



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

**THURSDAY 27 APRIL 2023 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, 30 March 2023 (**pages 1-8**)
- 2. Major Variation of Premises Licence**
  - a. Luffness New Golf Club, Gullane (**pages 9-28**)
  - b. Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland (**pages 29-76**)
- 3. Occasional Licence**
  - a. Stewart Brewing – Edinburgh Marathon Festival, Pinkie Playing Fields, Musselburgh (**pages 77-90**)
  - b. Michael Spink – Annual Football Festival, Memorial Park, Gullane (**pages 91-106**)
  - c. Douglas Forsyth – Blair Halls, Tranent – Tranent True Blues LOL 228 and Daughters of Israel LLOL 214 (**pages 107-132**)
- 4. Personal Licence**  
Tony Exelby (**pages 133-137**)

**Carlo Grilli**  
**Clerk of the Licensing Board**  
**20 April 2023**





**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD  
THURSDAY 30 MARCH 2023  
ONLINE PLATFORM MEETING**

**1**

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**Board Members Present:**

Councillor L Bruce (Convener)  
Councillor C Cassini  
Councillor F Dugdale  
Councillor G Gilbert  
Councillor G McGuire  
Councillor J McMillan

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms G Herkes, Licensing Officer  
Ms A Rafferty, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
Sgt R Stark, Police Scotland

**Committee Clerk:**

Ms B Crichton – Committees Officer

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL**  
**East Lothian Licensing Board, 23 February 2023**

The minutes were agreed as an accurate record of the meeting.

**2. PROVISIONAL PREMISES LICENCE**  
**Buck & Birch Ltd, Unit 9, Macmerry Industrial Estate, Macmerry**

The application requested: on-sales from 10am to 10pm and off-sales from 10am to 10pm; receptions including weddings, funerals, birthdays, and meetings; recorded music to be played within and outwith core hours; tastings of products; deliveries; and for children and young persons 5-17 to be allowed access to all public areas. The application had attracted no objections from the police, planning, environmental health and safety, the community council, or the public. The LSO had submitted a report highlighting that on-sales from 10am fell outside Board policy, thus the applicant must justify why this was required.

Alistair Macdonald, agent, was present to speak to the application, along with Rupert Waites of Buck and Birch Ltd. Mr Macdonald and Mr Waites explained issues around obtaining a Section 50 Certificate which had prevented them from being able to submit an application for a full premises licence; this was due to a delay in Scottish Water being able to install hydrants. This application had been submitted as quickly as possible following the resolution of previous planning issues, and Mr Macdonald requested that the company be allowed to continue to operate under occasional licences until the premises licence had been finalised.

Karen Harling, LSO, said that all advice had been taken on board by the applicant, and advised that there had been no issues since the previous meeting at which the premises had been discussed. She drew attention to the on-sales times being outwith Board policy and asked the applicant to justify on-sales commencing from 10am. She advised that there was no other off-sales premises within the industrial estate. She fully supported the application, other than recommending discussion regarding the on-sales hours.

A discussion took place between the LSO, Mr Waites, and Mr Macdonald, and it was agreed that since tasting events would not begin until later in the day, an amended operating plan would be submitted for on-sales to commence from 11am.

Sergeant Rachel Stark, representing Police Scotland, confirmed that there were no objections on the basis that off-sales would commence from 11am.

Councillor Dugdale was content to support the application with on-sales hours now in line with Board policy. Councillor McMillan was pleased to support Buck and Birch Ltd's endeavours within the East Lothian food and drink industry. The Convener sympathised with issues around building control, but was happy to support the provisional premises licence application.

The Convener moved to roll call vote, and Members unanimously confirmed their support for the application.

**Decision**

The East Lothian Licensing Board agreed to grant the provisional premises licence, subject to the submission of an amended operating plan with on-sales commencing from 11am.

**3. MAJOR VARIATION OF PREMISES LICENCE**  
**The Main Course, 40 Main Street, Gullane**

The application requested to vary the licence to increase the on-sale capacity to 118, and to vary the layout plan showing the increased restaurant area by way of an extension that had been built on land already part of the licenced area. The application had attracted no objections from the police, planning, environmental health and safety, or the community council. Two public objections had been received, and the LSO had submitted a report to recommend that the applicant ensured all statutory permissions were in place before use of the the new extension.

Alistair Macdonald, agent, was present to speak to the application, along with Luciano Crolla, applicant. Mr Macdonald provided background information on the licensing history of the premises. He noted that the public objections referred to a retractable roof; although this had been applied for, permission had been refused, and he had sent photographs to Members to illustrate the extension under construction. He advised that the extension would serve to increase in the indoor area and decrease the size of the outdoor area, which he thought would be helpful to neighbours. Although planning permission had been granted for use of the outdoor area, this area had remained unused due to staffing problems and the ongoing construction work. Issues remaining unaddressed within the public objections related to permissions from planning and building standards, and were not licensing issues. He reiterated that the new structure would be an indoor and enclosed area.

The LSO had visited the premises. She confirmed that statutory notices had been displayed correctly and commented that the premises was well run. She advised that Mr Crolla must ensure all other statutory permissions were in place before the new area was used, and asked that he be aware of the potential for noise escaping from the new area.

Councillor McMillan sought clarity on the use of the outdoor area. Mr Macdonald confirmed that a previous request had been made for use of the outdoor area, and acknowledged that this had not been put to the test. The outdoor area would now be half the size when compared to the previous request, due to the size of the extension, and this would reduce the number of people who could be seated in the garden area. He said that the area would be used for outside dining, and there would not be entertainment in this space. Mr Crolla added that the extension was being built to accommodate customer numbers in busier months; he wished to have the option for outside dining to be able to compete with other restaurants offering this facility. He was keen not to upset neighbours.

The Convener commented that the objections were relevant to previous plans, which had since been updated, and asked about Mr Crolla's communication with neighbours. Mr Macdonald said that the retractable roof had been planned at the time the licensing application was lodged; he felt that objectors may not have had concerns about the application in its current form. He said that Mr Crolla liked to have good relationships with neighbours. The LSO added that current conditions on the licence included that there would be no amplified entertainment in the outdoor area, that the terminal hour be 2200 each day, and that notices were to be displayed to remind patrons to be respectful to neighbours and to leave the premises quietly.

On behalf of Sergeant Stark, who was experiencing technical difficulties, Carlo Grilli, Clerk of the Board, confirmed that Police Scotland had no objections to the application and concurred with the views of the LSO.

Responding to a question from Councillor Dugdale, Mr Macdonald advised that the number of seats within the outdoor area would be limited, and enough seats would have to be kept free inside the restaurant due to changeable weather.

Councillors McGuire, Gilbert, and Cassini asked Mr Crolla about his plans for smokers' use of the outdoor area, and Mr Crolla responded that he had not considered this. Mr Macdonald felt that accommodation of smokers was a management issue, and highlighted issues with a narrow pavement outside the front of the restaurant; he suggested a solution to designate smoking tables in the outdoor area, to be kept far away from the non-smoking tables. Mr Crolla advised that people currently smoked outside the front door, and there had never been an issue with groups of people smoking in this area. Mr Macdonald noted that customers currently had to come to the front because there was no access to the outdoor area at the back, but restriction on smoking in the outdoor area would see smokers having to walk all the way through the restaurant to the front door. He was confident that Mr Crolla would be able to resolve this management issue.

Responding to a question from Councillor Dugdale, the LSO confirmed that the capacity of the current restaurant area was 78, and the extension would have a capacity of 40.

The Convener commented that it was important to carefully consider where smokers could go when the premises had close neighbours. He was comforted by the LSO's conditions already in place to minimise potential noise. He encouraged the applicant to be mindful that the extension may change how noise escaped from the building, but noted that objections relating to noise had taken into account a retractable roof which would no longer be a feature. He was happy to support the application.

Councillor McMillan felt that issues from the past had been clarified, and he commented that there had been good liaison with Police Scotland and the LSO. He felt that certain issues required further consideration by management to ensure customers had the best possible experience, but he was confident that Mr Crolla knew his customers well and the changes would be well managed.

The Convener moved to roll call vote, and Members unanimously confirmed their support for the application.

## **Decision**

The East Lothian Licensing Board agreed to grant the major variation to the premises licence.

#### **4. OCCASIONAL LICENCE Aberlady Gala Committee for Aberlady Gala Day, Saturday 3 June 2023**

The application sought an occasional licence for a bar within a marquee at an annual gala day to be held on the playing fields. Activities would include food stalls, games, live music, face painting, tug-o-war, storytelling, and a magician. An exemption existed to the public alcohol byelaw in Aberlady for gala day, meaning that attendees could bring their own alcohol to the playing fields. There were no objections from the police, environmental health, or the public. The LSO report referred to the licensing policy statement whereby a function mainly for children should not necessarily need to attract an alcohol licence, and recommended that Police Scotland make comment.

Steven Polwart, Gala Day Committee Chair, and Greg Templeton, Gala Day Committee Vice-Chair, were present to speak to the application. Mr Polwart said that the gala day on 3 June marked the start of a week of events which were long-established in Aberlady. He said that organisers were keen to ensure that the event was not only for children of primary school age, but would attract the whole community, and had made an effort to promote widely. Service would be provided at the bar from 2.00pm, with last orders at 6.30pm, and the same marquee would host a stage with live music. He said that musicians from the village would be featured, and the day would celebrate the P1s coming into, and the P7s leaving, Aberlady Primary School. He stressed that gala day was the only occasion in the year where the whole village could come together. He also drew attention to a covering letter which addressed how the five licensing objectives would be upheld.

The LSO felt that activities on the day, including inflatables and funfairs, suggested that the event would be focused on children; she referred to the Board's statement of licensing policy and said that the applicants would be required to justify why an event organised predominantly for children should attract an alcohol licence. She advised that around 700 people were expected to attend. She drew attention to the applicant's lengthy and comprehensive cover letter, and also to the exemption to the local byelaw that allowed for public drinking on the playing fields on gala day. She asked that Police Scotland give their views on the matter, and asked the Board to consider whether having a licensed bar would stop people from bringing their own alcohol, or whether the presence of a bar would serve to increase alcohol consumption. She also asked the Board to consider whether the presence of a bar would affect whether the community would come together on gala day.

Sergeant Stark said that Police Scotland had not submitted any objection, but agreed that the Board should consider whether a licensed bar would give more control over the consumption of alcohol; with the local byelaw exemption in place, she felt discussion was merited to find the most appropriate arrangement on the day. She advised that there had been no recorded incidents or police calls in relation to beer tents at the gala day in previous years. She highlighted that the organisers expected the majority of attendees to be in the 30-50 age bracket. She asked that use of plastic or polycarbonate glasses be made a condition of the occasional licence.

Responding to questions from the Convener, Mr Polwart agreed that there was entertainment suitable for children all day, but said it was the organisers' wish to attract the whole community and it was imagined that most attendees would fall into the 30-50 age bracket. The live musical performances were for everyone to enjoy. He confirmed that only those aged 18+ could enter the floored area around the bar, and said that supervision of children was down to the parents. He said a personal licence holder would lead the bar and would provide a briefing to staff and volunteers. He highlighted that the gala day had always been granted an occasional licence, and the presence of the bar meant that attendees did not tend to bring their own alcohol. The LSO added that people would still be able to bring their own alcohol to the playing fields regardless of whether there was a bar available.

Responding to a question from Councillor Gilbert relating to funding, Mr Polwart and Mr Templeton said that having a bar on the day subsidised the event, but accounted for less than 10% of the total fundraising.

Responding to a question from Councillor Dugdale, Mr Polwart said that performers were a range of ages, but thought that there not being a bar available would mean that some members of the community may not attend the event.

Councillor McMillan commended the volunteers for their work for the community. He asked about stewarding arrangements to encourage responsible drinking. Mr Polwart said that although the byelaw allowed for people to drink across the whole field, organisers wished to contain drinking to the marquee area, and any behaviour inappropriate to the event would be addressed immediately. Organisers would require that drinks purchased at the bar were to be consumed within the marquee.

The LSO advised of a practice by other gala days with similar byelaw exemptions was not to have an occasional licence in place for the sale of alcohol, but to allocate a designated drinking area for people to consume alcohol they had brought with them. She noted that there would be nothing to stop people exiting the licenced bar with alcohol. She said the only area which would be controlled under licensing laws would be the marked area under the occasional licence, which would be the marquee and delineated area.

The Convener called for an adjournment to allow Board Members to discuss the application in private. Upon their return, some Members gave their views on the application.

The Convener said that he would not be in support of the application were it not for the existence of the byelaw exemption on gala day, as he would rather there be no alcohol at the event. He felt having a bar may provide some control over alcohol consumption on the day. He thanked Mr Polwart and Mr Templeton for their work, and asked that conditions be added that there be no sale of glass bottles, and that no children or young persons be allowed access to the floored area around the bar.

Councillor McGuire thanked the organisers and felt that they had presented their case well. However, he was conscious that alcohol issues were a major factor, and the Board had a responsibility to be conscious of the impact of past decisions to allow alcohol at such events. He felt that Licensing Boards had to start somewhere in addressing attitudes that alcohol had to be included at every opportunity; he would therefore oppose the application.

Councillor McMillan was minded to grant the application on the basis of the conditions highlighted by the Convener. The byelaw exemption was a factor in his decision, and he said it was important that the personal licence holder, gala committee, and stewards remained vigilant to ensure drinking was reasonable and responsible. He suggested the organisers work with the LSO in the run up to the event.

Councillor Dugdale thanked the applicants and acknowledged the hard work that went into gala days. She had considered the application carefully, but because she felt the event's focus was on children, she was minded not to grant on the basis of protecting children and young people from harm

The Convener formally proposed the following conditions: that only plastic or polycarbonate glasses to be used; and that children and young persons may not access the floored area around the bar. Councillor McMillan seconded this proposal.

The Convener then moved to roll call vote, and Members confirmed their votes on the application in turn:

Grant:	3	(Councillors Bruce, Cassini, and McMillan)
Refuse:	3	(Councillors Dugdale, Gilbert, and McGuire)
Abstain:	0	

Mr Grilli asked the Convener to confirm his casting vote on the application, and the Convener confirmed his vote to approve the occasional licence.

**Decision**

The East Lothian Licensing Board agreed to grant the occasional licence, subject to the following conditions:

- only plastic or polycarbonate glasses to be used; and
- children and young persons may not access the floored area around the bar.

Signed

.....

Councillor L Bruce  
Convener of East Lothian Licensing Board

DRAFT



EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

Police fire  
LSO Env Rec  
Env T/S T/S  
Spina Grant

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

Gullane CC

SECTION 1: TYPE OF VARIATION

Site Notice +

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)

Neighbour

notifications

Sent

- 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).

2a

(Provide Details)

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0245

2(b) Name and Address of Premises

Luffness New Golf Club  
Aberlady  
Longniddry  
East Lothian

Post Code EH32 0QA

Phone No.

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

Luffness New Golf Club Committee  
Luffness New Golf Club  
Aberlady  
Longniddry  
East Lothian

Post Code EH32 0QA

Phone No.

**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)

To amend the on sales commencement hour to 9am Monday to Sunday.

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

N/A

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

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

N/A

**SECTION 4: LICENCE TO BE AMENDED**  
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES                       NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)                      Will follow under a separate cover.

.....

**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 £150 is enclosed.

**Signature** – Nicola Smith – TLT Solicitors

..... (See note 5 below)

**Date** - 23 February 2023

.....

Capacity: AGENT

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

TLT Solicitors  
Cadworks, Floor 9  
41 West Campbell Street  
Glasgow  
G2 6SE  
0333 006 0710  
[Nicola.Smith@TLTsolicitors.com](mailto:Nicola.Smith@TLTsolicitors.com)

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>

## 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>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>	09.00	23.00
<i>Tuesday</i>	09.00	23.00
<i>Wednesday</i>	09.00	23.00
<i>Thursday</i>	09.00	23.00
<i>Friday</i>	09.00	23.00
<i>Saturday</i>	09.00	23.00
<i>Sunday</i>	09.00	23.00

**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>	NO
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*\*If YES – provide details*

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

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

Accommodation – This is the clubmaster’s accommodation.

Restaurant facilities – These facilities may operate outwith core hours but not before 9am and not later than 11pm.

Sport – Golfing facilities are normally available weather permitting dawn until dusk.

Televised sport – May operate outwith core hours but not before 8am and not later than 11pm.

*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 golf days. Open golf competitions.

Retail sales – visiting golfers.

Charitable activities.

