. Complaints received by the Board in relation to particular premises or a class of premises may also initiate the Board's right to review the premises licence under Section 200 of the Act.

### **7.12 Licence Reviews**

Requests for a review of a premises licence can be made by interested parties or Responsible Authorities; however, it is for the Board to decide whether the review is to be carried out. This will be based on whether the request is reasonably consistent with the licensing objectives; relates to a relevant Code of Practice or Guidance issued by the Commission; is in accordance with the Board's Policy; is not frivolous or vexatious; will not cause the Board to seek to alter/revoke/suspend the licence; and/or if the request is substantially the same as previous representations or requests for a review.

The Board can initiate a review of a premises licence on the basis of any reason that it considers to be appropriate. Once an application for a review has been deemed competent, there are statutory timescales for seeking representations from Responsible Authorities and interested parties; and for conducting the review.

The purpose of the review is to determine if the Board should take any action in relation to the licence. Actions available to the Board are to:

- Add, remove or amend a licence condition imposed by the Board
- Exclude a default condition attached to the licence under Section 269 of the Act
- Suspend the premises licence for a period not exceeding three months
- Revoke the premises licence

### **7.13 Enforcement**

The Board has powers under Part 15 of the Act to inspect premises, to monitor compliance with the provisions of the Act, and to investigate suspected offences. The Board shall be guided by the Guidance, and the Board's approach to compliance and enforcement will be:

- Proportionate – regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- Accountable – regulators must be able to justify decisions and be subject to public scrutiny
- Consistent – rules and standards must be implemented fairly

- Transparent – regulators should be open, and keep regulations simple and user friendly
- Targeted – regulation should be focused on the problem, and minimise side effects

## **8 Licensable Premises**

### **8.1 Casinos**

There are currently no casinos operating in the Board’s licensing area. However, the Board has not passed a ‘no casino’ resolution under section 166 of the Act. The Board reserves its right to review this at any time in the future and shall update this Policy with any changes.

### **8.2 Bingo premises**

There is no statutory definition of ‘bingo’ in terms of the Act other than “any version of the game irrespective of by what means it is described”. A bingo premises licence holder may generally be able to offer any type of bingo game, whether it be cash bingo or prize bingo.

The Board notes that the Gambling Commission Guidance states that Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. The Board is aware that from July 2011, a holder of bingo premises licenses may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. A variation of licence must be applied for if operators wish to take advantage of this change to the legislation.

The Board notes that it will need to satisfy itself that bingo can be played in any bingo premises for which it issues a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its licence and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

The Board is aware of the Guidance at paragraph 18.8 is where an existing bingo premises covered by one premises can apply to vary the licence to split the premises into more than one separate licensed premises. In these circumstances, the Commission’s position is that it is not permissible for all of the gaming machines to be grouped together in only one of the licensed premises.

Children and young persons are allowed into bingo premises but they are not permitted to participate in the bingo activity. If category B and/or C machines (Appendix 2) are made available for use these must be separated from areas where children and young people are allowed access.

In accordance with the licensing objective ‘protecting children and other vulnerable persons from being harmed or exploited by gambling’, the Board may require an applicant to prove that sufficient measures are in place to prevent children, young persons and vulnerable persons from having access to Category B and C machines (Appendix 2).

### **8.3 Betting premises**

The Act contains a single class of licence for betting premises licence, which enables betting to take place on the premises and for the licence holder to make available up to four gaming machines, subject to certain restrictions.

It is noted that the Gambling Commission Guidance for Local Authorities states, “Section 181 contains an express power for Licensing Authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino)”

When considering whether to impose conditions to restrict the betting machines in particular premises, the Board will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of machines. No children and young persons will be allowed entry to premises with a betting premises licence at any time.

### **8.4 Tracks**

Tracks are premises which include horse racecourses, dog tracks or other tracks where sporting events may take place. The Act does not define what may constitute a sporting event or race and the Board notes the Guidance that the Board may determine what constitutes a sporting event or race, on a case by case basis.

Musselburgh Racecourse (horse racing) is the only track within the Board’s licensing area.

A track premises licence allows facilities for betting on the premises. If the licence holder wishes to provide a casino, bingo or other type of gambling on the track, a separate premises licence will be required. Tracks may therefore be subject to more than one premises licence.

If the operator wishes to use the premises temporarily for gambling and the premises are not licensed, the Board may issue a Temporary Use Notice (Section 9.5).

Where there is betting on a track on eight days or less in a calendar year, an Occasional Use Notice (Section 9.6) may be issued by the Board to permit betting on the premises.

An applicant for a premises licence does not need to hold an operating licence issued by the Gambling Commission as the betting that is provided on the track is provided by third party operators. However, third party operators require to hold an operating licence issued by the Commission.

Children and young persons are permitted to enter track areas whilst betting is taking place, although they are still prevented from entering area where gaming machines (other than category D machines) are provided. The Board will therefore carefully consider any potential impact an accumulation of premises licences may have on the licensing objective of protecting children from being harmed or exploited by gambling.

The Board agrees with the Guidance that it is sometimes difficult to define the precise location of betting areas on tracks. The applicant therefore needs to submit a detailed plan defining the site, any area to be used for temporary “on course” betting facilities and, in the case of dog tracks and horse racecourses, any mobile pool betting facilities as well as any other proposed gambling facilities.

In accordance with Gambling Commission Guidance, the Board will attach a condition to track premises licenses requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

The Board requires each applicant to demonstrate that they have measures in place to achieve all three licensing objectives.

## **8.5 Adult Gaming Centres**

An Adult Gaming Centre premises licence authorises the licence holder to make available for use a number of category B (see Appendix 2) gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

No persons under the age of 18 years are allowed to enter an Adult Gaming Centre. The Board shall have particular regard to the location of, and entry to, an Adult Gaming Centre to ensure that opportunities for children to have access are minimised. The Board will therefore expect applicants to offer their own measures to protect children and other vulnerable persons from being harmed or exploited by gambling.

Examples of appropriate measures or licence conditions that may be attached to protect children and young persons are;

- proof of age scheme
- the provision of CCTV
- supervision of entrances
- physical security measures on the premises
- physical separation of areas
- self-exclusion schemes
- the display of notices and signage
- appropriately trained members of staff

## **8.6 (Licensed) Family Entertainment Centres**

A Licensed Family Entertainment Centre is a premises where a licence is granted to provide any number of category C and D (Appendix 2) gaming machines. Persons under 18 years of age are allowed to enter the premises, but no persons under 18 years of age are permitted access to areas where category C gaming machines are situated. The Board requires that category C machines are situated in a separate area to ensure the segregation and supervision of machines that may only be played by those over 18 years of age.

## **8.7 Travelling Fairs**

The Board will consider whether the applicant falls within the statutory definition of a travelling fair. Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, it will fall to the Board to decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.

The 27 day statutory maximum for the land being used for a fair is per calendar year and applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fair, occupying the land.

## **9 Permits and Temporary/Occasional Use Notices**

### **9.1 (Alcohol) Licensed Premises Gaming Machine Permits**

On written notification to the Board, premises licensed to sell alcohol for consumption on the premises have an automatic entitlement to two gaming machines of category C or D (Appendix 2) under Section 282 of the Act.

The Board has no discretion to consider the notification or refuse it. However, if the Board gives the licensee at least 21 days' notice, the Board may remove this automatic entitlement if it thinks that:

- provision of the machines is not reasonably consistent with the licensing objectives
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act
- the premises are mainly used for gaming
- an offence under the Gambling Act 2005 has been committed on the premises

If a premises is looking to have more than two gaming machines, then it needs to apply for a Gaming Machine Permit and the Board must consider that application based upon the licensing objectives, the Guidance and "such matters as it thinks relevant". Generally "such matters" will include the need to protect children and vulnerable people from harm and exploitation, access arrangements, signage, and the provision of information leaflets for organisations such as Gamblers Anonymous Scotland and other support organisations.

The Board can decide to grant the application with a smaller number of machines and/or a different category of machines that those applied for. No other conditions can be attached to the licence.

### **9.2 (Unlicensed) Family Entertainment Centres Gaming Machine Permits**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Board for a Gaming Machine Permit. The applicant must show that the premises will be wholly or mainly used for gaming machines.

Unlicensed Family Entertainment Centres are able to offer only category D (Appendix 2) machines under the gaming machine permit. Any number of category D machines can be made available with such a permit, subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

The Board may grant or refuse a permit but cannot attach conditions. Applicants will be expected to demonstrate that they have policies and procedures in place to protect children from harm.

### **9.3 Prize Gaming Permit**

Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The applicant should set out:

- the types of gaming that they intend to offer
- should be able to demonstrate an understanding of the limits to stakes and prizes that are set out in regulations, and
- should demonstrate that the gaming offered is within the law

A Prize Gaming Permit is a permit issued by the Board authorising a person to provide facilities for gaming with prizes on specified premises. Permit holders must comply with conditions set out in Section 293 of the Act but the Board cannot attach local conditions to the permit.

### **9.4 Club Gaming and Club Machines Permit**

Members Clubs and Miners Welfare Institutes (but not Commercial Clubs as defined in the Act) may apply for a Club Gaming Permit. This will enable the premises to provide no more than three gaming machines of categories B, C or D (appendix 2), equal chance gaming and other games of chance as prescribed in the Regulations.

If a Members' Club does not wish to have the full range of facilities permitted by a Club Gaming Permit, or if they are a commercial club, they may apply to the Board for a Club Machine Permit. A Club Machine Permit allows the holder to have up to three gaming machines of categories B3A, B4, C and D (Appendix 2). Section 273 of the Act states that a Club Machine Permit is subject to the condition that no child or young person may use a category B or C gaming machine on the premises.

The Gambling Commission's Guidance, which requires the Licensing Authority to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. These include the constitution of the club, the frequency of gaming and ensuring there are more than 25 members. The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Board may grant or refuse a permit, but it cannot attach any conditions. The Board expects all permit holders to adhere to the conditions specified in the Commission's Code of Practice on Gaming Machine Permits and to follow these best practice guidelines.

## **9.5 Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. A Temporary Use Notice may only be granted to a person or company that holds a gambling operating licence.

A set of premises may not use a Temporary Use Notice for more than 21 days in a period of 12 months, although it could use several Notices during a 12 month period provided that the total does not exceed 21 days. In determining what may constitute a set of premises for the purposes of a Temporary Use Notice, the Board notes the Commission's Guidance that this is a question of fact regarding the particular circumstances of each Notice that is given. In considering if a place falls within the definition of a set of premises, the Board will look at, amongst other things, the ownership/occupation and control of the premises.

An application for a Temporary Use Notice must be submitted to the Board not less than three months in advance of the date it is required. A copy of the Notice must be served on the Gambling Commission, the Chief Constable (Police Scotland), and HM Revenue and Customs.

Each application for the grant of a Temporary Use Notice will be considered and determined on a case by case basis.

## **9.6 Occasional Use Notices**

Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an Occasional Use Notice without the need for a full premises licence.

In determining an application for an Occasional Use Notice the Board will consider the definition of a 'track' and whether the applicant qualifies for an Occasional Use Notice.

A Notice must be given in writing to the Board and be copied to the Chief Constable, Police Scotland. The Notice must be given only by a person who is responsible for the administration of events on the track, or by an occupier of the track. The Notice must specify the day on which it has effect, and may relate to consecutive days providing the overall statutory limit of eight days is not exceeded in a calendar year. The Board will maintain records to ensure this statutory limit is not exceeded.

## 9.7 Small Society Lotteries

Small Society Lotteries are non-commercial societies that run a lottery where the income is below certain specified thresholds and that are established and conducted for charitable purposes. These societies could also be established to enable participation in/provide support for sport, athletics or a cultural activity; or for any other non-commercial purpose other than private gain.

Small Society Lotteries whose principal office is located within the East Lothian area require to register with the Board.

All applications for registration must be made in the form specified by Scottish Ministers, and accompanied by all necessary documents specified by Scottish Ministers or required by the Board. When considering an application for registration the Board may request further information from an applicant.

The financial limits that apply to these societies are that the proceeds from one individual lottery cannot exceed £20,000, and in a calendar year the total proceeds cannot exceed £250,000. If these limits are likely to be exceeded, then the Society must apply to the Gambling Commission for a Lottery Operating Licence, at which point its registration with the Board would cease. Societies cannot hold both a Board registration and Gambling Commission licence at the same time.

## Appendix One – Responsible Authorities Contact Details

- The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- The Chief Constable, Police Scotland, Fettes Avenue, Edinburgh, EH4 1AQ
- The Chief Fire Officer, Scottish Fire and Rescue Service, Lauriston Place, Edinburgh, EH3 9DE
- East Lothian and Midlothian Public Protection Committee, East Lothian Council, F28-29 Brunton Hall, Ladywell Way, Musselburgh, EH21 6AP
- East Lothian Council as a council constituted under the Local Government etc (Scotland) Act 1994, John Muir House, Haddington, EH41 3HA
- East Lothian Council as Planning Authority, John Muir House, Haddington, EH41 3HA
- East Lothian Council as Environmental Health Authority, John Muir House, Haddington, EH41 3HA
- H.M. Revenue and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ

## Appendix Two - Consultation Responses

There was one response to the public consultation which was open between 7 February 2022 and 6 March 2022, and asked for views and comments on the draft statement. The response was made anonymously:

I would like to make a personal observation regarding gambling. In my time living in East Lothian (18 years) I have observed a growth in gambling venues. Intentionally or otherwise these are located within catchments where people have less disposable income, greater health and lifestyle challenges and are potentially susceptible to a range of addictive behaviours. I would like to see an effort from the authorities, tasked with managing and granting licenses for gambling venues, that such establishments are not permitted to increase in number in coming years.

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**Appendix Three - East Lothian Licensing Board,  
Scheme of Delegation**

**1.0 INTRODUCTION**

**1.1** This scheme of delegation sets out the powers under the Gambling Act 2005 delegated by East Lothian Licensing Board to the Clerk and Depute Clerk.

**1.2** In any particular case where powers are delegated to an officer under this scheme of delegation, if it appears to them that it is appropriate for the power to be exercised by the Board itself then they shall be entitled to refer the case to the Board for the exercise of the power.

**2.0 POWERS DELEGATED UNDER THE GAMBLING ACT 2005**

**2.1** The following powers are delegated to and exercisable by the Clerk or Depute Clerk:-

- Determining an application premises licence application where no objection or representation has been received.
- Determining an application for the transfer of a premises licence where no objection or representation has been received.
- Determining an application for a variation of a Premises Licence where no objection or representation has been received.
- Determining an application for a Provisional Statement where no objection or representation has been received.
- Decision as to whether or not a request for a review can be rejected in terms of the regulations.
- Determining a Gaming Machine Permit in premises that hold an alcohol licence where no objection or representation has been received.
- Determining a Family Entertainment Centre Gaming Machine Permit where no objection or representation has been received

#### Appendix Four – Categories of Gaming Machines

<b>Machine category</b>	<b>Maximum stake</b>	<b>Maximum prize</b>
<b>A</b>	Unlimited	Unlimited
<b>B1</b>	£5	£10,000(with option of max £20,000 linked progressive jackpot on a premises basis only)
<b>B2</b>	£2	£500
<b>B3</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D non-money prize (other than crane grab machine)</b>	30p	£8
<b>D non-money prize (crane grab machine)</b>	£1	£50
<b>D money prize</b>	10p	£5
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)

Number and Category of Gaming Machines Allowed

Premises Type	Permissions
Large Casino (table/machine ratio of 5-1 up to maximum)	Maximum of 150 machines. Any combination of machines in categories <b>B to D</b> , (except B3A machines) within the total limit of 150 (subject to table ratio)
Small Casino (table/machine ratio of 2-1 up to maximum)	Maximum of 80 machines. Any combination of machines in categories <b>B to D</b> , (except B3A machines) within the total limit of 80 (subject to table ratio)
Pre 2005 Act Casinos (no table/machine ratio)	Maximum of 20 machines, categories <b>B to D</b> or <b>C</b> or <b>D</b> (except B3A machines) <b>machines</b> instead
Betting premises and tracks occupied by Pool Betting	Maximum of 4 machines, categories <b>B2 to D</b>
Bingo Premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises, categories <b>B3</b> or <b>B4</b> .** No limit on <b>C</b> or <b>D machines</b>
Adult Gaming Centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises,, categories <b>B3</b> or <b>B4</b> .** No limit on <b>C</b> or <b>D machines</b>
Family Entertainment Centre (with premise licence)	No limit on category <b>C</b> or <b>D machines</b>
Family Entertainment Centre (with permit)	No limit on category <b>D machines</b>
Clubs or Miners' Institutes with permits	Maximum of 3 machines in categories B3A or <b>B4 to D *</b>
Qualifying Alcohol Licensed Premises	1 or 2 machines of category <b>C</b> or <b>D</b> automatic upon notification
Qualifying Alcohol Licensed Premises with Gaming Machine Permits	Number of category C-D machines are specified on permit.
Travelling Fair	No limit on category <b>D Machines</b>

\*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in Categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in Categories B4 to D

\*\* Adult gaming centre and bingo premises are entitled to make available a number category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises . Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre) or eight (bingo premises) category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

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# **Supporting Good Decisions**

**Promoting Equality & Human Rights, Reducing Inequality and Protecting the Environment**

## **Integrated Impact Assessment Form**

## Integrated Impact Assessment Form

### Promoting Equality, Human Rights and Sustainability

<b>Title of Policy/ Proposal</b>	East Lothian Licensing Board Statement of Gambling Principles
<b>Timescale for Implementation</b>	1 April 2022
<b>IIA Completion Date</b>	10 March 2022
<b>Completed by</b>	Jill Totney, Team Manager – Democratic and Licensing
<b>Lead officer</b>	Sheila Fitzpatrick, Team Leader – Licensing and Landlord Registration

### Section 1: Screening

#### 1.1 Briefly describe the Policy/proposal/activity you are assessing.

Set out a clear understanding of the purpose of the Policy/ proposal/ activity being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

Every three years, there is a statutory requirement (Gambling Act 2005) for each Scottish (Local Authority) Licensing Board to review, consult on and publish a Statement of its Gambling Principles (The Policy). The current Policy covers the period 31 January 2019 to 30 January 2022.

This Policy supports the licensing legislation and guidance which regulates the operation of gambling premises such as casinos, bingo halls, betting shops and adult gaming centres. The Policy will inform East Lothian Licensing Board (the Board), applicants, individuals, and statutory authorities on the issue of gambling licences and permits.

The revised Policy will be effective from 31 January 2022 to 30 January 2025. Changes in the Gambling Commission Guidance and local demographic factors have been taken into account in the revised Policy. The final draft of the Policy will be presented to East Lothian Licensing Board on 31 March 2022 for approval and adoption.

*There has been a slight delay in reviewing the Policy as East Lothian Council is still operating in business contingency mode, and the Licensing Service has given priority to Covid-19 related work, such as the payments of taxi driver and operator grants.*

### What will change as a result of this Policy?

There are no material changes in the 2022/25 Statement of Gambling Principles as the 2019/22 Policy had been subject to a substantial review, update and modernisation.

The primary role and responsibilities of East Lothian Licensing Board in relation to gambling are to support and uphold the three national licensing objectives of:

- 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- 2) Ensuring that gambling is conducted in a fair and open way
- 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling

These national objectives are underpinned by the Policy.

### 1.2 Deciding if a full Impact Assessment is needed.

Please answer the following questions:

	Yes	No
1. The Policy/ proposal has consequences for or affects people e.g. how they can access a service?	✓	
2. The Policy/proposal has potential to make a significant impact on equality?	✓	
3. The Policy/proposal is likely to have a significant environmental impact?		✓
4. The Policy/ proposal has implications for the storage/ collection of personal data?		✓

- If you have answered yes to questions 1 and 2 above, please proceed to complete the Integrated Impact Assessment. If you have answered No then an IIA does not need to be completed. Please keep a copy of the screening paperwork.
- If you have identified that your project will have a significant environmental impact, please proceed to complete the Integrated Impact Assessment. You will also need to consider whether you need to complete a Strategic Environmental Assessment. Please contact

- If you have answered yes to question 4, please seek further advice from the Data Protection Officer.

## **Section 2: Integrated Impact Assessment**

### **2.1 Have those who are affected by the Policy had the opportunity to comment on new proposals?**

Yes – The redrafted Policy was placed on East Lothian Council’s consultation hub for a period of four weeks to 6 March 2022 and was made available to statutory consultees, other invited consultees (such as parent councils) and the general public.

### **2.2 What information/data have you used to inform the development of the Policy to date?**

- Feedback from consultations on previous and current reviews of the Policy
- Legislative changes
- Gambling Commission Guidance and requirements
- Benchmarking against the Policies produced by other Scottish Local Authorities

Information available from websites such as:

[Gambling behaviour in 2021: Findings from the quarterly telephone survey - Gambling Commission](#)

[Levels of problem gambling in Scotland - Gambling Commission](#) (this appears to be the most up to date Scotland specific data)

[Key points - ScotPHO](#) (Public Health Information for Scotland)

### **2.3 What does the evidence/ research suggest about the Policy’s actual or likely impact on equality groups and those vulnerable/ or experiencing socio-economic disadvantage?**

Evidence	Comment
Which groups are in in particular need of this service?	Vulnerable persons and those under the age of 18 are to be protected from potential harm caused by gambling.
What level of service uptake/ access is there from protected and vulnerable groups?	The Policy seeks to protect vulnerable groups from the risks associated with gambling. While there is no legal definition of vulnerable people in relation to gambling, we would expect this to be persons who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse.
Can you identify positive outcomes for service users	<p>The completion of local area risk assessments by applicants seeking a gambling licence will ensure positive outcomes for those using gambling premises and for those who require to be protected from harm.</p> <p>East Lothian Council therefore seeks to promote understanding between those providing gambling opportunities and those potentially affected by them. Local risk assessments must demonstrate that applicants understand local issues and show what measures they propose to introduce to mitigate against the risk of harm to children and vulnerable persons.</p> <p>When assessing licence applications the Policy provides for the requirement for the Licensing Board to consider any problems in the proposed location relating to gambling establishments such as antisocial behaviour or criminal damage and the location of any nearby sensitive premises, such as hostels and other facilities used by</p>

	<p>vulnerable persons e.g. drug and alcohol addictions;</p> <p>The local risk assessment from applicants must also show how children are to be protected and take cognisance of the proximity of places or areas which children and young people frequent such as schools, youth clubs, parks, playgrounds, entertainment venues, cafes and shops.</p>
What is the service user experience of those from protected or vulnerable groups?	No consultation responses were received from these groups.
What opportunity have those from protected groups had to co-produce or comment on the service/ plans?	There has been equality of opportunity for all interested parties to respond to the planned Policy via an online survey published on the Council's consultation hub, in addition to mandatory consultation with authorities such as Police Scotland, and East Lothian and Midlothian Public Protection Committee.

#### 2.4 How does the Policy meet the different needs of groups in the community?

<p><b>Equality Groups</b></p> <ul style="list-style-type: none"> <li>• Older people, people in the middle years</li> <li>• Children and young people children</li> </ul>	<p>Generally, the Policy affects all groups equally.</p> <p>The revised Policy would have no impact on this group unless persons are considered to be vulnerable to gambling exposure.</p> <p>The Policy affords children and young people safeguards against exposure to and exploitation from gambling.</p>

<ul style="list-style-type: none"> <li>• Women, men and transgender people (includes issues relating to pregnancy and maternity)</li> <li>• Disabled people (includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems)</li> <li>• Minority ethnic people (includes Gypsy/Travellers, migrant workers)</li> <li>• Refugees and asylum seekers</li> <li>• People with different religions or beliefs (includes people with no religion or belief)</li> <li>• Lesbian, gay, bisexual and heterosexual people</li> </ul>	<p>The revised Policy would have no impact on these groups unless persons identify as vulnerable.</p> <p>The revised Policy might have an impact on these groups if they identified as vulnerable in relation to gambling, as a result of their disability.</p> <p>The revised Policy would have no impact on these groups unless persons identify as vulnerable in relation to gambling.</p> <p>The revised Policy would have no impact on these groups unless persons identify as vulnerable in relation to gambling.</p> <p>The revised Policy would have no impact on these groups unless persons identify as vulnerable in relation to gambling. Faith Groups can make representations about an application, or apply for a review of a licence. However moral objections are not a valid reason to reject applications for a premises licence.</p> <p>The revised Policy would have no impact on these groups unless persons identify as vulnerable in relation to gambling. Gender is not identified as a factor in the Statement of Principles.</p> <p>The revised Policy would have no impact on these groups unless persons</p>
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<ul style="list-style-type: none"> <li>• People who are unmarried, married or in a civil partnership</li> </ul>	<p>identify as vulnerable in relation to gambling.</p>
<p><b>Those vulnerable to falling into poverty</b></p> <ul style="list-style-type: none"> <li>• Unemployed</li> <li>• People on benefits</li> <li>• Lone Parents</li> <li>• Care experienced children and young people</li> <li>• Carers (including young carers)</li> <li>• Homeless people</li> <li>• Those involved in the community justice system</li> <li>• People with low literacy/numeracy</li> <li>• Families with 3 or more children</li> <li>• Those with a child/ children under 1</li> </ul>	<p>In general, with regard to the socio economic factors listed, the Policy will have a positive effect in that it seeks to protect vulnerable persons from the potential negative impact of gambling activities.</p> <p>There are no identifiable negative impacts, regardless of the fact that the existence of gambling premises might be considered negative by an individual/support worker in respect of persons who may have a reliance upon or difficult relationship with gambling.</p>
<p><b>Geographical communities</b></p> <ul style="list-style-type: none"> <li>• Rural/ semi rural communities</li> <li>• Urban Communities</li> <li>• Coastal communities</li> </ul> <ul style="list-style-type: none"> <li>• Those living in the most deprived communities (bottom 20% SIMD areas)</li> </ul>	<p>The revised Policy will have no impact as it for the providers/operators to decide on premises locations, based on their own business models/requirements. The Policy affects these communities equally.</p> <p>In general, the Policy will have a positive effect as completed risk assessments require to mitigate against the negative impact of gambling activities, in all areas, including areas of deprivation.</p>
<p><b>Communication Needs:</b></p> <ul style="list-style-type: none"> <li>• Gaelic Language Speakers</li> <li>• BSL users</li> <li>• English as a Second Language</li> </ul>	<p>In line with ELC Accessibility Policy, the Statement of Gambling Policy will be available in other formats, upon request.</p>

<ul style="list-style-type: none"> <li>• Other e.g. DeafBlind, Plain English, Large Print</li> </ul>	
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**2.5 Are there any other factors which will affect the way this Policy impacts on the community or staff groups?**

None

The Policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities. There are no equality restrictions in terms of who can apply to become a licence holder, although minimum age limits do apply.

**2.6 Is any part of this Policy/ service to be carried out wholly or partly by contractors?**

If yes, how have you included equality and human rights considerations into the contract?

None

**2.7 Have you considered how you will communicate information about this Policy or Policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?**

In line with ELC Accessibility Policy, the Statement of Gambling Policy will be available in other formats, upon request.

**2.8 Please consider how your Policy will impact on each of the following?**

**Equality and Human rights**

- Promotes / advances equality of opportunity e.g. improves access to and quality of services
- Promotes good relations within and between people with protected characteristics and tackles harassment
- Promotes participation, is inclusive and gives people control over decisions which affect them
- Preserves dignity and self-respect of individuals (does not lead to degrading treatment or stigma)

<ul style="list-style-type: none"> <li>• Builds support networks, resilience, community capacity</li> </ul>
<p>Comments:</p> <p>Individuals and community groups can participate in the licensing process by attending Licensing Board meetings where applications are dealt with in public. Individuals and groups can raise representations in relation to applications. The Policy underpins the measures that have to be put in place by operators (per the Gambling Commission) to protect vulnerable people and self-excluded persons in relation to gambling premises.</p>
<p><b>Reduces Poverty</b></p> <ul style="list-style-type: none"> <li>• Maximises income and/or reduces income inequality</li> <li>• Helps young people into positive destinations</li> <li>• Aids those returning to and those progressing within the labour market</li> <li>• Improves employability skills, including literacy and numeracy</li> <li>• Reduces the costs of taking part in activities and opportunities</li> <li>• Reduces the cost of living</li> </ul>
<p>Comments :</p> <p>Generally, the Policy will not promote poverty reduction other than potentially with regard to the measures it puts in place in relation to vulnerable persons who gamble beyond their means.</p>
<p><b>Protecting the Environment and Improving Sustainability:</b></p> <ul style="list-style-type: none"> <li>• Reduces the need to travel or increases access to sustainable forms of transport</li> <li>• Minimises waste / encourages resource efficiency / contributes to the circular economy</li> <li>• Ensures goods / services are from ethical, responsible and sustainable sources</li> <li>• Improves energy efficiency / uses low carbon energy sources</li> <li>• Protects and/or enhances natural environments / habitats / biodiversity</li> <li>• Promotes the transition to a low carbon economy</li> </ul>

<ul style="list-style-type: none"> <li>Prepares and/or adapts communities for climate change impacts</li> </ul>
Comments:  The Policy has no impact on environmental issues.

### Section 3.Action Plan

What, if any changes will be made to the proposal/ Policy as a result of the assessment?

Changes to be made	Expected outcome of the change	Resources Required	Timeline	Responsible person
None				

### For consideration of the Head of Service

Can you identify any cumulative impacts on equality groups or vulnerable people arising from this Policy, when considered alongside other changes across other services?

**No – this is a standalone policy relating to the exercise of the Licensing Board’s statutory powers relating to the regulation of gambling. Applications must be considered without regard to other policies.**

### Sign off by Head of Service

Name Morag Ferguson

Date 10 March 2022

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

LICENSING (SCOTLAND) ACT 2005, SECTION 20

\*Delete as appropriate

3

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

FAWKO CAFE & RESTAURANT, 91 HIGH STREET, HADDINGTON

EAST LOTHIAN EH41 3ET

**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.

N/A

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

ZEST CAPITAL MANAGEMENT

WHITEKIRK MAINS FARM, WHITEKIRK, DUNBAR, EH42 1XS

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.\*

JAMES MILLS WILKIE

CATRINA BELL WILKIE

KEITH DAVID MURDOCH

JANE ISABEL GRAHAM MURDOCH

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



**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)

GROUND FLOOR CAFE & RESTAURANT PREMISES

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**Question 6** - To be completed by members' clubs only

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 (PARTNER, ZEST CAPITAL MANAGEMENT)  
1 FEB 2020

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

Telephone number and email address of signatory \_\_\_\_\_

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.

