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
Section 29(5	ation for Variation other than a Minor Variation of Premises Licence is made under 5) of the Licensing (Scotland) Act 2005 in order to vary-evant boxes)
	Any of the Conditions to which the Premises Licence is subject
	Any of the information contained within the Operating Plan
	The Layout Plan
	Any other information contained or referred to in the licence (including any addition, deletion or other modification).
	(Provide Details)
SECTION 2:	PREMISES LICENCE DETAILS
2(a) Licence	Number of Premises
EL099	
2(b) Name a	nd Address of Premises
Winton Arm	s, Pentcaitland, Tranent, East Lothian
Post Code	EH34 5DN Phone No.
2(c) Full Nai	me and Address of Current Licence Holder
Caledonian H 4 Hope Street Edinburgh	Ieritable Ltd
Post Code	EH2 4DB Phone No. 0131 220 5511

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

(b) A warmon to the Conditions to which the Frence is subject
Provide details of the Condition(s) to be varied and the variation being sought
3(b) Variation to the information contained within the Operating Plan of the Premises Licence
Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)
Q5 Conference Facilities COL. 2.3.4 change to yes to facilitate conferences to start at 10am
Q3 Films COL 2.3 Change to yes
Q5 Gaming COL. 2 3 Change to no
Q5 Televised Sport COL. 4 change to yes this is to facilitate the showing of this activity at breakfast service

Q5 Televised Sport COL. 4 change to yes this is to facilitate the showing of this activity at breakfast service which will take place from 10am where no alcohol will be served outwith core hours

Q5 Outdoor drinking facilities COL.4 Change to yes this is to facilitate access to the outside area for breakfast service only and no alcohol will be served at this time.

Additional narrative re. COL.4 activities club meetings and conferences may take place and TV sport may be shown in the morning during breakfast service.

Access to Alfresco dining area for breakfast service.

Q5F We wish to include the following activities:

Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries (if alcohol is being delivered we will comply with Section 119 Licensing Act 2005 and Section 32 of East Lothian Board Statement policy)

O₆B

Children and Young persons will be permitted in all areas at all times when the premises is open, when accompanied by a responsible adult.

Q6D Children and Young persons will be permitted entry at all times until 10pm. Unless attending a private function or notified event.

Q6E Children and Young persons will be permitted to all public areas.

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.
Complete reconfiguration of outlet with additional toilets added previous external 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)
1 3 The description of the promises contained within the Promises Electrice)
SECTION 4: LICENCE TO BE AMENDED (See note 3 below)
(See note 3 below)
(See note 3 below) Does the appropriate Premises Licence accompany this application?
(See note 3 below) Does the appropriate Premises Licence accompany this application?
(See note 3 below) Does the appropriate Premises Licence accompany this application? YES NO
(See note 3 below) Does the appropriate Premises Licence accompany this application? YES
(See note 3 below) Does the appropriate Premises Licence accompany this application? YES

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 12/5/22	
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 'tive 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

Phone: 01620 827217 / 827867 / 820114

Licensing Office

Fax: 01620 827253

John Muir House

Email: licensing@eastlothian.gov.uk

Haddington, East Lothian

EH41 3HA

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

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Question 1

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

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

Question 2

STATEMENT OF \pmb{CORE} TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION \pmb{ON} PREMISES

Day	ON Consumption		
	Opening time	Terminal hour	
Monday	11.00am	11.00pm	
Tuesday	11.00am	11.00pm	
Wednesday	11.00am	11.00pm	
Thursday	11.00am	1.00am	
Friday	11.00am	1.00am	
Saturday	11.00am	1.00am	
Sunday	11.00am	12 midnight	

Question 3

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

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	11.00am	10.00pm	
Tuesday	11.00am	10.00pm	
Wednesday	11.00am	10.00pm	
Thursday	11.00am	10.00pm	
Friday	11.00am	10.00pm	
Saturday	11.00am	10.00pm	
Sunday	11.00pm	10.00pm	

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES	
Does the appreciant intend to operate according to seasonal demand		

*If YES - provide details

We shall apply for or take grant of extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with the East Lothian Licensing Board's policies/guidelines.

