

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

Date Received

Comments

5 THE CO-OPERATIVE FOOD
NORTHFIELDS
MID ROAD
PRESTONPANS
EH32 9ER

THE CO-OPERATIVE GROUP FOOD
LTD
C/O HILL BROWN LICENSING
HILL BROWN LICENSING
RWF HOUSE,
5 RENFIELD STREET

Increase the occupant capacity
from 26.8m2 to 30.59375m2

10 June 2016

6 THE SHIP INN
184 NORTH HIGH STREET
FISHERROW
MUSSELBURGH
EAST LOTHIAN
EH21 6BH

CALEDONIAN HERITABLE LIMITED
C/O CALEDONIAN HERITABLE LTD.
4 HOPE STREET
EDINBURGH
EH2 4DB

Vary Bar Meals, music to yes
outside core hours.
Breakfast/Teas/Coffees will be
served from 10am. No alcohol
will be sold outside core
hours. Amend children/young
persons to be allowed entry at
all times during a function
and when having a meal - 10am
to 8pm

25 May 2016

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

EL330

2(b) Name and Address of Premises

The Co-operative Food
Northfields
Mid Road
Prestonpans

Post Code	EH32 9ER	Phone No.	0141 333 0636 (Agent)
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2(c) Full Name and Address of Current Licence Holder

Co-operative Group Food Ltd.
1 Angel Square
Manchester

Post Code	M60 0AG	Phone No.	0141 333 0636 (Agent)
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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

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)

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)

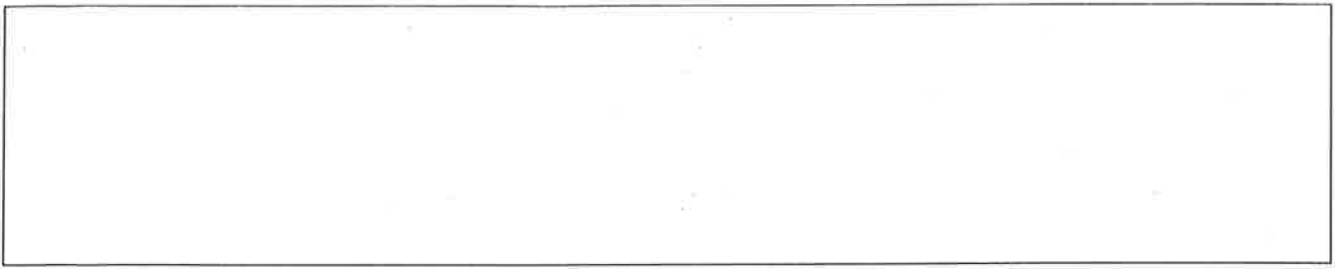
In addition please provide details below of the proposed change to the layout of the Premises.

The variation is to accommodate a change to the layout prior to launch of the store. The change results in an increase in the occupant capacity from 26.8 m² to 30.59375 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)



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 £150.00 is enclosed

Signature



..... (See note 5 below)

Date 9 June 2016

Capacity: AGENT

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

Audrey A Junner, Hill Brown
Licensing, RWF House, 5 Renfield Street, Glasgow G2 5EZ info@mshblicensing.com 0141 333
0636

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>

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.nhslothian.scot.nhs.uk

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

Date 30th June 2016
Your Ref
Our Ref EO/JS/fb

Enquiries to Jim Sherval
Extension 35436
Direct Line 0131 465 5436
Email: jim.sherval@nhslothian.scot.nhs.uk

Dear Ms MacNeill :

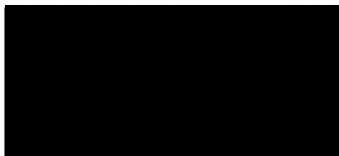
PROVISIONAL LICENCE, CO-OP, MID ROAD, PRESTONPANS

On behalf of Lothian Health Board, we would like to object to this application to increase the occupant capacity in this store, as it would involve an increase in off-sales in an area which is already deemed in the East Lothian Alcohol Licensing Policy as overprovided.

