



**POLICE  
SCOTLAND**

Keeping people safe

Date: 28<sup>th</sup> August 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

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

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: ALDI STORES LIMITED  
PREMISES: ALDI, OLIVE BANK RETAIL PARK, NEWHAILES ROAD,  
MUSSELBURGH**

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 22.5 square metres to 31.5 square metres during the festive season between 24<sup>th</sup> November and 9<sup>th</sup> January each year.

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.

Yours faithfully

PC Heather Bowsher  
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**

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**Date: 01 September 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATION – AUGUST 2015**

I refer to the above subject and can confirm that the undernoted premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005, but are out with the Licensing Board's policy on overprovision. That apart, I have no objections to the granting of the licence.

Premises Inspected:

**Aldi Stores Limited, Olive Bank Retail Park, Newhailes Road, Musselburgh,  
East Lothian EH21 6RE**

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

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**Date:** 28<sup>th</sup> August 2015

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Aldi Stores Limited, Olive Bank Retail Park, Newhailes Road, Musselburgh

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

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

**EAST LoTHIAN COUNCIL**  
**ENVIRONMENT**  
**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

**Internal Memorandum**

**From:** Environmental Health Partnership Manager  
**per:** Marion Muir  
**ref:** MM/AC

**To:** Litigation & Licensing  
**per:** M Winter  
**ref:**

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Date: 13<sup>th</sup> August 2015

**Subject:** Licensing (Scotland) Act 2005  
Section 29 Application for Variation other than a Minor Variation  
Aldi Stores Ltd, Musselburgh

I refer to the application dated 21 July 2015 received on the 12 August 2015 attaching a copy of the Application for Variation other than a Minor Variation together with the copy of the Operating Plan and for the above named premises.

I have no objections to the application for "Variation other than a Minor Variation".

Marion Muir  
Food & Safety Officer

EAST LoTHIAN LICENSING BOARD

POL  
ENV  
PLAN  
B.C.  
NHS.  
KUD.  
CLC

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
- X Any of the information contained within the Operating Plan
- X 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

EL0172

2(b) Name and Address of Premises

Aldi Stores Limited  
Olive Bank Retail Park  
Newhailes Road  
Musselburgh

Post Code EH21 6RE

Phone No.

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

Aldi Stores Limited  
Holly Lane  
Atherstone  
Warwickshire

Post Code CV9 2SQ

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)

Increase capacity between 24<sup>th</sup> November and 9<sup>th</sup> January each year to include Seasonal Display.

Total : 31.5m<sup>2</sup>

Permanent Display : 22.5m<sup>2</sup>

Seasonal : 9m<sup>2</sup> (only used between 24<sup>th</sup> November and 9<sup>th</sup> January each year)

At Q5 – vary wording by adding “within and outwith core hours in accordance with demand” at the end of the first sentence after the word services and, deleting the remaining wording “The premises currently trade on weekdays from 9.00 a.m. to 8.00 p.m. but these hours will vary in accordance with customer demand, and in particular are likely to be extended during the Christmas and New Year period”.

#### 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.

Remerchandising to include layout changes including tandem tills. Also to include Seasonal Display, increase capacity – the new total capacity at seasonal times will be 31.5m<sup>2</sup> between 24<sup>th</sup> November to 9<sup>th</sup> January each year as shown on plan no 0114#36-AL(76)003.

#### 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?

X YES                       NO

If the answer is NO, please provide an explanation.

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

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

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£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 21 July 2015

.....

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

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

Niall Hassard  
Lindsays  
Caledonian Exchange  
19a Canning Street  
Edinburgh EH3 8HE



## 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>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

**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 am	10.00 pm
<i>Tuesday</i>	10.00 am	10.00 pm
<i>Wednesday</i>	10.00 am	10.00 pm
<i>Thursday</i>	10.00 am	10.00 pm
<i>Friday</i>	10.00 am	10.00 pm
<i>Saturday</i>	10.00 am	10.00 pm
<i>Sunday</i>	10.00 am	10.00 pm

**Question 4**

SEASONAL VARIATIONS

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

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

*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.*

Sale of other goods consistent with the business of a supermarket and provision of ancillary services within and outwith core hours in accordance with demand.

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

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

*CHILDREN AND YOUNG PERSONS*

<i>6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	N/A
<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*

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

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

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

**Question 7**

*CAPACITY OF PREMISES*

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

Total : 31.5m<sup>2</sup>  
Permanent Display : 22.5m<sup>2</sup>  
Seasonal : 9m<sup>2</sup> (only used between 24<sup>th</sup> November and 9<sup>th</sup> January each year)

**Question 8**

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

*Personal details*

8(a) *Name*

Vikki Turner

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) Email address

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8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
31 August 2009	West Lothian Licensing Board	WL467

**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  (low)

Date 21 July 2015

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

Telephone number and email address of signatory

Niall Hassard  
Lindsays  
Caledonian Exchange  
19A Canning Street  
Edinburgh EH3 8HE  
Tel No 0131 656 5675  
E-mail: 

**\* Data Protection Act 1998**

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