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EAST LOTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29 Application for Variation other than Minor Variation

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

SECTION 1: TYPE OF VARIATION

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



Any of the Conditions to which the Premises Licence is subject

Х	Any of the information contained withir	n the Operating Plan
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х	The Layout Plan
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Any other information contained or referred to in the licence (including any addition, deletion or other modification).
(Provide Details)

Description of the Premises

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0106

2(b) Name and Address of Premises

Carberry Tov 1 Carberry To Whitecraig Musselburgh East Lothian	ower		
Post Code	EH21 8PY	Phone No.	

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

Kingsland Estates (Carberry Tower) Limited

1 Rutland Co Edinburgh	Surt	

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

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 highlight below the proposed changes. (See Note 1)

At Question 5(g) in the further details box, to add "and within the four estate houses and main lodge" so that it now reads:

"Films are available for patrons to view in their bedrooms and within the four estate houses and main lodge – 24 hours a day, 7 days a week, educational/commercial films are also shown within the premises but viewings will not commence before 07:00 and no later than 01:00."

At Question 5(f) to add "Community Events, such as Christmas events (Santa's Grotto)" so that it now reads:

"Corporate events, team building events, conferences, community events, such as Christmas events (Santa's Grotto) and charity events."

Question 7 - Increase in capacity from 320 to 366 to read as follows:

"On Sales – 366 persons

Capacity breakdown – main building, ceilidh hall and outside drinking area, - 320 persons

willow lodge, juniper lodge, mulberry lodge, chestnut lodge and the main lodge – 46 persons."

Question 8 - To amend premises manager's address details to read as follows:

Peter Edward Morrow

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

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

To include the four estates houses, Willow Lodge, Juniper Lodge, Mulberry Lodge and Chestnut Lodge and Main Lodge as shown in the proposed layout plan.

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)

Change of postal address of premises as follows:

Carberry Tower Mansion House, 1 Carberry Tower, Whitecraig, Musselburgh, East Lothian, EH21 8PY.

Variation to the Description of premises as follows:

"Carberry Tower is a 40-acre estate and 15th Century Castle now used principally as a Hotel, Conference and Exclusive Use Venue, as well having five lodges, comprising four estate houses and the Main Lodge. Carberry Tower has a restaurant bar, function rooms, event, hospitality and training facilities, as well as a separate Chapel and Banqueting Pavilion."

Change of premises manager's address:

Peter Edward Morrow,

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 £200

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 £ 200.00 is enclosed.

Signature

Chloe Johnstone, Solicitor for and on behalf of Anderson Strathern LLP as Agent on behalf of Kingsland Estates (Carberry Tower) Limited

(see note 5 below)

Date 18/05/2023

......

Capacity: AGENT (delete as appropriate)

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

Chloe Johnstone Anderson Strathern LLP 1 Rutland Court Edinburgh, EH3 8EY Tel: 0131 625 7292 Email: chloe.johnstone@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' 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: <u>licensing@eastlothian.gov.uk</u>

	FOR OFFICE USE ONLY	如何的中华的一个人们。并且他们的中华。
Received & Receipt No.	System Updated	Licence Issued

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Carberry Tower Mansion House		
Whitecraig		
Musselburgh		
East Lothian, EH21 8PY		

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?	YES
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?	NO
*Delete as appropriate	

Question 2

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

Day		ON Consumption			
	Opening time	Terminal hour			
Monday	11:00	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	12:30	Midnight			

Question 3

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

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	N/A	N/A	
Tuesday	N/A	N/A	
Wednesday	N/A	N/A	
Thursday	N/A	N/A	
Friday	N/A	N/A	
Saturday	N/A	N/A	
Sunday	N/A	N/A	

Question 4

SEASONAL VARIATIONS

Dogs the senti-	PEOPLIN WITH	
Does the applicant intend to operate according to seasonal demand	YES	

*If YES – provide details

Extra hours in line with East Lothian Licensing Board's Policy on additional hours over the Christmas and New Year period.

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	during core licensed	Where activities are also to be provided outwith core licensed hours please confirm

		YES/NO	YES/NO
Accommodation	YES	N/A	N/A
Conference facilities	YES	YES	YES
Restaurant facilities	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 <i>YES/NO</i>	also to be provided
Receptions including Weddings, funerals, birthdays, retirements etc.	YES	YES	YES
Club or other group meetings etc.	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm	Where activities are also to be provided outwith core licensed hours please confirm
including:		YES/NO	YES/NO
Recorded music – <mark>see</mark> 5(g)	YES	YES	YES
Live performances – see 5(g)	YES	YES	YES
Dance facilities	YES	YES	YES
Theatre	YES	YES	YES
Films	YES	YES	YES
Gaming	YES	YES	YES
Indoor/outdoor sports	YES	YES	YES
Televised sport	YES	YES	YES
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm	Where activities are also to be provided outwith core licensed hours please confirm
Dutdoor drinking	YES	YES/NO YES	YES/NO YES

5(e) Activity	Please confirm YES/NO	during core licensed	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment	NO	NO	NO

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

Accommodation is provided 24 hours a day, 7 days a week.

