

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
3 GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT	DIAGEO SCOTLAND LIMITED	21 June 2016	Variation to licence to add on-sales including whisky dinners and special functions, conference, restaurant, private functions, club meetings, Recorded and live music, theatrical performances, showing of films and Outdoor sports. Addition to the layout plan for visitor experience by the lagoons, addition of bowling green and pavilion and existing visitor centre for on-sales.
4 HORSESHOE TAVERN 54 NEWBIGGING LEWISVALE MUSSELBURGH EAST LOTHIAN EH21 7AP	PUNCH PARTNERSHIP LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	2 June 2016	allow on sales from 11am on Sunday allow off sales from 11am on Sunday allow children and young persons access from 11am on Sunday





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)

Deletion of items in Description of Premises: Grandfather rights and Staff Sales

.....

SECTION 2: PREMISES LICENCE DETAILS

East Lothian Council  
Licensing

2(a) Licence Number of Premises

EL0120

21 JUN 2016

Received

2(b) Name and Address of Premises

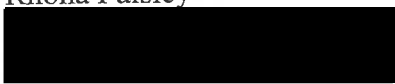
Glenkinchie Distillery  
Glenkinchie  
Pencaitland  
East Lothian

Post Code EH34 5ET

Phone No. 01875 342 004

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

Rhona Paisley



Post Code EH29 9EU

Phone No. [Redacted]





**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.

1. Addition to layout plan for visitor experience by the lagoons. Nothing purchased here however complementary drinks will be served as part of the experience.
2. Addition to layout plan for application on sales which will cover the Pavilion Building and adjacent bowling green
3. Existing visitor centre building which currently has only off sales licence – application for on sales licence

**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)

Changes to description of premises:

**Paragraph 5:** the section about Grandfather rights can be removed – this once related to our Sunday opening hours however we have since changed to 10am opening. The rest of the information in this paragraph is unchanged.

**Paragraph 6:** Following a successful application for on licence this section should be changed to reflect the on/off sales licence. There reference at the end of the paragraph to Staff Sales can be removed as there are no longer staff sales on the premises.

A final paragraph will need to be added to reflect the on sales licence covering the bar and the pavilion building following a successful application.

**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)





<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>
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**EAST LoTHIAN LICENSING BOARD**

**OPERATING PLAN**

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

*Name, address and postcode of premises to be licensed.*

<p><b>Glenkinchie Distillery</b>  <b>Glenkinchie</b>  <b>Pencaitland</b>  <b>East Lothian</b>  <b>EH34 5ET</b></p>
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**Question 1**

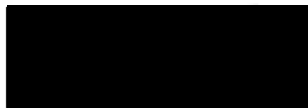
*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

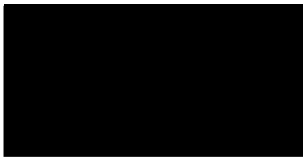
<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

**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>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	23.00
<i>Saturday</i>	10.00	23.00
<i>Sunday</i>	10.00	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

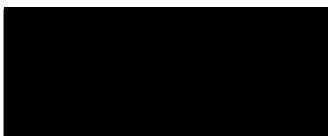
**Question 4**

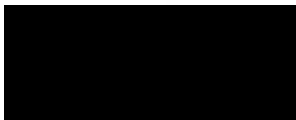
*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
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*\*If YES – provide details*

Notwithstanding the above whilst taking into cognisance of the policy in this regard and not seeking to apply for a 'wish list' of hours, we would like to reserve the right to close earlier than the times stated depending on circumstances such as availability of customers or extreme weather conditions for example.



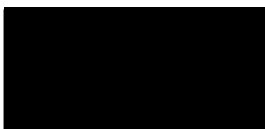


<i>Televised sport</i>	NO	NO	NO
<i>5(d) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Outdoor drinking facilities</i>	YES	YES	NO
<i>5(e)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





Children and Young Persons will be permitted entry in to the premises only when accompanied by a parent or guardian.