<b>For use by the Licensing Board only Application checklist</b>	
Date received	
Fee amount	
Receipt number	
Received by (INITIALS)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<b>For use by the Licensing Board only If application is for a Premises Licence – Documents required</b>	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<b>For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required</b>	
Provisional planning certificate	
Operating plan	
Layout plan	



## 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** FALKO (KONDITORMEISTER) LIMITED

91 HIGH STREET

HADDINGTON

EAST LOTHIAN

Post Code EH41 3ET

- 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	23:00
Thursday	11:00	01:00
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	00:00 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

DURING QUIETER, WINTER MONTHS, THE PREMISES IS LIKELY TO BE ONLY OPEN DURING THE DAYTIME.

IN SUMMER, SUNNY DAYS, OR BY DEMAND WHEN BUSY, WE MAY OPEN LONGER HOURS UP TO THOSE ALLOWED BY THE ALCOHOL LICENCE

**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
----------	--------------------------------	--	---

<b>5a.</b>	Accommodation		N/A	N/A
	Conference facilities	NO		
	Restaurant facilities	YES	YES	YES
	Bar meals	YES	YES	NO

Social functions including:

<b>5b.</b>	Weddings, funerals, birthdays, retirements etc.	YES	YES	YES
	Club or other group meetings etc.	YES	YES	YES

Entertainment, including:

<b>5c.</b>	Recorded music – see 5(g)	NO		
	Live performances – see 5(g)	NO		
	Dance facilities	NO		
	Theatre	NO		
	Films	NO		
	Gaming	NO		
	Indoor/outdoor sports	NO		
	Televised sport	NO		

<b>5d.</b>	Outdoor drinking facilities	YES	YES	YES
------------	-----------------------------	-----	-----	-----

<b>5e.</b>	Adult Entertainment	NO		
------------	---------------------	----	--	--

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

FALCO'S IS PRIMARILY A PREMIUM QUALITY GERMAN BAKERY SHOP WITH CAFE AND HOT FOOD KITCHEN. ALCOHOL SALES ARE A VERY MINOR PART OF THE BUSINESS'S TURNOVER.

THE HOT FOOD KITCHEN GENERALLY OPENS AT 09:00, BEFORE CORE LICENSED HOURS BEGIN, AND HOT FOOD IS AVAILABLE DURING THE DAY UNTIL THE KITCHEN CLOSES. AFTER THE KITCHEN CLOSES, CAKES AND OTHER PRODUCTS BAKED ON THE PREMISES ARE AVAILABLE.

SOFT DRINKS, HOT DRINKS AND FREE TAP WATER ARE AVAILABLE THROUGHOUT ALL THE TIMES THE CAFE IS OPEN.

SOCIAL EVENTS SUCH AS SMALL WEDDINGS OR CLUB MEETINGS MAY BE CATERED FOR INFREQUENTLY ON DAYS THE CAFE IS NORMALLY CLOSED. THE EVENTS WILL BE LIMITED BY THE VENUE'S CAPACITY OF 60 PEOPLE.

AN OUTDOOR DRINKING AREA IS PROVIDED IN FRONT OF THE CAFE IN A MARKED AND CORDONED OFF AREA ON THE HIGH STREET. TO LIMIT NUISANCE TO RESIDENTS, THE OUTDOOR AREA WILL ONLY BE AVAILABLE UNTIL 21:00.

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

**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  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 AND YOUNG PERSONS WILL BE WELCOMED INTO THE PREMISES. NO RESTRICTIONS IN THE PUBLIC AREAS

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

NO RESTRICTION 0-17 YEARS OLD

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

CHILDREN AND YOUNG PERSONS CAN REMAIN FOR THE DURATION BUT ONLY IF ACCOMPANIED BY A RESPONSIBLE PARENT OR GUARDIAN AND HAVING A MEAL OR ATTENDING A PRIVATE FUNCTION. OTHERWISE THEY SHOULD VACATE THE PREMISES BEFORE 22:00 HOURS

ALL SUBJECT TO MANAGEMENT DISCRETION

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

ALL PUBLIC AREAS - NOT WITHING 1.5 METRE OF ANY BAR

**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)

(PARTNER, ZEST CAPITAL MANAGEMENT)

Date 1 FEBRUARY 2022

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.

## 7. CAPACITY OF PREMISES

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

CAFE AREA - 60 SEATED

OUSIDE AREA - 30 SEATED

## 8. PREMISES MANAGER

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

Full Name FALKO MANFRED BURKERT

Date of birth

Contact address

Post Code

Tel. No.

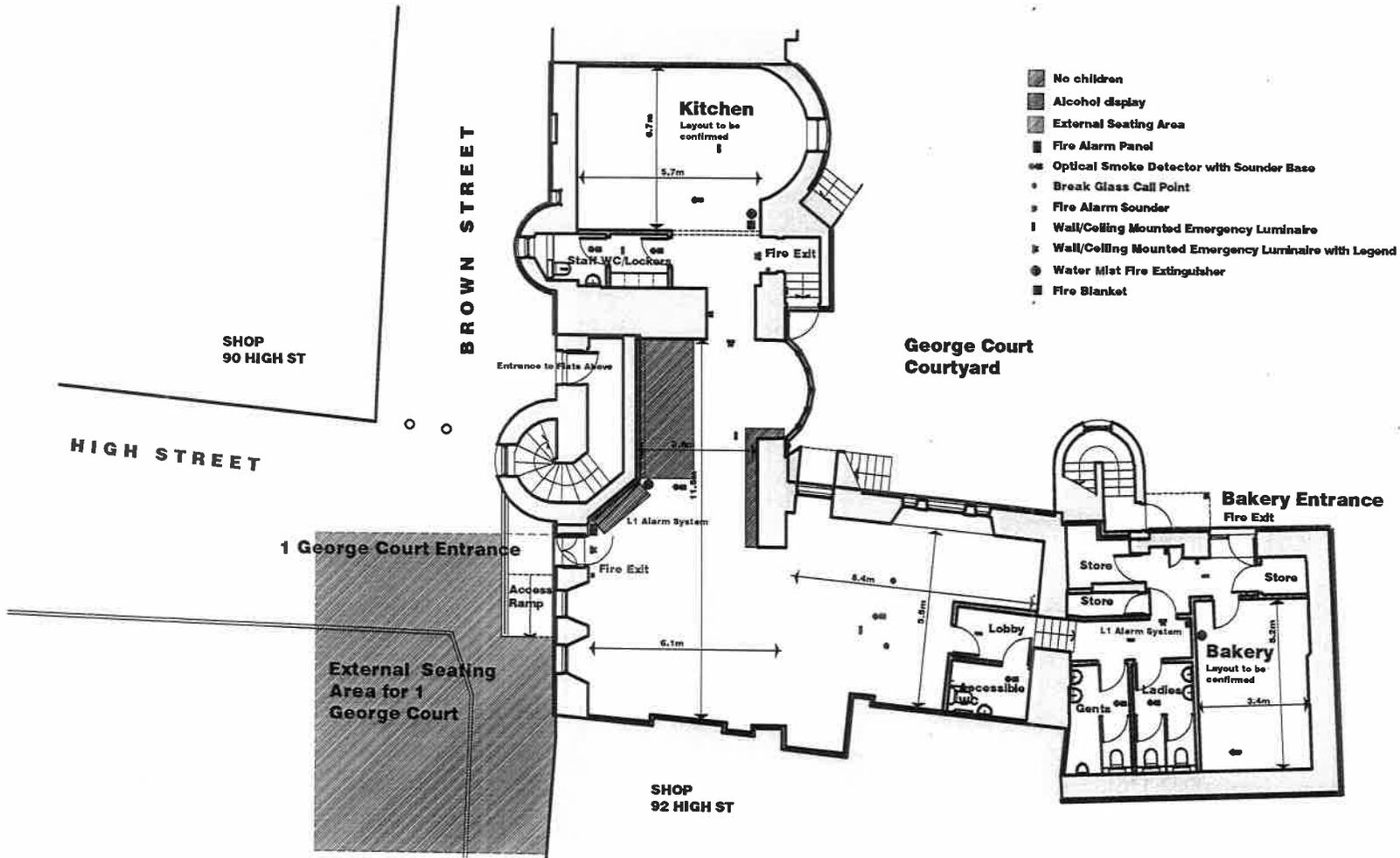
Email address

### Personal licence

Date of issue 07/08/2017 (EXPIRY DATE 07/08/2027)

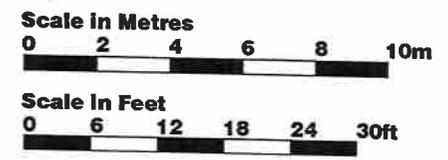
Name of Licensing Board issuing EAST LOTHIAN LICENSING BOARD

Reference no. of personal licence EL1418



**GROUND FLOOR PLAN  
1 GEORGE COURT  
91 High Street  
Haddington**

**Gross Internal Floor Area  
Restaurant Unit 204m<sup>2</sup> (2195ft<sup>2</sup>)**



## 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

Falko's is a German bakery, shop and café specialising in premium quality, traditionally made cakes, gateaux, breads and other baked goods, all made on the premises. Guests regularly visit from Newcastle and Aberdeen just to visit Falko's in Haddington and stock up on their favourite goods.

Falko's bakery products are handmade using natural ingredients, labour-intensive traditional techniques and many are based on historic recipes.

The hot food kitchen offers breakfast dishes such as Eggs Benedict and also light meals, Schnitzel, sandwiches and soup.

Alcohol sales are a very minor part of turnover, less than one percent during the last twelve months. Alcohol sold is typically more unusual German or Austrian wines, German bottled beer or a glass of dessert wine to complement a slice of cake. There is a very small range of spirit drinks available, but not any demand for spirits from our customer base.

The wines we sell are not commonly known in the United Kingdom and we wish to educate our guests about the different styles, varieties and complexities of continental wines; they are wines to be savoured and enjoyed slowly

### On/Off Consumption

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

On sales are typically a glass of wine with food, or a couple of bottles of beer, again, normally with food

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

Off sales are specialist, more unusual German or Austrian bottles of wine for sale at the shop counter for customers to take away

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

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

Restaurant Facilities & Bar Meals

Hot food for consumption on the premises is provided from our hot food kitchen. Kitchen dishes are made from raw ingredients with all sauces, potato rosti, pancakes, etc. made on the premises.

The kitchen is typically open during the daytime with cakes and baked goods available at other times. During the summer and for special events, the kitchen hours may be extended into the evening

**Social Functions – Weddings; Birthdays; Retirements ; Other**

Social functions such as Weddings or Club Meetings are held infrequently, typically on days when the café is normally closed. Last year we only held one wedding, one birthday and one club meal.

Functions are limited by the seated capacity of the venue – 60 people.

Functions will normally be a meal or buffet with drinks. Live music, recorded music or discos are not offered.

**Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport**

None

**Outdoor Drinking Facilities**

An outdoor seating area is provided in front of the café in a cordoned off area on the high street, separated with three haddington in bloom planters on one side and retractable barriers on the other sides. The area is for seated guests only and closes at 21:00 hours. During busy periods or the summer, the outside area has table service; at other times guests order at the counter inside and food/drink is brought to their table by the waiting team

**Adult Entertainment**

None

**Activities Outwith Licensed Core Hours**

The café usually opens before core licensed hours, where breads and cakes to takeaway are sold, or hot/soft drinks and breakfast served at the tables. Alcohol is not available for sale outwith the licensed 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:

**Children and Young Persons**

Baby changing facilities are provided in the disabled access toilet

Colouring pens and paper are available for children to use

**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:**

Prevent drunken & disorderly behaviour through excessive drinking by politely refusing the sale of alcohol.

Prevent underage sale of alcohol by checking IDs for under 25s

Offer soft drinks, hot drinks and free tap water at all time

**Securing Public Safety:**

The premises adheres to health & safety requirements, including coronavirus environmental health guidelines

**Preventing Public Nuisance:**

Guests will not be allowed to drink alcohol excessively.

Outdoor seating area restricted to 21:00 hours.

The café does not play recorded or live music.

**Protecting and Improving Public Health:**

Soft drinks, hot drinks and free tap water are available.

Purchasing excessive alcohol will not be actively encouraged.

**Protecting Children and Young Persons From Harm:**

Children are allowed throughout in all public areas. The café has table service so there is no bar area

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

Staff are all trained with Highfield's workbook 'A question of licensing for Scotland' to ensure they understand Scottish licensing law.

German and Austrian wines are misconceived in the UK as being sweet and unappealing. We feel it is important to be able to educate customers about the styles and varieties of German and Austrian wines, many of which are dry, and several use grape varieties only grown in particular regions of the countries.

Like our cakes using historic recipes, we are also educating guests to use their taste buds and enjoy wine slowly.

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

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	 (PARTNER, ZEST CAPITAL MANAGEMENT)	Date	1 FEB 2022
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## SCHEDULE

### “SCHEDULE 6

Regulation 7

### DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(iia)*

#### Question 1

##### Disabled access and facilities

1(a)	Is there disabled access to the premises	YES / <del>NO</del> *
1(b)	Do you have facilities for those with a disability	YES / <del>NO</del> *
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES / <del>NO</del> *
<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 clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

The premises are accessed by a ramp at the main High Street entrance from the street for disabled and able clients – there are no steps to the entrance to the premises.

The service area is all located on the ground floor and offers full access for disabled clients.

Disabled toilet facilities are located on the ground floor and are fully signposted.

### Question 3

#### **Facilities available**

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

Disabled toilet facilities are located on the ground floor and have fitted handrails, an alarm system and low hand washing basin.

As the service area is all located on the ground floor there is no requirement for lift facilities.

All tables can be moved to provide full disabled access as required.

### 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 dogs are welcome.

Large print menus are available on request.

Large handled cups are available on request.

**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 .....1 February 2020.....

Capacity .... PARTNER ..... APPLICANT/~~AGENT~~

ZEST CAPITAL MANAGEMENT

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.”



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

**SECTION 50  
PLANNING CERTIFICATE**

<b>APPLICANT:</b>	Zest Capital Management
<b>NAME AND ADDRESS OF PREMISES:</b>	91 High Street, Haddington, EH41 3ET.

**SECTION 50 PLANNING CERTIFICATE**

I confirm that planning permission (ref: 15/00185/P) 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/Confirmation of Provisional License to cover the above proposals.

Signed:		Date:	3 <sup>rd</sup> May 2017
Neil Millar Planning Officer			



East Lothian  
Council

Our ref: LG/JD  
Your ref:  
Direct Line: 01620 827296  
Fax Number: 01620 827918  
E Mail: [chts@eastlothian.gov.uk](mailto:chts@eastlothian.gov.uk)

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
Tel 01620 827827  
Fax 01620 824295

4 December 2019

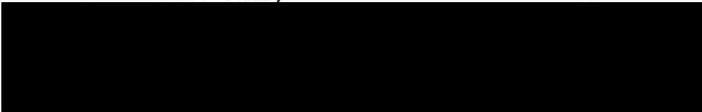
Mr James Wilkie  
Zest Capital Management  
3 Forth Street Lane  
NORTH BERWICK  
EH39 4JB

Dear Sir

**THE LICENSING (FOOD HYGIENE REQUIREMENTS) (SCOTLAND) ORDER 2011  
FALCO CAFÉ & RESTAURANT, 91 HIGH STREET, HADDINGTON EH41 3ET**

I hereby certify, in terms of Section 50 of the Licensing (Scotland) Act 2005, that the premises operated at Falco Café & Restaurant, 91 High Street, Haddington EH41 3ET, does comply with the requirements the EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 (S.S.I. 2006/3)

Yours faithfully

  
Laura Gunning  
Senior Environmental Health Officer

cc copy to Licensing Board

# EAST LOTHIAN COUNCIL

## LICENSING STANDARDS

**From:** R. Fruzynski  
Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

---

**Date:** 03 Mar. 2022

**Subject:** LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE APPLICATION

**91 High Street, Haddington, East Lothian EH41 3ET**

I can confirm that the premises have been visited in relation to this application and that the mandatory site notice was displayed in a prominent place visible to the public.

These premises held a Provisional Licence until June 2020 when it expired. During the last 5 years the premises have operated under Occasional Licences on the presumption that a full Premises Licence would be confirmed. In that period, the premises were well run and very popular with the public. There were no issues in relation to the operation of the temporary licences and no complaints received.

Licensing Standards has no objection to the grant of this application.

It is recommended that the following local conditions be formally attached to the licence should the Board be minded to grant it:

- The outside drinking and seating area should close by 21:00 hours each day.
- That there should be no amplified announcements / music / entertainment in the outside drinking and seating area to prevent disturbance to any neighbouring residential properties.

This report is submitted for the information and consideration of Board members.

R. Fruzynski  
Licensing Standards Officer

25/02/2022

Your Ref: **EL334**

Our Ref: **617885/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PREMISES LICENCE**

**FALKO**

**91 HIGH STREET, HADDINGTON, EAST LOTHIAN, EH41 3ET.**

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



Catriona Paton  
Chief Superintendent

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



# APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE\*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

4

\*Delete as appropriate

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

Broxmouth Courtyard, Broxmouth Park

Dunbar EH42 1QW

**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.

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

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

Broxmouth Estates Ltd

---

Broxmouth Park, Dunbar, East Lothian, EH42 1QW

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Company Number: SC659439

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

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---

**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.\*

Simon Paul Flame :

[REDACTED]

---

Susan Maree Flame:

[REDACTED]

---

---

---

\* 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

(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)

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Broxmouth Courtyard is a purpose-built, exclusive use venue within Broxmouth Park Estate, East Lothian, and provides a luxury setting for weddings, corporate hospitality and private parties.

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**Question 6** – To be completed by members' clubs only

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 Caroline Loudon \* (see note below)

Date 10 February 2022

APPLICANT / AGENT (delete as appropriate) Agent

Telephone number and email address of signatory Mobile: [REDACTED]

Caroline.Loudon@TLTSolicitors.com

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.

<b>For use by the Licensing Board only Application checklist</b>	
Date received	
Fee amount	
Receipt number	
Received by (INITIALS)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<b>For use by the Licensing Board only If application is for a Premises Licence – Documents required</b>	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<b>For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required</b>	
Provisional planning certificate	
Operating plan	
Layout plan	

## OPERATING PLAN – Broxmouth

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

### 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>	11AM	11pm
<i>Tuesday</i>	11AM	11pm
<i>Wednesday</i>	11AM	11pm
<i>Thursday</i>	11AM	1AM
<i>Friday</i>	11AM	1AM
<i>Saturday</i>	11AM	1AM
<i>Sunday</i>	11AM	Midnight

**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>	11AM	10PM
<i>Tuesday</i>	11AM	10PM
<i>Wednesday</i>	11AM	10PM
<i>Thursday</i>	11AM	10PM
<i>Friday</i>	11AM	10PM
<i>Saturday</i>	11AM	10PM
<i>Sunday</i>	11AM	10PM

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--	------------

*\*If YES – provide details*

The premises may utilise any additional hours granted by the Board from time to time, more particularly: extension of on sale core hours until 1.00am on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day- whatever day of the week these shall fall.

**Question 5**

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

COL. 1 5(a) Activity	COL. 2 Please confirm 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
Accommodation	NO	NO	NO
Conference facilities	YES	YES	YES
Restaurant facilities	YES	YES	YES
Bar meals	YES	YES	YES
5(b) Activity Social functions including:	Please confirm 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
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 YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	YES	YES	YES
Dance facilities	YES	YES	YES
Theatre	YES	YES	YES

<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
<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	YES
<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.

Activities listed above may take place prior to core hours but not before 6am. This will allow set up and preparations for events to take place. Activities will not continue after core hours unless extended hours are in place. Accommodation is private space provided for use during the booked event by the wedding/booking party. This can be used prior to and beyond core hours. Restaurant facilities and bar meals (to include fish/chip/pizza vans/buffet and lighter meals) may be brought in by external caterers. The external licensed areas can be used for removable bars (including stationary vehicles) and can be used outwith core hours for the service & provision of non alcoholic drinks (unless subject to an extended hours application which would allow the sale of alcohol).

*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.*

The premises will operate as an exclusive private hire event space with external catering provision. Weddings (including ceremonies), receptions and other celebrations may take place.

Private, corporate (award dinners; highland games), community and charity events may include fundraising (raffles, auctions and the like). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches can

take place.

Ceremonies, meetings, conferences and presentations may also take place from time to time.

Marquees maybe used. Portaloos will also be used for higher capacity events. Pop Up bars may also be used to service licensed external areas.

Click & Collect services.

*5(g) Late night premises opening after 1.00am*

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	N/A
--	-----

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	N/A
<i>*Delete as appropriate</i>	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

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

*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 permitted access at management discretion

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

0-17 years.

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

Children and young persons to 22:00 unless attending a private pre-booked function when they can remain to the terminal hour.

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

All public parts, excepting 1.5 ms from any bar areas.

**Question 7**

*CAPACITY OF PREMISES*

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

**On sale:**

451 persons

**Total –**

**Off sale TBC**

**Question 8**

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

*Personal details*

8(a) Name

Paul Mitchell

8(b) Date of birth

8(c) *Contact address*

8(d) *Email address*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

**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 10 February 2022

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

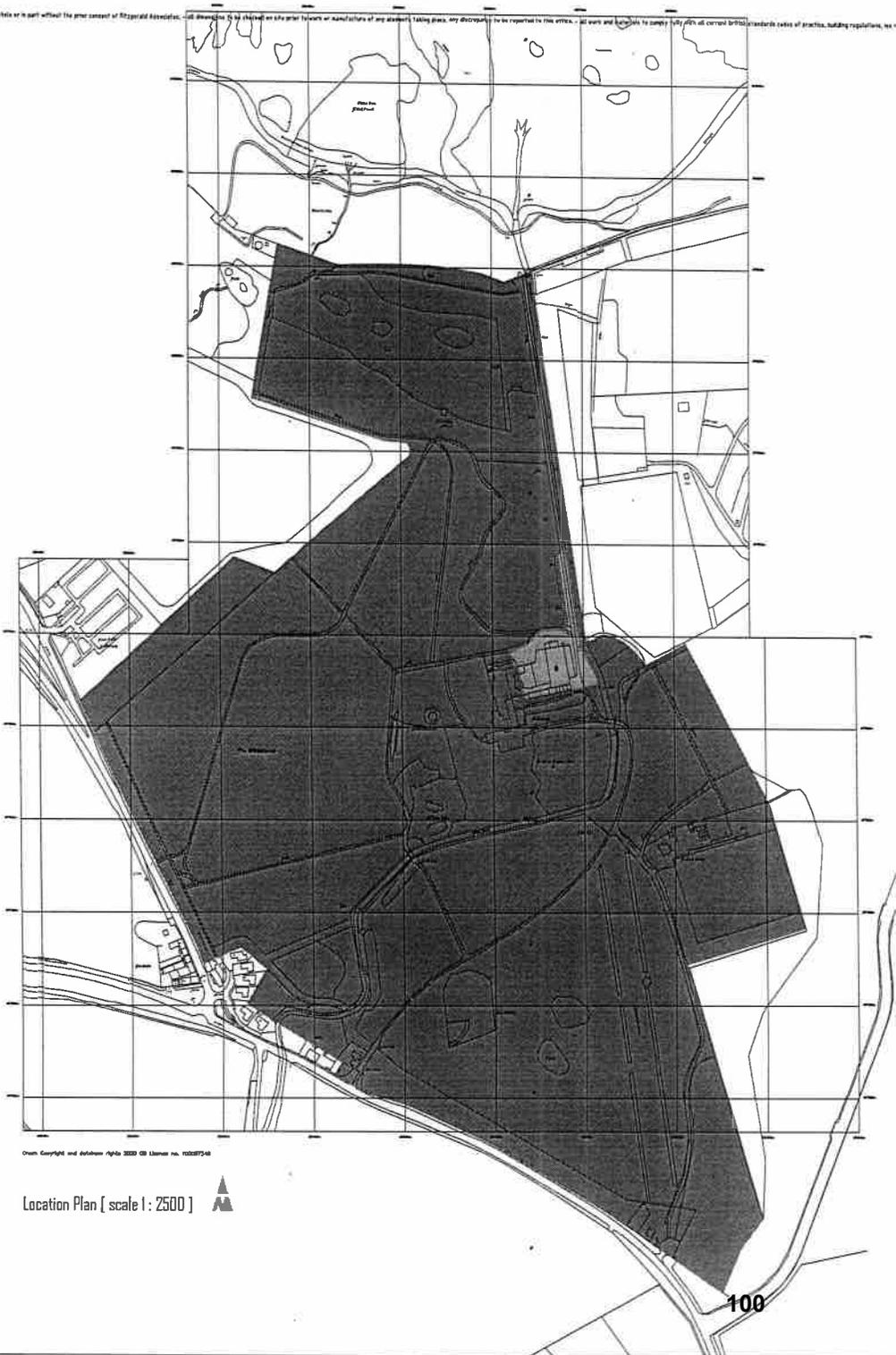
Telephone number and email address of signatory 0333006405 Caroline.Loudon@tltsolicitors.com

**\* 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.

This drawing is copyright & may not be copied or reproduced in whole or in part without the prior consent of Fitzgerald Associates. All drawings to be checked on site prior to work or manufacture of any element. Taking place, any discrepancy to be reported to the office. All work and materials to comply fully with all current British standards codes of practice, building regulations, by regulations and all safety acts.

Rev	Date	Comments



Drawn Copyright and Database Rights 2020 OS Licence no. 100087548

Location Plan [ scale 1 : 2500 ]



100

<b>ARCHITECTURAL + INTERIOR DESIGNERS</b> 33 ALBERT STREET ABERDEEN AB9 8YT T +44 (0)1224 833375 M 01224 833375	
Client :	Broxmouth Leisure Ltd
Project :	Wedding Venue Staircase, Broxmouth Park Dundee CM4 1LW
Description :	Ordnance Survey Superplan Data
Drawn By :	Scale :
	A1 = 1:2500
Project No :	Date :
3997	May 2020
Drawing No :	Rev :
OS-1	

## SCHEDULE

### “SCHEDULE 6

Regulation 7

### DISABLED ACCESS AND FACILITIES STATEMENT

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

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

Accessible from ground floor.  
There are no lifts to the first floor due to the age of the building, but assistance will be provided if required.

**Question 3**

**Facilities available**

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

Accessible toilets are available.

**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 dogs are welcome.  
Staff are on hand to assist wherever necessary.

**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 ..... **Caroline Loudon - TLT Solicitors** \* (see note below)

Date ..... **24 February 2022**

Capacity ..... **Agent** ..... **APPLICANT/AGENT**

Telephone number and email address of signatory..... **0333 006 1405; Caroline.Loudon@TLTsolicitors.com**

**\* 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.”

**SECTION 50**  
**PLANNING CERTIFICATE**

Fax: 01620 627255  
Email: licensing@eastlothian.gov.uk

**APPLICANT:**

**Broxmouth Estates Ltd**

**NAME AND  
ADDRESS OF  
PREMISES:**

**The Stables, Broxmouth House, Broxmouth Park, Dunbar, EH42 1QW**

**SECTION 50 PLANNING CERTIFICATE**

- I confirm that planning permission (ref: 20/00554/P) 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:

**16<sup>th</sup> February 2022**

**Keith Dingwall**  
**Service Manager, Planning**



03/03/2022

Your Ref: **BROXMOUTH**

Our Ref: **618715/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

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

**FOR THE ATTENTION OF EAST LOTHAIN LICENSING BOARD**

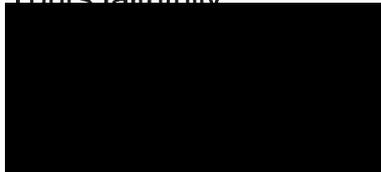
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PREMISES LICENCE  
BROXMOUTH COURTYARD  
BROXMOUTH PARK, DUNBAR, EH42 1QW.**

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



Catriona Paton  
Chief Superintendent

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

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From: Rudi Fruzynski**  
Licensing Standards Officer

**To: C. Grilli**  
Clerk to the Licensing Board

Date: 11 March 2022

**Subject: LICENSING (SCOTLAND) ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATION**

**Broxmouth Courtyard, Broxmouth Park, Dunbar, East Lothian EH42 1QW**

I refer to the above subject and can confirm that the applicant has fully liaised with the LSO in relation to this application.

These premises are currently under construction. It is hoped that part of the area will be ready to open by 9<sup>th</sup> April for its first function, which will be covered by an Occasional Licence.

Licensing Standards has visited the premises, which will look lovely once the building work is completed and will make a beautiful new venue for weddings, receptions and other events.

The capacity statement as shown in question 7 of the Operating Plan showing 451 and off-sales TBC should be clarified prior to determination.

It is recommended that amplified announcements / music / entertainment noise levels should be controlled so that they are non-intrusive / low level at any neighbouring residential properties and the nearby Dunbar Campsite.

Licensing Standards congratulates Broxmouth Estates Ltd., on its new venture and supports the grant of the Provisional Licence.

R. Fruzynski  
Licensing Standards Officer

**Herkes, Gillian**

---

**From:** Jacqueline Bell [REDACTED]  
**Sent:** 10 March 2022 12:42  
**To:** Licensing; Winter, Maree  
**Subject:** Wedding venue at Broxmouth House - Viewd of Dunbar Community Council

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi there

I shared the application with DCC members who have no concerns.

Jacquei Bell

Secretary /Licensing Link

Dunbar Community Council

**EAST LoTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery  
**To:** Clerk to the Licensing Board  
**Per:** Neil Millar  
**Per:** Licensing Board  
**Cc:**

---

**Date:** 14<sup>th</sup> March 2021

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Broxmouth Courtyard, Broxmouth Park, Dunbar  
**Application type:** Provisional premises licence

There are no objections to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.



# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

# 5a

**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. Add at Section 5(c) – Recorded music YES, YES, YES.
2. Add at “Where you have answered YES in respect of any entry in column 4 above, please provide further details below.” – “recorded music may be played outwith core licensing hours.”
3. Amend the shop operating hours at Section 5(f) of the Operating Plan to 0700 and 2200 hours Monday to Sunday.
4. Add at the bottom of Section 5(f) of the Operating Plan:  
“Home delivery of groceries, including alcohol will be available subject to demand.”

---

[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

**2. PREMISES LICENCE DETAILS**

2(a) Licence Number of Premises EL0151

2(b) Name and Address of Premises Scotmid, 180 - 184 High Street, Prestonpans,

East Lothian

Post Code EH32 9AZ Tel. No. \_\_\_\_\_

Email lLovie@scotmid.co.uk

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

Scottish Midland Co-operative Society Limited, Hillwood House, 2 Harvest Drive, Newbridge,

Edinburgh

\_\_\_\_\_ Post Code EH28 8QJ

Tel. No. \_\_\_\_\_ Email address lLovie@scotmid.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

**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. Add at Section 5(c) – Recorded music YES, YES, YES.  
2. Add at “Where you have answered YES in respect of any entry in column 4 above, please provide further details below.” – “recorded music may be played outwith core licensing hours.”  
3. Amend the shop operating hours at Section5(f) of the Operating Plan to 0700 and 2200 hours Monday to Sunday.  
4 Add at the bottom of Section 5(f) of the Operating Plan:  
“Home delivery of groceries, including alcohol will be available subject to demand.”