Conference, restaurant, bar meals, receptions, club or group meetings, are provided outwith core hours but not before 07:00 and not later than 01:00. Live performances, dance facilities, theatre are provided outwith core hours but will not commence before 10:00 and not later than 01:00.

Films are available for patrons to view in their bedrooms and within the four estate houses and main lodge -24 hours a day, 7 days a week, educational/commercial films are also shown within the premises but viewings will not commence before 07:00 and no later than 01:00.

Televised sport is available to view by patrons in the bedrooms and can be shown 24 hours a day, 7 days a week.

Recorded music - background music is played when the premises are open.

The external area may be used prior to the commencement of core hours for general recreation, viewing of grounds and related activities.

No alcohol will be sold outwith core hours unless an extended hours licence is in place.

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.

Corporate events, team building events, conferences, community events, such as Christmas events (Santa's Grotto) and charity events. - CRAFT FAIRS MARKETS

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
*D /	
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

Children and Young Persons will be allowed access to the premises at all times when accompanied by a responsible adult.

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

Children – Birth to 15

Young Persons – 16 & 17

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

Children and Young Persons will have access to the premises 24/7 when residing on the premises. Children and Young Persons can remain within the restaurant and lounge areas provided they are supervised by a parent or guardian. They may remain for the duration of any private function. Children and Young Persons must vacate bar area at 22:00

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 have access to all public area of the premises.

Question 7

CAPACITY OF PREMISES

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

On Sales - 366 persons

Capacity breakdown - main building, ceilidh hall and outside drinking area, - 320 persons

willow lodge, juniper lodge, mulberry lodge, chestnut lodge and the main lodge - 46 persons.

Question 8

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

Personal details

8(a) Name

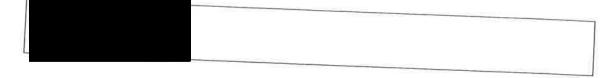
Peter Edward Morrow

 $\delta(b)$ Date of birth



8(c) Contact address





8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
24 June 2022	East Lothian Licensing Board	

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

Chloe Johnstone, Solicitor for and on behalf of Anderson Strathern LLP as Agent on behalf of Kingsland

* (see note below)

Date18/05/2023.....