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

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 up to the age of 13 must be accompanied by an adult. Children and young persons from the age of 14 upwards will have access to the premises without the need to be with a responsible person.

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

Children – 5-15 years

Young persons – 16 and 17 years.

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

Children and young persons will have access normally from 9am to 11pm, in the height of Summer it may be earlier in the morning, but never later than 11pm.

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

There will be no access for children under the age of 12 to the bar area. Children and young persons from the age of 13 to 17 years of age will have access to all areas but will be restricted and not allowed within 1.5 metres of the bar area.

### Question 7

#### *CAPACITY OF PREMISES*

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

On sales - 250

**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*

--

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 – Nicola Smith – TLT Solicitors

Date – 23 February 2023

Capacity - AGENT

Telephone number and email address of signatory – 0333 006 0710; [Nicola.Smith@TLTsolicitors.com](mailto:Nicola.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.

10/03/2023

Your Ref: LUFTNESS GC

Our Ref: 704708

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



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith, EH22 3AX

**FOR THE ATTENTION OF EAST LOTHIAN BOARD**

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
LUFFNESS NEW GOLF CLUB  
LUFFNESS NEW GOLF CLUB, A198 (28) FROM AVENUE ROAD (C1,  
GULLANE, EAST LOTHIAN, EH32 0QA.**

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 –

- An increase in on sales to commence at 0900 hrs, seven days a week

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

I wish to bring to the attention of the Board that the proposed change to on sale hours comes under East Lothian Board Policy (section 17.4) which states –

**17.4 Should an application be received in respect of opening earlier than 11am, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.**

The applicant is entitled to apply for hours which they deem to be in their business interests to meet a demand, which they feel outweigh the existing availability that members and guests can be sold and supplied during their time on the premises.

The applicant submitted six Occasional Licences in 2022 which requested 0900 hrs commencement which were to facilitate golf tournaments. These applications

**OFFICIAL**

were all granted, with no reports raised. The premises are in good order and Police Scotland have received no calls related to the premises in the last 24 months.

Police Scotland have no objection to the granting of this variation, however we would seek clarification that the earlier hours would be used to facilitate members and guests attending tournaments and events as this was not made clear of the application form we received.

Yours faithfully



Catriona Paton  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Karen Harling

**To:** C. Grilli

Licensing Standards Officer

Clerk to the Licensing Board

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Date: 15<sup>th</sup> March 2023

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

**PREMISES LICENCE MAJOR VARIATION 2023**

**LUFFNESS NEW GOLD CLUB, ABERLADY, LONGNIDDRY, EAST LoTHIAN  
EH32 0QA**

I can confirm that the applicant and premises have been visited in relation to this variation application.

The changes applied for are:

- To change the on sales commencement hour from 10am to 9am Monday to Sunday

I have visited the premises and spoke with Company Secretary Stuart Graham and Assistant Secretary Mar Lou Watkins. I was shown the premises and the operations. The premises is a club and open to members, their guests and visiting golfers who have booked to use the golf course. There have been no complaints in relation to the premises that I am aware of.

Tournaments and events take place at the club throughout the year which are carefully planned and managed. The club takes great responsibility in ensuring these events are well run.

It was explained that the change in on sales to start at 9am is for the provision of a welcome drink at events such as a bucksfizz or bloody mary. It is expected that golfers would come to the club house for pre-planned events or tournaments and thereafter move to the course to play golf before returning to the club house for a lunch in the dining area. On arrival at the club house tea, coffee, bacon rolls and an optional alcoholic drinks would be offered.

This application is out with policy in respect of licensed hours before 11:00 each day however as the premises has on sales hours until 11pm each day the availability of on sales does not exceed the Scottish Government's recommendation of on sales hours in excess of 14 hours per day.

The applicant is entitled to apply for hours which they deem to be in the business interests of the club to meet a demand which the club feels outweighs the existing availability.

Each application is determined on its own merits and the Board may grant the application against policy if they are satisfied that there is a genuine demand and that none of the licensing objectives would be compromised.

In summary, the proposed changes are supported by the Licensing Standards given the nature of the proposed use of the additional on sale hours and the standards set by the club through the constitution and operations.

K. Harling  
Licensing Standards Officer

## Licensing

---

**From:** Slight, Lynn  
**Sent:** 07 March 2023 08:59  
**To:** Licensing; Gunning, Laura  
**Subject:** Re: EL0245 - Luffness Golf Club - Major Variation Application

No objections to this application subject to the standard conditions.

Kind regards

Lynn Slight  
Senior Environmental Health Officer  
East Lothian Council

On 6 Mar 2023, at 14:12, Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> wrote:

**From:** Rafferty, Alison (Licensing) <arafferty1@eastlothian.gov.uk>  
**Sent:** 06 March 2023 14:07  
**To:** Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.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>; gaccsecretary@gmail.com  
**Subject:** FW: EL0245 - Luffness Golf Club - Major Variation Application

Dear all

Please find attached Major Variation of Premises Licence for Luffness Golf Club to amend their core hours Monday to Sunday from 11am to 9am for the sale of alcohol.

Could I please have any representations/objections by 7<sup>th</sup> April 2023.

Kind regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [arafferty1@eastlothian.gov.uk](mailto:arafferty1@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

## Licensing

---

**From:** Robertson, Scott  
**Sent:** 15 March 2023 14:39  
**To:** Rafferty, Alison (Licensing)  
**Cc:** Licensing  
**Subject:** RE: EL0245 - Luffness Golf Club - Major Variation Application

Hello,

Please note I have no comments or objections to the major variation application at luffness Golf Club.

Kind Regards  
Scott Robertson  
Assistant Planner

---

**From:** Rafferty, Alison (Licensing) <arafferty1@eastlothian.gov.uk>  
**Sent:** 06 March 2023 14:07  
**To:** Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.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>; gaccsecretary@gmail.com  
**Subject:** FW: EL0245 - Luffness Golf Club - Major Variation Application

Dear all

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Could I please have any representations/objections by 7<sup>th</sup> April 2023.

Kind regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [arafferty1@eastlothian.gov.uk](mailto:arafferty1@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

NHS Coronavirus Information

**Keep using  
Covid sense**



[gov.scot/coronavirus](https://gov.scot/coronavirus)



## Licensing

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**From:** Douglas, Andrew  
**Sent:** 06 March 2023 15:23  
**To:** Licensing  
**Cc:** Environmental Health/Trading Standards  
**Subject:** FW: EL0245 - Luffness Golf Club - Major Variation Application  
**Attachments:** Operating Plan.docx; Major Variation.doc

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

No objs, std conditions.

EHTS – can you please scan this to commercial premises ref: 17/00064/COM , as '2023 Major Variation to Licence'.

Thanks

Andrew

---

**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 06 March 2023 14:12  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>; Slight, Lynn <lslight@eastlothian.gov.uk>; Gunning, Laura <lgunning@eastlothian.gov.uk>; Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>  
**Subject:** FW: EL0245 - Luffness Golf Club - Major Variation Application

**From:** Rafferty, Alison (Licensing) <arafferty1@eastlothian.gov.uk>  
**Sent:** 06 March 2023 14:07  
**To:** Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.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>; gaccsecretary@gmail.com  
**Subject:** FW: EL0245 - Luffness Golf Club - Major Variation Application

Dear all

Please find attached Major Variation of Premises Licence for Luffness Golf Club to amend their core hours Monday to Sunday from 11am to 9am for the sale of alcohol.

Could I please have any representations/objections by 7<sup>th</sup> April 2023.

Kind regards

Alison



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)

2b

- 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)Change of description

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0120

2(b) Name and Address of Premises

Glenkinchie Distillery Visitor Centre  
Glenkinchie Distillery  
Glenkinchie  
Pencaitland  
Tranent

Post Code	EH34 5ET	Phone No.	01875 342004
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2(c) Full Name and Address of Current Licence Holder

Diageo Scotland Limited  
11 Lochside Place  
Edinburgh  
(Reg. No. SC000750)

Post Code	EH12 9HA	Phone No.	
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**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 Local condition 4 *"Two weeks written notification with a contact phone number must be given to all surrounding proprietors, giving the nature of any evening events, to take place on the premises."*

**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)

1. Inclusion of Bar meals as a permitted activity
2. In 5(f) inclusion of *"The premises may host markets both within and outwith the building"* And *"Light food offerings may be provided"* as permitted activities.
3. Increase of capacity to 405 to allow for increase of external area to 150

**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.

[Empty box for details of 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)*

[Empty box for details of any other variation sought to the Premises Licence]

**SECTION 4: LICENCE TO BE AMENDED**  
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

**YES**                       **NO**

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)  
.....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

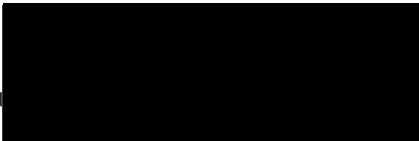
If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £      is enclosed.

Signature  (See note 5 below)

Date 20/03/2023

Capacity: AGENT

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

David Hossack  
Morton Fraser LLP  
Quartermile Two  
2 Lister Square  
Edinburgh, EH3 9GL  
DDI: 0131 247 1024  
[David.hossack@morton-fraser.com](mailto:David.hossack@morton-fraser.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.)

**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)

<b>FOR OFFICE USE ONLY</b>		
<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.*

Glenkinchie Distillery Glenkinchie Pencaitland East Lothian EH34 5ET
--

#### 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>	09:00	22:00
<i>Tuesday</i>	09:00	22:00
<i>Wednesday</i>	09:00	22:00
<i>Thursday</i>	09:00	23:00
<i>Friday</i>	09:00	23:00
<i>Saturday</i>	09:00	23:00
<i>Sunday</i>	09:00	23:00

**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>	<b>YES</b>
--	------------

*\*If YES – provide details*

The premises may close outwith the times stated in light of customer demand or weather conditions.

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

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

Restaurant and Bar meals: - the premises may be used for dining before core hours.

Conferences, receptions/club meetings may take place before core hours.

Recorded music may be played in the premises during the entire hours of operation.

Live performances, theatre presentations and film performances may take place on the premises often but not exclusively related to the premises licence holder's products and may commence prior to core hours.

Indoor/outdoor sports: a range of external sports may take place on the external areas and may commence prior to core hours.

External drinking areas the external licensed areas may be used for consumption of alcoholic and other beverages but no alcoholic beverages may be consumed on these areas outwith core hours.

No alcohol will be served outwith core hours for any activity unless an extended hours application is made.

*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 form an integral part of distillery tours run from the premises. All areas of the premises may be used in connection with tours and for other educational activities related to the production of whisky and other alcoholic products.

Such activities may include guided tours, exhibitions, talks, workshops and demonstrations by Diageo and others.

The premises will be used for the taking and dispatch of orders including by electronic commerce.

The premises may be used for tastings/sampling of whisky/ other alcoholic products.

The visitor shop may sell a wide variety of products other than alcohol products.

The premises may host markets both within and outwith the building.

Light food offerings may be provided.

The premises may be used for a wide variety of functions, dinners and meetings.

The premises may be used for a whole range of office functions at all times.

The external areas may be used for a variety of recreational purposes including displays and demonstrations of all natures including Falconry.

The walkway next to the lagoons will be used for walks, nature and wildlife tours and generally as part of the distillery tours. Samples of alcohol may be provided as part of such tours.

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>	<i>N/A</i>
--	------------

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

**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>	<i>YES</i>
	<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 will be permitted entry into the premises only when accompanied by an adult. Young persons will be permitted into the premises without being accompanied by an adult.

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

All ages of children and young persons will be permitted entry.

*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.

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 into all public areas.

**Question 7**

**CAPACITY OF PREMISES**

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

On sales            405 persons

Breakdown:

1. External Garden Area - 150
2. Lagoon area - 10
3. Visitor Centre - 170
4. Filling Store - 25

Office Building - 50

Off sales:        33.91m2

**Question 8**

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

Personal details

8(a) Name

Jocelyn Elizabeth Williamson

8(b) Date of birth

██████████

8(c) Contact address

████████████████████  
████████████████████  
████████████████████

8(d) Email address and telephone number

██  
██

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
31/12/2015	Edinburgh Licensing Board	316031

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 .....20/03/2023.....

Capacity: AGENT

Telephone number and email address of signatory: 0131 2471024; david.hossack@morton-fraser.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.

The premises form part of a working distillery and provides a visitor experience in relation to the culture, production and history of whisky. It offers a range of guided tours including of the nearby lagoons and using other external areas. There is a retail shop which offers Diageo and other products for sale. In addition, the premises may be used for the taking and dispatch of orders and for a wide range of office functions.

There is a bar area which provides a range of beverages both alcoholic and non-alcoholic and a range of food. The premises has the facility to offer dining facilities for private groups often but not exclusively linked to tours of the premises.

Occasional external activities may take place such as having performers from the Edinburgh Royal Military Tattoo, Pipe Bands and community events and markets.

The premises may be used from time to time for private functions.

(extend this box if you require additional space)

On/Off Consumption

<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) <u>The premises will be used for provision of alcohol, associated with tours of the distillery, for the bar where visitors may purchase alcohol, for alcohol with food and at functions</u></p> <p>b) <u>The premises has a retail shop and may be used for the taking and dispatch of orders including by e commerce</u></p>

**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:

Small scale conference facilities will be available for Diageo and trade purposes and for occasional external use. These will be meetings, typically of up to around 20 people, rather than conferences of any significant scale.

The bar area provides a food offering in terms of meals and light food as well as non-alcoholic beverages. Dinner facilities may be provided for occasional private dinners and functions. Food may be provided in association with whisky tours and tastings.

The focus of the offering at Glenkinchie Distillery is on a high quality experience for visitors and guests and consumption of alcohol at such events will be carefully controlled in accordance with Diageo's responsible drinking policies, which mandate moderation in serving and consumption of alcohol.

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**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 primary purpose of the premises is for whisky tourism and that is intended to remain the case. Functions may take place for Diageo employees to cover events such as Weddings and retirements. It is not anticipated that this will be frequent and it will certainly not form a core part of the business operation of the distillery.

The premises may be used for an occasional external function but only where this would not impact upon the main business in the premises and would not impact prejudicially on the community.

For many years Glenkinchie has been used for occasional evening dinner events where we typically invite small groups of media, stakeholders and customers to the distillery for a private dinner and tour. These are small scale, carefully managed events with the focus on quality experience and with consumption of alcohol at such events will be carefully controlled in accordance with Diageo's responsible drinking policies, which mandate moderation in serving and consumption of alcohol.

It is intended that the premises will also be made available for occasional community purposes and may be available for local meetings etc.

**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 may be played in the premises during the entire hours of operation, primarily as background and associated with tours. Music is not a primary aspect of the operations.

Live performances, theatre presentations and film performances may take place on the premises often but not exclusively related to the premises licence holder's products. These will primarily be related to whisky tourism but it is possible that other events may take place perhaps associated with local festivals and congruent with tourism in the area.

For example, in recent years pipe bands have regularly played at the distillery as part of its association with the Edinburgh Military Tattoo. The distillery has also previously hosted small concerts as part of the Lammermuir Festival. Such events are in keeping with the quality visitor experience we wish to offer to visitors, guests and the local community at Glenkinchie Distillery.

**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:

Outdoor drinking facilities take place in two areas. Firstly, in relation to the lagoon areas to the rear of the distillery buildings. These are used for supervised outdoor whisky tastings as part of organised tours designed to allow people to enjoy a guided appreciation of the local environment in conjunction with an appreciation of the whisky produced at the distillery

Alcohol consumption during these tours is limited to small tastings of whisky "drams" for the appreciation of the single malt whisky. No other alcohol is served as part of the tour.

The other areas form garden areas to the front of the distillery buildings. Tastings may take place in this area and customers may be able to consume drinks purchased in the external area. The experience of the pandemic has led to a greater need to be flexible with external areas. Any activity in these areas will be carefully overseen. The area is not intended as a routine outdoor "drinking" area, but as an engaging external environment where the floral character of the Glenkinchie single malt can be appreciated in a landscape garden area designed to bring to reflect the unique environment of the distillery and the character of the whisky.

We are highly conscious that this garden area is close to neighbouring residential properties and it will be operated at all times with this in mind with all activity carefully managed to minimise any disruption to our neighbours.

Alcohol may be served on these areas when occasional functions and external events are taking place.

In all cases, the serving of alcohol in external environments will focus on delivering a high quality experience, with consumption of alcohol carefully controlled in accordance with our responsible drinking policies, which mandate moderation in serving and consumption of alcohol.