**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.

**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)

Covid-19

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**5. FEE PAYABLE**

Information on fees can be found at [https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](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

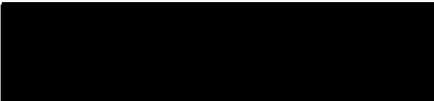
(a) the contents of this Application are true to the best of my knowledge and belief; and

(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  (See note 5 overleaf)

Lindsay Robinson, Solicitor, for and on behalf of Anderson Strathern LLP, As Agents for Scottish Midland Co-operative Society Limited

Date 11 January 2022.

Capacity AGENT (delete as appropriate)

### If agent, please provide details

Full name Lindsay Robinson, Anderson Strathern LLP

Address 1 Rutland Court, Edinburgh

Post Code EH3 8EY

Tel. No. 0131 625 7292 Email address

lindsay.robinson@andersonstrathern.co.uk / gillian.smith@andersonstrathern.co.uk

### 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')

Alcohol - Application for Major Variation to Licence

## OPERATING PLAN

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

### 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>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

**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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO*</i>
--	------------

*\*If YES – provide details*

NO
----

<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
<b>5(d)</b> <i>Activity</i>	<i>Please confirm</i> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e)</b> <i>Activity</i>	<i>Please confirm</i> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<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.

Recorded music may be played outwith core licensing 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.

The store will be open for the sale of general convenience goods between the hours of 0700 and 2200 hours Monday to Sunday. These are the maximum hours during which the premises will be open to members of the public and subject to customer demand.

Home delivery of groceries, including alcohol will be available subject to demand.

**Question 5**

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

COL. 1 5(a) Activity	COL. 2 Please confirm 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
Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
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 YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	NO	NO	NO
5(c) Activity Entertainment including:	Please confirm 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
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO

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*

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	N/A
	*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

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

**Question 7**

*CAPACITY OF PREMISES*

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

OFFSALES: 34.2m<sup>3</sup>

**Question 8**

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

*Personal details*

8(a) *Name*

Jennifer Renton

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

ILovie@scotmid.co.uk

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
5 January 2013	East Lothian Licensing Board	EL926

**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)

Lindsay Robinson, Solicitor for and on behalf of Anderson Strathern LLP as  
Agent on behalf of Scottish Midland Co-operative Society Limited

Date ...11.01.2022.....

Capacity ...Solicitor..... AGENT (delete as appropriate). Telephone  
number and email address of signatory ...0131 625 7292 lindsay.robinson@andersonstrathern.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.

21/01/2022

Your Ref: **EL0151**

Our Ref: **610800/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

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

**FOR THE ATTENTION OF EAST LoTHIAN LICENSING BOARD**

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
SCOTMID HIGH STREET PRESTONPANS  
SCOTMID BUILDING, HIGH STREET, PRESTONPANS, EAST LoTHIAN, EH32  
9AZ.**

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 playing of recorded music.
- Operating hours between 0700hrs and 2200hrs Monday to Sunday.
- Home delivery of groceries including alcohol.

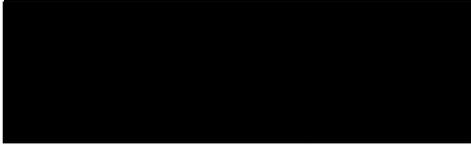
In terms of Section 29(5) this request can be considered a variation.

Police Scotland seek to confirm that the provision for off sales remains within the daily core times of 10.00hrs and 22.00hrs and that appropriate measures are in place in regard to age confirmation relating to home deliveries of alcohol.

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

OFFICIAL

Yours faithfully



Catriona Paton  
Chief Superintendent

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

## Herkes, Gillian

---

**From:** Fruzynski, Rudi  
**Sent:** 09 February 2022 14:55  
**To:** Herkes, Gillian  
**Subject:** RE: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

No objection.

The applicant will comply with the requirements of Section 119 of the Licensing (Scotland) Act 2005 and the relevant parts of East Lothian Statement of Licensing Policy 2018-2023 in relation to deliveries.

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:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 18 January 2022 14:43  
**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>; 'Licensing@nhslothian.scot.nhs.uk'; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; prestonpanscommunitycouncil@googlemail.com; [REDACTED]  
**Subject:** FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Good Afternoon

Please find attached Major Variation application for Scotmid. 180-184 High Street, Prestonpans for report by 10 February 2022.

Kind regards

Gillian

Gillian Herkes  
Licensing Officer  
Democratic & Licensing Services  
John Muir House  
Haddington

## Herkes, Gillian

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**From:** Licensing  
**Sent:** 20 January 2022 09:48  
**To:** Herkes, Gillian  
**Subject:** FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans  
**Attachments:** Herkes\_Gillian\_QXM04806\_FIREBIRD\_3743\_001.pdf

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**From:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Sent:** 20 January 2022 09:46  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Hi

No objections.

Darren

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**From:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Sent:** 19 January 2022 14:19  
**To:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Subject:** FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Hello Darren

Can you please deal with this. I was going to do it but Uniform is still down.

Thanks

Andrew

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**From:** Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>  
**Sent:** 18 January 2022 15:53  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

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**From:** Herkes, Gillian <gherkes@eastlothian.gov.uk>  
**Sent:** 18 January 2022 14:43  
**To:** [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); [Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>](mailto:Fruzynski,Rudi@eastlothian.gov.uk); [Environment Reception <environment@eastlothian.gov.uk>](mailto:EnvironmentReception@eastlothian.gov.uk); [Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>](mailto:EnvironmentalHealthTradingStandards@eastlothian.gov.uk); 'Licensing@nhslothian.scot.nhs.uk'; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; [Trading Standards <tradingstandards@eastlothian.gov.uk>](mailto:TradingStandards@eastlothian.gov.uk); Grant, Shona <sggrant@eastlothian.gov.uk>; [prestonpanscommunitycouncil@googlemail.com](mailto:prestonpanscommunitycouncil@googlemail.com); [REDACTED]  
**Subject:** FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Good Afternoon

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery

**To:** Clerk to the Licensing Board

**Per:** Neil Millar

**Per:** Licensing Board

**Cc:**

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**Date:** 19<sup>th</sup> January 2022

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Scotmid, 180-184 High Street, Prestonpans

**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.





East Lothian Council  
Licensing

20 JAN 2022

Received

# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

5b

**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)

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**2. PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises** EL0153

**2(b) Name and Address of Premises** Aldi, 48-52 Dunbar Road, North Berwick

Post Code EH39 5AB Tel. No. \_\_\_\_\_

Email \_\_\_\_\_

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

Aldi Stores Limited, Holly Lane, Atherstone, Warwickshire

\_\_\_\_\_ Post Code CV9 2SQ

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

**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

N/A
-----

### **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)**

Q5(f) Include the following text: "Click and collect service and on line sales / deliveries may also take place during and outwith core hours."

Q7 Increase the permanent display capacity to 32.76801m2  
Increase the seasonal display capacity to 7.2m2

### **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.

Layout of premises amended including the moving of the alcohol display. See plan dated 16 September 2021 revision P02.

### **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)

Limited access to office due to Covid 19

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**5. FEE PAYABLE**

Information on fees can be found at [https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](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 by BACs is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature Alison Smith - TLT Solicitors (See note 5 overleaf)

Date 19.01.22

Capacity APPLICANT / AGENT (delete as appropriate)

### If agent, please provide details

Full name Alison Smith

Address TLT Solicitors, 140 West George Street, Glasgow

Post Code G2 2HG

Tel. No. 0333 0061297 Email address Alison.Smith@TLTsolicitors.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.)

## OPERATING PLAN

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

### 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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Films	NO	NO	NO
Gaming	<del>NO</del> YES	<del>NO</del> YES	<del>NO</del> YES
Indoor/outdoor sports	NO	NO	NO
Televised sport	NO	NO	NO
<b>5(d)</b> Activity	<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
Outdoor drinking facilities	NO	NO	NO
<b>5(e)</b> Activity	<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
Adult entertainment	NO	NO	NO

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

Recorded background music may be played within and outwith core 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.

Sale of goods consistent with the business of a supermarket both within and outwith core hours, at all times 24/7, provided the requisite permissions are in place.

Click and collect service and on line sales/deliveries may also take place during and outwith core hours.

lottery

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*

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	NO
	*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

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

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
03.01.14	East Lothian Licensing Board	EL1015

**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 Alison Smith – TLT Solicitors... \* (see note below)

Date 19.01.22

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

Telephone number and email address of signatory

Tel: 0333 006 1297

Email: [Alison.Smith@TLTsolicitors.com](mailto:Alison.Smith@TLTsolicitors.com)

**\* 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.



**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.

Retailer/supermarket

(extend this box if you require additional space)

**On/Off Consumption**

Off

<p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption &amp; deliveries</p>	<p>a)</p> <p><u>N/A</u></p> <p>b) Retailer/supermarket with an option for customers to order online for home deliveries and click and collect orders.</p>
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**Clarification is required in relation to the content of your proposed Operating Plan**  
 (extend the boxes below if you require additional space)

<p><b>To what extent do you intend to use any of the following:</b> Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p>None</p>
<p><b>Social Functions – Weddings; Birthdays; Retirements ; Other</b> - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:</p> <p>None</p>
<p><b>Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming;</b></p> <p><b>Indoor/outdoor sports; Televised Sport</b> - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:</p> <p>Possibly some low level background music</p>

**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:

None

**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, 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:

Recorded background music may be played from time to time .

**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:

Aldi are moving to a Click&Collect service for some stores. With this, certain car parking spaces are set aside for this use. Usually 2 or 3 spaces. Customers come into store to advise that they have parked in a Click& Collect space and their shopping is then brought out to them. In our view, having reviewed the Click&Collect service at other stores, this service does not generate any more noise than customers exiting in usual course. We can confirm that the last Click& Collect slot would be before store closing at 8pm

**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 the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

**Preventing Crime and Disorder:**

See attached

**Securing Public Safety:**

See attached

**Preventing Public Nuisance:**

See attached

**Protecting and Improving Public Health:**

See attached

**Protecting Children and Young Persons From Harm:**

See attached

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

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

**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	24.02.22
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## AN OVERVIEW OF HOW ALDI PROTECT AND UPHOLD THE LICENSING OBJECTIVES

### General

- 1 Aldi is a multi-award winning retailer.
- 2 Aldi operate to a very high standard throughout Scotland and do not to the best of our knowledge cause any issues.
- 3 The company have a comprehensive training programme for all staff which goes beyond the mandatory 2 hours training required under the 2005 Act and includes quarterly refresher training in relation to the sale of alcohol and other age restricted products. All new staff must sit and pass an exam, focused on age restricted products (including alcohol), before being allowed on the shop floor. In order to pass the exam staff must achieve 100%.
- 4 The manager and assistant manager of every store hold Personal Licences as well as other supervisors and key staff. The number of personal licence holders employed in store, on average, equates to 25% of the total staff (allowing for staff turnover).

### Preventing crime and disorder

- 1 The premises will be a supermarket selling a wide range of food and other goods. No alcohol is consumed on the premises. The premises will be carefully managed and any incidents of crime and disorder are extremely rare. All incidents are recorded in an electronic incident book routinely checked by both the store manager and area manager and the incident records can be made available for inspection on request.
- 2 The premises operate a Challenge 25 policy.
- 3 Staff monitor the age of customers seeking to purchase alcohol and will challenge anyone who appears to be under the age of 25 to produce I.D. in the form of a passport, a European photocard, driving licence or other approved evidence.
- 4 Automatic till prompts alert staff to age restricted products and require them to consider the age of the purchaser and follow an on screen process to complete the sale.
- 5 The premises security needs will be assessed on an on-going basis and increased security, such as security guards, will be added as required.

### Securing public safety

- 1 Procedures will be in place for evacuation and accident/incident reporting.
- 2 The premises will comply with appropriate regulations and have approved exit routes, signage, and emergency lighting.
- 3 There will be fire extinguishers in the premises and a fire risk assessment is carried out in terms of the relevant legislation.
- 4 The premises will have a comprehensive CCTV system with no less than 32 HD cameras covering the store, in particular, the alcohol aisle and the tills.

### Preventing public nuisance

- 1 The premises will be supermarket premises. They will be self-contained and have their own car park.
- 2 Aldi do not open late and the normal operation of the premises does not give rise to public nuisance.
- 3 The operators pride themselves on working with neighbours and take any issues raised seriously, for example, delivery times can, within reason, be modified and delivery drivers are required to switch off engines when idle.

### Protecting and improving public health

- 1 Material promoting responsible drinking is displayed.
- 2 Staff will be trained to refuse service of alcohol to anyone who appears intoxicated.
- 3 All relevant environment health regulations will be observed.
- 4 Pricing is consistent and responsible, alcohol is not heavily discount – i.e. no three cases of beer for £20.
- 5 MUP is complied with.

### Protecting children and young persons from harm

- 1 Procedures for prevention of the sale of alcohol to persons under the age of 18 years will be in place (see above).
- 2 As a matter of company policy, no staff under the age of 18 will be employed in the premises with the exception of Aldi's in-house Apprentice Manager Scheme.
- 3 The company utilise till systems which issue a prompt at the till for the checkout operators to check the age of the purchaser and also the time of sale. All refusals are electronically logged, reviewed by the DPM, the area manager and Operations Directors at Aldi's Head Office in Bathgate.

## SCHEDULE 6

Regulation 7

### DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(iia)*

#### Question 1

##### **Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
*Delete as appropriate		

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

- Access to the premises is via an automatic door entrance approached normally from a level or ramped surface.
- The entrance door features an assistance bell positioned at a low level for a disabled person to summon help if necessary.
- The width of the aisles are appropriate to allow free movement and safely accommodate electric scooters and wheelchairs.
- All customer areas are on the ground floor

### Question 3

#### **Facilities available**

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

- The premise has a disabled toilet on the ground floor, which can be made available to any disabled customer should the need arise.

### 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 dogs are welcome and a sign to this effect is displayed at the store entrance
- Some products may be displayed in cabinets or on shelving which may not be easily accessible to wheelchair users. Staff are available to assist customers as required.
- The premises will have at least 1 fire exit route which is suitable for persons with mobility issues. An Evac Chair will be provided where no level escape route can be provided.
- Price Tickets and Point of Sale material has appropriate colour contrast and font size of at least 14 point where practical.

**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 ...Alison Smith – TLT LLP..... \* (see note below)

Date .....24.02.22

Capacity ..... AGENT

Telephone number and email address of signatory...0333 006 1297  
Alison.Smith@TLTsolicitors.com

**\* 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.”



31/01/2022

Your Ref: **EL0153**

Our Ref: **612612/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

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

**FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD**

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
ALDI NORTH BERWICK  
48-52 DUNBAR ROAD, NORTH BERWICK, EAST LOTHIAN, EH39 5AB.**

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

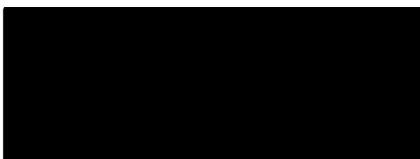
The variation requested consists of;

- Click and collect service and on line sales or deliveries may also take place during and out with core hours.
- Increase the permanent display capacity to 32.76801m<sup>2</sup>.
- Increase the seasonal display capacity to 7.2m<sup>2</sup>.

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



Catriona Paton

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: C. Grilli**  
**Clerk to the Licensing Board**

---

Date: 25 Feb. 22

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

**Aldi, 48-52 Dunbar Road, North Berwick, East Lothian EH39 5AS**

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

The variation applied for relates to an increase in the current display capacity of 24.75m<sup>2</sup>, by 15.22m<sup>2</sup>, to 39.97m<sup>2</sup> during normal non seasonal trading, and an increase of 0.45m<sup>2</sup> to seasonal trading of 7.2m<sup>2</sup>.

The layout of the alcohol display is to be moved from the side wall to the back wall of the store.

Click & Collect, and Deliveries are to be included in the operating plan.

I have no objection to the proposed changes, but offer the following recommendations:

- That a CCTV camera should cover the alcohol display area.
- All bottles of spirits should be security tagged to deter theft.
- All thefts of alcohol should be notified to the police.
- In relation to deliveries of alcohol, the conditions required under Section 119 of the Licensing (Scotland) Act 2005, and Section 32 of the current 'Statement of Licensing Policy 2018 -2023', should be complied with, namely:

### **32.0 Deliveries**

32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records. (ref. Section 119 L(S)A 2005)

### **32.2 (not applicable)**

32.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.

Aldi is a very well run store and as such I have no objection to the grant of the current application.

R. Fruzynski  
Licensing Standards Officer

## Winter, Maree

---

**From:** Kathryn Smith <[REDACTED]>  
**Sent:** 08 February 2022 12:13  
**To:** Winter, Maree  
**Subject:** RE: Major Variation Application - Aldi, 48-52 Dunbar Road, North Berwick - EL0153

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Dear Maree

North Berwick Community Council discussed the major variation application of the premises licence for Aldi, 48-52 Dunbar Road, North Berwick at its meeting last week.

Although there was no objection to the increase in the permanent and seasonal display capacity, concern was expressed at the click and collect service and on line sales/deliveries *outwith* core hours as this could disturb neighbouring residents. What provision is there for addressing this potential difficulty?

Kind regards  
Kathryn

*Kathryn E Smith*  
*Secretary NBCC*

---

**From:** Winter, Maree [mailto:mwinter@eastlothian.gov.uk]  
**Sent:** 27 January 2022 12:56  
**To:** Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; Fire officer (torquil.cramer@firescotland.gov.uk); 'Licensing@nhslothian.scot.nhs.uk'; Environmental Health/Trading Standards; Environment Reception; Trading Standards; Grant, Shona; [REDACTED]  
**Subject:** FW: Major Variation Application - Aldi, 48-52 Dunbar Road, North Berwick - EL0153

Dear all

Please find attached major variation application of a premise licence for Aldi, 48-52 Dunbar Road, North Berwick. Could I please have any objections/representations by Monday 28<sup>th</sup> February 2022.

Kind regards  
Maree

---

*Maree Winter*

**Licensing Officer: Accredited Specialist Paralegal in Licensing Law, Democratic & Licensing Services: East Lothian Council: John Muir House:  
Haddington: EH41 3HA  
01620 827867  
[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**

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

From: Alison Smith <Alison.Smith@TLTsolicitors.com>

Sent: 24 February 2022 11:38

To: Winter, Maree <mwinter@eastlothian.gov.uk>

Subject: RE: Application ALDI North Berwick- reference CG/mjwEN/L/L1V

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Maree

Apologies for the slight delay in responding. We ended up having to speak to a couple of people in the Aldi click and collect team and both had annual leave. In response to the queries, I can confirm:

Aldi are moving to a Click & Collect service for some stores. With this, certain car parking spaces are set aside for this use. Usually 2 or 3 spaces. Customers come into store to advise that they have parked in a Click & Collect space and their shopping is then brought out to them. In our view, having reviewed the Click & Collect service at other stores, this service does not generate any more noise than customers exiting in usual course. We can confirm that the last Click & Collect slot would be before store closing at 8pm.

Thanks as always for your help.

Alison

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

From: Winter, Maree <mwinter@eastlothian.gov.uk>

Sent: 15 February 2022 10:33

To: Alison Smith <Alison.Smith@TLTsolicitors.com>

Subject: FW: Application ALDI North Berwick- reference CG/mjwEN/L/L1V

Importance: High

Hi Alison,

Please see below, can you advise what the hours for click and collect, sales and deliveries will be. Can you remember to send me the support statement as well.

Kind regards

Maree

Maree Winter

~~Licensing Officer: Accredited Specialist Paralegal in Licensing Law, Democratic & Licensing Services:~~

East Lothian Council: John Muir House:

Haddington: EH41 3HA

01620 827867

mwinter@eastlothian.gov.uk

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery

**To:** Clerk to the Licensing Board

**Per:** Neil Millar

**Per:** Licensing Board

**Cc:**

---

**Date:** 7<sup>th</sup> February 2022

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Aldi, 48-52 Dunbar Road, North Berwick

**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.



# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**5c**

**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)

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**2. PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises** EL093

**2(b) Name and Address of Premises** Tower Inn, 128-130 Church Street

Tranent

Post Code EH33 1BL

Tel. No. \_\_\_\_\_

Email \_\_\_\_\_

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

Four Sisters Properties Ltd

51 Craighouse Avenue, Edinburgh

Post Code EH10 5LP

Tel. No. \_\_\_\_\_

Email address \_\_\_\_\_

**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 detail below the proposed changes. **(See Note 1)**

- To add an additional Activity providing that food may be supplied for customers, having been prepared at other premises, but consumed on these premises.  
- To add Outside Drinking Facilities as an Activity, including before licensed hours.  
- To permit access for Children, if accompanied by an adult. Children must vacate the premises by 8pm and Young Persons by 11pm unless either are attending a private pre-booked function in which case they may remain until the end, subject to management discretion.

**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.

To substitute a new Layout Plan showing the outside area.

**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)

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**5. FEE PAYABLE**

Information on fees can be found at [https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](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.**

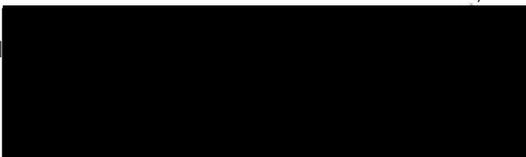
I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the 

Signature  (See note 5 overleaf)

Date 17/2/21

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

**If agent, please provide details**

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

Tel. No. 0131 229 6181 Email address 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.)

## OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Tower Inn 128-130 Church Street Tranent East Lothian EH33 1BL
---

### Question 1

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

<i>Will alcohol be sold for consumption on the premises?</i>	NO
<i>Will alcohol be sold for consumption off the premises?</i>	NO
<i>Will alcohol be sold for consumption both on and off the premises?</i>	YES
<i>Delete as appropriate</i>	

### Question 2

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

<i>Date</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Final time</i>
<i>Monday</i>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	1am
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	Midnight

**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>	11am	10pm
<i>Tuesday</i>	11am	10pm
<i>Wednesday</i>	11am	10pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	11am	10pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the licence or trade apply to seasonal variations?</i>	YES
--	-----

*\*If YES – provide details*

We would seek to take advantage of any extended period of trading granted by the Board for significant local/ national events e.g. festive period and bank holidays 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 5(a) Activity	COL 2 Please confirm YES/NO	COL 3 To be provided during core licensed hours - please confirm YES/NO	COL 4 Where activities are also to be provided along with core licensed hours please confirm YES/NO
Accommodation	No	N/A	N/A
Complimentary facilities	No	No	No
Restroom facilities	No	No	No
Activities	No	No	No
5(b) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided along with core licensed hours please confirm YES/NO
Social functions including:			
Receptions including weddings, christenings, etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes
5(c) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided along with core licensed hours please confirm YES/NO
Entertainment including:			
Recorded music - see 5(g)	Yes	Yes	Yes
Live performances - see 5(g)	Yes	Yes	No
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	Yes	Yes	No
Indoor/outdoor sports	Yes	Yes	No
Televised sport	Yes	Yes	Yes

5(a) Activity	YES/NO	also to be provided during core licensed hours – please confirm YES/NO	also to be provided outwith core licensed hours please confirm YES/NO
Outdoor facilities	Yes	Yes	Yes
5(e) Activity	Please confirm 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
Airside entertainment	No	No	No

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

Receptions – we have the facility to offer a range of reception facility. This may include funeral parades that require alcohol on the premises from 9am. This activity would be subject to the expedient grant of an Extended Hours Application.

Club Meetings – we have the facility to host local community meetings. This may include events that require alcohol to be available on the premises from 9am e.g. golf day. This would be obtained through an Extended Hours Application.

Recorded Music – this may be played outwith core hours during reception.

Televised Sport – we anticipate that certain major sporting events e.g. Olympics, Football World Cup may be televised outwith core hours and we would wish to offer the sale of alcohol on premises at these times. This would be obtained through an Extended Hours Application.

Outside Drinking facilities-may be used by customers if the premises are open before the commencement of licensed 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.

We may provide a range of activities during core hours such as quiz nights, dominoes, charity nights, or similar social activities appropriate to the target market. Activities requiring alcohol outwith core hours will be subject to an Extended Hours Application being granted. No additional activities shall take place after core hours (with or without the provision of alcohol) unless under the authority of an Extended Hours Application.

Food may be supplied for customers, having been prepared at other premises, but consumed on these premises.

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

<i>Delete as appropriate</i>	N/A
------------------------------	-----

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

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

*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 admitted only when accompanied by an adult.

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

No restriction (0-17 years).

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

Children must vacate the premises by 8pm and Young Persons by 11pm unless attending a private pre-booked function in which case they may remain until the end of the function, subject to management discretion.

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

Children and Young Persons will be admitted to all public areas.

**Question 7**

**CAPACITY OF PREMISES**

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

On Sales - 156

**Question 8**

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

*Personal details*

8(a) *Name*

John Reynolds

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2009	East Lothian Licensing Board	EL401

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

The content of this declaration is true to the best of my knowledge and belief.

Signature (please see note below)

Date ...

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

Telephone number and email address of signatory .....

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

**\* Data Protection Act 1998**

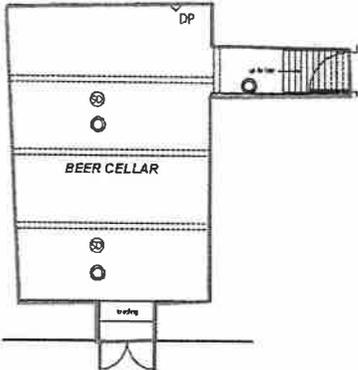
The information on this form may be held on an electronic public register which may be available to members of the public on request.

OCCUPANT CAPACITY  
156 PERSONS  
ALCOHOL DISPLAY FRONTAGE  
10.80 sqm

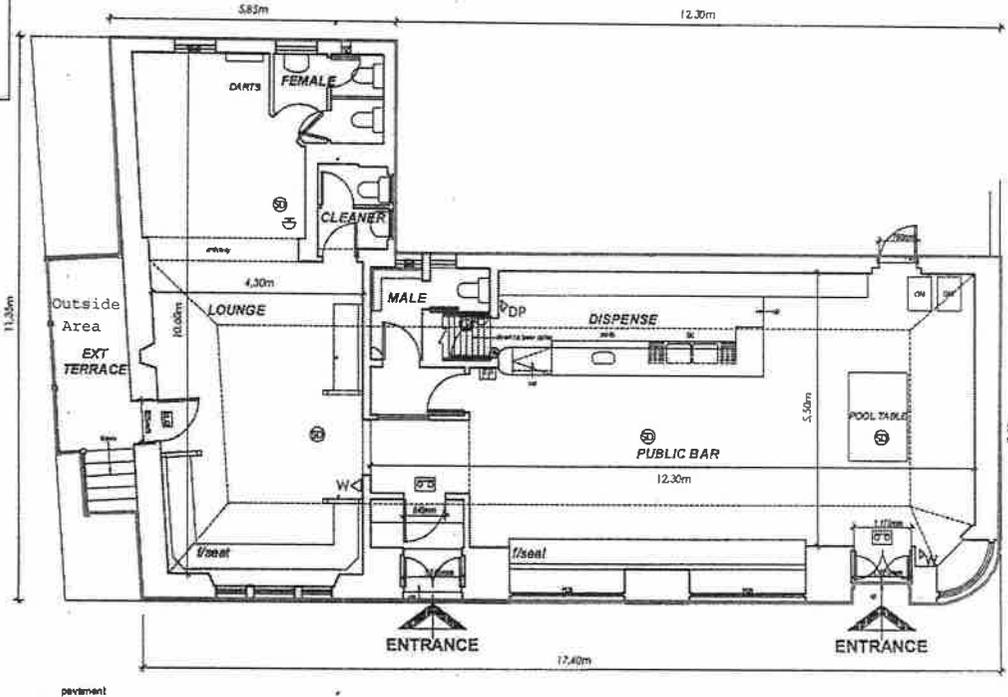
**FIRE & EQUIPMENT LEGEND**

- ⊙ 3hr mntd emerg light
- ⊙ 3hr mntd emergency incl Euro Legends
- ⊙ Fire Alarm Sounder
- ⊙ F-Alarm Break Glass Pnt
- ⊙ Fire Blanket
- ⊙ Smoke Detector (Combined SD & Sounder)
- ⊙ Heat Detector (Combined HD & Sounder)
- ⊙ Fire Alarm Control Panel
- ⊙ PB Emergency Push Bar
- sc30/60 Self closing FR doors
- sc Self closing door
- ▷W Fire Ext-Water 9L
- ▷DP Fire Ext-Dry Powder 2.3kg
- ▷Co2 Fire Ext-Carbon Dioxide 2.3kg (Type 21b)
- ▷DF Dry Foam
- ⊙ Hose Reels

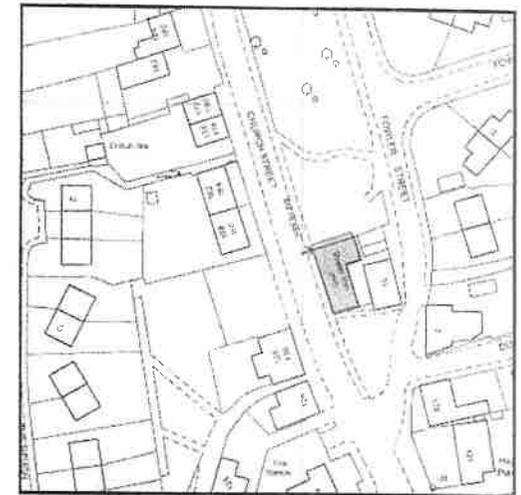
— Outside Area



LOWER GF PLAN 1:100



GF PLAN 1:100



LOCATION 1:1250 N^

ACTIVITY	Public bar	Being bar	Restaurant	Eventual	Wing bar	Games room	Bedrooms
accommodation							
conference							
restaurant							
bar meals							
reception	✓	✓					
club meetings	✓	✓					
recorded music	✓	✓					
live performances	✓	✓					
dance facilities							
theatre / films							
gaming	✓	✓					
indoor sports	✓	✓					
televised sports	✓	✓					
outdoor drinking							
adult entertainment							
children/young persons	✓	✓					

**ROUGH DESIGN PARTNERSHIP** ROUGH DESIGN PARTNERSHIP LTD  
**CREATIVE INTERIOR + ARCHITECTURAL CONSULTANTS**  
 38 BIDDLEIGH STREET EDINBURGH EH8 9LP  
 T 0131 4894411 F 0131 967 8851  
 E ROUGH-DESIGN@TALK 21.COM

<b>PROJECT</b> TOWER INN 130 Church Street Trinity EH3 1BL	<b>CLIENT</b> BELHAVEN Pubs LTD AIRIUM HOUSE 6 BACK WALK STRUNG FK8 2QA	
<b>NATURE</b> LICENSING APPLICATION	<b>DRG.</b> PLAN EX	<b>SCALES</b> 1:100
<b>PROJECT REF</b> <b>3560</b>	<b>DRG.NO</b> TOW DATE OCT.07	<b>REV</b>  <b>DATE</b>

DRAWING FOR THE BENEFIT OF THE PROJECT  
 ALL MEASUREMENTS AND APPROVALS  
 TO BE MADE BY THE CLIENT

22/02/2022

Your Ref: **EL093**

Our Ref: **616485/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

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

**FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD**

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
TOWER INN  
131 CHURCH STREET, TRANENT, EAST LOTHIAN, EH33 1BL.**

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

- 1: To add an additional activity providing that food may be supplied for customers, having been prepared at other premises, but consumed on these premises.
2. To add outside drinking facilities as an activity, including before licensed hours.
3. To permit access for children, if accompanied by an adult. Children must vacate the premises by 8pm and young persons by 11pm unless they are attending a private pre-booked function in which case they may remain until the end, subject to management discretion.