We may also apply for extensions for special events i.e. sporting events, functions, charity evenings 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	COL. 2	COL, 3	COL. 4
5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm	also to be provided
	Established (Sale	YES/NO	YES/NO
Accommodation	No	N/A	N/A
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	Where activities are also to be provided outwith core licensed hours please confirm
Receptions including Weddings, funerals, birthdays, retirements etc.	Yes	Yes	YES/NO No
Club or other group meetings etc.	Yes	Yes	Yes
5(c) Activity Entertainment noluding:	Please confirm YES/NO		Where activities are also to be provided outwith core licensed hours please confirm
Innerdad :		YES/NO	YES/NO
lecorded music — see (g)	Yes	Yes	Yes
ive performances – ee 5(g)	Yes	Yes	No
ance facilities	No	No	No
ieatre	No	N/A	N/A
lms	Yes	Yes	No
nming	No	No	No
door/outdoor sports	Yes	Yes	No
levised sport	Yes	Yes	Yes

5(d) 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
Outdoor drinking 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
Adult entertainment	No	N/A	N/A

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

Breakfasts/Teas and Coffees will be served from 10.00am, outside core licensed hours no alcohol will be served.

Music is played at all times whilst premises is open

Club meetings and conferences may take place and TV sport may be shown in the morning during breakfast service.

Access to Alfresco dining area for breakfast service.

stir anv omer activities	5(f)	anv	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.

Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries (if alcohol is being delivered we will comply with Section 119 Licensing Act 2005 and Section 32 of East Lothian Board Statement policy)

5(g) Late night premises opening after 1.00am

When fully commind and the	complified to be seen and assessed the street of the second of the secon	N/A
vnen juny occupiea, are ir	ere likely to be more customers standing than seated?	IV/A

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				
	*Delete as appropriate				
34					

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 in all areas at all times when the premises open, when accompanied by a responsible adult.	s is

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

Children Aged 0 to 15 years old

Young Persons aged 16 to 17 years old

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

Children and Young persons will be permitted entry at all times until 10pm. Unless attending a private function or notified event.

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

Children and Young pers	sons will be perr	nitted to al	l public area	s.		
L						1
Question 7						
CAPACITY OF PREMISES	,					
What is the proposed capac	ity of the premis	es to which	this applica	tion relates?		
49 Persons						
20130113						
Question 8 PREMISES MANAGER (N licence)	OTE: not requi	red where	application	is for grant	of provision	al premis
Personal details						
8(a) Name				74		
Sarah Jane Robertson	*				•1	T
B(b) Date of birth						
						-
(a) Contract 11						
(c) Contact address						
						1

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
14/05/2019	Scottish Border Council	SB/LIQ/12769

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 m	v knowledge and	d belief.
----------------------	----------------	-------------	---------------	-----------------	-----------

Signature	* (see note below)
Date	

Telephone number and email address of signatory

CapacityAPPLICANT

nyssa@chl.uk.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.

26/05/2022

Your Ref:

EL099

Our Ref:

635333/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
WINTON ARMS
THE WINTON ARMS, PENCAITLAND, EAST LOTHIAN, EH34 5DN.

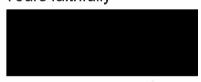
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of several changes to the operating plan and layout following a major refurbishment of the premises.

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

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

Yours faithfully



Catriona Paton Chief Superintendent

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

EAST LOTHIAN COUNCIL

Licensing Standards

From: K. Harling To: C. Grilli

Licensing Standards Officer Clerk to the Licensing Board

Date: 08 June 2022

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2022

WINTON ARMS

I can confirm that the applicant and premises have been visited in relation to this variation application. There are currently building works ongoing and it is hoped that these will be finished by mid July 2022. This application for variation has been considered in relation to the Licensing Objectives detailed within the Licensing (Scotland) Act 2005 and any observations given are restricted to those areas. No observations are included in relation to matters governed by the Building Standards, Environmental Protection, Fire Safety, Food Safety legislation or Health & Safety at Work legislation therefore the advice of the Council's enforcement officers, holding the appropriate competencies, should be sought on these issues.