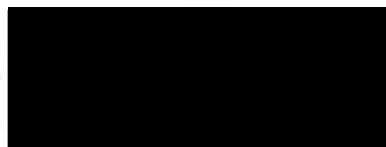
There is no justification to increase capacity in this area and it is likely to be counter to all the Licensing objectives, but particularly that of promoting and protecting public health. NHS Lothian is particularly concerned about the increases in alcohol being purchased from off-sales outlets due to the association with alcohol attributable illness and death (CRESH 2014). 74% of alcohol bought in Scotland is now purchased from off-sales outlets and this figure has risen in recent years (NHS Health Scotland 2015). In addition, the location of this application is in an area of deprivation. There is evidence that people in the most disadvantaged communities are disproportionately affected by the health and social issues linked to alcohol.

The Licensing Board has provided clear leadership on the licensing principles by declaring all of East Lothian as overprovided in recognition of the links between alcohol availability and harm. The Health Board urges the Licensing Board to consider the public health implications of this application.

Yours sincerely



Jim Sherval FFPH
Deputy Director of Public Health



Elizabeth Oldcorn
Senior Specialist in Health Promotion

cc: Philip Conaglen, David Small



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

Date 18th June 2016



**POLICE
SCOTLAND**

Keeping people safe

Your Ref: EL330

Our Ref: J/LIC/3705/HB

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

Philip Gormley QPM
Chief Constable

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
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CO-OPERATIVE GROUP FOOD LTD, NORTHFIELDS, PRESTONPANS
CO-OPERATIVE GROUP FOOD LTD**

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.

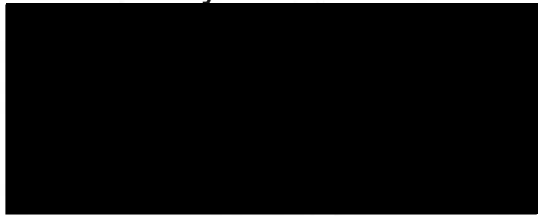
The variation requested consists of a request to increase the 'off sale' capacity from 26.8m square to 30.59375m square.

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.

Any increase in capacity 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 considering this application.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147 or
Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Winter, Maree

From: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Sent: 08 August 2016 14:31
To: Winter, Maree
Subject: RE: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan

Maree

No further comments from me

Kind regards
Heather

-----Original Message-----

From: Winter, Maree [<mailto:mwinter@eastlothian.gcsx.gov.uk>]
Sent: 05 August 2016 10:28
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona
Subject: FW: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan
Importance: High

[Routed via PSN Network]

Hi,

Please find attached, could I please have any comments you may care to make asap.

Regards
Maree

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mwinter@eastlothian.gov.uk

From: Audrey Junner [<mailto:AJ@mshblicensing.com>]
Sent: 05 August 2016 10:20
To: Winter, Maree
Cc: Isabel Gallagher
Subject: RE: co-op - NorthField, Prestonpans

Hi Maree,

I have attached the new plan which is numbered P1 F7 M0. If you need any paper copies I can send them today. I have also attached a pdf of the original major variation plan with the changes circled so that they are easy to identify. They are all mainly measurement changes but there is one fixture moving position (but not size) in the licensed area.

Many thanks for your help.

Kind regards

Winter, Maree

From: Fruzynski, Rudi
Sent: 11 August 2016 11:12
To: Winter, Maree
Subject: FW: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan

From: Fruzynski, Rudi
Sent: 10 August 2016 10:21
To: Winter, Maree
Subject: RE: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan

Good morning Maree

The indicated changes do not appear to impact on the licensed area, therefore, I have no objection to the content of the amended layout plan.

Rudi Fruzynski
Licensing Standards Officer
East Lothian Council



From: Winter, Maree
Sent: 05 August 2016 10:28
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Devine, Brian; Grant, Shona
Subject: FW: URGENT - co-op - NorthField, Prestonpans - amendment to layout plan
Importance: High

Hi,

Please find attached, could I please have any comments you may care to make asap.

Regards
Maree

Maree Winter
Licensing Officer
Democratic & Licensing Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mwinter@eastlothian.gov.uk

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 20 June 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

The Co-operative Food, Northfields, Mid Road, Prestonpans, East Lothian EH23 9ER

I refer to the above subject and can confirm that this application has been assessed in relation to a Premises Licence variation.

The variation applied for is out with the Licensing Board's policy on overprovision in relation to the increase of the current display capacity of 26.8m² to 30.6m², an increase of 3.8m².

Since the store in question is only at the construction stage and not traded under the original display size, I have no objection to the proposed increase in alcohol display area.

R. Fruzynski
Licensing Standards Officer