**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:

NA

**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:

Internal meetings and business functions may take place outwith 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:

Guided tours, exhibitions, talks, workshops, samplings and tastings and demonstrations may take place at any time during the hours the premises are open but will be dependent upon customer demand and seasonal variations.

The premises will be used for the taking and dispatch of orders and office functions at all times. As part of a global business early and late working is often required.

The visitor shop is an integral part of the tours of the premises and will be open during the times of tours but will be bound by off sale hours in relation to alcoholic products.

Functions, dinners and meetings may take place during the entire hours of operation and internal meetings may take place outwith core hours. Business meetings will be regular whereas external dinners and functions will be dependent on demand and whether or not such use is congruent with the applicant's core business.

The external areas may be used for samplings etc subject to customer demand and weather conditions permit. Displays and demonstrations would likely be infrequent in nature.

The premises may host markets within and outwith the building. These markets will showcase local food, drink and crafts in a manner congruent with local tourism and fitting with the needs of local residents. It is expected that there would be no more than 12 such events per year including a Christmas market.

**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.

Whilst most visitors to the premises will be adults, families do visit the premises and we seek to provide an educational experience which is suited for all ages. A key element of this ( as described in relation to licensing objectives section beneath) is that of ensuring that a responsible drinking message is delivered in an effective manner.

Baby changing facilities are provided.

**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 safety and security of our staff, guests and the wider community is of paramount importance to us, prevention of crime and disorder in and around our premises will be a key priority in our operating policies.
- We will enforce strict security policies both inside and in the areas immediately around our building to prevent anti-social behaviour and crime.
- We will operate a zero tolerance towards illegal drugs on or in the vicinity of our premises.
- We will operate strict responsible serving policies in both on and off licensed areas with all staff trained to the highest level in responsible alcohol service.
- No one displaying signs of drunkenness will be served, and they will be given appropriate assistance to ensure their safety and to prevent harm to themselves or others.
- We will enforce a Challenge 25 serving policy that requires anyone who looks under the age of 25 to produce photo-ID.
- The premises will have internal and external CCTV systems in accordance with security best practise and relevant regulations, including data privacy. Copies of recordings will be made available to relevant enforcement authorities on request.
- We will provide appropriate external & internal lighting and staff will regularly inspect public areas to ensure that our responsibilities are being met.
- Security staff will be expected to have a close working relationship with the local law enforcement community and all instances of crime & disorder will be reported to the police and will be retained in an incident book.

**Securing Public Safety:**

- Across Diageo's business the health and safety of our staff, contractors, guests and communities is the number one priority in our operations, often going beyond legal requirements to comply with rigorous Diageo health and safety policies and practices. Our Glenkinchie premises

will operate to the same standard in all aspects of health and safety.

- We will adopt best practice guidance for all matters relating to public safety and ensure compliance through regular training and audit.
- Health & Safety policies and practices will be fully briefed and trained to all management and staff and we will brief our staff to the standards required by the relevant legislation.
- All exit doors will be easily operable without the use of key, cards, code or similar means, whilst the premises are open to the public.
- Doors at such exits will be regularly checked to ensure that they function satisfactorily.
- There is provision of adequate lighting, including fire safety signs and emergency lighting. The safety of electrical installation is maintained.

**Preventing Public Nuisance:**

- Diageo operates 50 sites in communities across Scotland from urban areas to remote, rural communities, ranging from distilleries and warehousing, to cooperage and coppersmiths, from visitor experiences to renewable energy plants. At every site we operate in close proximity to communities, and our intention at all times it to be a good neighbour and to minimise any impact from our business activities and aim at all times to minimise disruption and inconvenience to local residents and other businesses.
- The level of music and other entertainments will be controlled so that it does not give rise to a nuisance to neighbours.
- When entertainment is provided, doors and windows will be kept closed, except for entry & egress.
- Our employees will actively encourage patrons to respect the peace of neighbours as they depart our premises.
- We will respect our neighbours when managing deliveries to the building and disposal of waste to ensure as little impact from noise and traffic movements.
- We will maintain regular dialogue with our immediate neighbours and we will play an active and engaged role in local community councils and stakeholder groups to ensure we proactively manage any issues that may arise.

**Protecting and Improving Public Health:**

- Diageo is committed to promoting responsible drinking and tackling alcohol misuse everywhere we operate. Information on our full global responsible drinking commitments and programmes can be found at the following link:  
<https://www.diageo.com/en/esg/promote-positive-drinking>
- All of Diageo's activities are governed by comprehensive and strictly enforced voluntary minimum standards, called the Diageo Marketing Code.

- This code is designed to ensure that we not only comply with local legislation and regulations but that we adhere to a consistent global standard that goes beyond minimum regulatory standards in many countries.
- In Scotland, Diageo actively promotes responsible drinking through a number of programmes and partnerships. These include:
  - Launching a major partnership with the Scottish Football Association to reach one million Scots with responsible drinking messaging, using the power of football to reach fans, players and coaches to promote responsible alcohol consumption.
  - Taking our Smashed alcohol education theatre production to 48 schools across Scotland working with education authorities to deliver impactful alcohol education messages.
  - Bringing the Johnnie Walker Join The Pact anti-drink drive campaign to Scotland, aligning with the Scottish Government's season anti-drink drive campaign to encourage Scots to never drink and drive.
- We contribute to industry initiatives including the Scotch Whisky Action Fund, which invests £100,000 per year of grant funding to local initiatives tackling alcohol misuse, and the Scottish Alcohol Industry Partnership, which has successfully developed campaigns to tackle proxy-purchasing of alcohol for people under legal purchase age, and to encourage the licensed trade to offer smaller drink measures.
- We provide funding support to a number of organisations that work to promote responsible drinking and to tackle alcohol misuse, including Best Bar None, which works to improve alcohol service standards across the night-time economy.
- Learning for Life is Diageo's flagship programme to offer training and employment opportunities to young unemployed people in Scotland. We invest £1million per year in the programme and since 2014 more than 5000 young people in Scotland have completed the programme with many going on to sustained employment.
- Central to the Learning for Life programme is responsible drinking and improving the quality alcohol service, with the intention of changing attitudes towards alcohol and encouraging responsible drinking.
- Our ambition is to lead a positive change in the alcohol culture in Scotland, focusing on quality and responsibility and discouraging irresponsible consumption and misuse.

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

- Diageo is unequivocally committed to ensuring that alcohol brands are not in any way marketed to people under the legal-age of purchase.
- Our Diageo Marketing Code (see link above) has a specific section on preventing alcohol marketing to those under 18. It states:
  - Our marketing must:
    - Be aimed only at adults and never target those younger than the legal purchase age for alcohol. Be designed and placed for an adult audience, and never be designed or constructed or placed in a way that appeals



provide a world class visitor experience for East Lothian and will benefits for both tourists and the community. Prior to making this application we engaged with the local community in order to consider their needs and concerns. Our relationship with out neighbours is of paramount importance.

**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	11.04.2023
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DIAGEO



# *Marketing* Code

GLOBAL POLICY  
UPDATED JANUARY 2023

## Promoting *Responsible Drinking*

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### Introduction

We are incredibly proud of the role our brands play in society: they are iconic, relevant, and culturally present, they celebrate diversity and challenge prejudice; many have longlasting legacies, and others were born in more recent years.

Diageo has a proven history of ensuring our brands are advertised and marketed responsibly, and core to Diageo's '[Society 2030: Spirit of Progress](#)' action plan, is Positive Drinking.

We want Diageo's marketing and promotional activities to be recognised as the best in the world, and we work to achieve this by upholding our responsible marketing principles, celebrating moderation, addressing alcohol-related harm and providing consumers with the information and tools they need to make responsible choices about drinking - or not drinking.

The Diageo Marketing Code (DMC) supports our marketers in growing our brands responsibly. It is our mandatory minimum marketing standard and, in many cases, goes beyond what is required by law for alcohol marketing. It governs how we, and any third parties we work with, must operate.

The Code applies across all our markets, and it guides every aspect of our activities from research and development to marketing, promotion, and packaging. At the heart of the Code is ensuring that all our marketing is only ever directed at adults over the legal purchase age, and to encourage drinking in moderation.

We consider the DMC to be an enabler of outstanding creativity and precision across all our marketing content and where it appears. We hope it inspires all our stakeholders to continue to work with us, to deliver responsible alcohol marketing and effective self-regulation across the industry and the world.

Above all, our desire is that the DMC will help us achieve our ambition to be one of the best performing, most trusted and respected consumer products companies in the world.

Cristina Diezhandino  
Chief Marketing Officer

## Scope

This Code applies to all activities intended to market our beverage brands.

This includes, but is not limited to:

- market research
- brand innovation and product development
- brand names and packaging
- trade advertising
- sales materials
- consumer advertising, brand-related media or communications, and relationship marketing
- digital, mobile and social media
- product placement and branded entertainment programmes
- brand sponsorships
- branded merchandise
- promotional activities in the on/off-trade
- experiential marketing and events
- cocktail names and drink recipes

The term 'marketing' is used throughout this Code to cover all these activities, and any other activity designed to market our beverage brands. This Code is not intended to apply to Diageo communications providing health and nutritional information about alcohol products on non-branded sites. This updated Code replaces all previous versions of the Diageo Marketing Code, with effect from January 2023. Please refer to the Diageo Digital Code for further guidance regarding digital marketing and related technical requirements and safeguards.

Scope: Which Sections Apply	Alcohol Products	Non-Alcoholic Beverages Trademark Extensions	Non-Alcoholic Beverages New To World (NTW)
1. Laws, Codes & Ethics	✓	✓	✓
2. Abstinence	✓	✓	✓
3. Adult Appeal	✓	✓	✓
4. Responsible Drinking	✓	✗	✗
5. Alcohol Content	✓	✗	✗
6. Health, Therapeutic, Performance Or Functional Benefit	✓	✗	✗
7. Social And Sexual Success	✓	✓	✓
8. Drink Driving And Other Potentially Dangerous Activities	✓	✗	✗
9. Anti Social Or Inappropriate Associations	✓	✓	✓
10. Good Taste And Decency	✓	✓	✓
11. Non-Alcoholic Beverages	✗	✓	✓

## 01 Laws, Codes and Ethics



### Our marketing must:

- ✓ Conform to high standards of business ethics and commercial integrity.
  - ✓ Comply with all applicable laws, regulation, industry codes and all other Diageo Policies.
  - ✓ Seek to promote diversity and inclusion.
- This Code sets out global minimum standards that apply everywhere.
  - Our marketing must comply with the letter and spirit of all applicable national laws, local regulations and self regulatory Codes of practice to which we are a signatory. Where local laws, regulations or Codes of practice impose additional or more stringent requirements, then those additional requirements must also be met.
  - Our marketing must also comply with all other relevant Diageo Codes, policies and standards such as the Code of Business Conduct, the Digital Code, the Data Protection Global Policy, the Responsible Research Standard, and the Consumer Information Standard.

## 02 Abstinence



### Our marketing must:

- ✓ Always show respect for those who choose to abstain from alcohol.
- We acknowledge that there are times in everyone's life when consuming alcohol may be unwise and that there are people who choose not to drink at all for a variety of reasons, including cultural and religious ones. We will always respect these individual choices and be aware of local values and sensitivities in this regard.
  - We will not present abstinence from or moderation with alcohol in a negative manner, nor imply that it is wrong or foolish to refuse a drink, even in a humorous manner.

### Promotions and events

- Our on/off-trade promotions will never pressure anyone to drink.

## 03 Adult Appeal



### Our marketing must:

- ✓ Be aimed only at adults and never target those younger than the legal purchase age for alcohol.
- ✓ Be designed and placed for an adult audience, and never be designed or constructed or placed in a way that appeals primarily to individuals younger than the legal purchase age for alcohol.
- While some countries have a legal purchase age for alcohol beverages that is younger than 18 or may set no legal purchase age limit at all, it is Diageo's policy never to target our marketing activities at people younger than the age of 18. In countries with a legal purchase age older than 18 (e.g. 21 years in the USA), we will never target our marketing activities to people younger than this age.
- The term 'LPA' is used throughout this Code to mean the legal purchase age for alcohol or 18 where there is no LPA or where it is younger than 18.

### Content

- a. Our marketing must never be designed or constructed in a way that appeals primarily to people younger than LPA.
  - i. 'Primary appeal' to persons younger than LPA may be judged as a special attractiveness to such persons above and beyond the general attractiveness it has for persons older than LPA.
- b. We will not use any image, symbol, language, gesture, music, cartoon character, person, sporting/entertainment celebrity, hero, or promotional prize or gift that appeals primarily to those younger than LPA.
- c. We will not license our brand names, logos, or trademarks for use on children's clothing, toys, games, games equipment, or other materials intended for use primarily by persons younger than LPA.
- d. We will not associate our brands with the attainment of, or 'rites of passage' to, adulthood.
- e. People appearing in our brand advertising must be over 25 years or older, and reasonably appear to be and be portrayed as 25 years or older. This also applies to non-alcoholic beverages (see section 11 for definition).
  - i. People who are aged, and reasonably appear to be, between LPA and 25 (and are portrayed as such) may be sponsored, and/or appear in PR, event and promotional materials, but not in advertising.

### Placement

- i. We will place our marketing in communications media, events and third party websites only where a minimum 70% (75% for the UK & Ireland, and 71,6% for the US) of the audience can reasonably be expected to be older than LPA.
- ii. We will monitor the audience composition of media in which we advertise on a regular basis to ensure compliance to the highest practical level.
- g. We will take reasonable steps not to place advertising on any outdoor stationary location in close proximity to schools, except on licensed premises. Care must also be taken when considering locations in proximity to religious buildings or other locations that may be inappropriate given local sensitivities.
  - i. We will use a range of available technology to target adult audiences in all branded digital media and to prevent access to those younger than LPA. See the Diageo Digital Code for more guidance on age-targeting in digital media.
- h. Diageo-owned Responsibility websites may be exempted from the above obligation if permitted by local law, in view of the fact that the sole purpose of such digital resources is not to market alcohol brands, but to inform people on the facts about alcohol.
- i. Relationship marketing must not be sent to any individual younger than LPA.
- ii. All content that is designed to be forwarded or shared by users should include a Forward Advice Notice (FAN) instructing recipients they should not forward the content to individuals younger than LPA.

### Sponsorship

- k. Diageo brands must not be used to sponsor sports, celebrities or events that appeal primarily to people younger than LPA.

### Promotions

- l. People involved in promotions for our brands in the on/off-trade must be LPA or older.
- iii. Our on/off-trade promotions and events must never be designed or constructed in a way that appeals primarily to, or offers our brands to, individuals younger than LPA.

### Research

- iv. No market or consumer research may be commissioned or conducted by Diageo among people younger than LPA.

See the Diageo Responsible Research Standard for further guidance.

\* In the United States, no advertising will be placed within 500 feet of an elementary or secondary school, or an established place of worship.

\*\* In the United States, we will not market our brands on college and university campuses except in licensed establishments.

## 04 Responsible Drinking



### Our marketing must:

- ✓ Depict and encourage only moderate and responsible drinking.
  - ✓ Incorporate responsible drinking reminders and/or initiatives.
  - ✓ Never depict, condone or encourage excessive or irresponsible drinking or refer in any favourable manner to the effects of intoxication.
- ⓐ Marketing that depicts responsible drinking as a relaxed, sociable and enjoyable part of life has a role to play in promoting a responsible approach to drinking.
  - ⓑ We will not depict people drinking heavily or rapidly, or in a state of intoxication, nor imply that such behaviour is attractive or appropriate.
  - ⓒ We will not promote our brands with irresponsible cocktail names or excessive quantities of alcohol.

### Promotions and events

- ⓐ Our on/off-trade promotions will encourage responsible drinking for those adults who choose to drink, and will not support activities that encourage excessive drinking.
- ⓑ We will not sponsor promotions involving drinking games that have speed incentives, or that require undue quantities of alcohol to be consumed.
- ⓒ While there is nothing irresponsible about enjoying our brands neat, care needs to be taken in connection with the marketing and promotion of our brands as shots due to their potential to be consumed rapidly. A single shot may be enjoyed responsibly as part of an occasion, but we will not depict or encourage rapid or multiple shot consumption by individuals.
- ⓓ We will not support or utilise promotional activities, packaging or drink delivery ideas that prevent consumers from understanding and controlling how much alcohol they are consuming.

### Research

- ⓐ Consumers in research will never be encouraged to drink excessive amounts, nor drink in an irresponsible way. If they are observed to drink in this manner, they will either be excluded from the research immediately or this part of the research will be stopped.