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 comment on the requested variations as above;

1. No Police objections or recommendations.

**OFFICIAL**

2. The outside area must be adequately supervised by staff and covered by CCTV.

No amplified music or speech is to be broadcast in the outside area.

Any activities in relation to the outside area will cease at 22.00hrs.

All alcohol to be consumed in the outdoor area to be contained in plastic receptacles.

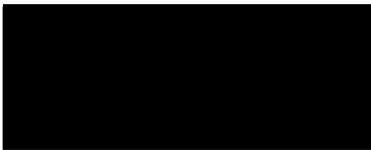
It is respectfully requested that the board give consideration to the number of patrons permitted to use the area at any given time.

3. No police objections or recommendations.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that consideration to the variation in its current form should be modified as above and that the concerns raised in this letter are addressed.

This representation is submitted for your attention in considering this application.

Yours faithfully



Catriona Paton  
Chief Superintendent

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

# EAST LoTHIAN COUNCIL

## Licensing Standards

From: Rudi Fruzynski,

Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

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Date: 09 March 2022

**Subject: LICENSING (SCOTLAND) ACT 2005**

**PREMISES LICENCE MAJOR VARIATION 2022**

**THE TOWER INN, 128 - 130 CHURCH STREET, TRANENT, EAST LoTHIAN  
EH33 1BL**

I can confirm that the applicant and premises have been visited in relation to this variation application. My observations are as follows:

The changes applied for are:

- To add food offerings prepared off the premises.
- To permit children on the premises, accompanied by an adult up to 20:00 each day or until the conclusion of a pre-organised event.
- To permit young persons on the premises until 23:00 daily or until the conclusion of a pre-organised event.
- To add an external drinking area to the north side of the premises. This area may be used outwith core hours. The proposed area will be on raised decking, on the same level as the north facing side door. In the future, the applicant has indicated that the area may be extended to measure approximately 3.5metres in width and 12.5 metres in length (43.75m<sup>2</sup>).

Licensing Standards has no objection to the foregoing proposals, but may recommend however, the following conditions if there was an application submitted in respect of an extended outdoor area:

- It is suggested that the capacity of any extended outdoor area be limited to no more than 40 persons. The current capacity of the indoor area is 156. (Please see the photographs submitted by the applicant).
- The boundaries of any extended outdoor area should be clearly delineated.
- CCTV should cover the outdoor area if it is extended in the future.
- The terminal hour for use of the outdoor area should be no later than 20:00 each day to protect neighbouring residences from disturbance and nuisance.

In summary, the proposed changes are supported by Licensing Standards.

R. Fruzynski  
Licensing Standards Officer

## Winter, Maree

---

**From:** Chrissie Irvine <[REDACTED]>  
**Sent:** 18 March 2022 16:07  
**To:** Winter, Maree  
**Subject:** Re: Emailing: Tower Inn Layout Plan Feb 22.pdf  
**Attachments:** The Tower Tranent-Major Variation i\_Redacted.pdf; Layout Plan Feb 22.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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 afternoon Maree

Thank you for sending this information through.

After reviewing this I would like to raise my concerns with the plans at the Tower Inn. I do not object to all the changes, serving food and allowing children I do not have any objections too. It's the outdoor drinking that I have serious concerns about.

I appreciate that you have advised the drinking area is to be at the North side but the drawings provided are dated 2007 and show a small smoking area. Are we to believe that this will not be extended? If it is then should we not be provided up to date plans. If this area is to be extended then I would clarification on the following points:

1. That is will definitely be an 8pm curfew.
2. Will designated bins be put in place for patrons? The level of rubbish thrown in the green and shoved in our hedge is unbelievable.
3. If there is an outdoor area will the capacity increase? If so , where are you expecting customers to park? There is limited parking as it is and with an influx of vehicles will led to unruly parking in the surrounds. Cars are currently being left over night given a 'courtesy bus' is being laid on.

I am glad that someone has taken over this business and I wish them success but I feel further thought is required about these additions.

Kind Regards

Chrissie  
[REDACTED]

On 15 Mar 2022, at 09:29, Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

Dear Ms Irvine,

## Winter, Maree

---

**From:** Johnson, Darren  
**Sent:** 21 February 2022 07:59  
**To:** Licensing  
**Subject:** FW: Major Variation application - Tower Inn, Tranent  
**Attachments:** The Tower Tranent-Major Variation i.pdf; The Tower Tranent-Operating Plan-Major.pdf

Good Morning

No objections.

Darren

---

**From:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Sent:** 18 February 2022 12:02  
**To:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Cc:** Gunning, Laura <lgunning@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Tower Inn, Tranent

Hello Darren,

Can you please deal with this application when you get the chance.

Copied the e-mail to Laura and Lynn as they were also sent it by EHTS.

Thanks

Andrew

---

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 18 February 2022 11:32  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lsight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Tower Inn, Tranent

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 17 February 2022 16:02  
**To:** Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; tecc.secretary@aol.co.uk  
**Subject:** Major Variation application - Tower Inn, Tranent

Dear all,

Please find attached major variation application for The Tower Inn, Church Street, Tranent.

The layout plan will follow in due course,

Could I please have any representations/objections by 18<sup>th</sup> March 2022.

Kind regards  
Maree.

*Maree Winter*

**Licensing Officer: Accredited Specialist Paralegal in Licensing Law, Democratic & Licensing Services: East Lothian  
Council: John Muir House:  
Haddington: EH41 3HA  
01620 827867  
[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**



**EAST LoTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery

**To:** Clerk to the Licensing Board

**Per:** Neil Millar

**Per:** Licensing Board

**Cc:**

---

**Date:** 24<sup>th</sup> February 2022

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Tower Inn, 128-130 Church Street, Tranent

**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.



SITE NOTICE

Palbars 5/2

East Lothian Council  
Licensing

- 8 FEB 2022

Received

RE  
RF  
CAL  
EDU  
T.S  
FIR  
S.C  
NH



# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

5d

**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)

Amendment to the layout plan with the erection of a shelter to the rear of the property

increasing the size of the beer garden.

Amendment to the opening hours of the operating plan.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises** ELO348

**2(b) Name and Address of Premises** Station Yard Micropub, Station Road, Dunbar

Post Code EH42 1JX Tel. No. 

Email david@wintonbrewery.com

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

Steven Holligan 

Post Code EH34 5HD

Tel. No.  Email address steve@wintonbrewery.com

**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 detail below the proposed changes. (See Note 1)

Proposed amendment to: Section 2 Statement of core times when alcohol will be sold for consumption on the premises. Proposed terminal hour extension on Thursday, Friday, Saturday (extension to 01:00) and Sunday (extension to mid-night) in line with Scottish licensing laws.

### **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.

Proposed amendment to layout of the beer garden with the erection of a shelter to the rear of the building.  
The extension is a triangular fenced off area and measures approximately 12.1m by 10.1m (61m<sup>2</sup>). Access to the extension is through the current beer garden to the side of the Station Yard building and increases outside capacity by 40 persons.

### **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)

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**5. FEE PAYABLE**

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](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 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 5th February 2022

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** Station Yard Micropub, Station Road, Dunbar

\_\_\_\_\_

\_\_\_\_\_

Post Code EH42 1JX

- 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**

<b>DAY</b>	<b>ON CONSUMPTION</b>	
	Opening time	Terminal Hour
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	01:00
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	00:00

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

<b>DAY</b>	<b>OFF CONSUMPTION</b>	
	Opening time	Terminal Hour
Monday	11:00	22:00
Tuesday	11:00	22:00
Wednesday	11:00	22:00
Thursday	11:00	22:00
Friday	11:00	22:00
Saturday	11:00	22:00
Sunday	11:00	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 the hours afforded by the licensing board in relation to local or national events of significance, i.e the festive period.

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

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

Social functions including:

<b>5b.</b>	Weddings, funerals, birthdays, retirements etc.	Yes	Yes	No
	Club or other group meetings etc.	Yes	Yes	No

Entertainment, including:

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

<b>5d.</b>	Outdoor drinking facilities	Yes	Yes	No
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<b>5e.</b>	Adult Entertainment	No	No	No
------------	---------------------	----	----	----

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

For the avoidance of doubt our proposed bar meals are light, pre-packaged snacks (e.g. pork pies, cheese, olives, sandwiches, etc). No food preparation will take place on site.

We would also like to provide a service of teas and coffees plus non-alcoholic drinks and snacks from 07:00, depending on customer demand. To be clear no alcohol will be sold prior to core hours, i.e 11am. We shall also have deliveries and internet sales.

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

We may from time to time and weather permitting, consider a bbq/ picnic set up in our external area. Again, for the avoidance of doubt, all food will be pre-packaged.

We shall also have deliveres and internet sales.

**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  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 and young persons accompanied by an appropriate adult when there for the purpose of partaking in a light lunch/ snack/ refreshment.

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

Children 0-15 years  
Young persons 16 and 17 years

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

At all times up to 22:00 hours or until closure when attending an organised event.

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

All areas (with the exception of the 1.5m exclusion zone around bar). They will also be allowed in the external private yard area.

## 7. CAPACITY OF PREMISES

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

On sales - 120

Capacity Breakdown: 40 internal, 80 external

## 8. PREMISES MANAGER

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

Full Name Steven Holligan

Date of birth

Contact address

Post Code

Tel. No.

Email address steve@wintonbrewery.com

### Personal licence

Date of issue 10th January 2017

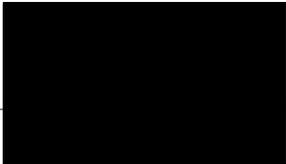
Name of Licensing Board issuing East Lothian Licensing Board

Reference no. of personal licence EL1358

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

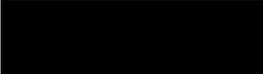
**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief

Signature \_\_\_\_\_  \_\_\_\_\_ (\* see note below)

Date 5th February 2022

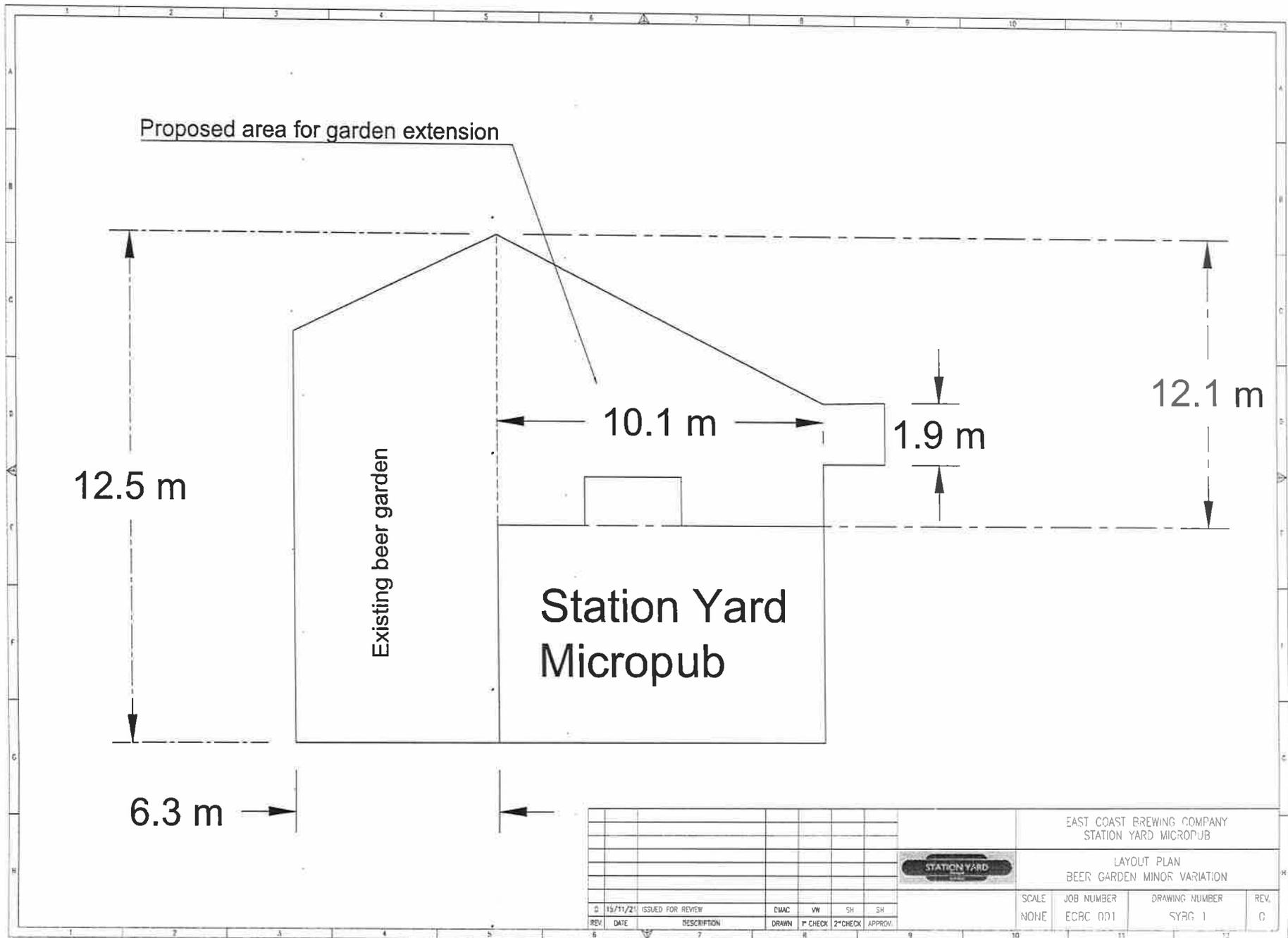
Capacity APPLICANT /~~AGENT~~ (delete as appropriate)

Tel. No. of signatory \_\_\_\_\_  \_\_\_\_\_

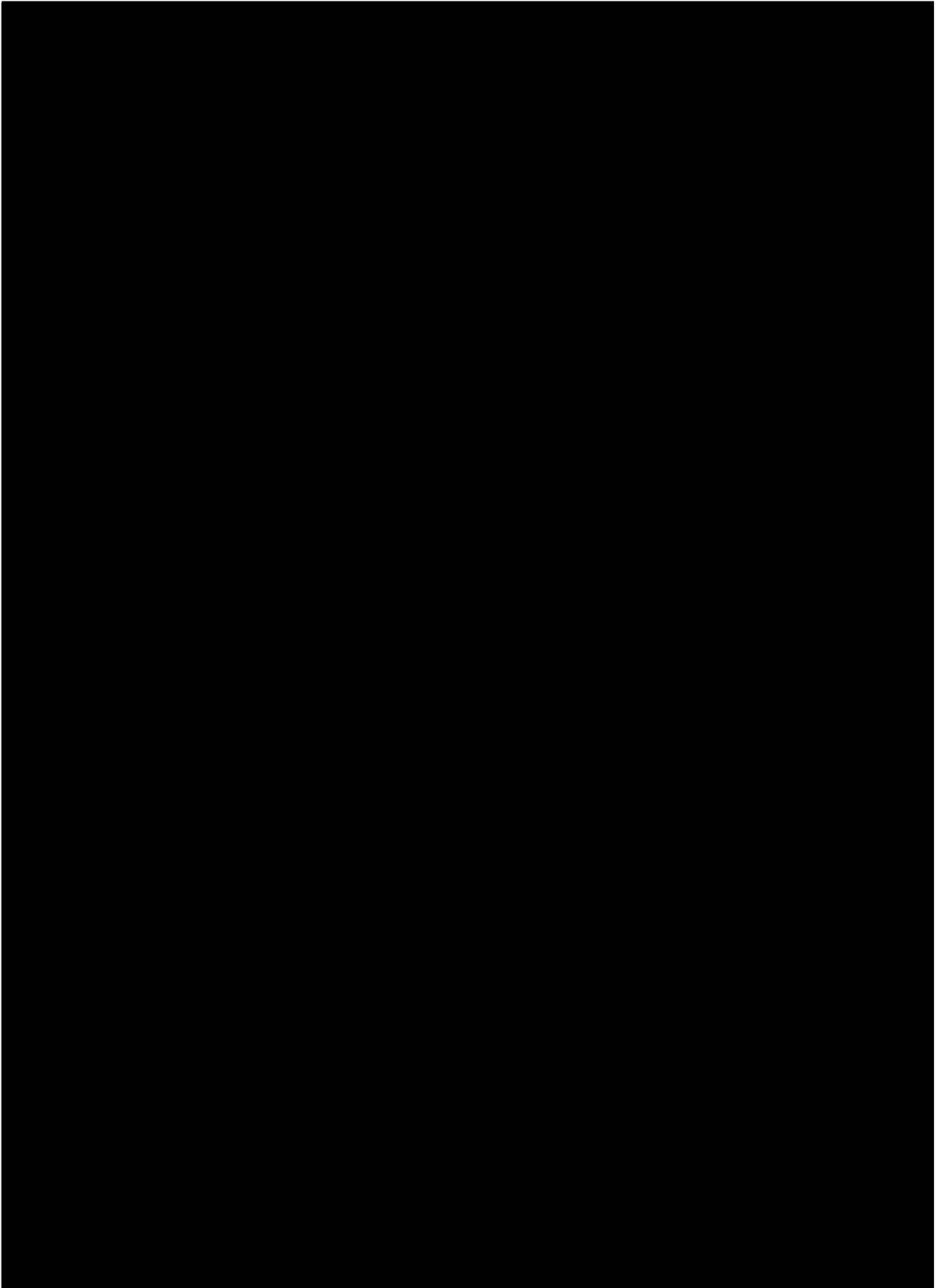
Email address steve@wintonbrewery.com

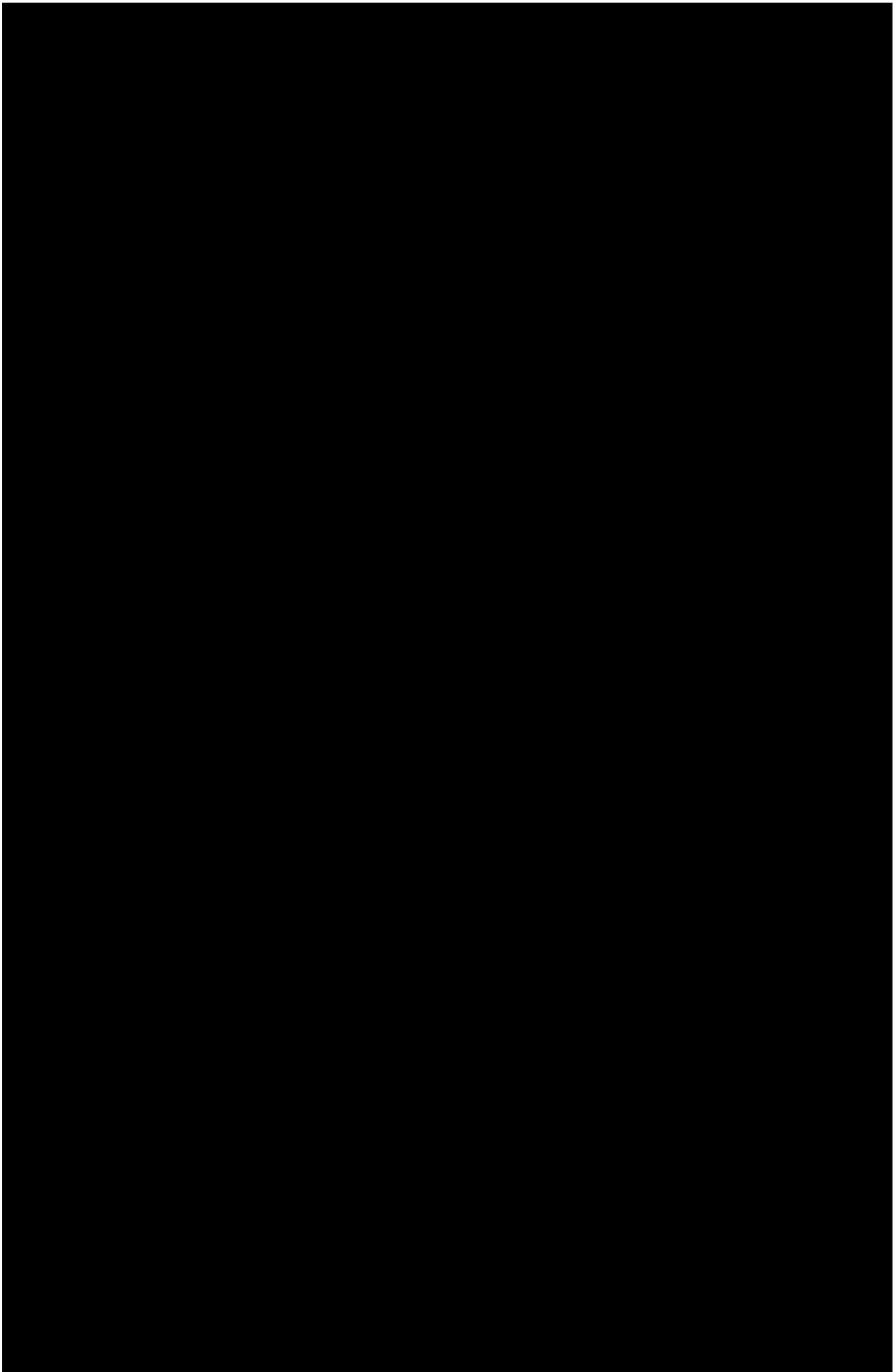
**\* Data Protection Act 2018**

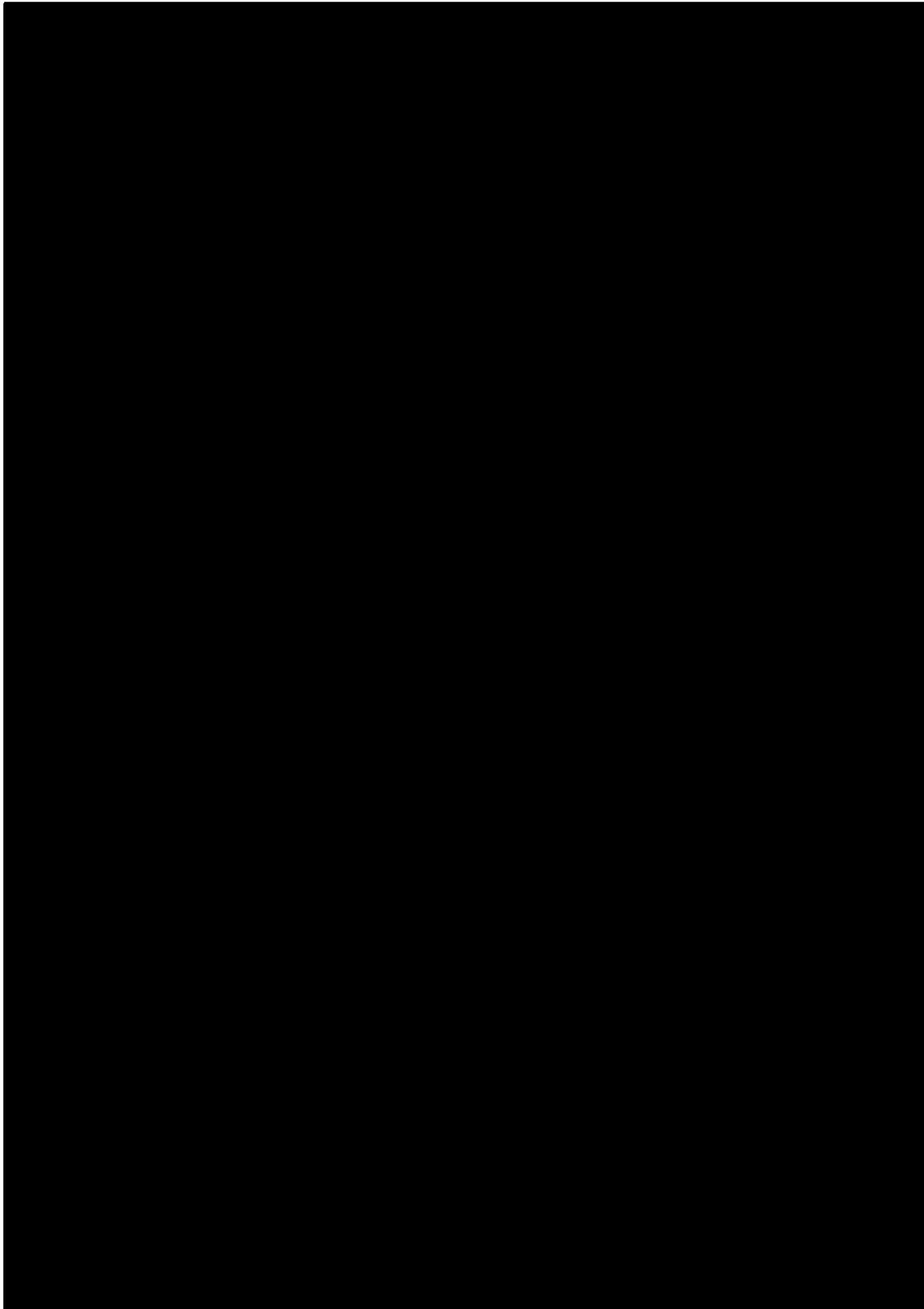
The information on this form may be held on an electronic public register which may be available to members of the public on request.