The changes applied for are:

- To add conference facilities during and outwith core hours
- · To add films during core hours
- To remove gaming during core
- To add Televised sport outwith core hours to facilitate the showing of this at breakfast service from 10am, no alcohol will be served at this time
- Access to alfresco dining area outwith core hours for breakfast service
- The inclusion of the following activities Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries including alcohol.
- Children to be permitted to all areas at all times when the premises is open when accompanied by a responsible adult
- Children and young persons to be permitted entry at all time until 10pm unless attending a private function or notified event
- Children and young persons to be permitted access to all public areas
- · Complete reconfiguration of outlet as per layout plan submitted

• Decrease in on sales capacity from 254 -149

Licensing Standards has no objection to the foregoing proposals, but may recommend however, the following conditions:

- The use of the alfresco dinning area should be opened no earlier than 10:00 hours and closed by 22:00 hours and that there should be no public entertainment, amplified music, amplified vocals or live music played to ensure the use of the alfresco dining area does not cause nuisance neighbouring residential properties. In addition the door leading out to the area should be fitted with a door closure mechanism to prevent noise breakout from inside the premises to surrounding residential properties. CCTV should cover the outdoor area if installed.
- Provision of effective and properly maintained CCTV in and around the premises.
- Should the applicant operate a service of delivery of alcohol to customers, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of Section 32.1 to 32.4 of the Board's statement of licensing policy on deliveries of alcohol, should be complied with, namely:

Licensing (Scotland) Act 2005:

Section 119 Delivery of alcohol from vehicles etc.

- (1) A person who, pursuant to a sale of alcohol by that person, delivers the alcohol from a vehicle or receptacle without the information mentioned in subsection (2) having been entered, before the despatch of the alcohol, in—
- (a) a day book kept on the premises from which the alcohol is despatched, and
- (b) a delivery book or invoice carried by the person delivering the alcohol, commits an offence.
- (2) The information referred to in subsection (1) is—
- (a) the quantity, description and price of the alcohol, and
- (b) the name and address of the person to whom it is to be delivered.
- (3) A person who carries in a vehicle or receptacle in use for the delivery of alcohol pursuant to a sale of the alcohol by that person any alcohol the quantity, description and price of which was not entered as mentioned in subsection (1) commits an offence.
- (4) A person who, pursuant to a sale of alcohol, delivers the alcohol to an address not entered as mentioned in subsection (1) commits an offence.
- (5) A person who refuses to allow a constable or a Licensing Standards Officer to examine—
- (a) any vehicle or receptacle in use for the delivery of alcohol, or
- (b) any—

- (i) day book kept as mentioned in subsection (1)(a), or
- (ii) delivery book or invoice carried as mentioned in subsection (1)(b), commits an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

East Lothian Licensing Board Statement of Licensing Policy 2018 -2023

Deliveries

- 32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the 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.
- 32.2 Applications for deliveries from cafes, restaurants and other food businesses, not considered to be predominantly grocers/supermarkets outlets, may be granted home delivery services, provided the order is ancillary to a meal and, any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.
- 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.
- 32.4 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of this application.

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

K. Harling Licensing Standards Officer

Herkes, Gillian

From:

Licensing

Sent:

16 May 2022 08:32

To:

Herkes, Gillian

Subject:

FW: Variation Application for Winton Arms, Tranent

Attachments:

image001.png; Winton Arms 2022 - Ground Floor Plan.pdf; Winton Arms 2022 - First

Floor Plan and Site Plan (002).pdf; 20220512165644079.pdf;

20220512165723702.pdf; 20220512165818629.pdf

Follow Up Flag:

Follow up

Flag Status:

Flagged

From: Johnson, Darren <djohnson@eastlothian.gov.uk>

Sent: 16 May 2022 08:16

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

Subject: FW: Variation Application for Winton Arms, Tranent

Hi

No objections.

Darren

From: Slight, Lynn < lslight@eastlothian.gov.uk>

Sent: 13 May 2022 14:20

To: Johnson, Darren <djohnson@eastlothian.gov.uk>

Subject: Fwd: Variation Application for Winton Arms, Tranent

Hi Darren

Hope you had a good weekend.

Please can you cast your eye over this on.