- ⓐ Diageo will provide consumers in research situations with appropriate sources of information on responsible drinking (e.g. DRINKiQ.com).

See the Diageo Responsible Research Standard for further guidance.

### Responsible drinking reminders and initiatives

#### Advertising

- ⓐ Clearly evident Responsible Drinking Reminders (RDRs) are required in all above-the-line advertising for our alcohol brands. This includes television, cinema, radio, outdoor, digital, print and any other above-the-line advertising activity.
  - ⓐ RDRs are encouraged for below-the-line marketing where appropriate.
  - ⓑ Alcohol brands may use 'Drink Responsibly', a tailored RDR unique to the brand or campaign or local market, or a combination of these. Tailored RDRs, or other website addresses as RDRs, must be cleared through Corporate Relations and Legal. Markets with government-mandated health messages and/or warnings should consult Corporate Relations to see if an additional RDR is warranted.
    - ⓐ DrinkiQ.com should accompany the RDR where possible.
  - ⓒ The format of the RDR should be appropriate to the advertisement.
    - ⓐ Television and cinema advertisements may include a clearly audible voice-over RDR, and/or a clearly visible RDR within the advertisement.
    - ⓑ Digital advertisements must use visual RDRs. Dynamic online banner ads that rotate through a series of 'frames' need only include the RDR in one of those frames.
  - ⓓ The size and placement of the RDR will depend on the piece of advertising and its location but must be clearly evident.
    - ⓐ In printed and on-screen material, the RDR should be clearly distinct from the mandatory information required by regulations, and should not be placed in any area or in any manner that is not readily visible and readable to consumers i.e. messages should not be placed vertically (sideways) on a page or billboard, or in the seam of a magazine, etc.
  - ⓔ Every Diageo brand website must include on the footer of every page a link to Diageo's online responsible drinking resource, DRINKiQ.com

\*In the United States, 20% of Diageo's broadcast advertising will focus exclusively on responsible drinking themes.

## 04 Responsible Drinking (cont.)

### Sponsorships

- ❑ Appropriate responsible drinking reminders must be included in all sponsorship activities.
- ❑ Sport sponsorships must incorporate a prominent responsible drinking initiative.

### Promotions and events

- ❑ Our promotions and events should incorporate responsible drinking reminders or initiatives.
- ❑ People involved in the promotion of our brands must be briefed about Diageo responsible drinking and promotions standards.

### Labels

- ❑ Where legally permissible, all new back labels and secondary packaging must include at least one and up to three responsible drinking symbols, a reference to Diageo's online responsible drinking resource DRINKIQ.com, a list of allergens, alcohol content and recycling, and sustainability symbols.

See Diageo Consumer Information Standard for further guidance.



## 05 Alcohol Content



### Our marketing must:

- ✓ Via packaging, websites, and other appropriate channels, provide clear, factual and neutral information about the alcohol content of our brands and drinks recipes.
  - ✓ Never present high alcohol strength or potency as the dominant theme or principal basis of the appeal of any marketing or product innovation.
  - ✓ Not imply that lower-strength alcohol beverages may be consumed in ways or situations that would be inappropriate with higher strength beverages.
- ❑ We will, where possible, provide factual and neutral alcohol content information on our packaging and via other channels such as websites (including DRINKIQ.com) and consumer care-lines.
  - ❑ When promoting drink recipes, we will include specific liquid measures (e.g., '30ml' or equivalent local measurement rather than 'one part').
  - ❑ If required by law, we will include the total alcohol content (in 'grams of alcohol' or locally recognised measure such as 'standard drinks'/'units'), expressed per serving.
  - ❑ High alcohol strength or potency must never be the dominant theme or principal basis of the appeal of any marketing or product innovation.
  - ❑ We will never imply that mid or lower strength beverages (see section 11 for guidance on No Alc beverages) may be consumed in quantities, ways or situations where higher strength beverages may be inappropriate, nor that mid or lower strength beverages are healthier or more responsible choices.

We will provide factual and neutral alcohol content information on our packaging

## 06 Health, Therapeutic, Performance or Functional Benefits



### Our marketing must:

- ✓ Not imply that our alcohol brands offer any health, therapeutic, functional or performance benefits.
- ✓ Not imply that alcohol is the catalyst for any change in mood or state, nor that it has any energy or endurance benefits.
- ✓ Not portray or target pregnant women with our alcohol products.

For guidance applicable to Non Alcoholic Beverages, see Section 11.

- a. We will where practicable and permitted by law, provide factual and neutral nutritional information about our products, via appropriate channels such as DRINKIQ.com.
- b. We will not imply that drinking alcohol leads to any health, dietary or functional benefits, nor that alcohol may play a role in managing weight or as part of a fitness regime, nor that consumers may consume low(er) calorie or carbohydrate beverages in excessive amounts.
- c. We will not imply that drinking alcohol enhances mental ability, performance, skills or strength.
- d. We will not promote any of our products as medicine, nor imply that alcohol has the ability to prevent, treat or cure any human disease or condition.
  - i. We will not use gifts, drinking vessels or cocktail names with medical or pharmaceutical connotations to market our brands.
- e. We will not market our alcohol brands to pregnant women nor portray pregnant women in our marketing.
- f. Our alcohol brands must avoid any appeal on the grounds of stated functional benefits (e.g. performance or therapeutic).
  - i. However, if using ingredients with such perceived qualities, we must only use sufficient quantities necessary for the purpose of delivering a specific flavour. On packaging and in promotional materials of such products we may reference such ingredients, but we may not make any claims (whether explicit or implied) that these ingredients confer any health or functional benefits.
  - ii. None of our products will claim sexual benefits, such as enhanced virility or sexual prowess.
- g. We will not market our alcohol brands as energy drinks, nor imply that consuming them (either alone or with a specific mixer) delivers energy or endurance benefits.

- h. We will not advertise or promote our alcohol brands in a way which implies that drinking alcohol will increase stamina, make the night last longer or give a boost, nor use suggestive drink names which imply energising, stimulating or invigorating properties.
  - i. If co-promoting our alcohol brands with an energy drink mixer, the mixer must be treated in a neutral manner just like any other mixer, no energy claims may be made, and particular care must be taken with the imagery used.
- a. Our alcohol brands may be portrayed as the perfect choice for already energetic or relaxing occasions, but we will not imply that they are the catalyst for any change in energy, state of alertness or states of mental or physical relaxation.
  - b. We will not market our alcohol brands as thirst quenching, hydrating or refreshing, nor imply or suggest that they be consumed instead of non-alcoholic beverages.

- c. Where legally permitted, claims about nutritional qualities, ingredients or specific production methods of our alcohol brands (for example sugar-free, dairy-free, organic) may be made if they are accurate, substantiated, and neutral in relation to health.

## 07 Social and Sexual Success



### Our marketing must:

- ✓ Not portray or imply that drinking is necessary to obtain social or other success, nor to overcome inhibitions or to be socially accepted.
  - ✓ Not portray or imply that drinking enhances sexual attractiveness or is a requirement for sexual success.
- a. Our brands may be portrayed as part of normal social experiences, such as the depiction of people who appear to be attractive or affluent, or people who appear to be relaxing or in an enjoyable setting. Brand preference may be portrayed as a mark of discernment or good taste.
  - b. However, our marketing materials will not imply that drinking is necessary to obtain social, professional, educational, athletic, financial or other success, nor to solve social, personal, or physical problems, nor to overcome inhibitions, shyness or social barriers, or to be socially accepted.
  - c. Our marketing may also portray our brands as part of a social or romantic setting, or people showing affection or other amorous gestures. However, we will ensure that our marketing does not imply that drinking enhances sexual attractiveness or is a requirement for sexual success. Implicit sexual activity, seduction scenarios, gender stereotyping and prizes or gifts that breach the spirit of these provisions must all be avoided.

## 08 Drink Driving and other Potentially Dangerous Activities



### Our marketing must:

- ✓ Only portray drinking in safe and appropriate circumstances.
- ✓ Never portray drinking before or whilst driving motor vehicles, operating machinery, or any other similar activity or situation.
- ⓐ We will not depict drinking before or during activities, or in situations or locations, where drinking alcohol beverages would be unsafe or unwise.
- ⓑ In particular, our marketing must not imply that drinking alcohol is acceptable before or while operating machinery, driving a vehicle or undertaking any other occupation, endeavour, or sporting activity that requires a high degree of alertness or physical coordination in order to be carried out safely.
- ⓒ It is fine to show adults enjoying a drink after playing sports or after engaging in any occupation or endeavour referred to above, provided it is clear the activity will not be resumed.
- ⓓ This provision does not apply to non-alcoholic brands. For further detail see provision 11.

## 09 Anti-social or Inappropriate Associations



### Our marketing must:

- ✓ Not portray or suggest any association with anti-social or illegal behaviour.
- ✓ Not portray or suggest any association with violence.
- ✓ Not portray or encourage the consumption of tobacco.
- ⓐ Our marketing will not portray or suggest any association with anti-social behaviour, nor depict situations where beverage alcohol is being consumed illegally or in conjunction with explicit or implicit illegal activity of any kind.
- ⓑ We will ensure that our marketing does not portray or suggest any association with violence, including not trivialising problems associated with violence or glamorising violence.
- ⓒ We will not associate our brands with any activity or event where the intent is to cause harm or violence to anybody, including animals.

- ⓓ We will not portray or encourage the consumption of any tobacco products (including e-cigarettes or other vaping products), nor brand or offer tobacco products or accessories as promotional gifts or prizes, nor sponsor tobacco-related events.
- ⓔ We will allow appropriate brand participation, such as sampling, at cigar-related venues and events, provided the brand participation is not linked to the purchase or consumption of tobacco products.
- ⓕ We will not use our brands in any **joint marketing** activities, or in any consumer-facing promotions, involving tobacco products.
- ⓖ Particular care and consideration of local sensitivities must be taken when assessing whether to associate our brands with gambling.

## 10 Good Taste and Decency



### Our marketing must:

- ✓ Reflect generally accepted contemporary standards of good taste and decency.
- ✓ Be judged from the perspective of the broader society - locally and globally.
- ✓ Be sensitive to local and cultural variation.
- ⓐ We must evaluate proposed marketing activities not solely from the perspective of the target audience, but from the perspective of the broader society - locally and globally - in which Diageo operates.
- ⓑ Our marketing must not employ themes that may seem harmless in one market but that may cause grave offence in another market or culture.
- ⓒ Our marketing activities must always be respectful of, and sensitive to, diversity of race, religion, colour, ethnicity, national origin, disability, sexual orientation or gender. Whenever possible, we will take action to actively promote diversity and inclusion and avoid inappropriate stereotypes.
- ⓓ **We have a zero-tolerance approach with respect to abuse and sexual harassment of Brand Promoters i.e. employees and third-party agency staff who promote our brands in outlets, as stated in Diageo's Brand Promoter Standard.**

# 11 Non-alcoholic Beverages



## Our marketing must:

- ✓ Only promote Non Alcoholic Brands to adults.
- ✓ Clearly distinguish non alcoholic variants of our brands from those containing alcohol, via packaging, labelling and brand communications.
- ✓ Differentiate and adhere to applicable guidance for Non Alcoholic Beverages that are a variant of an existing alcohol brand versus that for New-To-World brands.

### Definitions

This provision uses the following definitions:

- 1. Non-Alcoholic Beverages (NABs) are generally those with an ABV (Alcohol by Volume) of 0.5% or lower.
  - Legal definitions of Alcohol-Free and similar descriptors may vary across countries. Brand teams are advised to always check with their Local Legal Counsel.
- 2. New-To-World (NTW) products: Those NABs that are not a variant of an existing alcohol brand and that don't feature names or properties commonly associated with our alcohol brands.

### Scope and key differences across product types

Please reference the scope table on p4 of this code clearly outlining which sections of the DMC do and do not apply to our non alcoholic products. The below table provides further clarification on the key differences in guidance with regards to our alcohol brands, our Non Alcoholic Beverages that are variants of an existing brand (No Alc trademark extensions) and our NTW No Alc brands.



Key differences		Alcohol Products	Non-Alcoholic Beverages Trademark Extensions	Non-Alcoholic Beverages New To World (NTW)
Health, Therapeutic, Performance Or Functional Benefit	Make claims about nutritional qualities, ingredients or specific production methods (e.g. sugar-free, dairy-free, organic) if they are factually correct, substantiated and legally permitted	✓	✓	✓
	Promote as a medicine, or imply that has the ability to prevent, treat or cure any disease/condition	✗	✗	✗
	Claim sexual benefits, such as enhanced virility or sexual prowess	✗	✗	✗
	Refer to a brand as thirst quenching, hydrating or refreshing	✗	✓	✓
	Make claims about health, dietary or functional benefits linked to specific ingredients and to make these a dominant theme in marketing if they are factually correct, substantiated and legally permitted	✗	✗	✓
	Describe products as energy drinks, or that consuming them delivers energy or endurance benefits if such claims are factually correct, substantiated and legally permitted	✗	✗	✓
Pregnancy	Aim marketing at pregnant women (i.e. posting content targeted at them, sponsoring related events)	✗	✓	✓
	Portray pregnant women in our marketing (if No Alc nature of product is clear and prominent)	✗	✓	✓
Drink Driving	Present the product as a responsible choice for designated drivers	✗	✓	✓
Alcohol Content	Provide clear, factual and neutral information about the alcohol content of our brands and drinks recipes	✓	✗	✗
Responsible Drinking	Clearly display responsible drinking reminders in all ATL advertising	✓	✗	✗

### Health and Functional Benefits for all NABs:

- 1. We will where practicable and permitted by law, provide factual and neutral nutritional information about our products, via appropriate channels such as DRINKiQ.com.
- 2. We will not promote any of our products as a medicine, nor imply that our products have the ability to prevent, treat or cure any human disease or condition.
  - 1. We will not use gifts, drinking vessels or cocktail names with medical or pharmaceutical connotations to market our brands.
- 3. Where legally permitted, claims about nutritional qualities, ingredients or specific production methods of our brands (for example sugar-free, dairy-free, organic) may be made if they are accurate, substantiated, and neutral in relation to health.
- 4. None of our products will claim sexual benefits, such as enhanced virility or sexual prowess.
- 5. All NABs may be marketed as thirst quenching, hydrating or refreshing.

### For NABs that are NTW only:

- 1. The following descriptions, attributes and/or claims can be made if factually correct, substantiated and legally permitted:
  - 1. Statements about health, dietary or functional benefits linked to specific ingredients can be a dominant theme or a principal basis of appeal in marketing.
  - 2. Describing our products as energy drinks, or that consuming them (either alone or with a specific non-alcoholic mixer) delivers energy or endurance benefits.

### For NABs that are variants of existing alcohol brands:

- 1. Must avoid any appeal on the grounds of stated health, dietary or functional benefits (e.g. mental ability, performance, skills or strength), nor that they may play a role in managing weight or as part of a fitness regime.
  - 1. However, if using ingredients with such perceived qualities, we must use only sufficient quantities necessary to deliver a specific flavour. On packaging and in promotional materials of such products we may reference such ingredients, but we may not make any claims (whether express or implied) that these ingredients confer any health or functional benefits.
- 2. Must not be marketed as energy drinks, nor imply that consuming them (either alone or with a specific mixer) delivers energy or endurance benefits.
  - 1. We will not advertise or promote these brands in a way which implies that drinking them will increase stamina, make the night last longer or give a boost, nor use suggestive drink names which imply energising, stimulating or invigorating properties.

- 1. If co-promoting with an energy drink mixer, the mixer must be treated in a neutral manner just like any other mixer, no energy claims may be made, and particular care must be taken with the imagery used.
- 2. Our brands may be portrayed as the perfect choice for already energetic or relaxing occasions, but we will not imply that they are the catalyst for any change in energy, state of alertness or states of mental or physical relaxation.

### Pregnancy

- 1. The following guidance can be followed by all NABs as long as the non-alcoholic nature of the product is displayed in a clear and prominent manner:
  - 1. Marketing can be aimed at pregnant women (i.e. posting content targeted at pregnant women in media, and sponsoring related events).
  - 2. Marketing can portray pregnant women and childcare related paraphernalia (i.e. cots, prams/strollers, children's toys).

### Designated drivers

- 1. Section 8 of this Code does not apply to NAB. We may present such beverages as a responsible choice for designated drivers, taking into account local laws and conditions.

