



**POLICE  
SCOTLAND**

Keeping people safe

Date: 24<sup>th</sup> June 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: LIDL U.K. GMBH  
PREMISES: LIDL, MERCAT HOUSE, 6 HIGH STREET, PRESTONPANS**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the display area for alcohol from 40.5 square metres to 46.62 square metres.

Any increase in licensed area is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

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

# **EAST LOTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION & DEMOCRATIC SERVICES**

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

**To: K. MacNeill**  
**Clerk to the Licensing Board**

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Date: 27 July 2015

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – May 2015**

**Lidl UK, Mercat House, 6 High Street, Prestonpans, East Lothian EH 32 9AN**

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

The increase in alcohol display area, relevant to this application, is 6.12m<sup>2</sup>.

The application is outwith policy, however, I have no objection to the granting of this application.

R. Fruzynski  
Licensing Standards Officer

**Licensing (Scotland) Act 2005 – Application for Variation**  
**Lidl UK GmbH, 6 High Street, Prestonpans**  
**Licence Number: EL0127**

**Statement in Support of Non-Minor Variation of Premises Licence**

In this application, Lidl UK GmbH (“Lidl”) are applying to vary the premises licence to increase their off sale capacity from 40.5m<sup>2</sup> to 46.62m<sup>2</sup>.

The application seeks to create an additional off sale display area in the display shelves opposite the existing alcohol display area and immediately adjacent to the customer till area. The location of the area allows full supervision of the display area by management and staff of the premises.

The purpose of the application is to allow Lidl to display additional wines during forthcoming international theme weeks. The international theme weeks will be “store wide” and not restricted to alcohol. Therefore an Italian theme week will be presented both in respect of wine (in this additional display area if granted) and Italian grocery being showcased to customers for the period of the theme. Lidl envisage running themes for the food and drink of the nations, including Germany and France.

Following the completion of the international theme weeks, the area shall ordinarily be used for display of premium wines.. It is anticipated that this display shall ordinarily be reserved for Lidl's Award Winning Wines. A list of just some of the Award Winning Wines can be seen at: <http://www.lidl.co.uk/en/6318.htm> - NB: this link shows Award Winning spirits as well – these would not be displayed in this area.

It is Lidl's submission that the grant of this additional display area will not result in overprovision of off sale display area in this locality and in particular, the grant of this variation is not inconsistent with the licensing objectives.

Lidl are a very responsible operator, who prides itself on its diligence and training of staff in all aspects of their work but with particular attention to the sale of age restricted products.

Furthermore, and with a view to meeting the licensing objectives in store, Lidl adopt the following policies:

**Protecting and Improving Public Health**

- All Lidl stores merchandise the alcohol section as the furthest area from the customer entrance. As well as assisting with security, it also ensures that it is not necessary for customers to walk past the section in order to reach different areas of the store or reach the till counters. This reduces the likelihood of customers ‘impulse purchasing’ alcohol.
- Lidl were the first major retailer in the UK to remove the sale of tobacco in all stores.
- Lidl were the first major retailer in the UK to remove confectionary from the checkout / till area to reduce impulse buying of unhealthy items. Instead, Lidl display healthier alternatives.

- Lidl operate a converted 'Health Bus' which visits schools across Scotland with the aim of promoting healthy eating and active lifestyles: <http://www.lidlhealthfactor.co.uk>.
- Lidl participates in the Department of Health's fruit and vegetable Responsibility Deal.
- Alcohol sold by Lidl focuses on quality not price. Lidl do not stock low price, high volume fortified wines or super-strength beers/lagers or any other products that might be more readily associated with problem drinkers.
- The Lidl till system cannot process alcoholic items either before 10am or after 10pm. This makes it impossible for licensing hours not to be adhered to.

### **Protecting Children / Young People From Harm**

- Lidl follow our 'Think 25' procedure which requires all customers who appear to be under the age of 25 to provide valid proof of age documents should they wish to purchase an age restricted product.
- Lidl's tills automatically prompt the cashier that an age restricted item has been scanned and will not allow the sale to continue unless the cashier confirms the Think 25 procedure has been followed.
- The Lidl ID procedure also supports this objective as the senior manager on duty (a personal licence holder) must authorise all ID verification as required through the Think 25 procedure before a sale can be authorised. The existence of two members of staff completing the age verification process mitigates against under age sales and separately acts as a deterrent to underage persons attempting purchases.
- Lidl does not merchandise any sweets etc near the alcohol section; this reduces the likelihood for children / young people being near alcoholic products.

### **Preventing Crime and Disorder**

- Lidl have installed EAS tagging systems in all stores with high theft risk items, including some alcohol lines. This acts as both deterrent and detection method for potential theft.
- Lidl employs stringent training practices which develop staff to be aware of potential issues and how to manage difficult circumstances should they arise.
- No member of Lidl staff is permitted to undertake checkout duties until all relevant training has been completed.
- Lidl are an approved provider of SCPLH training and therefore all training and refresher training is undertaken within the company. Lidl are graded by the BII as "Grade 1", which is the highest grading that can be achieved.
- Lidl contract SIA accredited Security companies to supply SIA accredited Guards in stores which are deemed to require support to manage any crime or disorder issues.
- Lidl install state of the art CCTV systems in all stores. Images are retained and may be available as required by the police or licensing standards officer.