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.  
There are baby changing facilities available on the premises within the Visitor Centre Building.  
Only over 18 year olds will be permitted to taste/purchase alcohol

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

Children and Young persons will be clear of the premises no later than 7pm.  
The exception to this will be if they are accompanied by an adult attending a pre arranged private function within the proposed licence times.

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

All public areas and not within 1.5 meters of any bar area.





Question 7

*CAPACITY OF PREMISES*

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

**On consumption:** Bar in Visitor Centre – 80

Pavilion Building - 60

**Off Sales:** 102.3m2



**Question 7**

**CAPACITY OF PREMISES**

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

<b>On consumption:</b> <u>Bar in Visitor Centre</u> – 80 <u>Pavilion Building</u> - 60
<b>Off Sales:</b> 102.3m2

**Question 8**

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

*Personal details*

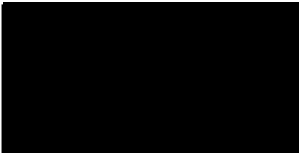
8(a) *Name*

Rhona Paisley
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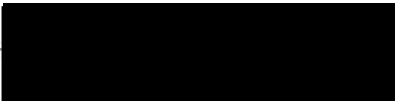
8(b) *Date of birth*

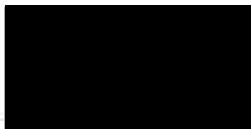
21.01.81
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8(c) *Contact address*

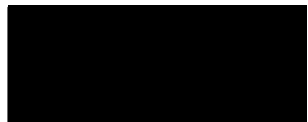

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8(d) *Email address and telephone number*


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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>
29 September 2014	Edinburgh Licencing Board	09/07345

**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 .....17:06:16.....

Capacity ...Premises Licence Holder/Brand Home Manager APPLICANT (delete as appropriate).

Telephone number and email address of signatory 07807 646 096

Rhona.paisley@diageo.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.



Date 26<sup>th</sup> July 2016



**POLICE  
SCOTLAND**

Keeping people safe

Your Ref: EL120

Our Ref: J/LIC/3705/HB

Philip Gormley QPM  
Chief Constable

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

Local Area Commander  
The Lothians and Scottish Borders Division  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland  
Diageo Scotland Limited**

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

The variation requested consists of a variation to the operating plan, the addition of 'on sales' hours and changes to the layout plan to include another building within the grounds.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

I note that the applicant is requesting to increase the licensed hours to include a 1000 hours opening time for 'on sales'. I also note that there is a request to increase the area (capacity) of the licensed premises to include the Bowling Green and Pavilion area.

The start time of 1000 hours is out with Board Policy. Any increase in licensed hours and capacity is also 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.

Outdoor drinking has also be requested and I would respectfully request that should the Board be minded to grant this that the terminal hour for outdoor drinking be 2200 hours, due to the close proximity of residential properties.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147.

# **EAST LoTHIAN COUNCIL**

## **LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES**

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

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

**Date: 19 Jul. 16**

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

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 Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005 and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

**Glenkinchie Distillery Visitors Centre and Pavilion, Glenkinchie, Pencaitland, East Lothian EH34 5ET**

R. Fruzynski  
Licensing Standards Officer

## Over Provision Statement – Glenkinchie Licence Application

I believe this to be an exceptional case as this is an increase in facilities at Glenkinchie Distillery Visitor Centre. I do not believe the application to be an over provision of licenced premises in the area. The licence is to cover an increased offering to visitors who come to the distillery for a whisky Experience and do not believe it will undermine the licensing objectives in any way. Responsible Drinking is key for our business and we do not promote drinking alcohol in excessive amounts.

The statistics below show there is a very low percentage of alcohol related issues in the closest town to the distillery (Pencaitland).