### Placement in store

- 1. We will recommend to retailers that all NABs can be placed either in the alcohol beverage section of retail shops and/or in other areas that are principally targeted at those above the LPA, where permitted by law and taking into consideration rules under section 3 of this Code on Adult Appeal.



## Responsible Drinking Initiatives

We work in a range of ways with many different stakeholders to promote responsible drinking and combat alcohol misuse such as drink-driving, excessive drinking, underage drinking and irresponsible serving of alcohol.

[DRINKIQ.com](http://DRINKIQ.com) is our online global resource that supports this work through the sharing of best-practice tools, information and initiatives.

We also encourage our in-market companies and global brand teams to develop and implement consumer initiatives designed to reduce alcohol related harm.

These initiatives are also subject to this Code. However, where these initiatives seek to portray the consequences of irresponsible or excessive drinking then, in consultation with Corporate Relations, the following Code provisions may be applied flexibly, only in the manner specified to the right, in order to ensure optimally effective consumer awareness initiatives:

- Provision 3 to allow people aged LPA+ to appear in corporate-branded responsible drinking advertising;
- Provision 3 on Adult Appeal to exempt unbranded Diageo owned websites such as [DrinkIQ.com](http://DrinkIQ.com) from the obligations to set an age affirmation mechanism, considering that the purpose of such resources is not to market alcohol brands but to educate and inform people on the facts about alcohol.
- Provision 4 to show the downside or consequences of excessive or irresponsible drinking;
- Provision 8 to show the downsides or consequences of drink driving or other similarly dangerous activities; and
- Provision 9 to show potential downsides or consequences associated with excessive drinking, such as violence, aggression or anti-social behaviour.

**We also encourage our  
in-market companies  
and global brand teams  
to develop and implement  
consumer initiatives designed  
to reduce alcohol related harm.**

## Marketing Code Compliance

Compliance with the marketing Code is mandatory for all employees of Diageo, our subsidiaries and joint ventures where Diageo has a controlling interest.

It also applies to third party agencies, contractors and consultants engaged by, representing or acting for (or on behalf of) Diageo, and our third party distributors who are responsible for or are involved in the marketing activities and marketing of our brands.

**We must follow all provisions of this Code and should never cause, authorise or overlook breaches of the Code by others. Our in-market companies may strengthen this Code to address different or specific issues in their market.**

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These provisions must be in addition to, not in place of, the standards set out in this Code.

### Responsibility

- 1. All aspects of Code compliance are the fundamental responsibility of the general manager and marketing director in all our in-market companies, and global brand teams.
- 2. Advertising, promotions and PR agencies, market research companies, media buyers, and all other external marketing suppliers, must receive a copy of the DMC and must undertake to abide by its provisions in any work they do on our behalf. The requirement to comply with the DMC must be included in the written terms and conditions of all marketing supplier contracts and in all activity/project briefs. Diageo project leaders are also responsible for briefing and guiding their suppliers and for ensuring they comply with the DMC throughout the term of the project.

### Review and approvals

- 1. Marketing directors are accountable for ensuring that their teams follow an effective DMC sign-off process to ensure that all materials released in their territory fully comply with the letter and spirit of the Code.
  - 2. DMC review and sign-off must also be included at each key stage of the innovation process.
- 2. Diageo's online approval tool, Diageo Content Hub, must be used to facilitate DMC review and archival of approvals wherever possible.
- 3. If the evaluation of a DMC-related issue reaches a stalemate, the decision must be escalated in the following manner (depending where the stalemate originates):
  - 1. In-market Marketing and Corporate Relations Directors, if not resolved then to
  - 2. Global Marketing and Corporate Relations Directors.

If not resolved at this level, the Chief Marketing Officer makes the ultimate decision.

**We must follow all provisions of this Code and should never cause, authorise or overlook breaches of the Code by others**

**Training**

- 1. Our in-market companies and global brand teams must establish regular training programmes for all those involved in Marketing, Trade Marketing, Consumer Planning, Innovation, Corporate Relations and for relevant members of the Sales teams (Sales Directors as a minimum).
- 2. Newly recruited staff should receive DMC training as part of their induction, and regular, in-depth refresher training must be provided for all relevant staff (every 12-24 months).
- 3. DMC training should be offered to support supplier, agency, third party and distributor compliance where appropriate.

**Controls**

- 1. DMC sign-off and compliance processes must be formally reviewed on an annual basis in every in-market company and global brand team.
- 2. In case of a breach, an additional review should be undertaken immediately. Questions on interpretation or application of the DMC should initially be addressed to the in-market Corporate Relations and Marketing Directors. These can be further escalated to Global Corporate Relations and the Chief Marketing Officer if necessary.
- 3. Any criticism of Diageo's marketing activities should be reported immediately to the in-market Corporate Relations and Marketing Directors, and the Global Head of Responsible Marketing and Innovation, in order to review the material in question, take remedial action if necessary, and ensure our commitment to responsible marketing and effective self-regulation is maintained.
- 4. Any breach of the DMC is also considered to be a breach of the Code of Business Conduct and should be reported promptly through the routes described in the Code.
- 5. Any material suspected to be in breach of the DMC will be reviewed and any breaches will be dealt with in accordance with the Diageo internal investigation policy and local disciplinary policies, as permitted by law.
- 6. Diageo employees can also raise concerns with their line manager, local Controls, Compliance & Ethics Manager, Global Risk & Compliance, or make a confidential report using SpeakUp.



For further information on the Diageo Marketing Code or compliance issues, contact the in-market Diageo Corporate Relations team. Advice is also available from:

**Head of Responsible Marketing (Global)**  
**Diageo 1HQ**  
**16 Great Marlborough Street**  
**London W1F 7HS**  
**United Kingdom**

Email: [marketing.code@diageo.com](mailto:marketing.code@diageo.com)

Copies of the Code, and further information can also be found at [www.DRINKiQ.com](http://www.DRINKiQ.com)

**For the USA:**

Diageo Corporate Relations  
600 Pennsylvania Avenue, SE, Suite 304  
Washington, DC 20003  
Tel: 202 715 1105  
Fax: 202 715 1114

For information about the Distilled Spirits Council of the United States (DISCUS), its Code of Responsible Practices for Beverage Alcohol Advertising and Marketing and its complaint procedure, visit:

[www.distilledspirits.org](http://www.distilledspirits.org)







29/03/2023

Your Ref: GLENKINCHIE

Our Ref: 710415

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



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
GLENKINCHIE DISTILLERY VISITOR CENTRE  
GLENKINCHIE VISTORS CENTRE, ORMISTON, EAST LOTHIAN, EH34 5ET.  
PREMISES LICENCE HOLDER: DIAGEO SCOTLAND LIMITED.**

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

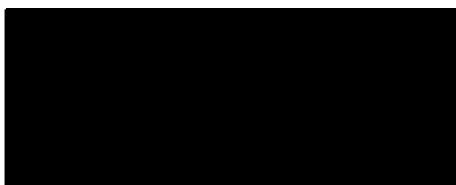
The variation requested consists of the following –

- Inclusion of Bar meals as a permitted activity
- In 5(f) inclusion of *“The premises may host markets both within and out with the building”* & *“Light food offerings may be provided”*
- Increase the capacity to 405 to allow for an increase of external area to 150
- Removal of Local Condition 4 *“Two weeks written notification with a contact phone number must be given to all surrounding proprietors, giving the nature of any evening events, to take place on 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 654 5583.

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From: Karen Harling**

**Licensing Standards Officer**

**To: C. Grilli**

**Clerk to the Licensing Board**

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Date: 5<sup>th</sup> April 2023

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

**PREMISES LICENCE MAJOR VARIATION 2023**

**GLENKINCHIE DISTILLERY VISITOR CENTRE, GLENKINCHIE  
DISTILLERY, GELNKINCHIE, PENCAITLAND, EAST LoTHIAN, EH34 5ET**

I can confirm the premises was visited in relation to this variation application. The site notice was displayed in a suitable position at the main entrance.

A full compliance check was completed and the premises was found to be operating well with no issues identified.

The changes applied for are:

- Addition of bar meals
- Inclusion of markets within and outwith the building along with light food offerings
- An increase in capacity to 405 to allow an increase in the external area from 50 to 150

The removal of the local condition 4, added in February 2020 has also be requested:

*“Two weeks written notification with a contact phone number must be given to all surrounding proprietors, giving the nature of any evening events, to take place on the premises”*

On my visit to the premises, the operations were explained and the addition of markets with an increase in capacity of the outside area was discussed. It is the intention to run 3-4 seasonal markets across the year providing the opportunity for local businesses to show and sell their products as well as generate use of the facilities at the Visitor Centre. For the benefit of the Board, the attached photographs below are provided showing the area proposed to hold the markets.

This is a substantial area with a suitable path running on both sides. The Kinchie Burn to the north of the outside area is fenced off suitably.

Given several objections were received in 2020 in relation to a previous variation, it was suggested that a community engagement event was run to propose the changes to residents of the village and be open and transparent in relation to the application. Guidance was also given in relation to controlling parking at market events to avoid nuisance to neighbouring properties. It is my understanding that this event was well received by those that attended.

I have no objection to the proposed increase in capacity and the addition of bar meals, markets and light food offerings.

I also have no objection to the removal of local condition 4 detailed above. From a compliance point of view it is very difficult to enforce and monitor the above condition.

It is of note that there have been no complaints received to the operation of the premises licence, and the company and staff have worked well with myself and the previous Licensing Standards Officer in promoting a very important, notable and well run tourist attraction.

The information in this report is provided to the Board members to assist the determination of the application.

K. Harling  
Licensing Standards Officer

**View 1 - Outside area, path 1 looking East towards the Visitor Centre from outside area entrance**



**View 2 - Outside area, path 2 looking east towards the Visitor Centre from outside area entrance**



View 3 - Outside area in front of the Visitor Centre



**View 4 - Outside area, looking west towards road from in front of the Visitor Centre**



## Licensing

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**From:** Robertson, Scott  
**Sent:** 27 March 2023 13:21  
**To:** Winter, Maree  
**Cc:** Licensing  
**Subject:** RE: Major Variation Application - Glenkinchie Distillery, Pencaitland

Hello,

Please note I have no comment or objections to the major variation at Glenkinchie Distillery.

Kind Regards  
Scott Robertson  
Assistant Planner

**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 27 March 2023 11:28  
**To:** Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; secretary@pencaitland.org  
**Subject:** Major Variation Application - Glenkinchie Distillery, Pencaitland  
**Importance:** High

Dear all,

Please find attached an application for a major variation from Glenkinchie Distillery. Could I please have any comments/representations by 17<sup>th</sup> April 2023.

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)**






12 April 2023

By email to: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005 – GLENKINCHIE DISTILLERY VISITOR CENTRE**

I am writing to object to the proposed variation to the licence at the above premises. It is not very long since the terms of the existing licence were implemented, and there is no material reason to change these conditions. The point of requiring two weeks' notice is to give the Distillery's neighbours fair warning of events and enable us to make arrangements accordingly. These events create a large amount of noise and general disturbance. Glenkinchie is a small hamlet and the impact of large numbers of vehicles coming into its centre is significant. I live  their public car park and am immediately affected by the traffic that comes in. This invariably includes taxis running their engines for long periods of time, phone calls on loudspeaker (I can hear every word) and the raucous conversations of people who have enjoyed a taster in the visitor centre.

The second amendment they propose is even less welcome. The amount of disturbance from holding an outdoor market would be enormous. This is not a noisy hustling space in normal circumstances, it is a peaceful community with a mix of old and young residents who live here precisely because it is out of the bustle of a larger conurbation. Allowing the distillery to hold markets and outdoor events without any notice would ruin the peace and quiet for everyone else.

The size and wealth of Diageo should not be a reason for it to be permitted to ride roughshod over the lives of its rural village neighbours.

Yours faithfully

Mary Munro



OCC 185/23

East Lothian Council  
Licensing

EAST LoTHIAN LICENSING BOARD 15 MAR 2023

APPLICATION FOR OCCASIONAL LICENCE

Received

28th may

Buce  
LSO

REFERRAL NOTES FOR COMPLETING APPLICATION FORM:-

1. Application to be sent to: Clerk to the Licensing Board  
Licensing Division  
John Muir House  
Haddington  
East Lothian EH41 3HA
2. The application requires to be lodged not later than **42 days** prior to the date of the function together with the fee payable of **£10.00**.
3. For marquee or outside events - 4 copies of a detailed plan should be lodged with the application, showing the area and grounds which are required to be licensed.
4. The Board can only consider applications for Occasional Licence applied for by such person whom are listed below:
  - i) the holder of a premises licence
  - ii) the holder of a personal licence and
  - iii) a representative of any voluntary organisation
5. Applicant should advise Council's Environment and Consumer Services Department on 01620 827365 of any intention to prepare and serve food at the function. Applicant should also advise what toilet facilities are to be provided.
6. Applicant should advise Council's Environmental Protection Department on 01620 827365 if they are intending to have live or amplified music.
7. It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

AdveA 24/3

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# Occasional Licence and Supplementary Information Form

## EAST LoTHIAN LICENSING BOARD

### APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	2008/0167/PREM
Personal licence number (if applicable)	MID0302
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	Stewart		
Forenames	Steven John		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	Loanhead	Post code	EH20 9LZ
TELEPHONE NUMBERS			
Daytime	[REDACTED]		
Evening	[REDACTED]		
Mobile	[REDACTED]		
FAX NUMBER			

**E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)**

jo@stewartbrewing.co.uk

**3. THE PREMISES**

**Description of premises**

Tented village hosted on grounds of Pinkie School, Musselburgh

**Description of activities to be carried on in the premises – (including number of persons expected to attend)**

The tented village is an area for Edinburgh Marathon Festival participants and their supporters where they can change, shower, see their charities and relax with something to eat and drink whilst watching the activities on stage.

Stewart Brewing will operate a beer, cider and wine bar from under a marquee. The bar will be situated underneath a starshade marquee.

It is anticipated that up to 20,000 people will pass through the area during the day.

Soft drinks and water will also be available, and children will not be allowed within one metre of the bar area.

**Full postal address of premises which this application refers to**

Pinkie St Peter's Primary School, 44 Pinkie Road, Musselburgh, EH21 7HA

**4. DURATION OF LICENCE**

**From: Sunday 28<sup>th</sup> May @ 10:00**

**To: Sunday 28<sup>th</sup> May @19:00**

**5. Is alcohol to be sold on & off the premises YES/NO\* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-\* delete as appropriate**

Times for sale of alcohol for consumption on premises

10am-7pm

Times for sale of alcohol for consumption off premises

10am-7pm

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

**6. CHILDREN (see note 2)**  
**This section must be completed where alcohol is for sale for consumption on the premises**

Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)

<p><b>Ages of children or young persons permitted entry</b></p> <p>Although the marathon is open to over 18s only, some supporters will be family members including children.</p> <p>Under 18s will have access to the licensed area but not to the bar area.</p>	<p><b>Times at which children or young persons permitted entry</b></p> <p>10am-7pm</p>
---	--

**Parts of premises to which children or young persons permitted entry**

All areas apart from the Stewart Brewing Marquee area. We will be operating a clearly marked 'Challenge 25' policy.

**7. CHECKLIST**

**I have - Please tick for yes**

<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>	<p>X</p>
---	----------

**8. Signature and declaration by applicant (see note 3)**

**DECLARATION**

The contents of this Application are true to the best of my knowledge and belief.

<p><b>SIGNATURE</b></p> <p><i>Joanne Stewart</i></p>	<p><b>DATE</b></p> <p>27/02/2023</p>
--	--------------------------------------

**NOTES**

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

**PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM**

**SUPPLEMENTARY INFORMATION**

<p><b>1. Event</b></p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc.)</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)</p>	<p>(a) Marathon</p> <p>(b) N/A</p>
<p><b>2. Attendance</b></p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>20,000</p> <p>Estimated from previous years</p> <p><input type="checkbox"/> Under 18</p> <p><input checked="" type="checkbox"/> 18 - 30</p> <p><input type="checkbox"/> 30 - 50</p> <p><input type="checkbox"/> over 50</p> <p>Runners enter the marathon via placed purchased in advance</p>

<p><b>3. <u>Stewarding</u></b></p> <p>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards.</p>	
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at <u>Security Industry Authority</u>.</p> <p>(a) Please state the number, if any, of stewards to be employed at the event.</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.</p>	<p>(a) N/A (Security is supplied by the Edinburgh Marathon Team)</p> <p>(b) N/A</p>
<p><b>4. <u>Layout Plans</u></b></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or</p> <p>(b) the premises relate to a members club which has been issued with a premises licence; or</p> <p>(c) if neither of the above, please attach a detailed layout plan of the venue with the application</p>	<p>(a)</p> <p>(b)</p> <p>(c) X</p>
<p><b>5. <u>Applications Lodged by Voluntary Organisations or Members Clubs Only</u></b></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December</p>	

6. Will alternatives to glass receptacles be provided?	We serve in plastic pints and half pints
7. To what standard those serving alcohol be trained? Please provide details of any training certificate held	Personal license holder will be present, and all team members will have received standard licensing and challenge 25 training.