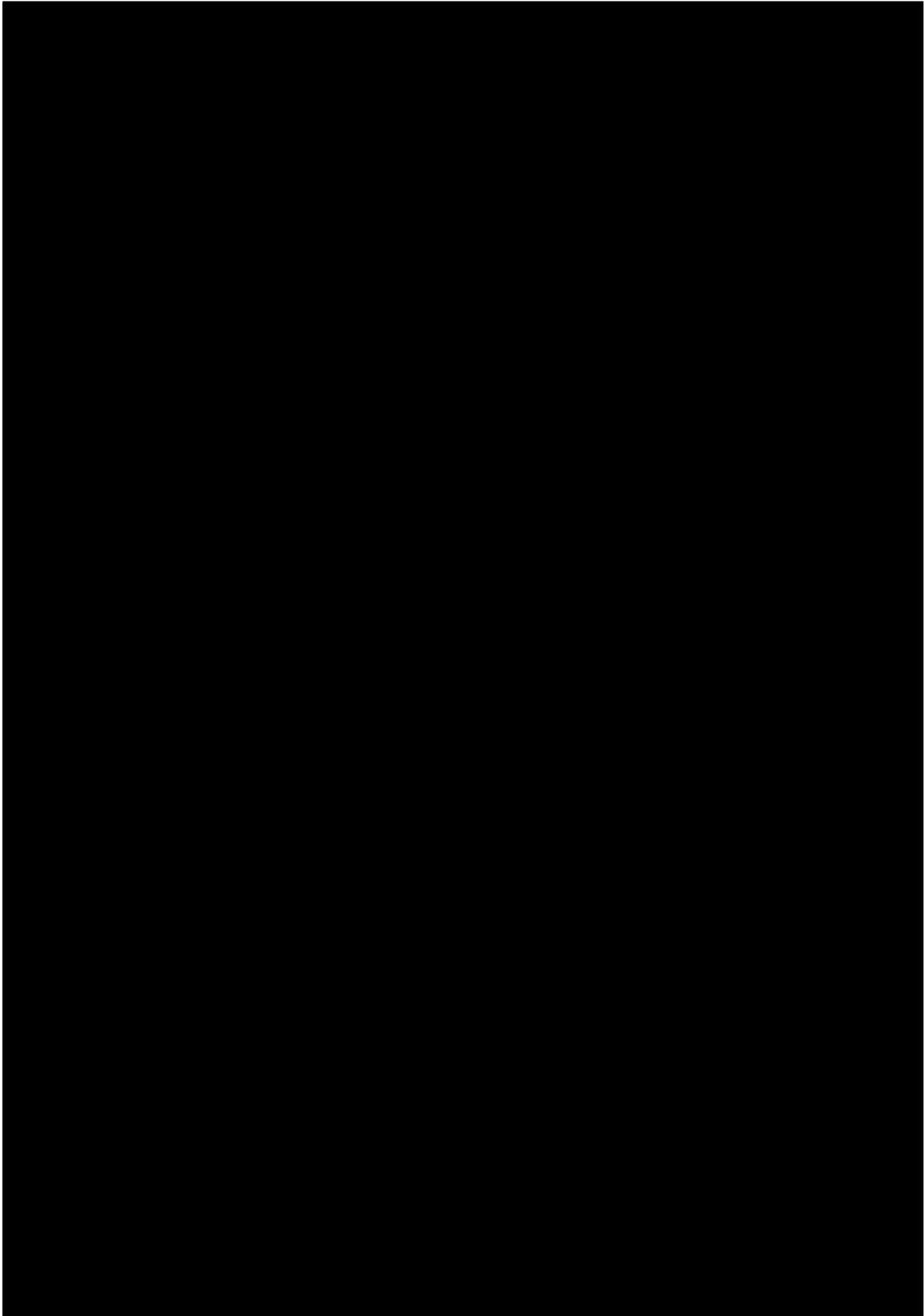


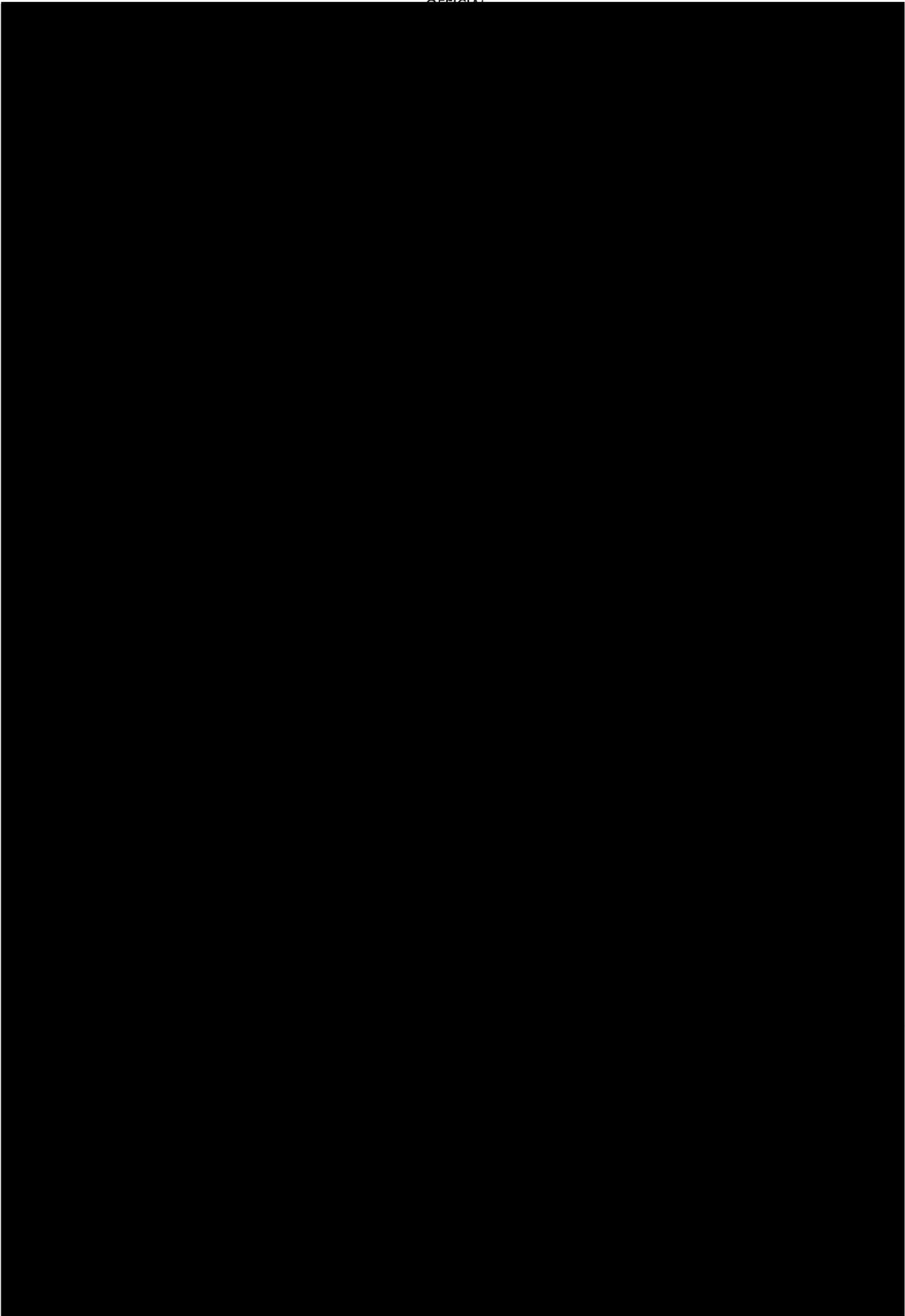


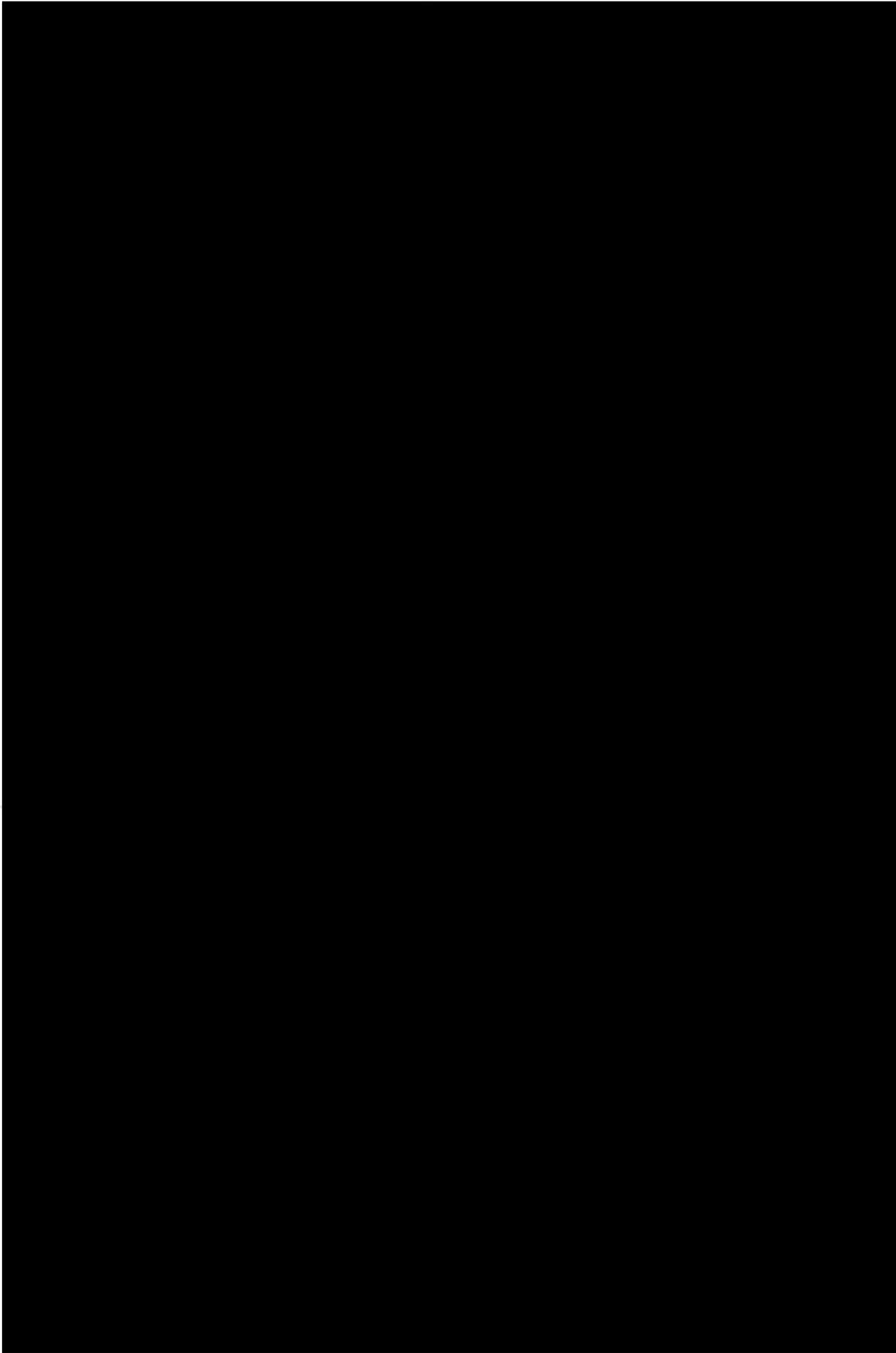


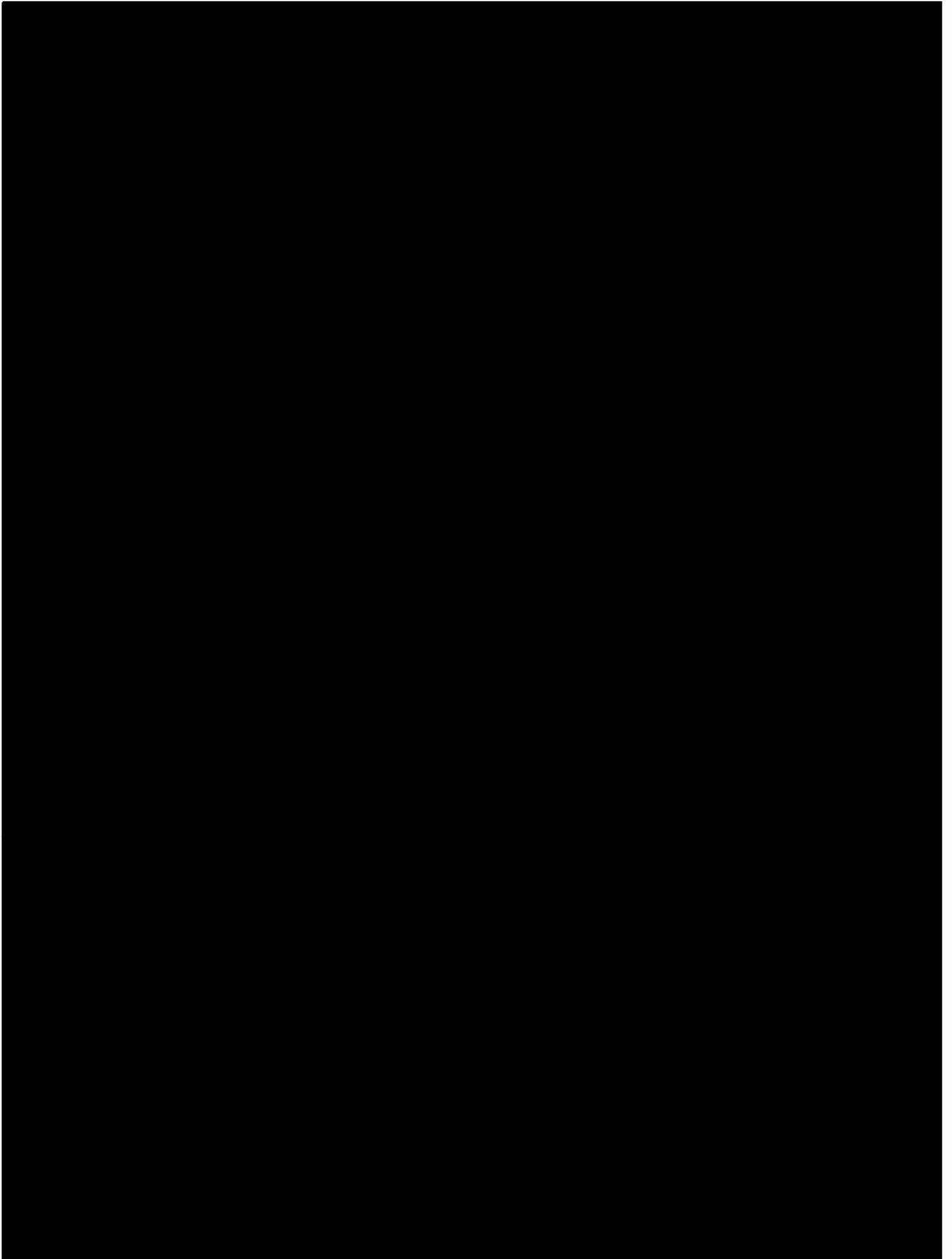


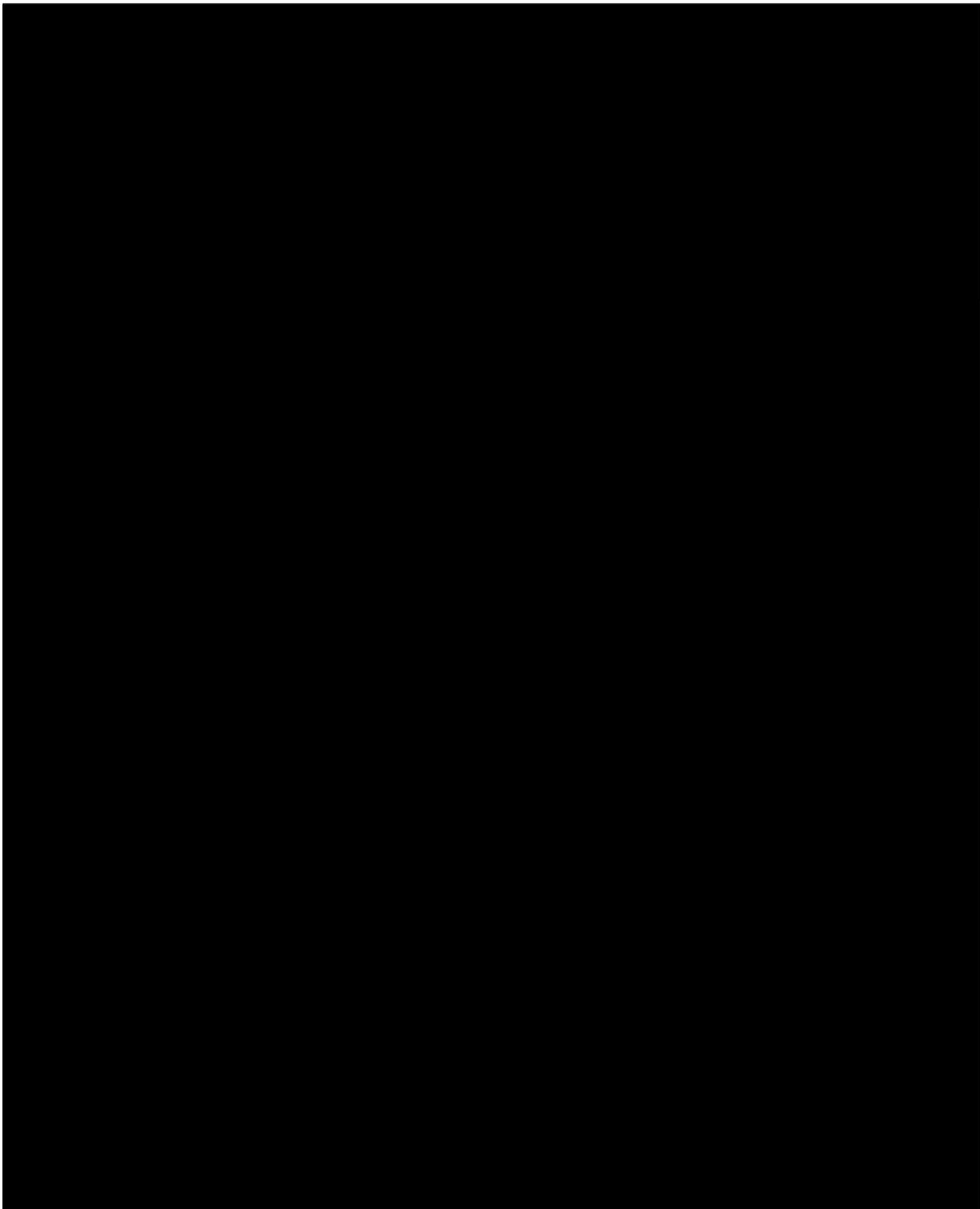


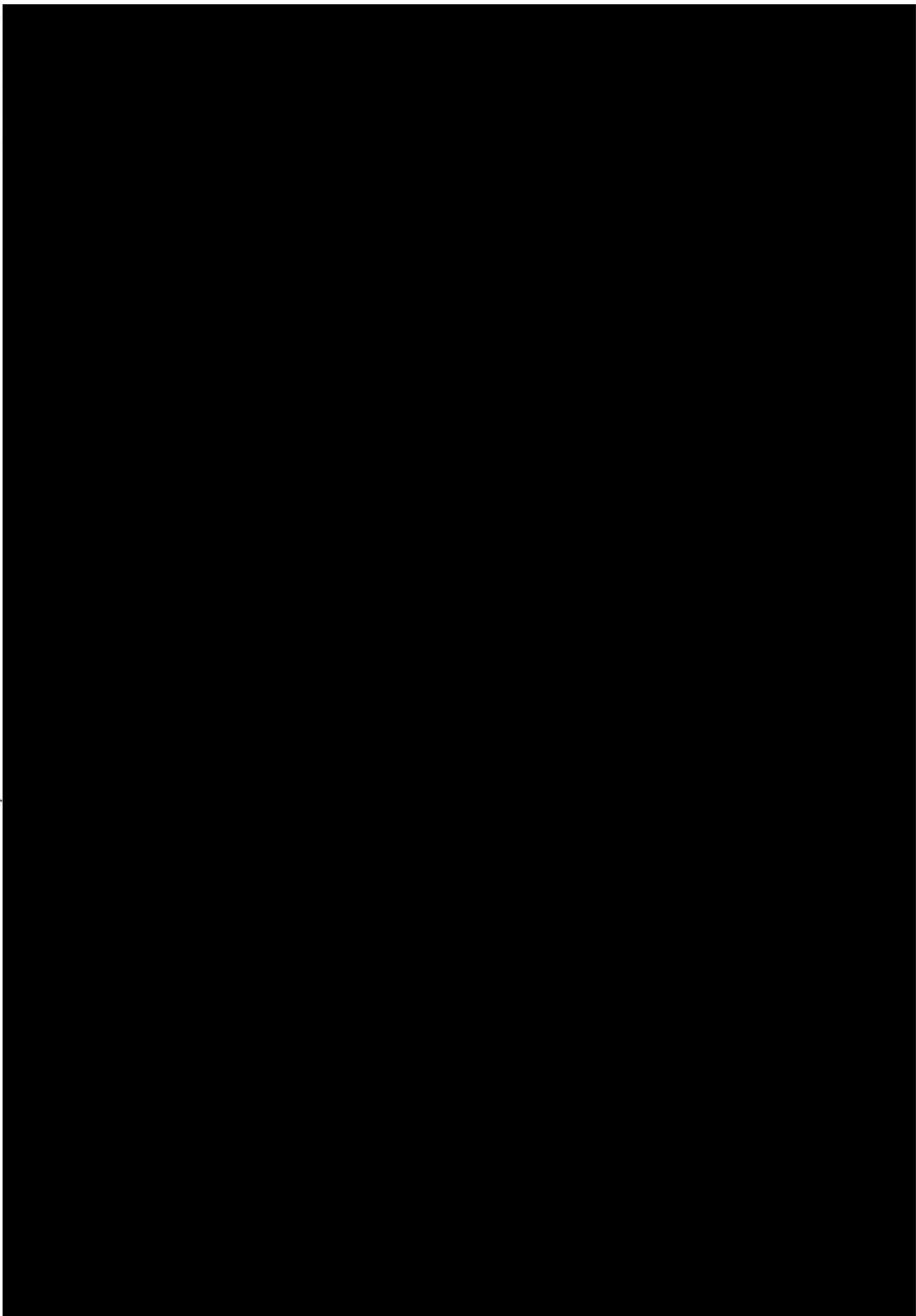












14/02/2022

Your Ref: **EL0348**

Our Ref: **614652/GB**

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



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

**FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD**

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
STATION YARD MICROPUB  
STATION YARD, STATION ROAD, DUNBAR, EAST LOTHIAN, EH42 1JX.**

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

- A change to the layout plan and inclusion of a sheltered area to the rear of the premises.
- An increase in capacity of the outdoor area from 40 persons to 80.
- Change to opening hours in line with legislation and board policy.

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.

**Police Scotland would request that as per current East Lothian Licensing Board policy the outdoor drinking area of the premises shall cease to operate at 22.00hrs on a daily basis and that no amplified music is played in this area.**

This representation is submitted for your attention in considering this application.

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From:** Rudi Fruzynski,  
Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

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Date: 04 March 2022

**Subject: LICENSING (SCOTLAND) ACT 2005**  
**PREMISES LICENCE MAJOR VARIATION 2022**  
**STATION YARD MICROPUB, STATION ROAD, DUNBAR, EAST LoTHIAN**  
**EH42 1JX**

I can confirm that the applicant and premises have been visited in relation to this variation application. My observations are as follows:

The changes applied for are:

- To extend the outdoor drinking area by 61m<sup>2</sup> to 120m<sup>2</sup>. This area has been operated under Occasional Licence since 22/11/2021 without complaint. See attached photographs.
- To increase the capacity of the outdoor drinking area from 40 to 80 persons.
- To add in bar meal facilities, which may commence outwith core hours from 07:00, previously stated as 08:00 in the current operating plan.
- To make changes to the operating plan. The main changes are to increase core hours from 23:00 on a Thursday, Friday and Saturday to 01:00 and from 23:00 to midnight on Sundays.

The current licensed hours of the premises are show below:

### Licensed hours

#### Current ON SALES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00

<i>Thursday</i>	<b>11:00</b>	<b>23:00</b>
<i>Friday</i>	<b>11:00</b>	<b>23:00</b>
<i>Saturday</i>	<b>11:00</b>	<b>23:00</b>
<i>Sunday</i>	<b>11:00</b>	<b>23:00</b>

Off sale facility attached to the licence is 11:00 to 22:00 each day.

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>	<b>11:00</b>	<b>23:00</b>
<i>Tuesday</i>	<b>11:00</b>	<b>23:00</b>
<i>Wednesday</i>	<b>11:00</b>	<b>23:00</b>
<i>Thursday</i>	<b>11:00</b>	<b>01:00</b>
<i>Friday</i>	<b>11:00</b>	<b>01:00</b>
<i>Saturday</i>	<b>11:00</b>	<b>01:00</b>
<i>Sunday</i>	<b>11:00</b>	<b>24:00</b>

In summary, the proposed changes are supported by Licensing Standards. However, the following conditions are recommended in terms of use of the outside area:

- To protect nearby residential properties from disturbance or nuisance there should be no amplified announcements / music / or entertainment in the outdoor area and other noise levels should be controlled so that they are non-intrusive / low level at any neighbouring residential properties.
- The terminal for use of the external area should be no later than 22:00 each day.

Any planning conditions relating to the use of the outdoor area should be resolved prior to its continued use as a licensed area.

R. Fruzynski  
Licensing Standards Officer

Extended section of outdoor drinking area – view 1



Extended section of outdoor drinking area – view 2



Current outdoor drinking area – view 1



Current outdoor drinking area – view 2



## Winter, Maree

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**From:** Licensing  
**Sent:** 08 March 2022 16:45  
**To:** Winter, Maree  
**Subject:** FW: Station Yard licence application  
**Attachments:** KD Objection.pdf

**From:** Katie Day [REDACTED]  
**Sent:** 08 March 2022 16:39  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Re: Station Yard licence application

**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.

Thank you for advising this. Maree, it's much appreciated. I wouldn't want that experience again. In the planning case it was obvious from the circumstances that it was my mum and me objecting to the builder.

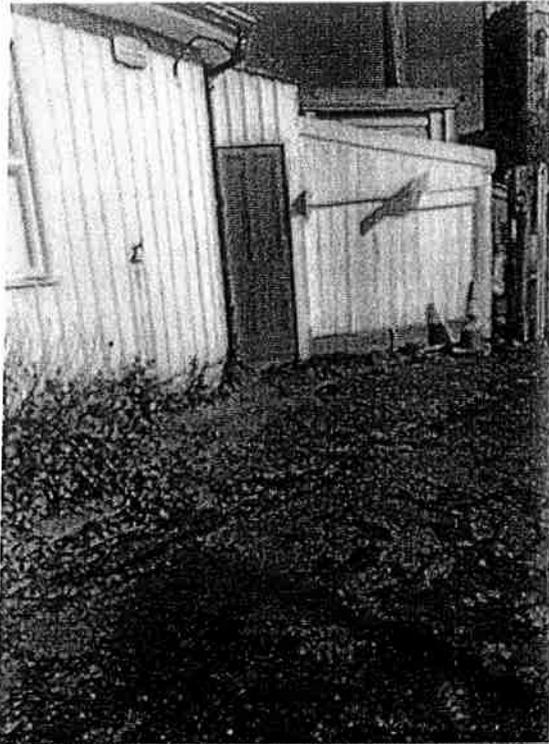
Objection form attached.

I have also attached 3 photos I took recently.

The first is the entrance to the old Dunbar Surf Club that I was looking to convert into a cafe for commuters and train passengers when I graduate. When coming back on the train I saw some staff from the pub getting supplies from the old surf club and take it into the pub. From the ELC planning page this is not part of the pubs property and they have no planning approval to use it that I can see.

The last 2 photos are of the extension that the pub owners are now asking for approval. I have spoken with ELC planning and they said the Government allowed temporary outside accommodation for pubs during Covid without the need for planning. That's a great idea. But this is not a temporary extension as you can see. This is abusing what the Government was trying to encourage. It's massive and goes right to the back of where I want to convert my cafe idea and leaves nothing for me to use, assuming I can get the store back from them! I've been in the beer garden for a drink and its definitely permanent with heaters and a tv.

The other objection I have is the use of heaters in the beer garden. Given global warming this is a total waste of energy heating up a beer garden in January. Its South East Scotland not the South of France and putting profit before the planet. I'd understand it during a sunny winters day but its on at night in the middle of winter! Its such a waste of energy when people are trying to reduce their use to reduce global warming.



Katie Day  
[REDACTED]

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

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

To: Katie Day [REDACTED]

Sent: Mon, Mar 7, 2022 9:00 am

Subject: RE: Station Yard licence application

Hi,

The licensing Board is a public meeting, so your objection will be heard at the meeting, a copy is also sent to the applicant. Your address, email address and telephone will be redacted.



LICENSING (SCOTLAND) ACT 2005, SECTION 22

## NOTICE OF OBJECTION OR REPRESENTATION

If you are completing this form by hand, please write legibly  
in block capitals using ink.

**Please indicate below the type of notice you are making** (tick appropriate box)

Objection

Representation

Please send your Objection or Representation to:

The Clerk to the Licensing Board, East Lothian Council,  
Licensing, Administration and Democratic Services,  
John Muir House, Haddington  
East Lothian, EH41 3HA

Any person may, by notice to the Licensing Board –

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

If you are OBJECTING, please complete Part A of this form.

If you are MAKING REPRESENTATIONS, please complete Part B of this form.

All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR  
BEFORE COMPLETING THIS FORM**

Address \_\_\_\_\_

Post code \_\_\_\_\_

**(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title: Mr Mrs Miss Ms Other \_\_\_\_\_  
(delete/complete as appropriate)

Surname \_\_\_\_\_

First Name(s) \_\_\_\_\_

Address of person lodging objection/representation on behalf of organization

Post code \_\_\_\_\_

Name of Organisation \_\_\_\_\_

Nature of Organisation e.g. resident's association, ward councillor, trade association

Address of Organisation \_\_\_\_\_

Post code \_\_\_\_\_

(d) Granting the application would be inconsistent with one or more of the licensing objectives <sup>1</sup>:-

Objective	Explanation
Preventing crime and disorder	
Securing public safety	
Preventing public nuisance	
Protecting and improving public health	
Protecting children and young persons from harm	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

## PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application:

In support of the application,

As to modifications which should be made to the Operating Plan

IT IS RIDICULOUS FOR THE HOURS TO BE EXTENDED AS PROPOSED. THERE ARE MORE THAN ENOUGH PUBS IN DUNBAR WITH LONGER HOURS THURSDAY TO SUNDAY.

As to conditions which should be imposed

STATION YARD SHOULD NOT BE ALLOWED TO EXTEND THE BEER GARDEN. THEY HAVE ALREADY BUILT A PERMANENT SHELTER WITHOUT PLANNING AND TAKEN ADVANTAGE OF HOLYAOD ALLOWING PUBS TO USE TEMPORARLY OUTSIDE BUILDINGS DURING COVID.

Other representations

WE PLAN TO OPEN A CAFE IN THE NEXT DOOR BUILDING THAT WAS DUNBAR ~~CLUB~~ <sup>SURF</sup> CLUB. STATION YARD ARE USING THIS AS A STORE. THEY DO NOT OWN IT AND HAVE NO PLANNING PERMISSION TO

**PART C – Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here

I HAVE TALKED TO ELC ~~PLANNING~~ PLANNING ABOUT MY CONCERNS, AMELIA SMITH HAS HELPED WITH INFORMATION. THE OWNERS SEEM TO DO WHAT THEY LIKE. THEY HAVE ALSO USED THE LAND BEHIND THE PUB AND LOCKED THE GATE. IT IS NOT THEIR LAND ~~OFF~~ PLANNING. I WOULD LIKE ACCESS AS WELL.