### **Securing Public Safety**

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above.
- Lidl undertake daily, weekly and biannual health & safety, trading law and maintenance checks in all stores, to ensure compliance. Our compliance procedures and policies are regularly reviewed.

### **Preventing Public Nuisance**

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above
- Waste receptacles for customers are provided for disposal of litter.
- All by-products of our premises are responsibly disposed of, and where possible, recycled.

EAST LoTHIAN LICENSING BOARD

ENV  
B/S  
FIRE  
PLANNING  
5/6/15  
RUDI/POICE

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

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

SECTION 1: TYPE OF VARIATION

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

- Any of the Conditions to which the Premises Licence is subject
- 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).

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0127

2(b) Name and Address of Premises

Lidl U.K. GmbH  
Mercat House  
6 High Street  
Prestonpans

Post Code EH32 9AN

Phone No.

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

Lidl U.K. GmbH  
19 Worples Road  
Wimbledon  
London

Post Code SW19 4JS

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)

Question 7 Capacity of Premises

Increase in Capacity from Length 22.50m Height 1.8m (total 40.5m<sup>2</sup>) to Length 25.90m Height 1.8m (total 46.62m<sup>2</sup>)

#### 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.

Increase in alcohol area to coincide with our 'theme' weeks i.e. Italian, French, German etc. we are looking to merchandise our international wines at the endcap closest to the existing alcohol section. Outwith our 'theme' weeks, we would be merchandising our premium international wines.

**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)*

**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 £150 is enclosed.

Signature



Licensing Manager

(See note 5 below)

Date

13/5/15

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

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

Andrew Wilkins, Lidl U.K. GmbH, Licensing Department, Locking Castle Business Park, West Wick, Weston Super Mare, BS24 7TG, TEL: 01934 523121, Email: [Licensing@lidl.co.uk](mailto:Licensing@lidl.co.uk)

**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114

**Fax:** 01620 827253

**Email:** [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>

SCHEDULE 5

Regulation 6

OPERATING PLAN

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

**Question 1**

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

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

**Question 2**

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

**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>	<b>10:00</b>	<b>22:00</b>
<i>Tuesday</i>	<b>10:00</b>	<b>22:00</b>
<i>Wednesday</i>	<b>10:00</b>	<b>22:00</b>
<i>Thursday</i>	<b>10:00</b>	<b>22:00</b>
<i>Friday</i>	<b>10:00</b>	<b>22:00</b>
<i>Saturday</i>	<b>10:00</b>	<b>22:00</b>
<i>Sunday</i>	<b>10:00</b>	<b>22:00</b>

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<del>YES/NO*</del>
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*\*If YES - provide details*

**Question 5**

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

COL. 1	COL. 2	COL. 3	COL. 4
<i>5(a)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours - please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Conference Facilities</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Restaurant Facilities</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Bar meals</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours - please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals</i> <i>birthdays, retirements</i> <i>etc.</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Club or other group</i> <i>meetings etc.</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>5(c)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours - please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Entertainment</i> <i>including:</i>			
<i>Recorded music - see</i> <i>5(g)</i>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<i>Live performances - see</i> <i>5(g)</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Dance facilities</i>	<b>No</b>	<b>No</b>	<b>No</b>
<i>Theatre</i>	<b>No</b>	<b>No</b>	<b>No</b>

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

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

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 below.

**The premises operate as a supermarket. The premises may open outwith the core hours for this purpose. No alcohol is sold outwith core hours. The premises will not open earlier than 6am on any day for this purpose**

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?	<del>YES/NO*</del>
When fully occupied, are they likely to be more customers standing than seated?	<del>YES/NO*</del>
*Delete as appropriate	

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

*CHILDREN AND YOUNG PERSONS*

6(b)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	<del>YES/NO*</del>
	*Delete as appropriate	

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

N/A
-----

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

N/A

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

N/A

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

N/A

**Question 7**

*CAPACITY OF PREMISES*

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

Length 25.90m x Height 1.8m = Total Capacity 46.62m<sup>2</sup>

**Question 8**

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

*Personal details*

8(a)      *Name*

Harjodh Singh Pelia

8(b)      *Date of birth*

13.11.1981

8(c)      *Contact address*

10 Whitehill Grove  
Dalkeith

EH22 2LJ

8(d)      *Email address*



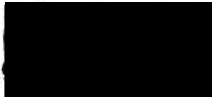
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01.09.09	Edinburgh	258723

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

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

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

Signature  ..... \* (see note below)  
Date 13/05/2015 .....  
Capacity National Licensing Manager ..... ~~APPLICANT/AGENT~~ (delete as appropriate)

Telephone number and email address of signatory 01934 523120 ..... licensing@lidl.co.uk  
Please address all correspondence to : Lidl Uk GmbH (Licensing Department)  
Locking Castle Business Park  
West Wick  
Weston-super-Mare  
BS24 7TG

\* **Data Protection Act 1998**

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