



**POLICE
SCOTLAND**

Keeping people safe

Date: 19th May 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
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Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION – SECTION 29
APPLICANT: MARTIN MCCOLL LIMITED
PREMISES: MCCOLLS, 61 HIGH STREET, HADDINGTON**

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 7.6 square metres to 8.5 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**

27 MAY 2015

Yours faithfully



Divisional Licensing Officer

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 15 June 2015

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

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the revised Layout Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

The increase in area applied for is only 0.9 M². This is to fill a small gap in the existing alcohol display.

Premises Inspected:

McColls, 61 High Street, Haddington, East Lothian EH41 3ED

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: [REDACTED]
Sent: 09 June 2015 21:54
To: Licensing
Subject: Martin Mccoll

Ruth Moncrieff
Haddington Community Council
Correspondence Secretary

Dear Madam,

I am writing on behalf of Haddington Community Council, following our meeting this evening. We would like to voice our concerns with the Application for premises Licence from McColls 61 High Street Haddington. The Community Council are of the view that there is a high number of licensed premises in operation already.

Yours Faithfully
Ruth Moncrieff

Winter, Maree

From: Winter, Maree
Sent: 24 June 2015 08:17
To: [REDACTED]
Subject: Martin McColl - Licensing Board Meeting
Importance: High

Dear Ms Moncrieff,

I write to advise you that the above application will not be heard at the Board Meeting on the 25th June, but has been continued to the August Board meeting, this meeting will take place at 10am on Thursday 27th August 2015, at the Council Chambers, Town House, Haddington, when your representation will be heard. An agenda for this meeting will be issued to you in August.

Regards
Maree
Licensing, Administration & Democratic Services.
East Lothian Council
01620 827867

Overprovision Statement and Meeting the Licensing Objectives:

Premises: McColls, 61 High Street, Haddington, East Lothian, EH41 3ED

The increase sought in the capacity of the premises for alcohol to be displayed and sold (off licence only) is absolutely fractional. The increase is sought as a result of a shoplifting which left this very small gap, which we are simply 'in-filling'. The small extra display area between the combined alcohol unit and Red Wine unit is absolutely fractional and so minor that there is no way that it would lead to any detriment to the Community. On the other hand it would mean that, if granted, the Community would have a properly finished off, well-appointed shop, providing a facility to their needs under the control of a recognised National operator who is hugely experienced in the operation of licensed premises.

Additionally, the fractional increase of capacity will not impact any of the licensing objectives which we already ensure are met by the following:

Preventing Crime & Disorder:

1. Challenge 25 is implemented at the store, anyone appearing under 25 are required to produce appropriate acceptable ID (Passport/Driving Licence).
2. CCTV is utilised within the premises.

Preventing Public Nuisance:

1. The operator discourages at all times persons from loitering outside the premises.
2. The operator can make CCTV images available to Police if required.

Securing Public Safety:

1. Fire extinguishers are maintained in the premises.
2. CCTV is used on the premises.
3. All members of staff are properly trained to assist in securing customer safety at all times.

Protecting and Improving Public Health:

1. The premises carries out a section of non-alcoholic products and beverages.

Protection of Children from Harm:

1. As previously mentioned, Challenge 25 is implemented rigorously.
2. An electronic refusal log is kept for all age restricted products.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL324

2(b) Name and Address of Premises

MCCOLLS
61 HIGH STREET
HADDINGTON
EAST LoTHIAN

Post Code

EH41 3ED

Phone No.

01620 823892

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

MARTIN MCCOLL LIMITED
MARTIN MCCOLL HOUSE
ASHWELLS ROAD
BRENTWOOD

ESSEX			
Post Code	CM15 9ST	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)

THE PROPOSED CAPACITY OF THE PREMISES TO WHICH THE APPLICATION RELATES FOR OFFSALES IS INCREASING FROM 7.6 M2 TO 8.5 M2 AS OUTLINED ON THE ATTACHED PLAN.

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

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

THE INTERNAL LAYOUT OF THE PREMISES HAS BEEN CHANGED. AN ADDITIONAL SHELVING UNIT HAS BEEN ADDED BETWEEN THE EXISTING

CHILLER WITH ALCOHOL AND THE TWO EXISTING SHELVING UNITS THAT CONTAINED THE AMBINET ALCOHOL. THE EXTRA SHELVING ADDED HAS INCREASING THE CAPACITY FROM 7.6 M2 TO 8.5 M2.

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)
-

SECTION 5: FEE PAYABLE

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 15/05/2015

Capacity: AGENT

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

**LOCKETT & CO, LOCKETT
HOUSE, 13 CHURCH STREET
KIDDERMINSTER, WORCS,
DY10 2AH**

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

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>