**Please attach supporting documents/further pages as necessary.  
Please number all extra pages.**

I have read and understood the attached privacy notice

Your Signature \_\_\_\_\_

Date \_\_\_\_\_

03 MARCH 2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**GDPR**

Any person who has supplied personal information as part of this application  
**MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

- (e) The premises are unsuitable for use for the sale of alcohol, having regard to <sup>2</sup>:-
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why

- (f) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

- (a) The premises are excluded premises.
- (b) The application must be refused where:-
  - ☒ the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)
  - ☒ Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or
  - ☒ Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both.
- (c) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

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## Section 1 – Application Details

This objection/representation relates to the following Application:

Applicant's name (if known) \_\_\_\_\_

*(This is the name of the applicant in respect of the licensed premises referred to in the application)*

Name & Address of premises STATION YARD MICRO PUB,

STATION ROAD, DUNBAR

Post code EH42 1JX

### This Application is for

Premises Licence

Provisional Premises Licence

Variation of an existing Premises Licence

Occasional Licence

Application Number (if known) \_\_\_\_\_

## Section 2 – Objector/Representer Details

If you fail to complete this section, the objection or representation may not be considered

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual title: Mr Mrs Miss Ms Other \_\_\_\_\_  
*(delete/complete as appropriate)*

Surname DAY

First Name(s) KATIE

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Any person may, by notice to the Licensing Board—

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)		
Name & Address of premises:	Station Yard Micropub Station Road Dunbar, EH42 1JX	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
Application Number (if known)	Reference CG/mjwEN/L/L1V	

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

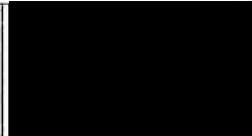
**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title Mr  Mrs  Miss  Ms  Other \_\_\_\_\_  
delete/complete as appropriate

Surname Cooke

First Name(s) Carol-Anne and Finlay

Address (including postcode):



Telephone number



Email address

**(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title Mr  Mrs  Miss  Ms  Other \_\_\_\_\_  
delete/complete as appropriate

Surname

First Name(s)

Address of person lodging objection/representation on behalf of organization (including postcode):

Name of Organisation:

Nature of Organisation e.g. resident's association, ward councilor, trade association

Address of Organisation (including postcode):	
Telephone number	
Email address	
<b><u>PART A – OBJECTION</u></b>	
I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-	
(a)	The premises are excluded premises.
(b)	<p>The application must be refused where:-</p> <ul style="list-style-type: none"> <li>• Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],</li> <li>• Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or</li> <li>• Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].</li> </ul>
(c)	<p>That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:</p>

(d) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<u>Objective</u>	<u>Explanation</u>
<b>Preventing crime and disorder</b>	
<u>Objective</u>	<u>Explanation</u>
<b>Securing public safety</b>	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

	<u>Objective</u>	<u>Explanation</u>	
	Preventing public nuisance		
	<u>Objective</u>	<u>Explanation</u>	
	Protecting and improving public health		

<u>Objective</u>	<u>Explanation</u>
<p>Protecting children and young persons from harm</p>	
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—</p> <ul style="list-style-type: none"> <li>(i) the nature of the activities proposed to be carried on in the subject premises,</li> <li>(ii) the location, character and condition of the premises, and</li> <li>(iii) the persons likely to frequent the premises.</li> </ul> <p>Please explain why : .....</p> <p>.....</p> <p>.....</p>	
<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> <li>(i) licensed premises, or</li> <li>(ii) licensed premises of the same or similar description as the subject premises,</li> </ul> <p>Please explain why: .....</p> <p>.....</p> <p>.....</p>	

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

## **PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
<p>As to modifications which should be made to the Operating Plan</p>	<p>No Operating Plan has been made available.</p> <p>Planning matters are not an issue that the Licensing Board would normally consider. In this case, however, the owners' approach is symptomatic of their management of the pub itself.</p> <p>The extension to the beer garden that has been built should have been subject to Planning Approval as it is a permanent structure and not be used until this is granted. The owners have taking advantage of the Government's relaxation of planning application requirements for erecting temporary structures for the hospitality sector during Covid restrictions.</p> <p>If the structure is indeed temporary, then it should be taken down given the relaxation of Covid restrictions and a new Planning Application submitted for a permanent extension ahead of that requested in the Licence amendment application. The extension does not have the requisite Planning Approval and has a knock on effect for public nuisance issues. The requested Licence amendment should not be granted until the extension is approved by ELC Planning.</p>
<p>As to conditions which should be imposed.</p>	<p>The Application for the extension to licence hours should be declined. The owners have not consulted with neighbours and explained how they would manage excessive noise and associated public nuisance issues after 11pm. It is wholly inappropriate for the proposed hours to be granted adjacent to a residential area. There are many pubs open with extended weekend hours elsewhere in the town.</p> <p>Ad hoc Licence extensions are available for Holidays and Special Events. There is no reason why this should not be adequate for a micropub like Station Yard with its supposed community approach.</p>

<p>Other representations</p>	<p>1) I believe that Licensing Boards are required to assess the overprovision of licensed premises of a particular type in their area.</p> <p>There are a number of pubs in Dunbar that have extended opening hours similar to those requested by Station Yard. The market is well catered for and the noise and other issues associated with late opening has been part of living on the High Street. An additional pub with extended hours in the same area will encourage further excessive late night drinking and the associated problems identified in the Alcohol Focus Scotland paper on Overprovision.</p> <p>2) The Good Practice Document provided by Best Bar None and other hospitality sector associations provide examples of well managed pubs and how they can work with neighbours on the prevention of public nuisance. The manner in which the current owners have approached this shows a disdain to industry best practice methodology.</p> <p>Station Yard is opposite domestic properties with families. The houses adjacent to Station Road were purchased before the original Station Yard conversion from an office to a pub was approved in 2017.</p> <p>Unlike the High Street, the area is very quiet after the trains stop running from 11pm. We have not previously complained about excessive noise that is made as the current closing time is standard for such a pub and fits in with the closure of the station.</p> <p>The developers of the original Micro Pub concept at Station Yard, David McGee and Gerald McPhilips would have approached the further development of the concept in a far more community minded manner. They consulted with neighbours and I am certain would not suggest extending opening hours to 1am opposite a residential area with families.</p> <p>The micropub owners appear to view the pub as a sales outlet for Winton brewery with no respect for neighbours or the owner of the adjacent depot which they have used to their commercial advantage without permission. David and Gerald would not have countenanced this in my opinion.</p>
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**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

There have been comments on social media advising of public nuisance caused by customers adjacent to the old Surf Club and in the Station Car Park. The owners have replied to these comments in an irresponsible jocular manner and not taken the matter seriously.

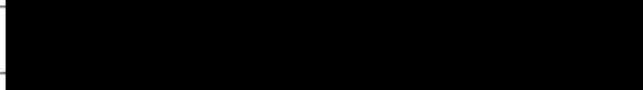
The planning approvals for the pub and beer garden have a clear boundary of ownership. Station Yard's owners have taken it upon themselves to occupy the depot at the back of the property which is owned by Network Rail. The owners have for some considerable time locked the gates that allow entry into the yard and have used the area as storage for equipment, kegs and parking to avoid charges on Station Road. I understand that the depot was also used to build the extension under consideration without Network Rail's permission.

In 2021 the pub organised events that included serving food and alcohol from Network Rail's land from mobile vans. They provided access to the beer garden by removing a fence at the rear of the beer garden. These events were publicised on social media.

There would be a number of health and safety, insurance and legal reasons why Station Yard should not have used this land without Network Rail's permission. I understand that this would also have prevented Network Rail having access to the depot in an emergency situation.

The above issues highlight the questionable credibility of the owners to manage the proposed Licence amendments in an appropriate and professional manner. They have breached Government Guidelines regarding the relaxation of building approvals on a temporary basis, not acted when aware of public nuisance matters and have trespassed on and used other people's property all to enhance their profit without appropriate consideration.

**I have read and understood the attached privacy notice**

Your Signature	
Date	15/3/22

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

## EAST LoTHIAN COUNCIL



### PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: [DPO@eastlothian.gov.uk](mailto:DPO@eastlothian.gov.uk)

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

*If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.*

Your information may be shared with the following recipients or categories of recipient:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• <i>Police Scotland</i></li><li>• <i>Scottish Fire &amp; Rescue Service</i></li><li>• <i>Public Health</i></li><li>• <i>The applicant and/or the applicant's agent</i></li><li>• <i>Neighbouring Proprietors</i></li><li>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i></li></ul> | <ul style="list-style-type: none"><li>• <i>Licensing Standards Officers</i></li><li>• <i>Planning Services</i></li><li>• <i>Building Standards</i></li><li>• <i>Environmental Health</i></li><li>• <i>Community Councils</i></li><li>• <i>The Scottish Government</i></li></ul> |
|---|---|

The retention period for the data is:

- |  |
|--|
| <ol style="list-style-type: none"><li>(1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the <b>date of refusal</b> and thereafter will be destroyed.</li><li>(2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence <b>ceases to have effect</b> and thereafter will be destroyed.</li></ol> |
|--|

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
  - (i) Performance of a Public Task; or
  - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
  - (i) Consent; or
  - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

## Winter, Maree

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**From:** Jacqueline Bell [REDACTED]  
**Sent:** 10 March 2022 12:55  
**To:** Licensing; Winter, Maree; Herkes, Gillian  
**Subject:** Station Yard Dunbar

**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.

I dont know if this has been to licensing committee yet.

Dunbar CC had not expressed concerns.

However, following our sub,mission I heard from Mr Cook d [REDACTED] with concerns about noise and other nuisances from the venue.

he also noted that the Station yard had encroached onto Network rail land.

He was going to be objecting.

If not already been to committee I trust Rudi will look into Mr Cooke's concerns

jacquie Bell

## Winter, Maree

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**From:** Jacqueline Bell [REDACTED]  
**Sent:** 14 February 2022 13:02  
**To:** Licensing; Winter, Maree  
**Subject:** Station yard Micropub- Major variation in License

**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.

Thank you for contacting Dunbar Community Council about this.  
I circulated the application to DCC members.  
They are supportive of the changes.  
Since the Station Yard opened we have not been aware of any issues of noise etc.

Jacquie Bell  
Secretary  
Dunbar Community Council

## Winter, Maree

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**From:** Smith, Amelia  
**Sent:** 18 March 2022 10:48  
**To:** Winter, Maree  
**Subject:** RE: Station Yard - Dunbar  
**Attachments:** 3142815.pdf

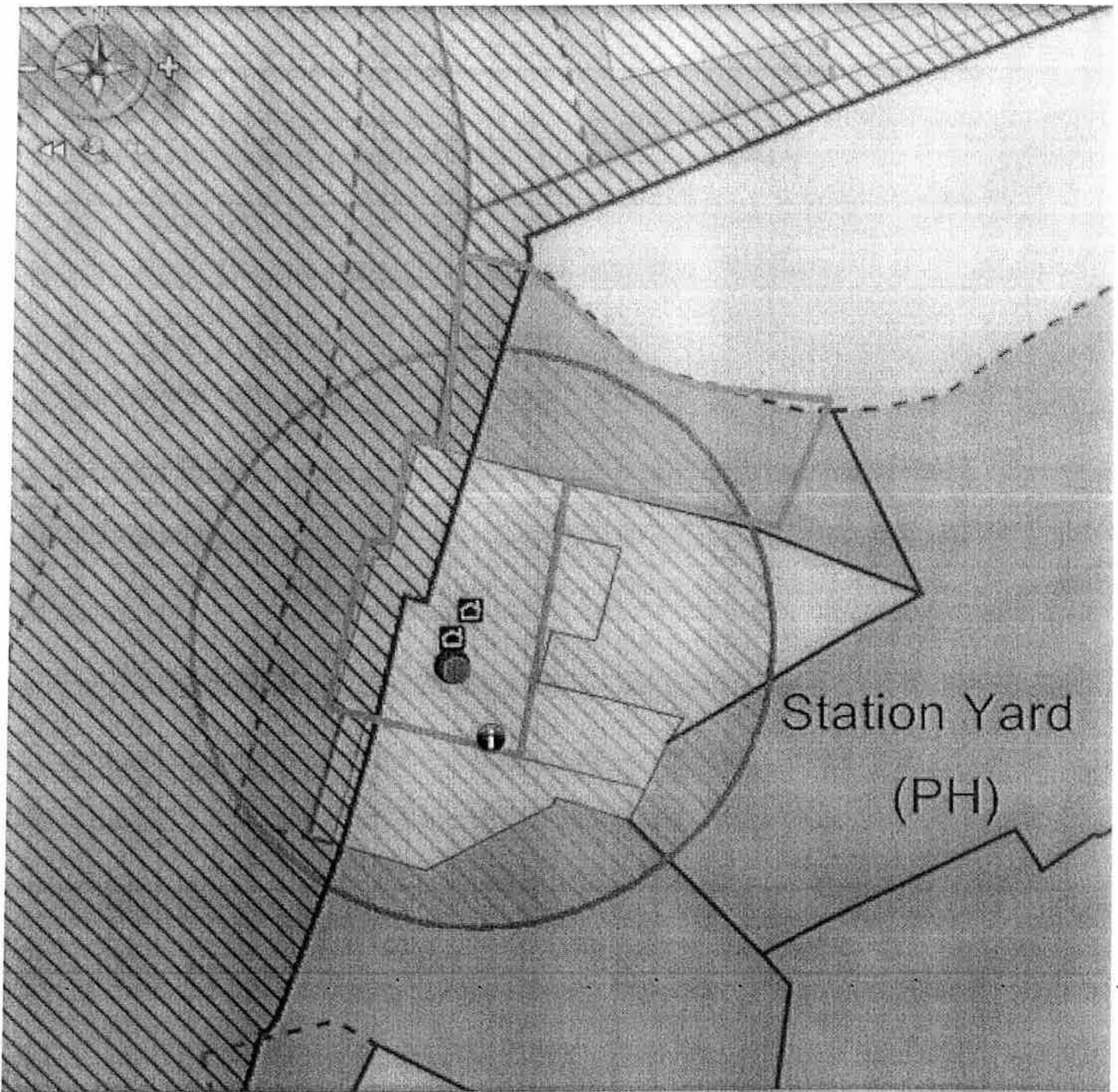
Hi Maree,

An application has been received from Station Uard following a request from myself to apply for retrospective planning permission. The area of land is just the triangular section to the rear of Station Yard. The application no. is 22/00143/P and should hopefully be validated within the next couple of weeks.

Let me know if you need anything further.

Kind regards,

Amelia.



**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 18 March 2022 10:23  
**To:** Smith, Amelia <asmith7@eastlothian.gov.uk>  
**Subject:** Station Yard - Dunbar  
**Importance:** High

Hi Amelia,

Can you help me, we have received an application for an extension to the beer garden for the above premises, Neil came back saying that an application had been received for material change but was invalid for the proposed enlargement. Can you advise.

Thanks  
Maree.

*Maree Winter*

EAST LoTHIAN COUNCIL

Internal Memorandum

**From:** Planning Delivery  
**Per:** Neil Millar  
**Cc:**

**To:** Clerk to the Licensing Board  
**Per:** Licensing Board

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**Date:** 15<sup>th</sup> February 2022

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Station Yard Micropub, Station Road, Dunbar

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

I have no objections, in principle, to the variations applied for and as are 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, please be advised that the submitted layout drawing shows the intention to increase the external beer garden which constitutes a material change of use and thus requires planning permission for it. According to our records, a planning application (Ref: 22/00143/P) has been recently submitted but currently remains invalid for the proposed enlargement of the external beer garden area.

Please note that the existing external beer garden area must not be used after 2200 hours on any day, in accordance with Condition 1 of planning permission 19/00870/P, and that there shall be no amplified music and/or amplified speech permitted in the beer garden as per Condition 2 of planning permission 19/00870/P.

## Herkes, Gillian

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**From:** Slight, Lynn  
**Sent:** 10 February 2022 16:53  
**To:** Licensing  
**Subject:** Fwd: Major Variation application - Station Yard Micro Pub - Dunbar  
**Attachments:** image001.png; Major Variation - Station Yard Micropub, Station Road, Dunbar..pdf

No objections to this application subject to standard conditions.

Lynn

Lynn Slight Ch.EHO MREHIS  
Senior Environmental Health Officer  
East Lothian Council

Begin forwarded message:

**From:** "Douglas, Andrew" <adouglas@eastlothian.gov.uk>  
**Date:** 10 February 2022 at 08:12:30 GMT  
**To:** "Slight, Lynn" <lsight@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Station Yard Micro Pub - Dunbar

Morning Lynn,

Can you please deal with this.

Thanks

Andrew

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**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 09 February 2022 14:24  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Station Yard Micro Pub - Dunbar

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 09 February 2022 12:10  
**To:** Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; dunbarcommunitycouncil@gmail.com  
**Subject:** Major Variation application - Station Yard Micro Pub - Dunbar

Dear all,

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)

5e

- 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

EL0345

2(b) Name and Address of Premises

North Berwick Bowling Club  
17 Clifford Road  
North Berwick

Post Code EH39 4PW

Phone No. 01620 893737

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

N/A

E.L.C.  
Customer Services

24 JAN 2022

RECEIVED

Post Code N/A

Phone No. N/A

### 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

- Removal of Condition 6
- Amendment to Condition 2 to read “the South side door of the premises shall remain closed at all time”

#### 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)

Amendment – Opening hours amended and inclusion of off sales.

Addition – Restaurant Facilities & Bar Meals – yes to both activities, and yes to be provided during and outwith core hours.

Addition – Conference Facilities – yes to activity, and yes to provided during and outwith core hours

Addition – Club or other group meetings – to be provided outwith core hours as well as during core hours

Addition – Recorded Music – to be provided outwith core hours as well as during core hours.

Addition – Televised Sport - to be provided outwith core hours as well as during core hours.

#### 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.

The layout plan is attached to this application and shows the red line encompassing the building curtilage, the outside area and the bowling green and surrounding seating.

#### 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?

X 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

23/1/22

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](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; 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.*

<p><b>North Berwick Bowling Club</b>  <b>17 Clifford Road</b>  <b>North Berwick EH39 4PW</b></p>
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### 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>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/NO*</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>	10.00	23.00
<i>Tuesday</i>	10.00	23.00
<i>Wednesday</i>	10.00	23.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	01.00
<i>Saturday</i>	10.00	01.00
<i>Sunday</i>	10.00	00.00 (midnight)

**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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/NO*</i>
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*\*If YES – provide details*

**Question 5**

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

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<b>COL. 4</b> <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<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</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	NO
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>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	YES
<i>Televised sport</i>	YES	YES	YES

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

RESTAURANT FACILITIES – these facilities may operate outwith core but not before 8am and not later than 11pm.

BAR MEALS - these facilities may operate outwith core but not before 8am and not later than 11pm

CONFERENCE FACILITIES – these facilities may operate outwith core but not before 8am and not later than 11pm

CLUB OR OTHER GROUP MEETINGS – these facilities may operate outwith core hours but not before 8am and not later than 11pm

RECORDED MUSIC – these facilities may operate outwith core but not before 8am and not later than 11pm

TELEVISED SPORT – these facilities may operate out with core hours but not before 8am and not later than 11pm.

OUTDOOR DRINKING FACILITIES - these facilities may operate out with core hours but not before 8am and not later than 10pm.

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.

<p>Member Guest Days</p> <p>“Open” Bowls Event</p> <p>Come and Try Events</p> <p>Charitable Events</p>
--

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/NO*
---	---------

When fully occupied, are there likely to be more customers standing than seated?	YES/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/NO*
	*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

<p>Children under the age of 13 must be accompanied by an adult. Children aged between 13 and 15 who are members of the Club are permitted to access the Club Premises without adult supervision.</p> <p>No child will be permitted within 1.5 metres of the bar counter</p>
--

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

No age restriction
--------------------

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

Children and Young Persons will have access normally from 9am to 11pm except when attending pre-arranged events when they will be permitted to attend throughout the licensed hours.

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

Children and Young Persons will be permitted to all parts of the property with the exception of the kitchen and immediate bar area.

**Question 7**

**CAPACITY OF PREMISES**

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

Lounge - 170

Outside - 60

**Question 8**

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

Personal details

8(a) Name

N/A

8(b) Date of birth

N/A

8(c) Contact address

N/A

8(d) Email address and telephone number

N/A
-----

8(e) 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 ..... 23/11/22 .....

Capacity CLUB 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.

**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.**

**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:**

The club is governed by its rules and byelaws. Any member or their guest stepping out of order would be dealt with in line with these.

The Club in the past have had a very good working relationship with the local Police, and licensing officials and would wish this to continue.

**Securing Public Safety:**

At all times the safety of our members, guests, visitors and staff are our priority.

**Preventing Public Nuisance:**

We are a standalone building with nearby residential neighbours. We have a good working relationship with the neighbours and certainly with the nature of the business we would not want to or encourage any public nuisance.

The Club will at all times ensure that the neighbouring residents are not disturbed and will ensure that all doors and windows are closed to stop any sound of amplified entertainment which is ongoing in the clubhouse.

**Protecting and Improving Public Health:**

Without exception our members, guests, visitor and staff are our main priority. The members enjoy the facilities and the service of alcohol is well controlled with personal licence holders on duty and experienced trained staff on duty.

**Protecting Children and Young Persons From Harm:**

Without exception the Club are committed to protecting children and young persons from harm. We have a Child Protection Officer in place and all staff are fully aware of ensuring that all children and young persons are protected.

**Business Profile**

Please describe your business offering.

*BOWLING*  
We are a Private Members ~~Club~~ Club. (*WSR*)

*All of our business is from members, guests and any visitors to the bowling green*

*There is no access for members of the public to just walk in and use the facilities.*

(extend this box if you require additional space)

**On/Off Consumption**

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

*Service of alcohol to members, guests and visiting bowlers.*

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

*This would only be on the odd occasion and would be for the members only.*

**Clarification is required in relation to the content of your proposed Operating Plan**

(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:

We would like on the agreement of Local Condition 6 being removed allow local groups and organisations to use the facilities for meetings and events outwith the bowling season. At these events food may or may not be consumed at these events.

**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 hosting of a social function would only be for members and their guests even with the removal of Local Condition 6. It is not the purpose of the Bowling Club to have any member of the public hosting events.

**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:

Recorded Music – very rarely, if at all music would be played

Live Performances – a band may at times play at functions but not operating outwith our conditions.

Gaming – to allow the playing of the card games like bridge within the facilities.

Indoor/Outdoor sports – bowls is the primary sport and is played from dawn til dusk every day, and indoor during the winter months.

Televised Sports – the only time any television coverage would be shown is at the time of large sporting event.

**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:

These are areas delineated on the layout plan, and are areas whereby members and guests can sit or stand outside and enjoy a drink that they have purchased from within the Club House.

**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:

All the activities that we have requested out with core hours are the exception to the rule, and not the norm.

**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:

Member Guest Days – very infrequent

“Open” Bowls Event – around 6 events held annually

Come try events – around 4-6 in a year.

Charitable Events – 6- 10 per annum

**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.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

The norm is for the Club to be very hospitable, and this application is to tidy up some matters in the operating plan and layout plan. None of the offerings we seek will change the operation of the current business but simply give more flexibility.

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

As previously stated this application is a tidying up of the current licence (mainly the operating plan and layout plan).

The Club works closely with the Licensing Standards Officer and have established a healthy relationship there. Prior to this submission we had a detailed meeting to discuss the proposed changes.

None of the changes sought will bring a change in the way we operate but will give us some flexibility and ensures that everything that may happen at the premises is covered.

We appreciate that the 10am opening sought is outwith the Licensing Board's Policy however we seek this to allow flexibility when holding open events, the bar can be open for early morning bowling competitions however these would be few and far between with these likely only to be at the weekend.

**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	23/1/22
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“SCHEDULE 6

Regulation 7

**DISABLED ACCESS AND FACILITIES STATEMENT**

*Licensing (Scotland) Act 2005, section 20(2)(b)(iia)*

**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*
*Delete as appropriate		

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

This is a new build and is fully disabled accessible..

### Question 3

#### **Facilities available**

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

Disabled toilets are available, and wheelchairs can be placed at our dining tables for consumption of food and drinks.

### 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.

Whilst dogs are not permitted in the Club House – assistance dogs are permitted.

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 ..... 23/11/22 .....

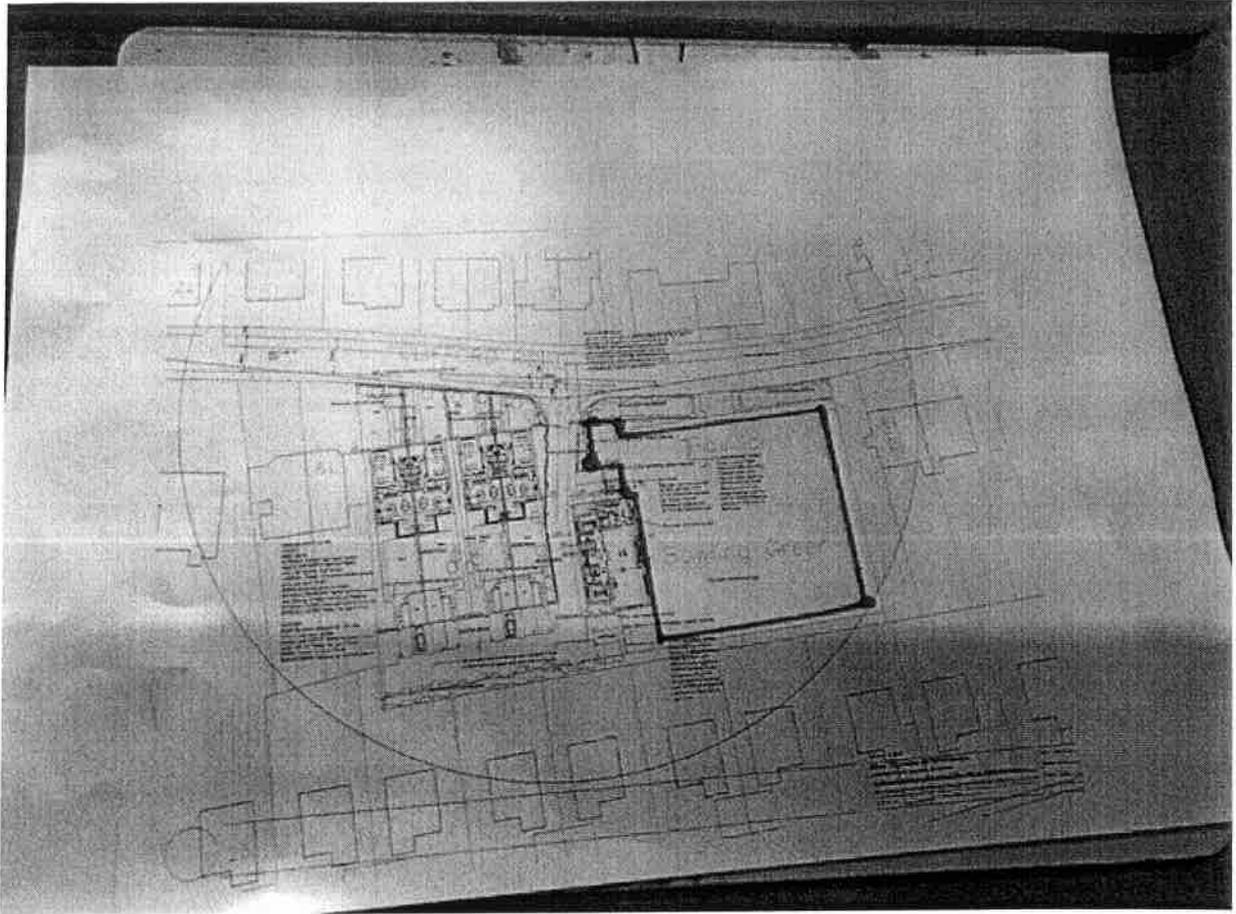
Capacity CLUB SECRETARY ..... APPLICANT/AGENT

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."





24/02/2022

Your Ref: **EL0345**

Our Ref: **615751/GB**

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



**POLICE  
SCOTLAND**

Keeping people safe

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

**FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD**

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
NORTH BERWICK BOWLING CLUB, 17 CLIFFORD ROAD, NORTH  
BERWICK, EAST LOTHIAN, EH39 4PW.**

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

1. The removal of condition 6 which states "No more than 6 guests may be signed in by any one member".
2. An amendment to condition 2 which states "The South Side door of the premises shall remain closed at all times".
3. Amendment of opening hours and inclusion of off sales.
4. Restaurant Facilities & Bar Meals -Yes to both activities, and yes to be provided during and out with core hours.
5. Conference Facilities -Yes to activity, and yes to being provided during and out with core hours
6. Club or other group meetings - To be provided out with core hours as well as during core hours
7. Recorded Music - To be provided out with core hours as well as during core hours.
8. Televised Sport - To be provided out with core hours as well as during core hours.

## OFFICIAL

9. A change to the layout plan (change of outdoor area for consumption of alcohol to include the building curtilage, the outside area, the bowling green and surrounding seating).

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 and comment on the items above.

1. The premises is currently a private club. A change would be required to become an open club to allow visitors to attend without the need to sign in.
2. The South door of the premises faces nearby houses. It is the opinion of Police Scotland that this would lead to potentially disturbing breakout noise from the main hall and bar of the premises. It is recommended by Police Scotland that this condition remain in force in its current manner.
3. No objection or representation in regards to opening hours are these are within current board policy. Police Scotland ask for confirmation however that the use of an off sales facility would be for members or guests of the premises only, as members of the public would require under the current provisions to be signed in as guests in order to use an off sales provision.
4. No objection or representation.
5. No objection or representation.
6. No objection or representation.
7. Amplified announcements, music or entertainment noise levels shall be controlled so that they are non-intrusive or of low level to avoid disturbance of any neighbouring residential properties.
8. No objection or representation.
9. No objection or representation.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified in order that the concerns raised in this letter are addressed.

This representation is submitted for your attention in considering this application.

Yours faithfully



Catriona Paton  
Chief Superintendent

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

# EAST LoTHIAN COUNCIL

## LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**From:** R. Fruzynski  
Licensing Standards Officer

**To:** C. Grilli  
Clerk to the Licensing Board

**Date:** 23 Feb. 22

**Subject:** LICENSING SCOTLAND ACT 2005  
APPLICATION FOR MAJOR VARIATION TO PREMISES LICENCE

**North Berwick Bowling Club, 17 Clifford Road, North Berwick,  
East Lothian EH39 4PW**

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

I support all the proposed changes and additions to the operating plan with the exception of the removal of condition 6 that no more than six guests can be signed in by any one member, since the licence relates to a members club licence and guests who consume alcohol purchased on the premises must be signed in (see attached regulations), and the ratio of six guests to one member is defined in our current statement of licensing policy. The Club management has been informed that if they wish the removal of this condition an application should be lodged to change the licence status to an open licence.

In relation to the proposal to permit the perimeter of the bowling green to be used as an area where outside drinking can take place, I would recommend that the following conditions be inserted into the licence, namely:

1. That the terminal hour for use of the outside area be no later than 22:00 each day.
2. That there should be no amplified announcements / music / entertainment in the outside area and any other noise levels should be controlled so that they are non-intrusive / low level at any neighbouring residential properties.

For the information of Licensing Board members, the following are the current conditions of the Club's Premises Licence:

### Local Conditions

1. In the interests of public safety, children must be excluded from an area of 1.5 metres from any bar serverly in the premises.
2. The North side door of the premises shall remain closed at all times.
3. The Locker Room Door on the South side of the premises shall have no access or egress from 10.00 p.m.
4. Amplified announcements/music/entertainment noise levels shall be controlled so that they are non intrusive/low level at any neighbouring residential properties.
5. The Police & Licensing Board to be notified of any change in office bearers within 14 days of such change.
6. No more than 6 guests may be signed in by any one member.

R. Fruzynski  
Licensing Standards Officer

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# The Licensing (Clubs) (Scotland) Regulations 2007

## Clubs prescribed for the purposes of section 125(1)

2.—(1) The description of club prescribed for the purposes of section 125(1) of the Act is a club—

(a) which is not conducted for the purposes of making a profit; and

(b) which has a written constitution and rules which make provision to the effect specified in paragraph (2).

(2) That provision is that—

(a) the business of the club is to be under the management of a committee or other governing body elected by the members of the club;

(b) no person under 18 is to be admitted as a member of the club (unless the club is devoted primarily to some sporting purpose or is a students' union to which paragraph (3) applies);

(c) no member of the committee or other governing body and no person employed by the club is to have any personal interest in the sale of alcohol on the club premises or in the profits arising from such sale;

(d) other than when an occasional licence has effect, no person is to be supplied with alcohol on the club premises unless that person is—

(i) a member of the club;

(ii) a person who is on the premises at the invitation of a member of the club and is accompanied by that member; or

(iii) a member of another club which falls within the description prescribed in paragraph (1);

(e) where a person referred to in sub-paragraph (d)(ii) is supplied with alcohol on club premises when an occasional licence is not in effect, there is to be entered in a book kept for the purpose—

(i) the date in question;

(ii) the name and address of the person; and

(iii) the name of the member accompanying the person;

(f) correct accounts and books are to be kept showing the financial affairs and intromissions of the club;

(g) the club has to have at least 25 members to be properly constituted; and

(h) no person is to be allowed honorary or temporary membership of the club or to be relieved of the payment of the regular entrance fee or subscription—

(i) except to allow temporary participation in the activity which is the prime purpose of the club; and

(ii) except in accordance with specific provision set out in the club rules.