**LICENSING OBJECTIVES \*\***

**All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.**

8. How will you prevent Crime and Disorder at the event?	<p>No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.</p> <p>All staff will be briefed on how to contact site security.</p> <p>Any customers displaying inappropriate behaviour will be refused service and removed from the area by sit security.</p>
9. How will you secure Public Safety at the event?	<p>A licence holder will always be present and ensure all staff are appropriately trained about emergency and general safety precautions and procedures.</p> <p>Rubbish will be removed from public areas on a regular basis.</p> <p>All risk assessments and safety certificates will be on site and available for inspection.</p>
10. How will you prevent Public Nuisance at the event?	<p>Staff will regularly patrol the premises and supervise the orderly conduct of patrons.</p> <p>All drinks will be served in plastic</p> <p>Signage advising patrons to drink responsibility will be displayed in the bar area.</p>

<p>11. How will you promote and protect Public Health at the Event?</p>	<p>Free drinking water will be available at all times.</p> <p>Signage advising patrons to drink responsibility will be displayed in the bar area.</p> <p>Appropriate first aid equipment will be available in the bar area and all staff briefed on how to contact site medics.</p>
<p>12. How will you protect Children from Harm at the Event?</p>	<p>We will operate a Challenge 25 and only accept ID that is PASS accredited, passport or photo driving licence.</p> <p>We will display appropriate Challenge 25 signage in the bar area.</p> <p>No one under the age of 18 will be permitted within bar area.</p>

**SIGNATURE AND DECLARATION BY APPLICANT DECLARATION**

**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))

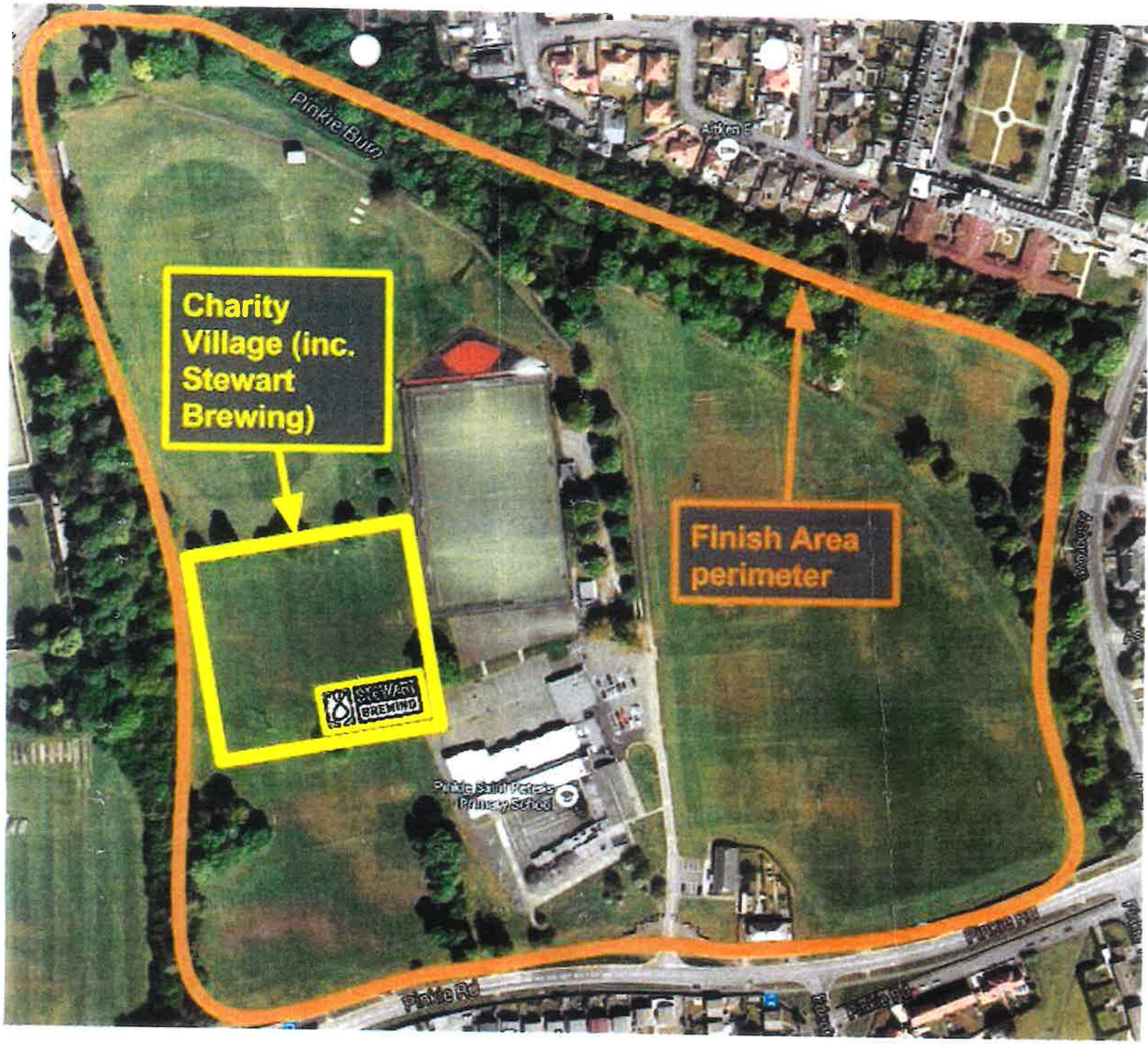
The contents of this Application are true to the best of my knowledge and belief.

Signature	<i>Joanne Stewart</i>	Date	27/02/2023
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STEWART BREWING TENT  
IN REUNION AREA



- Legend**
- Finishing Straight
  - Runner's Exit
  - Emergency Vehicle Lane
  - Charities A-Z Meeting Point
  - Merchandise
  - Meeting Area
  - Viewing Areas
  - Music & Entertainment
  - First Aid
  - Shower & Changing
  - Baggage Area
  - Catering
  - Crossing Point
  - Help Desk
  - Charity Village Info
  - Charity Cheer Sections (Admission to this area by invitation only)
  - Runner Only Zone
  - Toilets
  - Beer Tent
  - Photographer



KEY  
 ORANGE =  
 FULL CIRCLED AREA  
 YELLOW =  
 CHARITY VILLAGE IN  
 WHICH STEWART  
 BREWING IS  
 SITU.

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From:** Karen Harling  
Licensing Standards Officer

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

**Date:** 29<sup>th</sup> March 2023

**Subject:** LICENSING SCOTLAND ACT 2005  
REPORT - OCCASIONAL LICENCE APPLICATION OCC185/23  
Steven Stewart of Stewart Brewing, for Edinburgh Marathon Festival, Pinkie School, Musselburgh, East Lothian

I refer to the above subject and can confirm that the event organiser for the Edinburgh Marathon Festival has liaised with the LSO during the Safety Advisory Group.

The applicant is Steven Stewart who is a personal licence holder. Application has been made for an occasional licence for the Edinburgh Marathon Festival on Saturday 28<sup>th</sup> May 2023. A bar from Stewart brewing is proposed to be situated in the tented village area. It is anticipated by the applicant that 20,000 people will pass through the area during the day.

The requested hours are 1000-1900 for on and off sales of alcohol.

I refer the board to section 17.1 and 17.4 of the East Lothian Licensing Board's Statement of Licensing Policy:-

*17.1 For applications relating to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for consumption on the premises is: -*

*11.00 am to 11.00 pm Monday to Wednesday (inclusive)*

*11.00 am to 1.00 am Thursday to Saturday (inclusive)*

*11.00 am to 12.00 midnight on Sunday*

*17.4 Should an application be received in respect of opening earlier than 11am, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.*

Suitable measures have been provided by the applicant and event organisers in relation to the five licensing objectives. Consideration has been given to the licensed area, which is contained within the playing fields, and stewards will be at entrance and exit points. A personal licence holder will be present during the whole event and a full Event Manual has been produced and submitted to the Safety Advisory Group. The Licensing Standards Officer Supports this application and the measures to be implemented.

In line with board policy above, I refer the application to the Licensing Board for determination if the measures detailed by the applicant are sufficient to justify their request for on sales before 11am (10am) and if the measures demonstrate and promote the five licensing

objectives for the grant of the occasional licence.

K. Harling  
Licensing Standards Officer

## Licensing

---

**From:** Natasha Gregory <Natasha.Gregory@scotland.police.uk>  
**Sent:** 17 March 2023 12:55  
**To:** Licensing  
**Subject:** REF 185  
**Attachments:** OCC185.23 OCCASIONAL LICENCE APPLICATION - STEWART BREWING 28TH MAY  
- EDINBURGH MARATHON FESTIVAL.PDF

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.

NO POLICE OBJECTION

OCC 198/23



Police LSO

20th May 2023

LICENSING (SCOTLAND) ACT 2005, SECTION 142 Adver 3/3

# OCCASIONAL LICENCE APPLICATION FORM

# 3b

Before completing this form please read the guidance notes.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

## 1. LICENCE DETAILS (see [redacted])

F REQUIRED BY E-MAIL IS [redacted]

Premises licence number (if applicable) YES (I DON'T HAVE TO HAVE)

Personal licence number (if applicable) YES (I DON'T HAVE TO HAVE)

Name of voluntary organisation (if applicable) GAAFC

## 2. PERSONAL DETAILS I OWE A RESTAURANT GROUP IN EDINBURGH

Title (delete as appropriate): CHOP HOUSES.

Mr / Mrs / Miss / Ms / Other (please state) \_\_\_\_\_

Surname SPINK

Forenames MICHAEL ALLAN

Date of birth (Day / Month / Year) [redacted]

E.L.C. Customer Services

24 MAR 2023

RECEIVED

**2. PERSONAL DETAILS (cont)**

Address where ordinarily resident to be used for correspondence purposes

[REDACTED]

Post town [REDACTED]

Post code [REDACTED]

Telephone Numbers

Daytime Tel. \_\_\_\_\_ Evening Tel. \_\_\_\_\_

Mobile No. [REDACTED]

Fax No. \_\_\_\_\_ Email [REDACTED]

**3. THE PREMISES**

Description of premises

PAVILLION, FOOTBALL FIELDS, TENNIS.

Description of activities to be carried on in the premises – (including number of persons expected to attend)

THE ANNUAL FOOTBALL FESTIVAL.  
FUNDRAISING EVENT

Full postal address of premises which this application refers to \_\_\_\_\_

RECREATIONAL MEMORIAL PARK  
(NEXT TO THE PRIMARY SCHOOL), GULLCRAE

4. DURATION OF LICENCE 20th may 2023

From 14:00 To 20:00

5. Is alcohol to be sold on & off the premises <sup>AT</sup> YES  NO

Provide relevant details as to hours requested when alcohol will be sold on/off the premises.

Times for sale of alcohol for consumption on premises

ALCOHOL SHALL BE CONSUMED AT THE EVENT.

Times for sale of alcohol for consumption off premises

THE EVENT IS OUTSIDE.

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

ADULT FOOTBALL TOURNAMENT.

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES  NO

(If answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry 0-17 years

Times at which children or young persons permitted entry 1400 to 2000

Parts of premises to which children or young persons permitted entry

IT IS A PUBLIC PLAYING FIELD

THE ALCOHOL SHALL BE SOLD FROM AN OPEN TENT.

## 7. CHECKLIST

I have (please tick for yes) made or enclosed payment of the fee for the application

YES

## 8. Signature and declaration by applicant (see note 3)

### DECLARATION

The contents of this Application are true to the best of my knowledge and belief.

Signature

Date

4-03-2023

### NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –
  - The holder of a premises licence;
  - The holder of a personal licence; or
  - A representative of any voluntary organisationis eligible to apply for an occasional licence
2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry
3. Data Protection Act 2018  
The information on this form may be held on an electronic register which may be available to members of the public on request.
4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

PLEASE SUBMIT THIS SHEET WITH YOUR  
OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

1. Event

(a) Please detail the type of event (e.g. birthday party, anniversary, ceilidh, etc.)

CHARITY FUND RAISING FOOTBALL  
TOURNAMENT 5 A SIDE

(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)

FOOTBALL MATCHES.

2. Attendance

(a) Approximately how many people are expected to attend?

20 TEAMS OF 7 IN THE SQUAD FOR 5  
A SIDE MATCHES PLUS SPECTATORS X 100.

(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)

WE HAVE ON 4 PREVIOUS OCCASIONS  
RAISING OVER £50,000 FOR LOCAL CHARITIES/CHILDREN.

(c) In the main, what age group will form the majority of those attending?  
Please tick one box

Under 18

18 - 30

30 - 50

over 50

CHILDREN'S FOOTBALL IN THE MORNING/SEPERATE.

2. (cont)

(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)

OPEN EVENT, TEAMS PAY TO ENTER.

### 3. Stewarding

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act. More information can be found at Security Industry Authority.

(a) Please state the number, if any, of stewards to be employed at the event.

N/A NEVER BEEN ANY ISSUES ALL VERY FUN

(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.

N/A

### 4. Layout Plans

Please indicate if -

(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or

(b) the premises relate to a members club which has been issued with a premises licence; or

(c) if neither of the above, please attach a detailed layout plan of the venue with the application

I DO HAVE A LAYOUT PLAN IT IS THE SAME AS PREVIOUS YEARS APPLICATIONS SUBMITTED (REPEAT OF SUCCESSFUL RECEIVED)

**5. Applications Lodged by Voluntary Organisations or Members Clubs Only**

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

NONE THIS YEAR WE ONLY HOLD  
1 EVENT PER ANNUM TO RAISE MONEY FOR  
CHARITIES AND TO PLAY FOOTBALL.

**6. Will alternatives to glass receptacles be provided?**

YES NO GLASS AT THE EVENT.

**7. To what standard will those serving alcohol be trained?**

Please provide details of any training certificate held.

I SHALL BE IN CHARGE OF THE BAR  
AND SERVING LIMITED ALCOHOL OFFERING OF  
DRAUGHT BEER, SOFT DRINKS, CIDER.

**LICENSING OBJECTIVES**

All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objectives.

**8. How will you prevent Crime and Disorder at the event?**

IT IS LIKE MINDED ATTENDEES ALL  
INTERCONNECTED / COMMUNITY FEEL NEVER  
BEEN AN ISSUE BUT WOULD KEEP A CLOSE EYE  
ON ALL THOSE IN ATTENDANCE

**9. How will you secure Public Safety at the event?**

WE ALWAYS HAVE A QUALIFIED  
MEDIC AT THE EVENT AND VOLUNTEERS MANIFESTING

10. How will you prevent Public Nuisance at the event?

LIMITED SALE OF ALCOHOL IT'S  
DAY TIME / SPORT / FUN NOT A PARTY

11. How will you promote and protect Public Health at the event?

EXERCISE / SOCIAL / FUN / OUT-SIDE  
COMMUNITY VIBE.

12. How will you protect Children from harm at the event?

CHILDREN AT MORNING EVENT  
MOSTLY WATCHING FROM SAFE DESIGNATED  
AREA.