Thank you

Lynn Slight Ch.EHO MREHIS Senior Environmental Health Officer East Lothian Council

Begin forwarded message:

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>

Date: 13 May 2022 at 13:34:31 BST

To: "Douglas, Andrew" <a douglas@eastlothian.gov.uk>, "Slight, Lynn" <lslight@eastlothian.gov.uk>,

"Gunning, Laura" < |gunning@eastlothian.gov.uk>, "Clark, Colin - EHO"

<cclark1@eastlothian.gov.uk>, "Callow, Scott" <scallow@eastlothian.gov.uk>

Subject: FW: Variation Application for Winton Arms, Tranent

EAST LOTHIAN COUNCIL

Internal Memorandum

From:

Planning Delivery

To:

Clerk to the Licensing

Per:

Neil Millar

Board

Per: Licensing Board

Cc:

Date: 18th May 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Winton Arms, Pencaitland

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

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





Douglas Bogie Gray

6 June 2022

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

Reference: CG/mjw/EN/L/L1

Dear Sir, Madam

I would like to place on record my objections to the proposed variation to the licence granted in favour of Caledonian Heritage Ltd for the Winton Arms in Pencaitland.

Apart from the blatant attempt to circumvent the licensing process by omitting the long list of variations from their original submission there are some very real issues that granting further permissions will bring to this already stressed location.

Apart from the degradation of amenity for the immediate neighbours of extra noise, smell and general disturbance caused by this major commercial development in a conservation area the most serious issue is one of road safety.

A constant stream of parking is will cause even more potential accidents than we see on a daily basis already.

During the two years of work on the Winton Arms just the builders vehicles have been a constant source of sharp braking and homs sounded even though they usually park half on the pavement (another issue) as the A6903 has become a busy route.

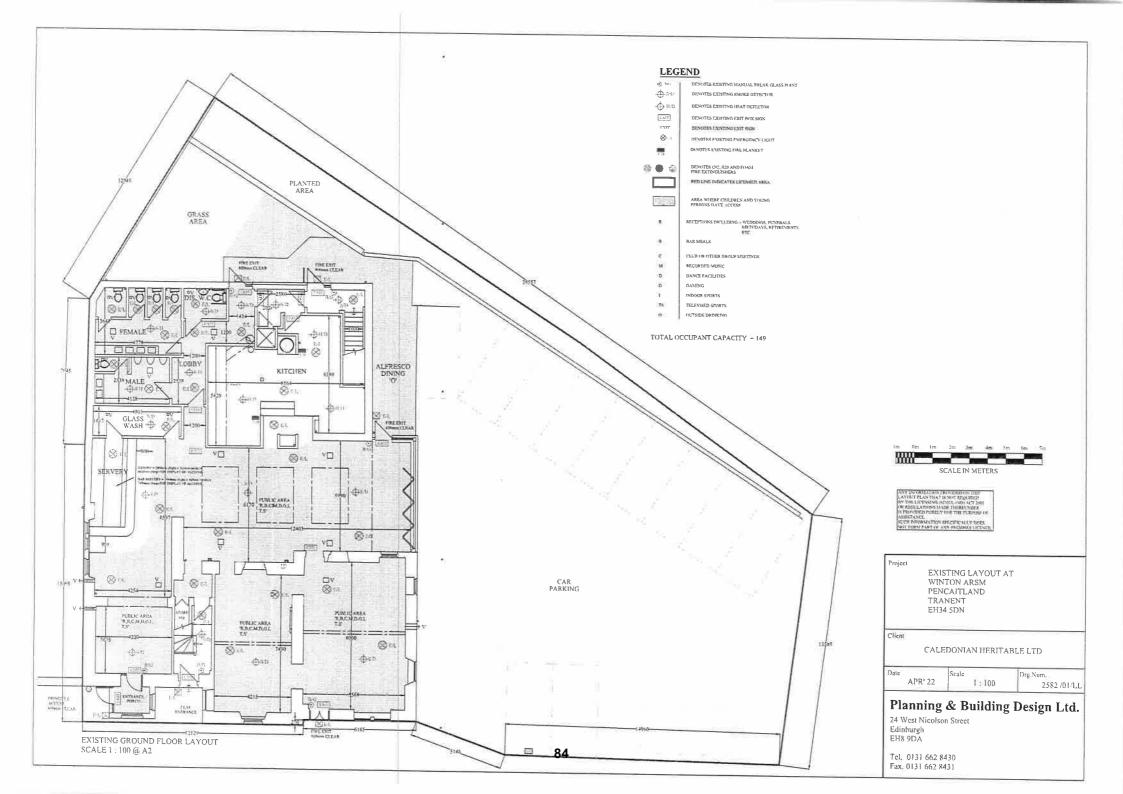
Perhaps extending the new double yellow lines might help to shift the parking away from the long curve but again, displacing a problem is not much of a fix.