(3) This paragraph applies to a students' union of—

(a) a university; or

(b) a further education college under the management of an education authority,

which is recognised and certified as such by the Senate or Academic Council of the university or by the education authority, as the case may be.

(4) Expressions used in paragraph (3) which are also used in the Education (Scotland) Act 1980(1) have the same meanings in that paragraph as in that Act.

## Herkes, Gillian

---

**From:** Winter, Maree  
**Sent:** 03 March 2022 09:45  
**To:** Herkes, Gillian  
**Subject:** FW: Major Variation NB Bowling Club

Hi Gillian,

Could you run this off for me please and put on my desk.

Thanks  
M.

---

**From:** william sykes-robertson [REDACTED]  
**Sent:** 03 March 2022 09:37  
**To:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Subject:** Re: Major Variation NB Bowling Club

**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 Maree,

I am sorry it has taken me a couple of days longer than first thought to get back to you. It is not always easy getting folk together for a committee meeting and then of course getting folk to agree. oh the joys...

Anyway, I have some updates for you, if its ok I will just go by the numbers regarding each concern. As usual if you need anymore details or to confirm anything please let me know.

The Police concerns -

1- The removal of section 6 which states "no more than 6 guests may be signed in by any one member"  
We are happy to remove this from the application and leave it as it stands.

2- Amendment to condition 2 which states "the south side door of the premises shall remain closed at all times".

We are happy for this to remain in force as the original details - I believe this has been a confusion for us regarding north and south side of the building.

The doors on the south side will indeed remain closed at all times.

3-Amendment of opening hours and inclusion of off sales.

I can confirm the off sales would only be for members and guests.

7- Recorded music - to be provided outside core hours as well as during core hours.

We totally agree and understand this matter - as a matter of course we would ensure any music (noise levels) would be turned down no later than 22.30hours and turned off no later than 2300hrs

As the police didn't specify any times regarding this, this is the times we as a committee have come up with and hope they will suffice.

The Licensing Standards Officers Concerns.

1-That the terminal hour of use of the outside area be no later than 2200hrs each day.

We agree to this and would ensure this is the case.

2- No amplified announcements/music/entertainment in the outside area and control other noise levels to be no intrusive to neighbours.

We agree to this matter, please refer to the reply above regarding the police concern number 7.

The Local Conditions mentioned -

We agree with these comments and confirm the confusion regarding north and south side - again my apologies for this.

These conditions are all covered by what is stated above I believe.

Notice of concern from neighbour-

I believe most of these comments will be covered by the changes we have agreed with above. We have agreed to make changes regarding these issues and would also like to point out neither the police or the licensing standards officer had any concerns with the extra opening hours we have requested. However in an effort to keep everyone happy we are happy to reduce our request for Sunday opening hours to be reduced back to 2300hrs. We would like to keep the hours on a Friday and Saturday to remain at 0100hrs. We hope this would be acceptable to the board with the agreements we have made regarding music and noise levels.

I think and hope this covers everything Maree, but if not let me know

The last thing we want is to upset or cause issues for anyone, so I hope this helps answer the concerns.

Kindest regards

Willie

On 25 Feb 2022, at 10:56, Winter, Maree <[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)> wrote:

No problem Willie.

Regards  
Maree.

---

**From:** william sykes-robertson [REDACTED]  
**Sent:** 25 February 2022 10:48  
**To:** Winter, Maree <[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)>  
**Subject:** Re: Major Variation NB Bowling Club

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Maree,

Thanks for this e-mail.

I'll try to get around most of the committee over the weekend to discuss these matters.

Can I get back to you next week as soon as I can with an update?

Kindest regards



LICENSING (SCOTLAND) ACT 2005, SECTION 22

## NOTICE OF OBJECTION OR REPRESENTATION

If you are completing this form by hand, please write legibly  
in block capitals using ink.

**Please indicate below the type of notice you are making** (tick appropriate box)

Objection

Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board, East Lothian Council,  
Licensing, Administration and Democratic Services,  
John Muir House, Haddington  
East Lothian, EH41 3HA**

Any person may, by notice to the Licensing Board —

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application

If you are OBJECTING, please complete Part A of this form.

If you are MAKING REPRESENTATIONS, please complete Part B of this form.

All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR  
BEFORE COMPLETING THIS FORM**

## Section 1 – Application Details

This objection/representation relates to the following Application:

Applicant's name (if known) North Berwick Bowling Club

*(This is the name of the applicant in respect of the licensed premises referred to in the application)*

Name & Address of premises North Berwick Bowling Club, 17 Clifford Road, North Berwick

\_\_\_\_\_

Post code EH39 4PW

### This Application is for

Premises Licence

Provisional Premises Licence

Variation of an existing Premises Licence

Occasional Licence

Application Number (if known) \_\_\_\_\_

## Section 2 – Objector/Representer Details

**If you fail to complete this section, the objection or representation may not be considered**

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

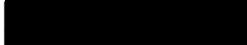
Individual title: Mr ~~Mrs~~ ~~Miss~~ ~~Ms~~ Other \_\_\_\_\_  
(delete/complete as appropriate)

Surname O'Brien

First Name(s) John

\_\_\_\_\_

Address  \_\_\_\_\_

\_\_\_\_\_ Post code  \_\_\_\_\_

**(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title: Mr Mrs Miss Ms Other \_\_\_\_\_  
*(delete/complete as appropriate)*

Surname \_\_\_\_\_

First Name(s) \_\_\_\_\_

Address of person lodging objection/representation on behalf of organization

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Post code \_\_\_\_\_

Name of Organisation \_\_\_\_\_

Nature of Organisation e.g. resident's association, ward councillor, trade association

\_\_\_\_\_

Address of Organisation \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ Post code \_\_\_\_\_

\_\_\_\_\_

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

- (a) The premises are excluded premises.
- (b) The application must be refused where:-
  - the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)
  - Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or
  - Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both.
- (c) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

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(d) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

Objective	Explanation
Preventing crime and disorder	
Securing public safety	
Preventing public nuisance	My house [REDACTED] the bowling green and on occasions we have been kept awake by noise & music from the club. We strongly object to the additional hours been given to the club to sell alcohol and play music. We have many families in our street with children and we feel allowing music to be played until 1am on a saturday & Sunday morning would be very disruptive. Also Midnight on Sunday night is too late as we all have work on Monday morning and typically are up by 7am so feel its unfair to allow our sleeo be disrupted like this. We do not object to an occasional licence for a Friday or saturday night but certainly no more than 1 per month
Protecting and improving public health	
Protecting children and young persons from harm	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

- (e) The premises are unsuitable for use for the sale of alcohol, having regard to <sup>2</sup>:-
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why

- (f) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

**PART B – REPRESENTATION**

I/We wish to make these representations to the Board concerning the application:

In support of the application,

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed

Other representations

**PART C – Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here

**Please attach supporting documents/further pages as necessary.  
Please number all extra pages.**

I have read and understood the attached privacy notice

Your Signature \_\_\_\_\_



Date 24/02/2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**GDPR**

Any person who has supplied personal information as part of this application  
**MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

## Winter, Maree

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**From:** John O'Brien <[REDACTED]>  
**Sent:** 06 March 2022 11:36  
**To:** Winter, Maree  
**Subject:** Re: Reference No. EL0345 - East Lothian

**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.

Dear Maree

please see my replies inline

---

**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 03 March 2022 11:54  
**To:** 'John O'Brien' <[REDACTED]>  
**Subject:** RE: Reference No. EL0345 - East Lothian

Dear Mr O'Brien,

Please see below, amendments to the major variation for North Berwick Bowling Club, I don't know if you want to amend anything on your objection.

Amendments to application.

7- Recorded music - to be provided outside core hours as well as during core hours.

We totally agree and understand this matter - as a matter of course we would ensure any music (noise levels) would be turned down no later than 22.30hours and turned off no later than 2300hrs

As the police didn't specify any times regarding this, this is the times we as a committee have come up with and hope they will suffice.

.....this helps from a music aspect certainly but see below re people leaving & entering noise

2- No amplified announcements/music/entertainment in the outside area and control other noise levels to be no intrusive to neighbours.

We agree to this matter, please refer to the reply above regarding the police concern number 7.

... see above

Notice of concern from neighbour-

I believe most of these comments will be covered by the changes we have agreed with above. We have agreed to make changes regarding these issues and would also like to point out neither the police or the licensing standards officer had any concerns with the extra opening hours we have requested.

.... we have concerns as a combination of music & noise so close to our homes is disturbing to us and feel that allowing a licence to run to 1am on a Friday & Saturday night is too late, as you then get folks gathering outside for goodbyes, chats etc which can add another hour to the occasion.

However in an effort to keep everyone happy we are happy to reduce our request for Sunday opening hours to be reduced back to 2300hrs. We would like to keep the hours on a Friday and Saturday to remain at 0100hrs. We hope this would be acceptable to the board with the agreements we have made regarding music and noise levels.

.... see above , music stopped at 11pm helps (every night) but midnight on Friday & Saturday termination & 11pm on Sunday night termination would be more acceptable

regards

John



7/3/22

Dear Sir/Madam,

I would like to express my concern about the recent Licensing application made by North Berwick Bowling Club. It seems to me to be totally unsuitable for somewhere in the middle of a residential area particularly the 1.00 am closing. This could cause real problems to those living nearby.

Yours faithfully,

David Shand.



East Lothian Council  
Licensing  
08 MAR 2022  
Received

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road , North Berwick.	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<b>X</b>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr delete/complete as appropriate
Surname	Tennant
First Name(s)	George
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	

Address of Organisation (including postcode):	
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**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

- (c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<u>Objective</u>	<u>Explanation</u>
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<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

	<p><b>Preventing public nuisance</b></p>	<p>The Bowling Club is situated in the middle of a residential area. The Bowling Club is bordered on all 4 sides by residential housing. The club's Entrance/Exit door is no more the 5 metres from the closest house (1 Clifford Green). The club's access road runs alongside 1 Clifford Green, about 1 metre from the sidewall of the house. To allow the bar to continue serving until 1am Saturday and Friday and 11pm Sunday will certainly result in increased noise levels - the later people drink the noisier they get ! There will be increased traffic noise at 1am - pedestrians, lifts, taxis etc.</p> <p>The inevitable noise levels that will occur as people leave the club may be a minor irritant in the evening but becomes a public nuisance in the early hours of the morning.</p> <p>The use of recorded music can only exacerbate the level of public nuisance.</p>
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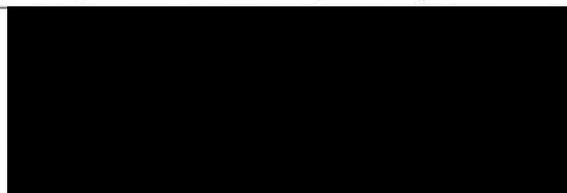
**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

**I have read and understood the attached privacy notice**

Your Signature



Date

08/03/2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

Gordon and Alison Miller

11/03/2022

Kirstie MacNeill  
CLERK OF THE LICENSING BOARD  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Dear Madam,

**RE: APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE NORTH BERWICK BOWLING CLUB,  
CLIFFORD ROAD, NORTH BERWICK**

**Reference: CG/mjwEN/L/L1V**

We are writing to object strongly to the application for major variation of North Berwick Bowling Club's licence.

Our family home [REDACTED] is within [REDACTED] of North Berwick Bowling Club's boundary, and we can hear all noise generated within the club within our house (inside and outside) which interferes significantly with our family enjoying our home. (Please see visuals 1,2 & 3 attached)

**Objection 1 – Removal of Condition 6**

Our grounds for objection are inconsistency with the licensing objective: *not required to sign in for funeral wakes and amendment to condition 2 from south side door shall remain closed at all times to take away from north side door. Vary to include on and off sales and vary core hours Monday to Sunday 10am opening and Monday to Thursday 11pm terminal hour. Friday and Saturday 1am and Sunday 12 midnight terminal hour. Recorded music out with core hours and bar meals and restaurant facilities to be added.*

Removing the need for members signing in would allow non-members and possibly larger groups to hire the Bowling Club's premises for all types of functions and is likely to result in intolerable noise levels in a highly populated residential area. We would like to note that the noise level at past functions has been unacceptable. On one occasion my wife was verbally abused when she politely asked a group of people who were smoking and drinking outside the Club to keep the noise down during a function. The direct impact to our family is disorder & public safety concerns.

We are also concerned that by removing Condition 6, the Bowling Club could introduce TV sporting events to non-members, which would create even more noise resulting in public nuisance.

Further, our objection in relation to removal of condition 6 is the premises being unsuitable for non-member events due to the lack of club members/staff being available to monitor and manage groups of non-members whether small or large.

For health reasons, we would like to know what plans the Bowling Club has in place for smokers (members and non-members) attending functions during opening hours. We would like to note that smoking outside the Club's entrance is unacceptable as the smoke carries into our garden and on some occasions into our family home which could lead to public health issues.

**Objection 2 – Vary to include on and off sales & vary core house specifically Friday and Saturday 1am and Sunday 12pm terminal hour.**

Our grounds for objection are the premises being unsuitable for the sale of alcohol due to the residential density surrounding the Bowling Club and our home being within four meters of its boundary. Evidence shows that the easier it is to buy alcohol, the more people will drink and therefore the higher risk of disturbance, anti-social behaviour and, of course, unacceptable noise. It is highly likely that we will encounter a lot of disturbance and noise during the club's extended opening hours particularly in the evenings and at weekends whether open to members or non-members.

We would like to know why the Bowling Club needs on and off sales and who are the anticipated customers (members and/or non-members?).

An on and off sales will significantly increase traffic in the private road leading to our home especially late at night and during the early hours of the morning. This will also increase noise in the area. On several occasions we have raised with members of the Club's committee, the issue of members double parking alongside the Club's entrance and have flagged that emergency services would be unable to get to all four properties including our home.

We would like to know if the Bowling Club has plans to introduce additional parking for members and non-members using the on and off sales facility as the Club currently has only four allocated parking bays plus one disabled bay, all of which are regularly in use by members.

**Objection 3 – Recorded music out with core hours & bar meal and restaurant facilities to be added**

Our grounds for objection are the premises being unsuitable for recorded or live music late at night due to the very poor sound proofing in the Bowling Club. The Club does not have a designated function suite, only one large room with wooden floors, which amplifies all sound due to the Club's construction which was originally designed for indoor bowling and occasional small gatherings of members throughout the year.

A further objection is in relation to inconsistency with the licensing objectives where loud music (recorded and live) linked with 1am closure on Friday & Saturday with 12pm on Sunday will have a detrimental effect on our family's quality of our life as our bedrooms including our teenage daughter's room are [REDACTED] from the Bowling Club's boundary. The wider residential community is also likely to suffer from music played late in the evening up to 1am causing public nuisance.

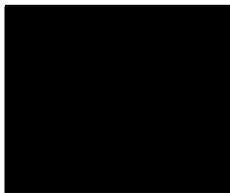
We are also concerned about the noise from taxis and cars collecting guests from late night/early morning functions.

We would also like to flag that we are concerned about the length of time it will take people to leave the premises after an end time of 1am. It is highly likely that packing up equipment, locking doors etc will take at least an additional hour and as result the Club won't close till at least 2am.

Furthermore, we are extremely worried about the managing and policing of any disturbance or altercation that could occur during a member or non-member's function. We would like to know if the Club has plans to employ a fully licensed and professional security guard at all functions to ensure the safety of members, non-members, and residents.

We await your response.

Sincerely,



Gordon Miller and Alison Miller

(Residents and owners of



Figure 1- Proximity to Bowling Club (plans) 4 meters. Note we are house 1

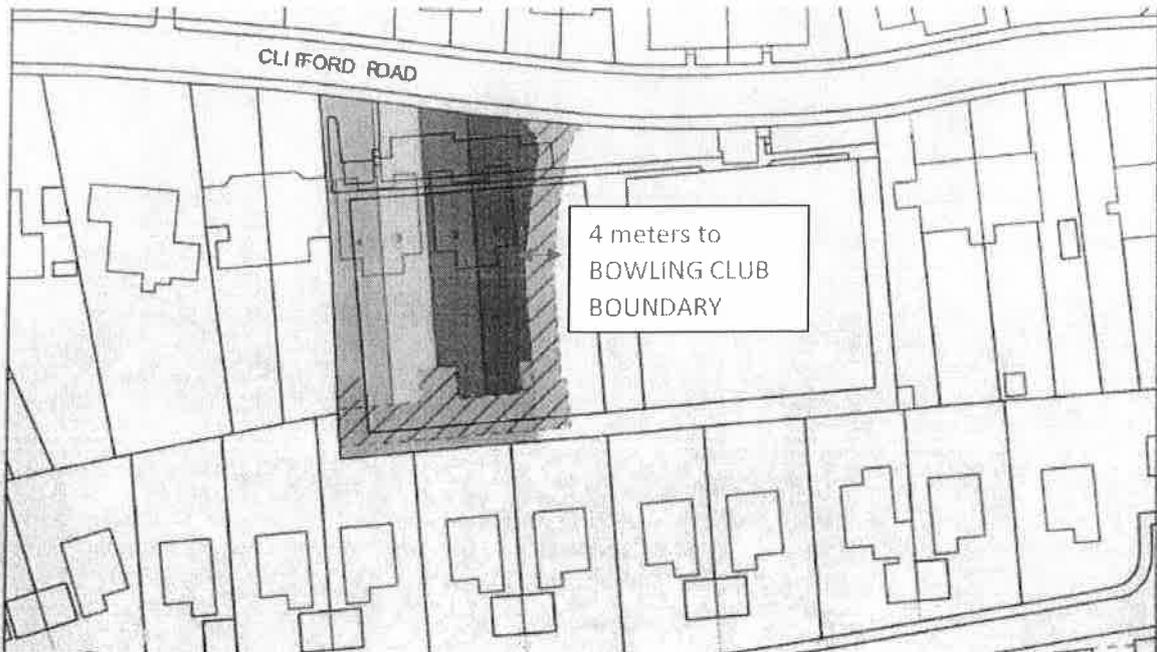
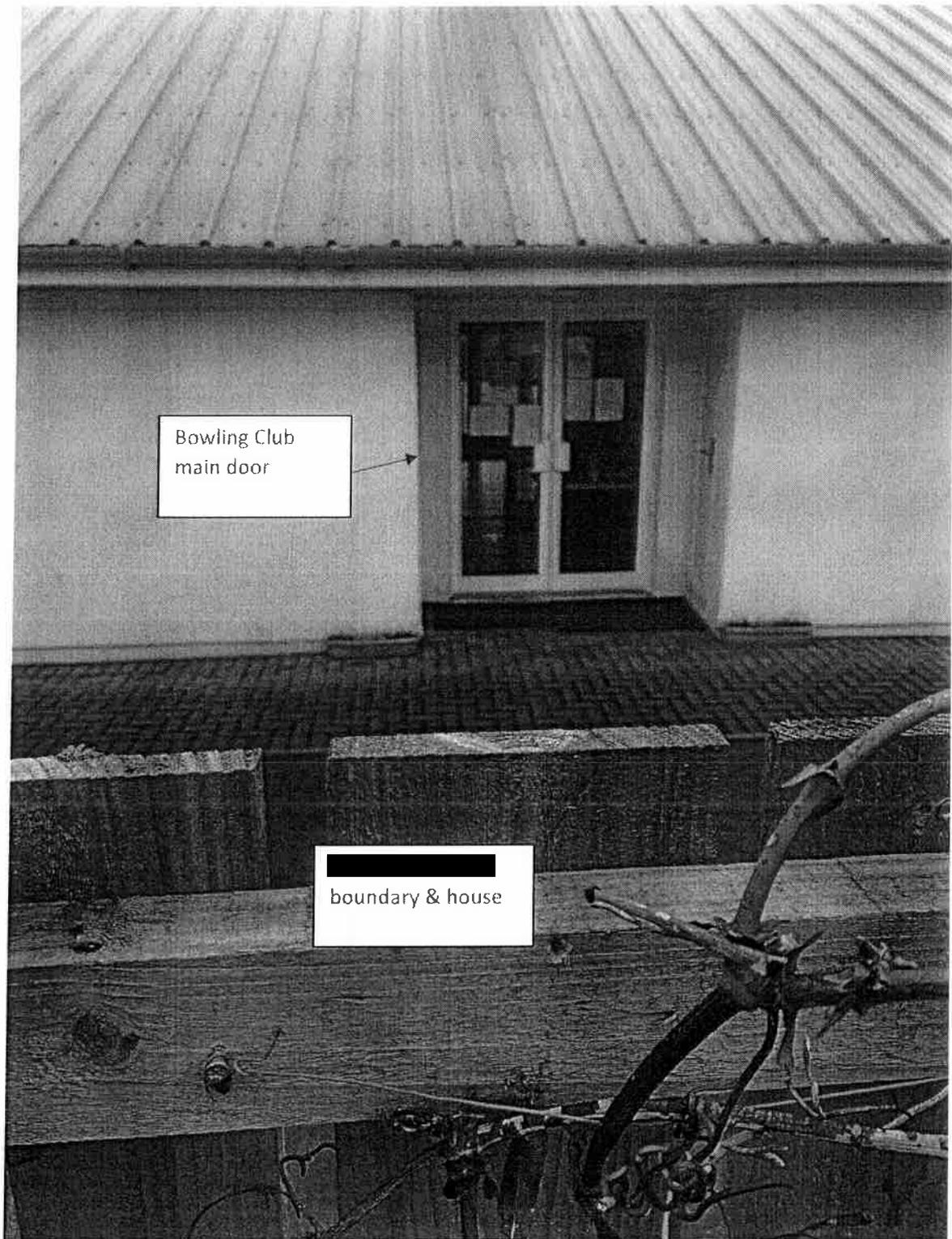


Figure 2 – Proximity to Bowling Club (actual) 4 meters. Note our house is the blue marker



Figure 3 – Proximity to main front door (our boundary to bowling club main entrance)



## Winter, Maree

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**From:** Elizabeth Noar [REDACTED]  
**Sent:** 13 March 2022 21:09  
**To:** Licensing  
**Subject:** North Berwick bowling club application

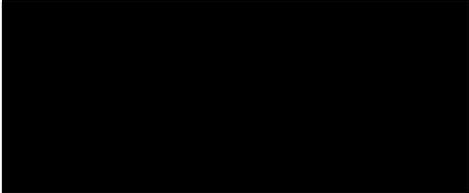
CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I refer to the application being made by North Berwick Bowling Club, allowing for regular sales of alcohol and live music. As a resident in [REDACTED] I wish to object to this application in the strongest terms.

Whilst I have no issue with occasional events being held at the club, the possibility of the premises being used regularly in serving alcohol, and playing music would significantly impact the quality of our lives in this quiet neighbourhood. I have lived in [REDACTED] for almost 20 years and over these years, there have been occasional parties held at the club. We certainly are disturbed by the noise from the club when events are held and if this continues on an occasional basis, I'd have no objection. However, the prospect of this being allowed permanently would be dreadful for residents. I urge the council to reject this application and would suggest that occasional use only be allowed.

Elizabeth Noar

Sent from my iPad



To Kirstie Macneill.

We wish to protest to any change in the licensing granted to the bowling club. This is a residential area with housing in very close proximity to the club. Any change would be very intrusive.

Yours sincerely,

East L  
[Redacted signature]

10 MAR 2022

received

## Winter, Maree

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**From:** David Farmer <[REDACTED]>  
**Sent:** 03 March 2022 11:00  
**To:** Licensing  
**Subject:** Ref CG/mjwEN/L/L1V

**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.

For attn of the Clerk of the Licensing Board

I would like to raise some concerns about the variation of premises licence for North Berwick Bowling Club

The clubhouse is situated in a residential area. I would object to the licencing hours being extended beyond 11pm. Similarly, I would not wish the club to be licenced for take-away sales. I believe this could result in unwanted traffic and noise in a quite private lane.

I also gather that the changes allow greater use of the clubhouse by non-members of the bowling club. I feel this moves away from the facility being a bowling club for members and towards a function suite for hire. I am concerned that the bowling club committee and wishing to generate additional revenue by increasing public use of the facility. The site has very limited parking and is very close to many residential houses. The typical use of the Bowling Club by its members causes minimal disturbance to residents, but I have a strong concern that private parties would not be so considerate of neighbours. During 2019 the club hosted a small number of private parties and these did cause problems for the neighbours with loud music and lots of youths hanging around at the back of the 4 houses in Clifford Green (adjacent to the Bowling Club). I believe that the clubhouse bar should only be used for "member's events" and drink should not be allowed outwith the footprint of the bowling club's land.

Regards

David Farmer  
[REDACTED]

Licensing (Scotland) Act 2005, section 22

**Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

**Objection**

**Representation**

Please send your Objection or Representation to :

**The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club – Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)	Reference CG/mjwEN/L/L1V	

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr _delete/complete as appropriate
Surname	Gemmell
First Name(s)	Nial
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- the Licensing Board has refused a premises licence application in respect the premises less than a year before this application - Section 25(2)
- Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more - Section 64(2) or
- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, o Section 65(3) or both - .

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<b><u>Objective</u></b>	<b><u>Explanation</u></b>
<b>Preventing crime and disorder</b>	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
<b>Securing public safety</b>	

<u>Objective</u>	<u>Explanation</u>

	<p><b>Preventing public nuisance</b></p>	<p>Whilst appreciating the Club's desire to increase revenues, it is first and foremost a community bowling club. The proposed significant extension in opening hours and proposed off-sales is not compatible with a community bowling club. With recent COVID restrictions there have been no events at the club, however pre-COVID, there were several instances where events at the club led to social / public nuisance - loud music, people leaving the club under influence of alcohol etc. Extending core hours, allowing alcohol to be taken off premises, increasing scope and number of events, will all lead to further and increased instances of public nuisance.</p>	
	<p><b><u>Objective</u></b></p>	<p><b><u>Explanation</u></b></p>	
	<p><b>Protecting and improving public health</b></p>		

	<u>Objective</u>	<u>Explanation</u>
	<b>Protecting children and young persons from harm</b>	
<p>(d)</p>	<p>The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—</p> <ul style="list-style-type: none"> <li>(i) the nature of the activities proposed to be carried on in the subject premises,</li> <li>(ii) the location, character and condition of the premises, and</li> <li>(iii) the persons likely to frequent the premises.</li> </ul> <p>Please explain why : .....</p> <p>.....</p> <p>.....</p>	
<p>(e)</p>	<p>Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> <li>(i) licensed premises, or</li> <li>(ii) licensed premises of the same or similar description as the subject premises,</li> </ul> <p>Please explain why: .....</p> <p>.....</p> <p>.....</p>	

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

**PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

In support of the application.

As to modifications which should be made to the Operating Plan

As to conditions which should be imposed.

Other representations

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached documents and I agree to the terms and conditions of the attached documents

Your Signature



Date

18/3/22

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

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Haddington  
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EH41 3HA

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- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
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YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

**Section 1 – Application Details:**

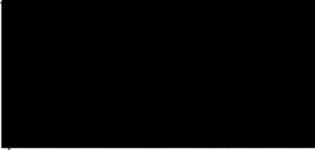
**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)	CG/mjwEN/L/L1V	

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input checked="" type="checkbox"/> _____ delete/complete as appropriate
Surname	Graham and Schipper
First Name(s)	Derek and Mariken
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<b>Objective</b>	<b>Explanation</b>
<b>Preventing crime and disorder</b>	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
<b>Securing public safety</b>	

<u>Objective</u>	<u>Explanation</u>
<b>Preventing public nuisance</b>	<p>The Bowling Club is located in a quiet residential area, in an elevated position just [REDACTED] our home. Noise from the premises is easily audible in our house and garden even when it is not loud. The elevated position also means that noise is projected across the neighbourhood.</p> <p>This is a quiet area, particularly in the evenings. An alcohol license beyond 10pm and allowing recorded music, bar meals &amp; restaurant facilities outwith core licensed hours would create an unnecessary and undesirable disturbance to ourselves and other local residents.</p>
<u>Objective</u>	<u>Explanation</u>
<b>Protecting and improving public health</b>	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. It is not to encourage late night alcohol consumption. An extended license to 1am will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>
<u>Objective</u>	<u>Explanation</u>

	<p><b>Protecting children and young persons from harm</b></p>		
--	---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located [REDACTED] our back garden, and in the middle of a quiet neighbourhood. In the evenings there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to ourselves and the other residents.

The club house is positioned on the edge of its plot of land, in close proximity to our house. Being this close to residential housing means that any noise from the venue can easily disturb the neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity, including neighbours in our surrounding streets who have not been notified of this application.

There is no reason for an off sales license to be granted to these premises as this is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds, where there is already a problem with anti-social behavior in the evenings.

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<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from mainly residential streets. These are located only a short walk away from the bowling club. It is unnecessary and undesirable to create a late night licensed venue outwith this area, particularly within a quiet neighbourhood.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to ourselves and other local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol, many of which are within a short walk from the venue. There is no demand for additional off-sales premises in the town, particularly within a residential setting.

**PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday – Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Prior to the pandemic there were regular gatherings at the bowling club, and these often caused a level of noise that would disturb neighbours' tranquility and sleep. Whilst it is wonderful that we can meet people again, I would rather not return to, or indeed increase the opportunity for, this level of disturbance in what is a very quiet residential neighbourhood.

Please attach supporting documents/further pages as necessary. Please number all extra pages

**I have read and understood the attached privacy notice**

Your Signature



Date	15 March 2022
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**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:  
(please tick the appropriate box)

**Objection**

**Representation**

Please send your Objection or Representation to :  
**The Clerk to the Licensing Board**  
**East Lothian Council**  
**Licensing, Administration and Democratic Services**  
**John Muir House**  
**Haddington**  
**East Lothian**  
**EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) **Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or**

(b) **Make representations to the Board concerning the application**

- **If you are OBJECTING, please complete Part A of this form.**
- **If you are MAKING REPRESENTATIONS, please complete Part B of this form.**
- **All parties should complete Sections 1, 2 and Part C of this form.**

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick EH39 4PW	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	X
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

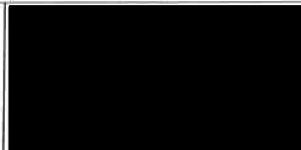
**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title Mr  Mrs  Miss  Ms  Other \_\_\_\_\_ delete/complete as appropriate

Surname Mathie

First Name(s) Hannah

Address (including postcode):



**(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title Mr  Mrs  Miss  Ms  Other \_\_\_\_\_ delete/complete as appropriate

Surname

First Name(s)

Address of person lodging objection/representation on behalf of organization (including postcode):

Name of Organisation:

Nature of Organisation e.g. resident's association, ward councilor, trade association

Address of Organisation (including postcode):

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- the Licensing Board has refused a premises licence application in respect the premises less than a year before this application - Section 25(2)
- Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more - Section 64(2) or
- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, o Section 65(3) or both - .