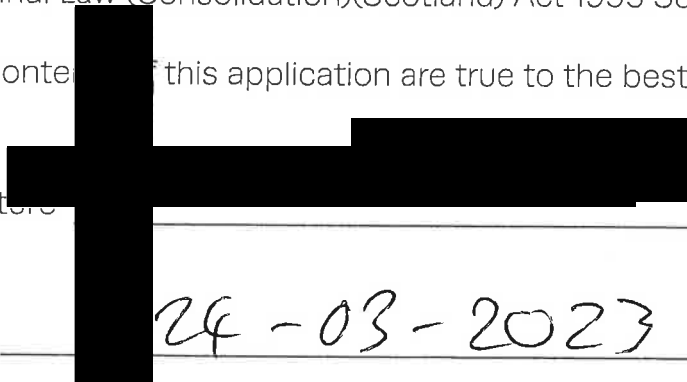
**SIGNATURE AND DECLARATION BY APPLICANT**

**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))

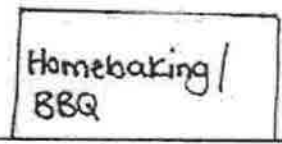
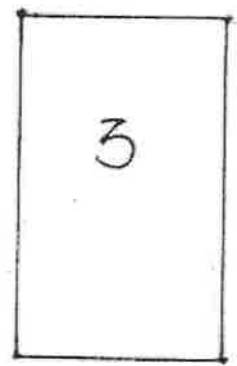
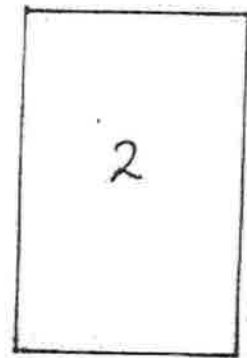
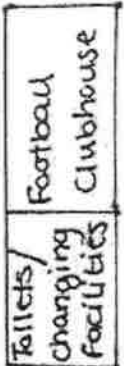
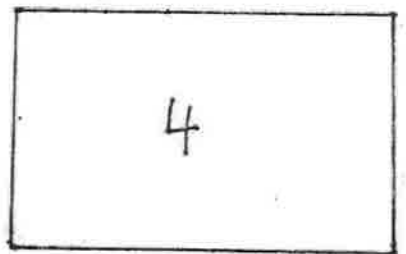
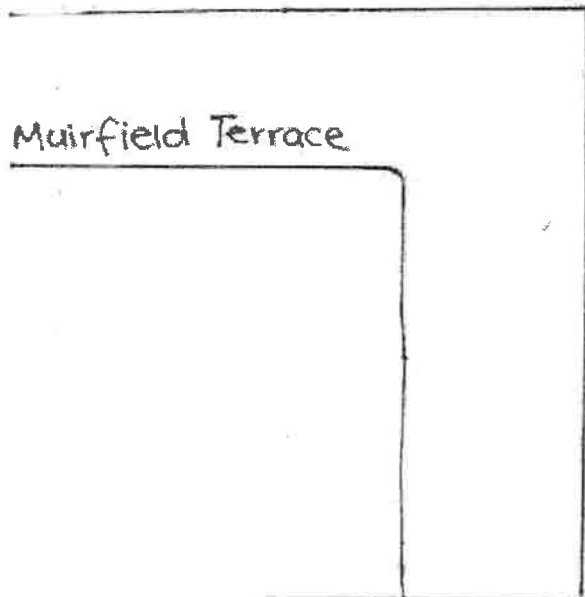
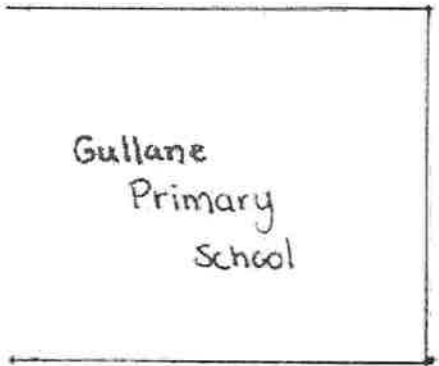
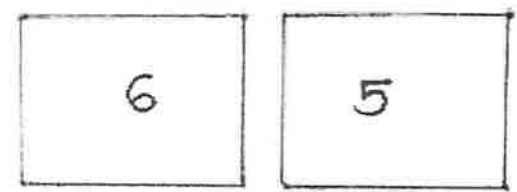
The contents of this application are true to the best of my knowledge and belief.

Signature



Date

24-03-2023



29/03/2023

Your Ref: OCC198.23

Our Ref: 710845

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



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith, EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
OCCASIONAL LICENCE APPLICATION  
PREMISES: MEMORIAL PARK MILLENIUM PLAYING FIELDS, GULLANE  
APPLICANT: MICHAEL ALLAN SPINK, [REDACTED]**

I refer to the above application and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, and recommend that it be granted subject to following conditions:

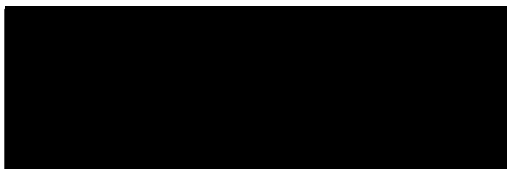
- The licensed area and Bar, and any licensed area around it, be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
- The licence holder or nominee shall be in charge and present on the licensed site at all times members of the public are present.
- The licence holder shall ensure that no event staff, whether on duty or not, are on the licensed site in an intoxicated state.
- Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence, and must include:
  - A sign prohibiting sale or supply of alcohol to persons Under 18 to be clearly displayed at any bar servery

- Challenge 25 policy
  - No Children are permitted within 1.5 metres of any bar servery
  - The specific opening and closing times of the bar
  - Responsible drinking message
  - No smoking
- All refreshments to be decanted into plastic containers at the point of sale throughout the duration of the event.
  - Appropriate provision is to be made in order to care for persons refused entry to the event, or ejected from the event, due to alcohol intoxication or being under the influence of other substances - such persons are not to be left unattended.
  - Anyone ejected from the event due to alcohol intoxication will not be permitted re-entry at any time to the event.
  - Any authorised Officer(s) of East Lothian Council shall be permitted access to the premises for the purposes of determining if the licensing conditions are being complied with.
  - The applicant will comply with all reasonable / lawful requests made authorised officers of the Local Authority and/or Police Officers.
  - The applicant should be aware that Gullane is in a Bylaw Area, therefore they must ensure that there is no alcohol being consumed outside the licensed area.

Police Scotland are of the opinion that the responsibility for confirming the identity of the applicant, and the validity and current status of any Premises or Personal Licence (including details of any previous or existing suspensions, variations, written warnings or endorsements) quoted on the application form where it was issued in another Board area, rests with the Local Authority and the Licensing Board, not with the Police. When the Police receive such applications we will assume that these checks have been adequately conducted at the point of application and prior to the enquiry being submitted to Police Scotland.

This representation is submitted for your attention in consideration of this application.

Yours faithfully



Catriona Paton  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

## Licensing

---

**From:** Harling, Karen (Licensing)  
**Sent:** 17 April 2023 09:31  
**To:** Licensing  
**Subject:** FW: OCC198/23 - Occasional Licence Application - GAAFC 20th May 2023  
**Attachments:** Re: Occasional Licence Application - East Lothian; Gullane Athletic AFC Signed Constitution.pdf

Good morning,

In relation to OCC198/23 I would make the following recommendations that the below conditions are added to the licence in addition to the already approved local conditions:

- All drinks should be served in approved plastic containers.
- The marquee/outside area, must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.

In correspondence with the applicant Michael Spink he has confirmed that alcohol will be served in plastic containers and that volunteers will marshal the event to stop persons leaving with alcohol.

I have attached the email with additional information from the applicant and as well as the organisations constitution which entitles Mr Spink to apply as a Chairman of the voluntary organisation.

Kind regards,

Karen

Karen Harling  
Licensing Standards Officer  
East Lothian Council  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
EH41 3HA

Tel: 01620 827478  
Mob: 07774 435158

*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 require legal advice on matters.*

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 28 March 2023 11:27  
**To:** Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>  
**Subject:** OCC198/23 - Occasional Licence Application - GAAFC 20th May 2023

Hi

Please find attached OCC198/23 - Occasional Licence Application - GAAFC 20th May 2023 for report.

Regards

Alison

**Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [arafferty1@eastlothian.gov.uk](mailto:arafferty1@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)**

NHS Coronavirus Information

**Keep using  
Covid sense**



[gov.scot/coronavirus](https://gov.scot/coronavirus)



## Licensing

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**From:** Michael Spink [REDACTED]  
**Sent:** 06 April 2023 12:38  
**To:** Harling, Karen (Licensing)  
**Subject:** Re: Occasional Licence Application - East Lothian  
**Attachments:** Gullane Athletic AFC Signed Constitution.pdf

**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.

Karen,

Thanks for getting back to me on the application. I e-mailed the licensing department separately as I filled in the form whilst in Haddington. My Personal license number is 09/13631. I am applying on behalf of a voluntary organisation. This is an annual event ran open air on the playing field in Gullane to raise money primarily for charities. We have raised over £50k for local causes/charities over the last 4 events.

I am the Chairman of Gullane Athletic Amateur Football club, please find attached the requested constitution. We run the children football tournament in the morning and early afternoon. Exact times depend on the number of teams within all of the age groups involved. But the adults tournament shall start at approximately 14:00.

The drinks being sold shall be done so in open plastic cups/vessels and we shall put signs at the dispense tent stating all purchased alcohol **MUST** be consumed or binned before leaving. We shall also have volunteers tidying and marshalling the event with instruction to stop anyone leaving with a cup. If you have any additional advise regarding this happy to take further actions if required?

Should you require any additional information please do not hesitate in getting in contact.

**MIKE SPINK**

PARTNER  
[REDACTED]

THE **COMPASS GROUP**



On 5 Apr 2023, at 15:42, Harling, Karen (Licensing) <[kharling1@eastlothian.gov.uk](mailto:kharling1@eastlothian.gov.uk)> wrote:

Good afternoon Mike,

I am the Licensing Standards Officer for East Lothian. I have been sent the attached occasional licence application to report on.

Please would you be able to provide further information as your entitlement to apply for the licence. It is not clear if you are applying under a premises licence, personal licence or voluntary organisation.

I see that you intimate that you hold a personal licence however, you have not added this to the application. If this is the case, please could you provide your personal licence number and a scanned copy of the licence. It would be preferable that the application comes from a personal licence holder.

If you are not a personal licence holder and wish to apply as a representative of a voluntary organisation, please could you detail the full name of the voluntary organisation rather than GAAFC , the office you hold and a copy of the constitution?

In relation to the activities during the day please could you detail the times when the children's football tournament will take place and when the adult football tournament will take place?

Could you also detail how you will monitor people leaving the site with any alcohol that would then be in breach of the local byelaw prohibiting the consumption of alcohol in a public place?

Kind regards,

Karen

Karen Harling  
Licensing Standards Officer  
East Lothian Council  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
EH41 3HA

Tel: 01620 827478  
Mob: 07774 435158

*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 require legal advice on matters.*

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

\*\*\*\*\*  
\*\*\*\*\*

Email Disclaimer - East Lothian Council

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 can be intercepted, corrupted or amended without the knowledge of the sender. East Lothian Council do not accept liability for errors or omissions arising as a result of interrupted or defective transmission.

\*\*\*\*\*

OCC186/23

**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR OCCASIONAL LICENCE**

*Sent 29th to 30th April.*

**REFERRAL NOTES FOR COMPLETING APPLICATION FORM:-**

1. Application to be sent to: Clerk to the Licensing Board  
Licensing Division  
John Muir House  
Haddington  
East Lothian EH41 3HA
2. The application requires to be lodged not later than **42 days** prior to the date of the function together with the fee payable of **£10.00**.
3. For marquee or outside events - 4 copies of a detailed plan should be lodged with the application, showing the area and grounds which are required to be licensed.
4. The Board can only consider applications for Occasional Licence applied for by such person whom are listed below:
  - i) the holder of a premises licence
  - ii) the holder of a personal licence and
  - iii) a representative of any voluntary organisation
5. Applicant should advise Council's Environment and Consumer Services Department on 01620 827365 of any intention to prepare and serve food at the function. Applicant should also advise what toilet facilities are to be provided.
6. Applicant should advise Council's Environmental Protection Department on 01620 827365 if they are intending to have live or amplified music.
7. It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

*Buce  
LSO*

*ADVEA 24/3*

**3c**



# Occasional Licence and Supplementary Information Form

## EAST LoTHIAN LICENSING BOARD

### APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

<b>1. LICENCE DETAILS</b> (see note 1)
Premises licence number (if applicable)
Personal licence number (if applicable)
Name of voluntary organisation (if applicable) Daughters of Israel LLOL214

<b>2. PERSONAL DETAILS</b>			
TITLE (delete as appropriate): Secretary			
Surname	Forsyth		
Forenames	Douglas		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
<b>TELEPHONE NUMBERS</b>			
Daytime			
Evening	[REDACTED]		
Mobile			
FAX NUMBER			
E-MAIL ADDRESS	[REDACTED]		

**3. THE PREMISES**

Description of premises **Function hall seats 80 with a further lounge which seats a further 30**

Description of activities to be carried on in the premises – (including number of persons expected to attend)

**Fundraiser with live music**

**80 people age ranging from 20 upwards**

Full postal address of premises which this application refers to

**Blair Halls**

**St Martins Lane**

**Haddington Road**

**Tranent**

**EH33 1HN**

**4. DURATION OF LICENCE**

**From: 11.00 Sat 29<sup>th</sup> April**

**To: 01.00 Sun 30<sup>th</sup> April**

**From: 11.00 Sun 30<sup>th</sup> April**

**To: 19.00 Sun 30<sup>th</sup> April**

**5. Is alcohol to be sold on & off the premises YES/NO\* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises- \* delete as appropriate**

Times for sale of alcohol for consumption on premises

**From: 11.00 Sat 11.00 Sun**


Times for sale of alcohol for consumption off premises

**N/A**

<b>To: 01.00 Sun 19.00 Sun</b>	
<b>Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises</b>	

<b>6. CHILDREN (see note 2)</b>	
<b>This section must be completed where alcohol is for sale for consumption on the premises</b>	
<b>Are children or young persons permitted entry? NO (if answered yes the remainder of this section must be completed)</b>	
<b>Ages of children or young persons permitted entry</b>	<b>Times at which children or young persons permitted entry</b>
<b>Parts of premises to which children or young persons permitted entry</b>	

<b>7. CHECKLIST</b>	
<b>I have - Please tick for yes</b>	
<ul style="list-style-type: none"> <li>• <b>Made or enclosed payment of the fee for the application</b></li> </ul>	£10

<b>8. Signature and declaration by applicant (see note 3)</b>	
<b>DECLARATION</b>	
The contents of this Application are true to the best of my knowledge and belief.	
<b>SIGNATURE</b>	<b>DATE</b>
	15/03/2023

**NOTES**

**1. Section 56 of the Licensing (Scotland) Act provides that only: –**

- **The holder of a premises licence;**
- **The holder of a personal licence; or**
- **A representative of any voluntary organisation**

**is eligible to apply for an occasional licence**

**2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry**

**3. Data Protection Act 1998**

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

**4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)**

**PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM**

**SUPPLEMENTARY INFORMATION**

<p><b>1. Event</b></p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc.)</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)</p>	<p>(a) Fundraiser</p> <p>(b) Live music</p>
<p><b>2. Attendance</b></p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>80</p> <p>Previous Events</p> <p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input checked="" type="checkbox"/> 30 – 50</p> <p><input type="checkbox"/> over 50</p> <p>Private Invitation</p>

<p><b>3. <u>Stewarding</u></b></p> <p>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards.</p>	
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at</p> <p>(a) Please state the number, if any, of stewards to be employed at the event.</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.</p>	<p>(a) 6</p> <p>(b) All volunteers</p>
<p><b>4. <u>Layout Plans</u></b></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or</p> <p>(b) the premises relate to a members club which has been issued with a premises licence; or</p> <p>(c) if neither of the above, please attach a detailed layout plan of the venue with the application</p>	<p>(a)</p> <p>(b)</p> <p>(c) X</p>
<p><b><u>5. Applications Lodged by Voluntary Organisations or Members Clubs Only</u></b></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December</p>	<p>02/01/2023</p> <p>25/02/2023</p>

6. Will alternatives to glass receptacles be provided?	No
7. To what standard those serving alcohol be trained? Please provide details of any training certificate held	Compulsory 2 hour training package

**LICENSING OBJECTIVES \*\***

**All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.**

8. How will you prevent Crime and Disorder at the event?	6 committee members on duty Regular toilet checks Challenge 25
9. How will you secure Public Safety at the event?	As above
10. How will you prevent Public Nuisance at the event?	With signage and public announcements

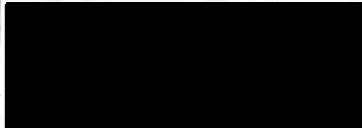
<p>11. How will you promote and protect Public Health at the Event?</p>	<p>Water available free of charge, soft drinks, tea and coffee</p>
<p>12. How will you protect Children from Harm at the Event?</p>	<p>No Children Over 18's only</p>

**SIGNATURE AND DECLARATION BY APPLICANT DECLARATION**

**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	15/03/2023
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# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From: Karen Harling**  
Licensing Standards Officer

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

Date: 6<sup>th</sup> April 2023

**Subject: LICENSING SCOTLAND ACT 2005**  
**REPORT - OCCASIONAL LICENCE APPLICATION OCC186/23 & OCC187/23**  
**Douglas Forsyth, representative of voluntary organisations Daughters of Israel**  
**LLOL 214 and Tranent True Blues LOL 228 for events at Blair Halls, Tranent**

I refer to the above subject, applications for two occasional licences from Douglas Forsyth as a representative of the voluntary organisations Daughters of Israel LLOL 214 and Tranent True Blues LOL 228.