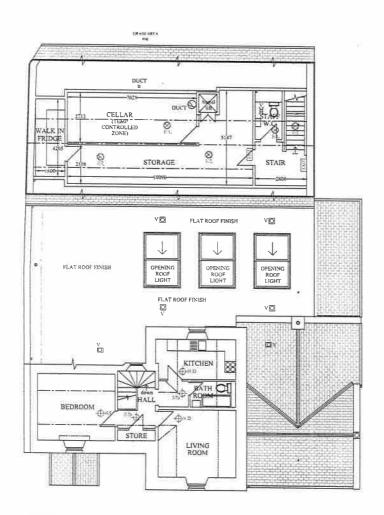
Please give your consideration to the above when considering the application.

Υοι	urs sincerely,			
_				
Do				

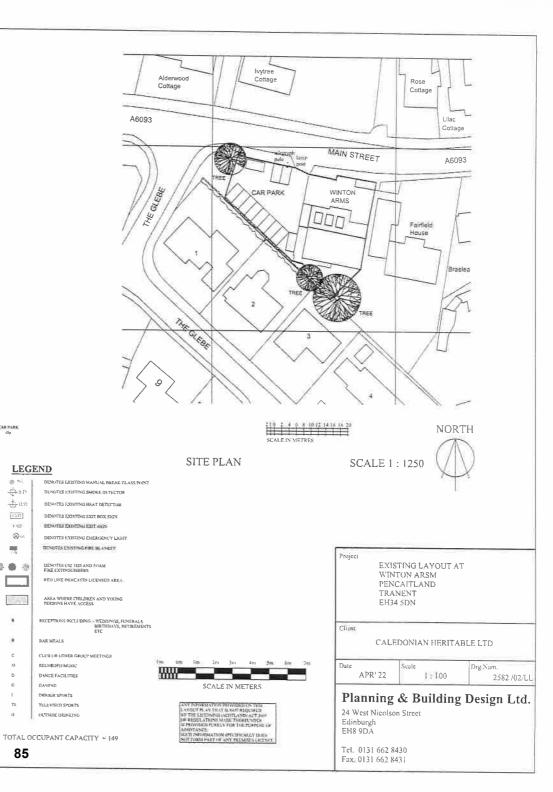
Herkes, Gillia	an					
From: Sent: To: Subject:		Douglas Gray - 07 June 2022 18:53 Licensing Re: Winton Arms, Pend	aitland			
CAUTION: This em the sender and kn	nail originated fro ow the content is	om outside of the organisati s safe.	on. Do not click link	s or open attachi	ments unless you	recognise
Hello:)					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Thank you for y	our reply.					
Yes I would like	e to attend the	virtual meeting if possi	ble.			
Cheers						
Douglas	9					
On Tue, 7 Jun 2	022 at 15:55, 1	Licensing < licensing@	eastlothian.gov.ı	ı <u>k</u> > wrote:		
Good Afternoon	n Mr Gray					
at the Licensing	Board on 23"	of your objection letter June, 2022 at 10am. this meeting and the rel	This meeting i	s heard virtual	. Can you ple:	ase
Kind regards		•		3		•
Gillian						

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage which may result from this email or any files attached. Email is not secure and





EXISTING FIRST FLOOR LAYOUT SCALE 1: 100 @ A2



85

BAR MEALS

RECORDED MUSIC

DANCE FACILITIES

INDIQUE SPORTS

TELEVISED SPORTS

OUTSIDE DRINKING

CAFFOR

LEGEND

-Dun

[227] 1701

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