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<u>Objective</u>	<u>Explanation</u>
<b>Preventing crime and disorder</b>	
<u>Objective</u>	<u>Explanation</u>

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<p><b>Securing public safety</b></p>	
--------------------------------------	--

<u>Objective</u>	<u>Explanation</u>
<p><b>Preventing public nuisance</b></p>	<p>These premises are located in a residential area, in an elevated position that means noise is projected across the neighbourhood. This is a quiet area with little noise or footfall in the evening. An alcohol license beyond 10pm and allowing recorded music, bar meals &amp; restaurant facilities outwith core licensed hours will create an unnecessary and undesirable disturbance to local residents.</p>
<u>Objective</u>	<u>Explanation</u>

	<p><b>Protecting and improving public health</b></p>	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. An extended license to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>	
	<p><b><u>Objective</u></b></p>	<p><b><u>Explanation</u></b></p>	
	<p><b>Protecting children and young persons from harm</b></p>		

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, especially in the evening when there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing meaning that there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

An off sales license is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds.

---

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening. The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents. There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

**PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

As to modifications which should be made to the Operating Plan	Suggest that alcohol sales are not licensed beyond 10pm Monday - Saturday and beyond 6pm on Sundays. Permission to play recorded music and serve bar meals should be confined to licensed hours above. No alcohol off-sales license to be granted for this premises.
As to conditions which should be imposed.	
Other representations	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages  
**I have read and understood the attached privacy notice**

Your Signature

Hannah Mathie

Date

16.03.22

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application MUST READ  
AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

## Winter, Maree

---

**From:** [REDACTED]  
**Sent:** 16 March 2022 11:57  
**To:** Licensing  
**Subject:** North Berwick Bowling Club Licensing Application - Objection

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

Yr Ref; CG/mjwEN/L/L1V (16/02/22)

Dear Sirs,

In the absence of any communication from the Bowling club to its neighbours to explain its plans, I have no option but to object to this major variation to their licence.

The bowling club is surrounded by residential property and has limited parking. Several [REDACTED] have children of school age. I do not think this is a suitable location for a late night drinking venue.

I do not have any objection the clubs sporting activity which can sometimes carry on into the early evenings. Pre-covid an occasional evening function would extend until later into the night resulting in some noise issues especially in the summer when doors were kept open. But the frequency of these was not such as to cause a major nuisance.

The application would appear to be seeking to change the use of the premises from a members sports club to a 7day-a-week late night bar/restaurant venue with no limitation on the frequency of opening. This would indeed be a major change of use and I believe totally inappropriate for the location.

While I can understand why such a change may be of commercial interest to the members of the club. I would note that bowling clubs in other small towns in the area seem to survive without the need to expand their scope in this way.

It would appear from conversations with some residents on Clifford Road, who could be significantly affected by this change of use, that they have not been informed of the application.

Your sincerely,  
David Reid  
[REDACTED]

[REDACTED]

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

14<sup>th</sup> March 2022

**OBJECTION to variation of premises licence EL0345 submitted by North Berwick Bowling Club, 17 Clifford Road, North Berwick, EH39 4PW**

Dear Sir/Madam

I live [REDACTED] to the North Berwick Bowling Club clubhouse and wish to object to this proposed variation on the grounds that it will cause an unacceptable increase in noise disturbance to the surrounding residential properties.

I ask the Licensing Board to reject some specific aspects of the variation and place enforceable conditions to mitigate the impact of any remaining changes.

I provide elaboration of these points in the following pages.

Yours sincerely,

[REDACTED]

**Geoffrey M Ramsay**

[REDACTED]

## **Factual background information:**

North Berwick Bowling Club clubhouse is situated in the middle of a quiet residential area in an established part of the town. This location is different to other East Lothian bowling clubs which are either located in open areas at the edge of town, are only adjacent to commercial premises, or are more widely spaced from neighbouring residential properties.

Experience of pre-Covid club activity has shown that bowling competitions may occasionally be noisy, but they are not rowdy and intrusive. The main disturbance suffered by local residents has been social events that take place after bowling competitions, and receptions not directly connected with bowling. Such events have often involved the playing of amplified music until late in the evening (11.00pm).

The clubhouse is located very close to the adjoining houses in Macnair Avenue, with the clubhouse's main lounge at the closest end of the building. The distance between the clubhouse and the neighbouring gardens is less than 10 metres and the distance to the windows of neighbouring properties is less than 25 metres.

The clubhouse was not built as a function venue. It has a timber structure that allows significant levels of noise to escape from the building even when the windows and doors are closed. It has no air conditioning or forced ventilation, so cooling can only be provided by leaving windows and doors open.

Unlike the more modern houses in Clifford Green, the houses in Macnair Avenue are kit-built timber structures dating from the early years of timber housing [1984]. Their lightweight construction provides only limited attenuation of external noise.

## **Observations on Variation to Conditions of Licence:**

### **1. Removal of Condition 6**

- I understand that this amendment has been withdrawn by the club.
- Removal of this condition would have allowed the club to hire out the premises as a function venue, with a commensurate increase in the number of hours and days on which disturbance would be generated. While this is not the currently stated intent of the club, this variation would open that possibility if the club's membership, officeholders or financial position were to change.
- The local community accepts a level of disturbance from the Club provided it is directly related to bowling activity and is a necessary consequence of the enjoyment of that sport. The level of noise generated by an open venue is not appropriate in this location.

### **2. Amendment of Condition 2 to read "the South side door of the premises shall remain closed at all times"**

- I understand that this amendment is a clerical error, and no change is sought. The existing licence already includes this condition. The justification for the condition still exists - planning consent only permitted a fixed window on the grounds that an opening would increase the level of noise projected towards the Macnair Avenue houses. The fitting of patio doors was a design/construction error.

## **Observations on variation to information contained within the Operating Plan of the Premises Licence:**

### **1. Opening hours amended and inclusion of off sales**

- I do not object to the inclusion of off-sales provided this facility is only open to members and signed-in guests.
- I do not object to the earlier opening time of 10.00am on the understanding that it is intended to serve the small number of open bowling matches that start at 9.00am.
- The Club's proposed limit of 11.00pm on the playing of amplified music is a welcome move towards limiting the disturbance caused to their neighbours, but such noise is only one aspect of the disturbance. Raised voices from groups of people entering, leaving or standing smoking outside the club are just as intrusive as the music. Pre-Covid events (bowling-related and social) have shown that music and voices can be clearly heard inside the houses in Macnair Avenue, even when house windows and doors are closed.

- I strongly object to the proposed extension of late opening hours on Friday, Saturday, and Sunday. The existing licence hours already result in late evening disturbance long after amplified music has stopped as members and their guests leave the premises. The disturbance can last for 30 -40 minutes after closing time because of shouted farewells and the shutting of car/taxi doors. Any extension of late hours would lead to this disturbance continuing well past midnight into the early hours of the morning.
- A closing time later than that generally enforced in the town centre could attract some club members and their friends to the Club on their way home. This situation would lead to an increase in the late evening attendance at the Club, with a consequent increase in late-evening disturbance.

## **2. Addition of Restaurant Facilities and Bar Meals**

- I do not object to the addition of restaurant facilities and bar meals provided it is solely for the purpose of catering at bowling competitions.
- I object to the provision of catering at other times because it would increase the use of the clubhouse as a venue for members' non-bowling-related social functions, with a commensurate increase in the number of dates on which disturbance was generated.

## **3. Addition of Conference Facilities**

- I do not object to the addition of conference facilities provided these do not involve the playing of amplified music, amplified speech announcements or loud television.

## **4. Addition of Club or Other Group Meetings**

- I do not object to the addition of club or other group meetings provided these do not involve the playing of amplified music, amplified speech announcements or loud television.

## **5. Recorded Music to be provided out with core hours**

- The intent of this amendment is unclear because the amendment gives time limits for recorded music as 8:00am to 11:00am while the core hours are 10:00am to 11:00pm or later. This suggests the variation is to allow the playing of recorded music between 8:00am and 10:00am.
- I have no objection to the playing of recorded music at limited volume while the clubhouse is being set up for matches and while other domestic activity such as cleaning takes place.
- I object to the playing of recorded music between 8:00 and 10:00 if the purpose is to allow the premises to be used for noisy non-bowling activity.

## **6. Televised sport to be played out with core hours**

- I object to the provision of television sport out with core hours because it would allow group watching of late-night sports events. Such events create disturbance from loud cheering, even if the television itself is relatively quiet. The sound of cheering and applause at bowling competition social events can be clearly heard inside the Macnair Avenue houses even when windows and doors are closed.
- Late-night sports events would also lead to late disturbance when members and guests leave the premises even later than they do at present.

## **7. Outdoor drinking facilities**

- The Club has indicated that the facility of outdoor drinking is intended to allow the consumption of alcohol by spectators watching bowling competitions. I do not object to the addition of outdoor drinking provided it is only permitted while bowling is taking place.
- Early to mid-evening in fine summer weather is the time when local residents enjoy the use of their gardens. Outdoor drinking at the bowling club for social gathering after playing has ceased would be particularly intrusive because of the proximity of the bowling green terrace to surrounding gardens. Alcohol consumption generally leads to raised volumes of conversation, so the evening noise level could exceed that experienced during the daytime playing of bowls.
- I object to outdoor drinking being allowed at other times, particularly in association with non-bowling social events and receptions where noise that is presently contained within the clubhouse building would spread out into the surrounding grounds.

----- End of Objection -----

**Winter, Maree**

---

**From:** Ramsay, Geoff (Leonardo, UK) <[REDACTED]>  
**Sent:** 15 March 2022 08:25  
**To:** Licensing  
**Cc:** Winter, Maree; geofframsay13@gmail.com  
**Subject:** RE: OBJECTION to variation of premises licence EL0345 submitted by North Berwick Bowling Club [General Use]

**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.

Please note the following minor correction to the text of the document I submitted yesterday...:

**5. Recorded Music to be provided out with core hours**

• The intent of this amendment is unclear because the amendment gives time limits for recorded music as 8:00am to 11:00~~am~~pm while the core hours are 10:00am to 11:00pm or later. This suggests the variation is to allow the playing of recorded music between 8:00am and 10:00am.

---

**From:** [REDACTED]  
**Sent:** 14 March 2022 22:46  
**To:** licensing@eastlothian.gov.uk  
**Cc:** 'Winter, Maree' <mwinter@eastlothian.gov.uk>; Ramsay, Geoff (Leonardo, UK) <[REDACTED]>  
**Subject:** OBJECTION to variation of premises licence EL0345 submitted by North Berwick Bowling Club

Dear Licencing Board,

Please find attached my objection to the variation of premises licence EL0345 submitted by North Berwick Bowling Club.

Kind regards,

Geoff Ramsay  
[REDACTED]

Leonardo UK Ltd

Registered Office: 1 Eagle Place, St James???, London SW1Y 6AF

A company registered in England & Wales. Company no. 02426132

\*\*\*\*\*

This email and any attachments are confidential to the intended recipient and may also be privileged. If you are not the intended recipient please delete it from your system and notify the sender.

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, 17 Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)	Reference CG/mjw/EN/L/L1V	

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Dr
Surname	Hurrell
First Name(s)	Esther
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~— The premises are excluded premises.~~

(b) ~~— The application must be refused where:-~~

- ~~• — the Licensing Board has refused a premises licence application in respect the premises less than a year before this application — Section 25(2)~~
- ~~• — Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more — Section 64(2) or~~
- ~~• — Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both —.~~

(b)(a) ~~— That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>The Bowling club is in a quiet residential area. The clubhouse is extremely close to many homes, with residents including elderly people and young children.</p> <p>If longer licensing hours and permission to play recorded music are granted, it is likely that late night noise disturbance could have a seriously detrimental effect on local residents' quality of life.</p> <p>Loud noise in this locality tends to reverberate around the hillside and buildings – there is little to absorb the sound and so it tends to be very disruptive both in its immediate environment and in streets further away.</p>

<u>Objective</u>	<u>Explanation</u>
<p><b>Protecting and improving public health</b></p>	<p>Late night noise nuisance and disturbance, which is a likely result of the change in license, will be damaging to local residents' health and wellbeing. Exposure to loud noise and disturbed sleep can be extremely stressful and negatively affect mental health.</p> <p>Later licensing hours encourages longer and higher alcohol consumption, which is not consistent with an amateur sports club's aim of encouraging participation in a sport, nor with a general policy aim of protecting and improving public health.</p>
<u>Objective</u>	<u>Explanation</u>
<p><b>Protecting children and young persons from harm</b></p>	<p>This is a residential area with young children, who need to be sleeping during the night, not to be kept awake by loud recorded music and the noise of people dispersing, shouting, car doors slamming etc. into the early hours of the morning. Disruptive loud noise is not good for mental health.</p>

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why :

The premises are unsuitable for late-night sales of alcohol because they are situated in a peaceful residential area, in which there is little footfall or traffic in the evenings. Permission for longer hours of alcohol sales, off sales, and the playing of recorded music outwith core hours, could result in greatly increase noise levels and significant disturbance to local residents.

The club house is extremely close to neighbouring residential houses with nothing to absorb the noise. Regular noisy late night drinking would severely affect residents' quality of life and mental health, particularly if windows and/ or doors are open in the clubhouse whilst loud recorded music is being played.

North Berwick Bowling Club is registered with HMRC as a CASC (Community Amateur Sports Club). The guidance for such organisations states that the sale of food or drink should be a social benefit which arises incidentally from the sporting purposes of the club, e.g. a bar open for post-match refreshment. Lawn bowls is a sporting activity generally played during daylight hours, so the ability to sell alcohol every weekend until 1am does not seem necessary for the club's aims. The ability to provide off-sales seems even less consistent with this guidance.

If the club wish to hold occasional events involving later alcohol sales, they could apply for a one-off licence as needed. Blanket permission for later licensing, alongside permission to charge for meals and play recorded music, suggests the club may shift from being an association for the playing and enjoyment of lawn bowls, to operating more commercially as regular hosts of evening and night-time functions. This would have a profoundly negative effect on the local neighbourhood.

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<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why: .....

.....

.....

**PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday - Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>

As to conditions which should be imposed.	
Other representations	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

**I have read and understood the attached privacy notice**

Your Signature	Esther Hurrell
Date	17 <sup>th</sup> March 2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

## EAST LoTHIAN COUNCIL



### PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: [DPO@eastlothian.gov.uk](mailto:DPO@eastlothian.gov.uk)

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

*If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.*

Your information may be shared with the following recipients or categories of recipient:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• <i>Police Scotland</i></li><li>• <i>Scottish Fire &amp; Rescue Service</i></li><li>• <i>Public Health</i></li><li>• <i>The applicant and/or the applicant's agent</i></li><li>• <i>Neighbouring Proprietors</i></li><li>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i></li></ul> | <ul style="list-style-type: none"><li>• <i>Licensing Standards Officers</i></li><li>• <i>Planning Services</i></li><li>• <i>Building Standards</i></li><li>• <i>Environmental Health</i></li><li>• <i>Community Councils</i></li><li>• <i>The Scottish Government</i></li></ul> |
|---|---|

The retention period for the data is:

- |  |
|--|
| <ol style="list-style-type: none"><li>(1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the <b>date of refusal</b> and thereafter will be destroyed.</li><li>(2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence <b>ceases to have effect</b> and thereafter will be destroyed.</li></ol> |
|--|

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
  - (i) Performance of a Public Task; or
  - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
  - (i) Consent; or
  - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to:

The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick EH39 4PW	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<b>X</b>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Cattell
First Name(s)	Kate
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both –~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<b>Objective</b>	<b>Explanation</b>
<b>Preventing crime and disorder</b>	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
<b>Securing public safety</b>	

<u>Objective</u>	<u>Explanation</u>
<b>Preventing public nuisance</b>	<p>These premises are located in a residential area, with little noise or footfall in the evening.</p> <p>A late night alcohol and recorded music license will increase noise and create an unnecessary and undesirable disturbance to local residents.</p> <p>The Bowling club building is situated on an elevated site that means noise is projected across the neighbourhood meaning that the increased noise will also disturb residents living out with its immediate vicinity.</p>
<u>Objective</u>	<u>Explanation</u>
<b>Protecting and improving public health</b>	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. An extended license to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>
<u>Objective</u>	<u>Explanation</u>

	<p><b>Protecting children and young persons from harm</b></p>		
--	---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, especially in the evening when there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing meaning that there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

An off sales license is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds.

---

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

**PART B – REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that alcohol sales are not licensed beyond 10pm Monday - Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours above.</p> <p>No alcohol off-sales license to be granted for this premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

**I have read and understood the attached privacy notice**

Your Signature



Date

15.03.2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

**Licensing (Scotland) Act 2005, section 22**

**Notice of Objection or Representation**

**If you are completing this form by hand, please write legibly in block capitals using ink.**

Please indicate below the type of notice you are making:

**(please tick the appropriate box)**

**Objection**

**Representation**

Please send your Objection or Representation to :

**The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA**

**Any person may, by notice to the Licensing Board—**

**(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or**

**(b) Make representations to the Board concerning the application**

- If you are **OBJECTING**, please complete Part A of this form.
- If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	x
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	Coffey
First Name(s)	Emma
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging . objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect of the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both –.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<u>Objective</u>	<u>Explanation</u>
<b>Preventing crime and disorder</b>	

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	<p>These premises are located in a quiet residential area, surrounded on all sides by dwellings, many of which are in very close proximity to the club house. Its elevated position means that the noise from loud music travels across a wide area.</p> <p>Extending the alcohol licence and allowing recorded music outwith existing core licensed hours will exacerbate the adverse impact which loud music from the premises can already have on local residents, as experienced prior to the pandemic by residents of all ages.</p>
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	<p>The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. It is not to encourage late night alcohol consumption.</p> <p>An extended licence to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.</p>
<u>Objective</u>	<u>Explanation</u>

	<p><b>Protecting children and young persons from harm</b></p>		
--	---	--	--

- (d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—
- (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises.

Please explain why :

The North Berwick Bowling club house is located in the midst of quiet neighbourhood, particularly in the evening when there is little footfall or road traffic. A late licence to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.

The club house is positioned on the edge of its plot of land, in close proximity to residential housing. It is surrounded on all sides by dwellings and there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.

There is no reason for an off sales licence to be granted to these premises as this is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds, where drinking is discouraged.

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<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late-night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

**PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
---------------------------------------	--

<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday - Saturday nor beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to existing licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Prior to the pandemic, local residents had often found the loud music coming from the premises intrusive, to the extent that some had been unable to open their bedroom windows at night in the summer months. The suggestion that recorded music could continue later into the night than currently permitted seems unconscionable; the premises are far too close to residential properties for that to be acceptable.

Please attach supporting documents/further pages as necessary. Please number all extra pages

**I have read and understood the attached privacy notice**

Your Signature	
Date	17/3/22

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application MUST  
READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

Licensing (Scotland) Act 2005, section 22

Notice of Objection or Representation

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

**Objection**

**Representation**

Please send your Objection or Representation to :

The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are OBJECTING, please complete Part A of this form.
- If you are MAKING REPRESENTATIONS, please complete Part B of this form.
- All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

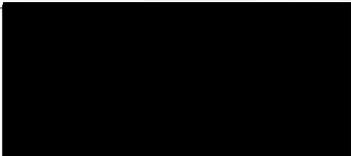
**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	North Berwick Bowling Club	
Name & Address of premises:	North Berwick Bowling Club, Clifford Road, North Berwick	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	x
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <u>Dr</u> delete/complete as appropriate
Surname	Woolley
First Name(s)	Alan Gordon
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) ~~The premises are excluded premises.~~

(b) ~~The application must be refused where:-~~

- ~~• the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or~~
- ~~• Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, o Section 65(3) or both –.~~

(b)(a) ~~That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:~~

(c) ~~Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-~~

<u>Objective</u>	<u>Explanation</u>
<b>Preventing crime and disorder</b>	If it is open to the general public it will generate increased undesirable activity and unacceptable noise in a quiet area

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
<b>Securing public safety</b>	There is very limited local parking that would be stretched beyond its limit. On a narrow road with tight access and heavy vehicles.

<u>Objective</u>	<u>Explanation</u>
<b>Preventing public nuisance</b>	<p>These premises are located in a quiet residential area, in an elevated position that means noise is projected across the neighbourhood.</p> <p>This is a quiet area with little noise or footfall in the evening. An alcohol license beyond 10pm and allowing recorded music, bar meals &amp; restaurant facilities outwith core licensed hours will create an unnecessary and undesirable disturbance to local residents.</p>
<u>Objective</u>	<u>Explanation</u>
<b>Protecting and improving public health</b>	The Bowling Club house is a recreational facility and not an entertainment venue. Its primary function is to facilitate a sporting activity which takes place during daylight hours. It is not to encourage late night alcohol consumption. An extended license to 1am, will encourage prolonged alcohol consumption and does not align with the promotion of health and wellbeing to be expected and encouraged from a sporting facility.

<u>Objective</u>	<u>Explanation</u>
<p><b>Protecting children and young persons from harm</b></p>	<p>A lot of school children use Clifford Road which has parked cars on both sides</p>
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—</p> <ul style="list-style-type: none"> <li>(i) the nature of the activities proposed to be carried on in the subject premises,</li> <li>(ii) the location, character and condition of the premises, and</li> <li>(iii) the persons likely to frequent the premises.</li> </ul> <p>Please explain why :</p> <p>The North Berwick Bowling club house is located in the midst of quiet neighbourhood, particularly in the evening when there is little footfall or road traffic. A late license to serve alcohol and play recorded music beyond core licensed hours will increase noise and traffic in the area, causing disturbance to local residents.</p> <p>The club house is positioned on the edge of its plot of land, in close proximity to residential housing meaning that there is no sound barrier between the venue and its neighbours. The building's elevated position also amplifies noise to streets beyond those in its immediate vicinity.</p> <p>There is no reason for an off sales license to be granted to these premises as this is likely to add to the noise generated from outside drinking on quiet streets and within the nearby Lodge grounds.</p>	

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<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

- (e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—
- (i) licensed premises, or
  - (ii) licensed premises of the same or similar description as the subject premises,

Please explain why:

North Berwick is a small community comprising mainly quiet residential streets. The town has an assortment of licensed venues on the High Street and Quality street, where alcohol, music and venue hire can be enjoyed away from main residential streets. It is unnecessary and undesirable to create a late night licensed venue out with this area, particularly within a quiet neighbourhood that has little footfall in the evening.

The proposed late alcohol license and permission to play recorded music outwith core licensed hours will encourage patrons to move away from the town centre to a quieter part of town, causing unnecessary disturbances to local residents.

There is no reason for an off sales license to be granted to these premises as North Berwick already has an adequate supply of Off-Licences and supermarkets selling alcohol. There is no demand or need for additional off-sales premises in the town, particularly within a residential setting.

## **PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

<p>In support of the application.</p>	
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<p>As to modifications which should be made to the Operating Plan</p>	<p>Suggest that this premises is not licensed for alcohol sales beyond 10pm Monday - Saturday and beyond 6pm on Sundays.</p> <p>Permission to play recorded music and serve bar meals should be confined to licensed hours.</p> <p>No alcohol off-sales be permitted on these premises.</p>
<p>As to conditions which should be imposed.</p>	
<p>Other representations</p>	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature	
Date	16 <sup>th</sup> March 2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

**Licensing (Scotland) Act 2005, section 22**  
**Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

**Objection**

**Representation**

Please send your Objection or Representation to :

**The Clerk to the Licensing Board  
East Lothian Council  
Licensing, Administration and Democratic  
Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA**

**Any person may, by notice to the Licensing Board—**

**(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or**

**(b) Make representations to the Board concerning the application**

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM**

**Section 1 – Application Details:**

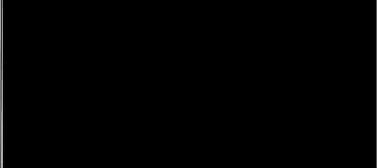
**This objection/representation relates to the following Application:**

Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	NORTH BERWICK BOWLING CLUB	
Name & Address of premises:	CLIFFORD ROAD NORTH BERWICK	
This Application is for	• Premises Licence	<input type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input checked="" type="checkbox"/>
	• Occasional Licence	<input type="checkbox"/>
Application Number (if known)		

**Section 2 – Objector/Representer Details:**

*If you fail to complete this section, the objection or representation may not be considered*

**(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL**

Individual Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	HOARE
First Name(s)	DIANA ELIZABETH
Address (including postcode):	

**(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION**

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	

Address of Organisation (including postcode):	
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**PART A – OBJECTION**

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a)

(b) The application must be refused where:-

- Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both

(b)(a)

(c) Granting the application would be inconsistent with one or more of the licensing objectives<sup>1</sup>:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	<p>Extending the hours would result in potential disorder until the early hours of the morning in a quiet residential area.</p> <p>Loud music playing late at night would be disturbing to residents in houses in close proximity to the clubhouse.</p>
<u>Objective</u>	<u>Explanation</u>

<sup>1</sup> Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<p><b>Securing public safety</b></p>	<p>Parking in Clifford Road is already very limited. Holding events with a late alcohol/music license will inevitably result in <b>additional parking</b> on the road.</p> <p>Taxis will be arriving and waiting late at night adding to congestion and noise.</p> <p>Parking is almost non-existent in the bowling club which means that people will park on the Highway on the opposite side of the road to the Bowling Club.</p> <p>This is an issue of public safety with large numbers of people crossing the road late in the evening/ early in the morning.</p>
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<u>Objective</u>	<u>Explanation</u>
<p><b>Preventing public nuisance</b></p>	<p>The venue is likely to be rented out for large events such as parties, weddings etc. which will bring an unprecedented number of party-goers into a residential area.</p>
<u>Objective</u>	<u>Explanation</u>

	<p><b>Protecting and improving public health</b></p>	<p>There is no justification for an <b>Off Sales</b> license when there are adequate facilities in local shops. This has an obvious affect on alcohol consumption.</p>	
	<p><u>Objective</u></p>	<p><u>Explanation</u></p>	

	<p><b>Protecting children and young persons from harm</b></p>	<p>There are a growing number of young families with babies and young children in very close proximity to the bowling club.</p> <p>Their <b>sleep</b> will undoubtedly be disturbed by the noise from the club and from people arriving and leaving the venue at night.</p> <p>With close proximity to the Lodge Grounds public park an <b>Off Sales</b> could be a potential hazard to young people. As residents in this town we are all responsible for the health and Safety of our <b>young citizens</b>.</p>	
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to<sup>2</sup>—</p> <ul style="list-style-type: none"> <li>(i) <b>the nature of the activities proposed to be carried on in the subject premises,</b></li> <li>(ii) <b>the location, character and condition of the premises, and</b></li> <li>(iii) <b>the persons likely to frequent the premises.</b></li> </ul> <p>Please explain why : ... ..</p> <p>.....</p> <p>.....</p>			
<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> <li>(i) licensed premises, or</li> <li>(ii) licensed premises of the same or similar description as the subject premises,</li> </ul> <p>Please explain why: .....</p> <p>.....</p> <p>.....</p>			

<sup>2</sup> Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

**PART B - REPRESENTATION**

I/We wish to make these representations to the Board concerning the application: —

In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

**PART C: Additional Information/Supporting Documents**

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

All information can be found above.

Please attach supporting documents/further pages as necessary. Please number all extra pages

**I have read and understood the attached privacy notice**

Your Signature	Diana Elizabeth Hoare
Date	18.3.2022

**YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM  
GDPR**

**Any person who has supplied personal information as part of this application  
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

**From:** [Kathryn Smith](#)  
**To:** [Winter, Maree](#)  
**Subject:** RE: Application for Major Variation - North Berwick Bowling Club  
**Date:** 03 March 2022 12:19:47  
**Attachments:** [image001.png](#)

**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.

Dear Maree

At its monthly meeting earlier this week, North Berwick Community Council discussed the major variation application from North Berwick Bowling Club and decided not to make any comment.

Regards

Kathryn

*Kathryn E Smith*  
*Secretary NBCC*

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**From:** Winter, Maree [<mailto:mwinter@eastlothian.gov.uk>]  
**Sent:** 15 February 2022 11:58  
**To:** Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk); Environment Reception; Environmental Health/Trading Standards; Trading Standards; [REDACTED]  
**Subject:** Application for Major Variation - North Berwick Bowling Club

Dear all,

Please find attached major variation application from North Berwick Bowling Club. Could I please have any representations/objections by 18<sup>th</sup> March 2022.

Kind regards  
Maree.

*Maree Winter*

**Licensing Officer: Accredited Specialist Paralegal in Licensing Law, Democratic & Licensing Services: East Lothian Council: John Muir House:  
Haddington: EH41 3HA  
01620 827867  
[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**

**Herkes, Gillian**

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**From:** Johnson, Darren  
**Sent:** 15 February 2022 16:13  
**To:** Licensing  
**Subject:** FW: Application for Major Variation - North Berwick Bowling Club  
**Attachments:** NB Bowling Club major variation application.pdf; North Berwick Bowling Club layout plan.(1).pdf

Hi

No objections.

Darren

---

**From:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Sent:** 15 February 2022 13:59  
**To:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Subject:** FW: Application for Major Variation - North Berwick Bowling Club

Hello Darren,

Can you please deal with this.

Thanks

Andrew

---

**From:** Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>  
**Sent:** 15 February 2022 13:48  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Application for Major Variation - North Berwick Bowling Club

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 15 February 2022 11:58  
**To:** Police Scotland ([LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk))  
<[LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)>; Fruzynski, Rudi <[rfruzynski@eastlothian.gov.uk](mailto:rfruzynski@eastlothian.gov.uk)>;  
'Licensing@nhslothian.scot.nhs.uk'; Fire officer ([torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk))  
<[torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk)>; Environment Reception <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>; Environmental  
Health/Trading Standards <[ehs@eastlothian.gov.uk](mailto:ehs@eastlothian.gov.uk)>; Trading Standards <[tradingstandards@eastlothian.gov.uk](mailto:tradingstandards@eastlothian.gov.uk)>;  
[REDACTED]  
**Subject:** Application for Major Variation - North Berwick Bowling Club

Dear all,

Please find attached major variation application from North Berwick Bowling Club. Could I please have any representations/objections by 18<sup>th</sup> March 2022.

Kind regards  
Maree.

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery

**To:** Clerk to the Licensing Board

**Per:** Neil Millar

**Per:** Licensing Board

**Cc:**

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**Date:** 17<sup>th</sup> February 2022

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** North Berwick Bowling Club, 17 Clifford Road, North Berwick

**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.