Mr Forsyth has previously been issued occasional licences as a representative for the following voluntary organisations:

- East Lothian District LOL 44
- Tranent True Blues LOL 228
- Daughters of Israel LLOL 214
- East Lothian Campsie Club

It is unclear if the above organisations are four separate organisations in their own right or if they are part of the wider Orange Order in Scotland as one organisation. Of note East Lothian LOL 44 is a district and Tranent True Blues LOL 228 is a branch of that district.

A request has been sent to the applicant, Mr Forsyth, to provide evidence as to the structure of each voluntary organisation, a copy of the constitution and a list of office bearers. At the time of writing, no response has been received.

Over the last 12-month period the following occasional licences have been issued by the Board to Mr Forsyth as a representative of the organisations:

- East Lothian District LOL 44 – 2 licences issued
- Tranent True Blues LOL 228 – 10 licences issued
- Daughters of Israel LLOL 214 – 2 licence issued
- East Lothian Campsie Club – 4 licences issued

Total of all the above - 17 licence issued

I refer the Licensing Board to section 56 (6) of the Licensing Scotland Act 2005 as follows:

*Section 56 (6) A Licensing Board may issue under subsection (1) in respect of any one voluntary organisation in any period of 12 months—*

*(a) not more than 4 occasional licences each having effect for a period of 4 days or more, and*

*(b) not more than 12 occasional licences each having effect for a period of less than 4 days,*

*provided that, in any period of 12 months, the total number of days on which occasional licences issued in respect of the organisation have effect does not exceed 56.*

*(6A) If the granting of an occasional licence application would result in the occasional licence limit being exceeded, the Board must refuse the application.*

I recommend with the available evidence, the Board to consider if the above listed organisations are considered one voluntary organisation or is they are satisfied that they are 4 clear and distinct organisations.

I am aware that 2 previous occasional licences that were granted to Mr Forsyth as a representative of Daughters Of Israel LLOL 214 for 26<sup>th</sup> August 2023 and Tranent True Blues LOL 228 for 25<sup>th</sup> February 2023, which were advertised on social media in relation to NO1 Platoon East Lothian. This was also printed on the tickets sold. It is unclear what organisation NO1 Platoon East Lothian is and the events should not be advertised under a different organisation than the occasional licence is granted to.

In addition another occasional licence that was granted to Mr Forsyth as a representative of East Lothian District LOL 44 that was advertised on social media in relation to East Lothian Ladies Somme Association. This was also printed on the tickets sold. It is unclear what organisation East Lothian Ladies Somme Association is and the event again should not be advertised under a different organisation than the occasional licence it is granted to.

I would draw the Board's attention to mandatory condition 5(2) on occasional licences:

*Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities.*

The activities on the applications have been detailed as "fundraisers with live music". I recommend, given that the events are advertised under different organisations, the Board

considers if the mandatory condition has been breached. It may be of benefit to the board to seek clarification from the applicant to account for the funds raised and their use in the organisation to which the occasional licence refers.

Should the board determine that the above are all part of one larger organisation, the total applications issued to this organisation has exceeded the statutory limit set out above.

As such, occasional licence applications OCC186/23 and OCC187/23 should be refused as per section 56(6A).

I would also recommend that the board, directed by legal advice, consider the revocation any occasional licences that have been granted that exceed the limit of 12 for one voluntary organisation for events taking place after the board hearing.

K. Harling  
Licensing Standards Officer

## Licensing

---

**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 20 March 2023 09:07  
**To:** Licensing  
**Subject:** OCC186.23 - FROM 1100 TO 0100 ON 30/04/2023 & 1100 TO 1900 ON 30/04/2023  
**Attachments:** OCC186.23 OCCASIONAL LICENCE APPLICATION BLAIR HALLS 29TH TO 30TH APRIL.PDF

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 - 708324

Regards  
Iain

OCC 187/23

**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR OCCASIONAL LICENCE**

22nd - 23rd July

Police  
LSO

**REFERRAL NOTES FOR COMPLETING APPLICATION FORM:-**

1. Application to be sent to: Clerk to the Licensing Board  
Licensing Division  
John Muir House  
Haddington  
East Lothian EH41 3HA
- Advert 24/3
2. The application requires to be lodged not later than **42 days** prior to the date of the function together with the fee payable of **£10.00**.
  3. For marquee or outside events - 4 copies of a detailed plan should be lodged with the application, showing the area and grounds which are required to be licensed.
  4. The Board can only consider applications for Occasional Licence applied for by such person whom are listed below:
    - i) the holder of a premises licence
    - ii) the holder of a personal licence and
    - iii) a representative of any voluntary organisation
  5. Applicant should advise Council's Environment and Consumer Services Department on 01620 827365 of any intention to prepare and serve food at the function. Applicant should also advise what toilet facilities are to be provided.
  6. Applicant should advise Council's Environmental Protection Department on 01620 827365 if they are intending to have live or amplified music.
  7. It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

# Occasional Licence and Supplementary Information Form

## EAST LoTHIAN LICENSING BOARD

### APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

<b>1. LICENCE DETAILS (see note 1)</b>			
Premises licence number (if applicable)			
Personal licence number (if applicable)			
Name of voluntary organisation (if applicable) Tranent True Blues LOL228			
<b>2. PERSONAL DETAILS</b>			
TITLE (delete as appropriate): Secretary			
Surname	Forsyth		
Forenames	Douglas		
<b>DATE OF BIRTH</b>	Day	Month	Year
	[REDACTED]		
<b>ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES</b>			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
<b>TELEPHONE NUMBERS</b>			
Daytime			
Evening	[REDACTED]		
Mobile			
<b>FAX NUMBER</b>			
<b>E-MAIL ADDRESS</b>	[REDACTED]		

**3. THE PREMISES**

**Description of premises** Function hall seats 80 with a further lounge which seats a further 30

**Description of activities to be carried on in the premises -- (including number of persons expected to attend)**

**Fundraiser with live music**

**80 people age ranging from 20 upwards**

**Full postal address of premises which this application refers to**

**Blair Halls**

**St Martins Lane**

**Haddington Road**

**Tranent**

**EH33 1HN**

**4. DURATION OF LICENCE**

**From: 19.00 Sat 22<sup>nd</sup> July**

**To: 01.00 Sun 23<sup>rd</sup> July**

**5. Is alcohol to be sold on & off the premises YES/NO\* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-\* delete as appropriate**

**Times for sale of alcohol for consumption on premises**

**From: 19.00**

**To: 01.00**

**Times for sale of alcohol for consumption off premises**

**N/A**

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

**6. CHILDREN (see note 2)**

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? NO (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry

Times at which children or young persons permitted entry

Parts of premises to which children or young persons permitted entry

**7. CHECKLIST**

I have - Please tick for yes

- Made or enclosed payment of the fee for the application

£10

**8. Signature and declaration by applicant (see note 3)**

**DECLARATION**

The contents of this Application are true to the best of my knowledge and belief.

SIGNATURE



DATE

15/03/2023

**NOTES**

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

**2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry**

**3. Data Protection Act 1998**

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

**4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)**

**PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM**

**SUPPLEMENTARY INFORMATION**

<p><b>1. Event</b></p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc.)</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)</p>	<p>(a) Fundraiser</p> <p>(b) Live music</p>
<p><b>2. Attendance</b></p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>80</p> <p>Previous Events</p> <p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input checked="" type="checkbox"/> 30 - 50</p> <p><input type="checkbox"/> over 50</p> <p>Private Invitation</p>

<p><b>3. <u>Stewarding</u></b></p> <p>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards.</p>	
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at</p> <p>(a) Please state the number, if any, of stewards to be employed at the event.</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.</p>	<p>(a) 6</p> <p>(b) All volunteers</p>
<p><b>4. <u>Layout Plans</u></b></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or</p> <p>(b) the premises relate to a members club which has been issued with a premises licence; or</p> <p>(c) if neither of the above, please attach a detailed layout plan of the venue with the application</p>	<p>(a)</p> <p>(b)</p> <p>(c) X</p>
<p><b><u>5. Applications Lodged by Voluntary Organisations or Members Clubs Only</u></b></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December</p>	<p>02/01/2023</p> <p>25/02/2023</p>

6. Will alternatives to glass receptacles be provided?	No
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**LICENSING OBJECTIVES \*\***

**All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.**

8. How will you prevent Crime and Disorder at the event?	6 committee members on duty Regular toilet checks Challenge 25
9. How will you secure Public Safety at the event?	As above
10. How will you prevent Public Nuisance at the event?	With signage and public announcements

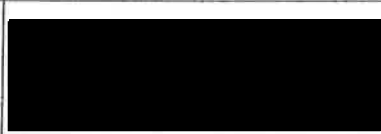
<p>11. How will you promote and protect Public Health at the Event?</p>	<p>Water available free of charge, soft drinks, tea and coffee</p>
<p>12. How will you protect Children from Harm at the Event?</p>	<p>No Children Over 18's only</p>

**SIGNATURE AND DECLARATION BY APPLICANT DECLARATION**

**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	15/03/2023
-----------	---	------	------------

# EAST LoTHIAN COUNCIL

## LICENSING STANDARDS

**From: Karen Harling**  
**Licensing Standards Officer**

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

**Date: 6<sup>th</sup> April 2023**

**Subject: LICENSING SCOTLAND ACT 2005**  
**REPORT - OCCASIONAL LICENCE APPLICATION OCC186/23 & OCC187/23**  
**Douglas Forsyth, representative of voluntary organisations Daughters of Israel**  
**LLOL 214 and Tranent True Blues LOL 228 for events at Blair Halls, Tranent**

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- East Lothian District LOL 44 – 2 licences issued
- Tranent True Blues LOL 228 – 10 licences issued
- Daughters of Israel LLOL 214 – 2 licence issued
- East Lothian Campsie Club – 4 licences issued

Total of all the above - 17 licence issued

I refer the Licensing Board to section 56 (6) of the Licensing Scotland Act 2005 as follows:

*Section 56 (6) A Licensing Board may issue under subsection (1) in respect of any one voluntary organisation in any period of 12 months —*

*(a) not more than 4 occasional licences each having effect for a period of 4 days or more, and*

*(b) not more than 12 occasional licences each having effect for a period of less than 4 days,*

*provided that, in any period of 12 months, the total number of days on which occasional licences issued in respect of the organisation have effect does not exceed 56.*

*(6A) If the granting of an occasional licence application would result in the occasional licence limit being exceeded, the Board must refuse the application.*

I recommend with the available evidence, the Board to consider if the above listed organisations are considered one voluntary organisation or is they are satisfied that they are 4 clear and distinct organisations.

I am aware that 2 previous occasional licences that were granted to Mr Forsyth as a representative of Daughters Of Israel LLOL 214 for 26<sup>th</sup> August 2023 and Tranent True Blues LOL 228 for 25<sup>th</sup> February 2023, which were advertised on social media in relation to NO1 Platoon East Lothian. This was also printed on the tickets sold. It is unclear what organisation NO1 Platoon East Lothian is and the events should not be advertised under a different organisation than the occasional licence is granted to.

In addition another occasional licence that was granted to Mr Forsyth as a representative of East Lothian District LOL 44 that was advertised on social media in relation to East Lothian Ladies Somme Association. This was also printed on the tickets sold. It is unclear what organisation East Lothian Ladies Somme Association is and the event again should not be advertised under a different organisation than the occasional licence it is granted to.

I would draw the Board's attention to mandatory condition 5(2) on occasional licences:

*Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities.*

The activities on the applications have been detailed as "fundraisers with live music". I recommend, given that the events are advertised under different organisations, the Board

considers if the mandatory condition has been breached. It may be of benefit to the board to seek clarification from the applicant to account for the funds raised and their use in the organisation to which the occasional licence refers.

Should the board determine that the above are all part of one larger organisation, the total applications issued to this organisation has exceeded the statutory limit set out above.

As such, occasional licence applications OCC186/23 and OCC187/23 should be refused as per section 56(6A).

I would also recommend that the board, directed by legal advice, consider the revocation any occasional licences that have been granted that exceed the limit of 12 for one voluntary organisation for events taking place after the board hearing.

K. Harling  
Licensing Standards Officer

## Licensing

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**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 20 March 2023 09:13  
**To:** Licensing  
**Subject:** OCC187.23 - O/L APP - BLAIR HALL - 1900 TO 0100 ON 23/07/2023  
**Attachments:** OCC187.23 OCCASIONAL LICENCE APPLICATION - BLAIR HALLS 22ND TO 23RD JULY.PDF

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 - 708327

Regards  
Iain

EL1959  
PC/1CH 5/1



East Lothian Council  
Licensing

- 5 JAN 2023

SCHEDULE 2

Received

4

### EAST LOTHIAN LICENSING BOARD

#### APPLICATION FOR A PERSONAL LICENCE

FIRST

~~FIRST/RENEWAL~~ APPLICATION (delete as appropriate)

Before completing this form please read the guidance notes.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

<b>1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1</b>	
TITLE (delete as appropriate): Mr <del>Mrs</del> <del>Miss</del> <del>Ms</del> Other (please state)	
Surname EKELOY	
Forenames TOM	
Date and Place of Birth Hurry Charles George	
NI Number	
<b>ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
[REDACTED]	
Post town	Post code
[REDACTED]	[REDACTED]
<b>TELEPHONE NUMBERS</b>	
Daytime	[REDACTED]
Evening	[REDACTED]
Mobile	[REDACTED]
<b>FAX NUMBER</b>	
<b>E-mail address</b>	[REDACTED]

<b>Address for correspondence associated with this application (if different to the address above)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Email address</b>	

<b>2. Your licensing qualification</b>		
<b>Read note 2</b>	<b>Please tick</b>	
I hold an accredited qualification	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		

<b>3. FIRST APPLICATIONS ONLY</b>		
<b>This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.</b>		
<b>Note: You may only hold one personal licence at a time</b>		<b>Please tick</b>
<b>Do you currently hold a personal licence?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Has any personal licence held by you been forfeited in the last 5 years?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>
<b>Licensing Board</b>		
<b>Licence number</b>		
<b>Date of issue</b>		
<b>Date of expiry</b>		
<b>Any further details</b>		

<b>4. RENEWAL ONLY</b>	
<b>This section should be completed only if you are applying for a renewal of your existing licence</b>	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
<b>Details of current personal licence</b>	
<b>Licensing Board</b> East Lothian	
<b>Licence number</b> FL 860	
<b>Date of issue</b> 21/06/12	

Date of expiry <b>11/06/22</b>					
Any further details					
If you cannot provide your personal licence, provide a statement explaining why					
Other personal licence					
Note: You may only hold one personal licence at a time					
	Please tick				
I confirm that I do not hold any other personal licences other than the one submitted for renewal	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	Yes	No	✓	
Yes	No				
✓					

<b>5. CHECKLIST</b>	
I have	Please tick if yes
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	✓
• Enclosed a copy of any licensing qualification I hold	✓
• Enclosed my current personal licence (renewal only)	✓
• Made or enclosed payment of the fee for the application	✓

<b>6. Previous Convictions</b>
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty
X	X	X	X

<b>7. Declaration</b>	
The contents of this application are true to the best of my knowledge and belief	
SIGNATURE – read note 5 Applicant/Agent* (*Delete as appropriate)	DATE <b>5/01/23</b>

10/01/2023

Your Ref: EL1959

Our Ref: 689759

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



**POLICE  
SCOTLAND**

Keeping people safe

Catriona Paton  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith, EH22 3AX

FOR THE ATTENTION OF EAST LOTHIAN BOARD

Dear Sir/Madam,

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

**TONY HARRY CHARLES EXELBY.** [REDACTED]

I refer to the above application and in terms of Section 73(3) (b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been charged of the following relevant offences that have not already been dealt with;

Date	Court	Crime/Offence	Disposal
[REDACTED]			

I am unable to confirm the existence of any foreign offence in respect of the applicant.

This representation is brought to your attention when considering this application and due to the sensitive nature of the pending charges should be treated as confidential for the information of the Board only.

Yours faithfully



Catriona Paton  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.