### 1.0 Police Scotland Statistics

Town	Area	Beat	Total Incidents	Total Alcohol Related Incidents	% of Incidents that are alcohol related
Haddington	Haddington	HD01	2421	142	5.87
	Haddington Landward	HD02	619	8	1.29
	Gifford	HD03	139	3	2.16
Dunbar	Dunbar	DB01	1482	82	5.53
	Dunbar Landward	DB02	423	7	1.65
	East Linton	DB03	213	3	1.41
North Berwick	North Berwick	NB01	1179	58	4.92
	North Berwick Landward	NB02	338	3	0.89
	Gullane	NB03	275	12	4.36
	Direlton	NB04	45	1	2.22
	Aberlady	NB05	98	2	2.04
Musselburgh	Musselburgh	MU01	2360	110	4.66
	Musselburgh Landward	MU02	1937	128	6.61
	Musselburgh Pinkie	MU03	742	34	4.58
	Whitecraig / Carberry	MU04	394	9	2.28
	Wallyford	MU05	551	31	5.63
Prestonpans	Prestonpans	PP01	2157	113	5.24
	Cockenzie / Port Seton	PP02	811	26	3.21
	Seton Sands	PP03	126	9	7.14
	Longniddry	PP04	189	4	2.12
Tranent	Tranent	TR01	2561	108	4.22
	Elphinstone	TR02	594	14	2.36
	Macmerry	TR03	206	9	4.37
	Ormiston	TR04	252	12	4.76
	Pencaitland	TR05	61	1	1.64
<b>TOTAL FOR EAST LOTHIAN</b>			<b>20173</b>	<b>929</b>	<b>4.61</b>

Lothian NHS Board

Public Health & Health Policy  
Waverley Gate  
2-4 Waterloo Place  
Edinburgh  
EH1 3EG  
Telephone 0131 536 9000  
Fax 0131 536 9088



[www.nhsllothian.scot.nhs.uk](http://www.nhsllothian.scot.nhs.uk)

Kirstie MacNeill  
Clerk of the Licensing Board  
East Lothian Council  
John Muir House  
HADDINGTON  
EH41 3HA

Date 11<sup>th</sup> August 2016  
Your Ref  
Our Ref EO/JS/fb

Enquiries to Jim Sherval  
Extension 35436  
Direct Line 0131 465 5436  
Email: [jim.sherval@nhsllothian.scot.nhs.uk](mailto:jim.sherval@nhsllothian.scot.nhs.uk)

Dear Ms MacNeill

### PROVISIONAL LICENCE, GLENKINCHIE DISTILLERY

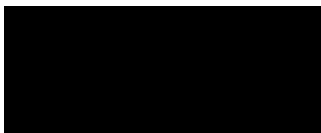
On behalf of Lothian Health Board, we would like to object to the part of this application for exemption from Board policy regarding the commencement of on sales from 11am to allow for a 10am start.

We are objecting on the grounds that this would directly contravene the hours licensed for the sale of alcohol on the premises as stated in the East Lothian Alcohol Licensing Policy, as well as the overprovision statement which covers the whole of East Lothian.

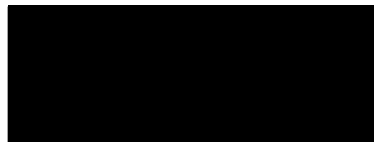
The given reason of tourism is no justification for an exemption and it is likely to be counter to the licensing objective of promoting and protecting public health. We are also concerned that granting this exemption would set a precedent for other tourist industry-related premises in East Lothian, and result in further alcohol related harm.

The Health Board therefore urges the Licensing Board to consider the impact of this part of the application on public health in East Lothian.

Yours sincerely



**Jim Sherval FFPH**  
Deputy Director of Public Health



**Elizabeth Oldcorn**  
Senior Specialist in Health Promotion



Headquarters  
Waverley Gate, 2-4 Waterloo Place, Edinburgh EH1 3EG

Chair Brian Houston  
Chief Executive Tim Davison  
*Lothian NHS Board is the common name of Lothian Health Board*