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

Telephone number and email address of signatory

Chloe Johnstone

Anderson Strathern LLP

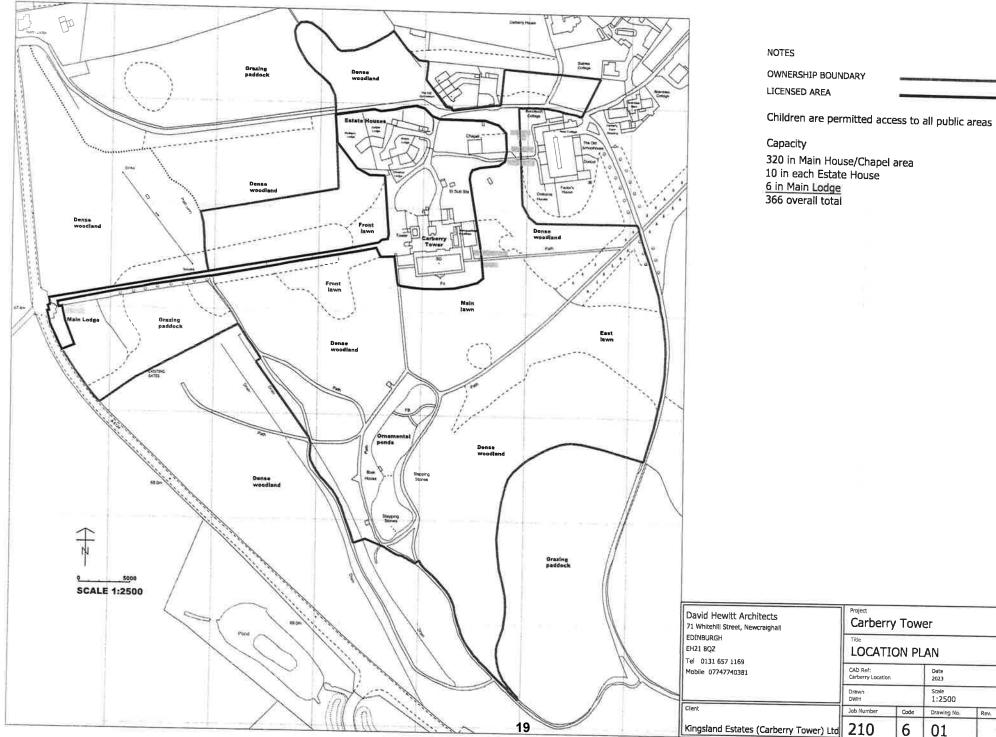
1 Rutland Court

Edinburgh, EH3 8EY

Tel: 0131 625 7292

Email: chloe.johnstone@andersonstrathern.co.uk

* Data Protection Act 1998



Rev

Licensing

From:Iain Anderson <lain.anderson3@scotland.police.uk>Sent:18 May 2023 12:39To:LicensingSubject:CARBERRY TOWER - VARIATION TO OPERATING PLANAttachments:MAJOR VARIATION APPLICATION - ESTATE HOUSES(333884)</lain.anderson3@scotland.police.uk>	189.1).Docx
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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 all, No Police objection Our ref - 724913

Regards Iain

Licensing

From: Sent: To: Subject: victoria bailie 30 May 2023 11:43 Licensing Request for conditions on licensing application

You don't often get email from vjlomax@hotmail.com. Learn why this is important Hello,

Thank you for sharing the latest application made by Carberry Tower Hotel (ref: CG/mjw/EN/L/L1) for an extension to their license.

Overall we have no objections to the additional four self catering properties (named as the lodges) being included within the licence or indoor films being shown for guests of those self catering properties.

We would, however, please ask that conditions are included for the chapel/ceilidh hall and for the four self catering lodges in line with those already in place for the hotel marquee to safeguard noise for close neighbours within the community.

I attach the existing conditions with regards to the marquee to ensure that doors and windows are closed at all times when events are taking place and there is no amplified noise or music at all. Also available at this link: <u>https://pa.eastlothian.gov.uk/online-applications/files/162BF601E7DA0CA58769129110E8D6CB/pdf/18_00984_P-OFFICER-2679096.pdf</u>

This is particularly pertinent to the chapel (named ceilidh hall in this application). This is where wedding ceremonies take place and it has not, in the past ten years at least, been used for evening events. The chapel/ceilidh hall and its garden back onto several residential properties and we would like to ensure that any licence changes do not lead to noise disturbances within the neighbourhood.

Many thanks in advance for taking this into consideration.

Best regards

Victoria Bailie

Potential noise impacts from the use of the marquee proposed in the previous planning applications 12/00211/P and 13/00206/P were the subject of detailed consultation with the Council's Environmental Protection service. The Council's Environmental Protection Manager has again been consulted on this application for the marquee. The Council's Environmental Protection Manager has advised that in the past, complaints have been received regarding noise

generated by activities taking place within the marquee. The Council's Environmental Protection Manager has advised that this particular marquee by its very nature in terms of construction offers poor sound insulation properties and is located to the rear of the main building which is in relatively close proximity to neighbouring residential properties. Given this The Council's Environmental Protection Manager advises that in order to protect the amenity of those living nearby, it is recommended that the following conditions be attached to any approval given:

a) There shall be no music, amplified or otherwise in the marquee;

b) There shall be no amplified speech in the marquee;

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c) The design and construction of the marquee and of any associated plant or equipment shall be such that any noise emanating therefrom does not exceed noise rating curve NR15 at any Octave Band Frequency when measured in any neighbouring property assuming windows open at least 50 mm;

d) All access openings of the marquee shall be kept closed with the exception of allowing persons access or egress.

Subject to these conditions being attached to a grant of planning permission The Council's Environmental Protection Manager raises no objection to the application being satisfied that the operational use of the marquee should not have any harmful noise impact on the nearest residential properties. These matters can be controlled through conditions of a grant of planning permission.

Winter, Maree

From:	Licensing
Sent:	01 June 2023 16:15
To:	Winter, Maree
Subject:	FW: Your ref CG/mjw/EN/L/L1 Premises: Carberry Tower Mansion House
Follow Up Flag:	Follow up
Flag Status:	Flagged

For you an Objection

Gillian

-----Original Message-----From: CAROLINE CUTHBERTSON Sent: 01 June 2023 16:13 To: Licensing <licensing@eastlothian.gov.uk> Subject: Your ref CG/mjw/EN/L/L1 Premises: Carberry Tower Mansion House

[You don't often get email from carolinecuthbertson@btinternet.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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 following notification we received:

Application for Variation (major) Premises- Carberry Tower Mansion House, 1 Carberry Tower, Whitecraig Type - on sales

We would like to raise the following objections / matters that should be considered and reflected in any variation granted:

- it is concerning and not clear from the application process that there is a request to serve alcohol on the premises, but the definition of premises appears to incorporate premises quite considerable metres away from the main house, this therefore has a high risk of creating significant outdoor noise pollution of people moving around outside the licence is extended in the second outside.

- the licence is extended to four estate houses (Willow Lodge, Juniper Lodge, Mulberry Lodge and Chestnut Lodge) which are residential houses in close (less than 50 metres) proximity to privately owned residential homes, further the licence application suggests capacity for 46 persons, these individual premises are clearly not designed to host that number in one premise, therefore there is an increased risk of spill out to recreational grounds and front

- referring to the same premises again, as these are designed as residential homes, it is not clear why a license to serve alcohol to them up to 1am in the morning is considered appropriate, the bar area they would be served by is within the main house, therefore again, there is an increased risk of this activity being undertaken in open outdoor drinking in these open areas, which is likely to lead to further noise pollution in a very quiet residential area. - it should be made clear that the license for the house to serve alcohol until 1am should be strictly within the confines of the main house in order to mitigate risk of increased noise pollution.

- the license should also be clear that it does not include the temporary marquee and that previous noise pollution mitigation should remain in place for this particular event space

We therefore ask that greater clarity and controls are included within the licensing variation to avoid the risk of alcohol becoming the reason for disruption to this quite residential neighbourhood which I must stress is in the countryside and is in close proximity to farm animals as well as residents.

Regards

Caroline Cuthbertson



NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

EAST LOTHIAN COUNCIL

Licensing Standards

From: Karen Harling

Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

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Date: 5th June 2023

Subject: LICENSING (SCOTLAND) ACT 2005 PREMISES LICENCE MAJOR VARIATION CARBERRY TOWER, 1 CARBERRY TOWER, WHITECRAIG, MUSSELBURGH, EAST LOTHIAN EH21 8PY

I conducted a visit at the premises where I met with the owner Mrs Jill Mitchell, Manager Mr Douglas McCreadie and Premises Manager Mr Peter Morrow. The premises were found to be well run, fully compliant and no issues identified. Events that occur at the premises were discussed and operations explained.

The premises is a hotel which consists of 30 guest rooms, a restaurant and bar areas and extensive garden areas. The premises offers a wide range of facilities including use as a wedding venue, for corporate events, conferences and general stays. There is also a restaurant with daily food offerings. I viewed the lodges which this application relates to. The addition of the lodges into the licensed area is to allow room service from the main hotel building and in the future bespoke private dining/events may be provided in the lodges. There is no intentions to run markets at this time on a regular basis but more on a seasonal or one off demand.

The change applied for are:

- An increase in the licensed area to include the lodges
- Provision of films outwith core hours for patrons
- Addition of Santa's Grotto, fairs and markets as activities
- Increase in capacity to 366 to incorporate the lodges (increase of 46 people)

• A variation of the premises description

I have no objections or recommendations in relation to this application.

I submit this report for the information of the Board in determining the application.

K. Harling Licensing Standards Officer

Licensing

From:	
Sent:	Douglas, Andrew
To:	19 May 2023 10:16
Subject:	Licensing
Attachments:	FW: Major Variation Application - Carberry Tower [IMAN-MATTERS.FID2564213] Proposed operating plan(33392276.1).doc

No objs, std conditions

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> Sent: 19 May 2023 09:42 To: Douglas, Andrew <adouglas@eastlothian.gov.uk> Subject: FW: Major Variation Application - Carberry Tower [IMAN-MATTERS.FID2564213]

From: Winter, Maree <mwinter@eastlothian.gov.uk> Sent: 19 May 2023 09:11 To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk> Subject: FW: Major Variation Application - Carberry Tower [IMAN-MATTERS.FID2564213]

ΗI,

Please find attached amended operating plan to include fairs and markets to the major variation application

Kind regards Maree.

From: Gillian Smith <Gillian.Smith@andersonstrathern.co.uk> Sent: 18 May 2023 14:50 To: Winter, Maree <mwinter@eastlothian.gov.uk> Subject: RE: Major Variation Application - Carberry Tower [IMAN-MATTERS.FID2564213]

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Maree,

Good afternoon. The client has confirmed that they indeed would wish to add in craft fairs/markets to their activities. I therefore attach an updated operating plan.

Kind regards.

Gillian.

Gillian Smith Accredited Senior Paralegal

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