

**EAST LOTHIAN**

**Meeting 24 May 2018 at 10:00am in Council Chambers, Town House, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

<b>Provisional(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	WINTON BREWERY 48 LIMEKILNS PENCAITLAND EAST LOTHIAN EH34 5HF	WINTON BREWERY LTD.	26 March 2018	The premises is to used solely for storage of alcohol for internet sales.

ELO 355

**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR PREMISES LICENCE**

Licensing (Scotland) Act 2005, section 20

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

**Question 1**

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

48 Limekilns Pencaitland East Lothian EH34 5HF.
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**Question 2**

*Particulars of applicant*

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

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2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

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2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

*Winton Brewery Limited*

*4 Vinefields, Pencaitland, East Lothian, EH34 5HD.*

*Company No. SC526699*

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

[Empty box for response to 2(d)]

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\**

David Mackinnon (Director), [Redacted]

Steven Holligan (Director), [Redacted]

[Redacted area for response to 2(e)]

**\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

**Question 3**

*Previous applications*

3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? **YES/NO\***

*If YES – provide full details*

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**Question 4**

*Previous convictions*

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	<b>YES/NO*</b>
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*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<i>Name &amp; position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

Garage to be used for small scale storage and infrequent distribution of alcohol, predominantly that brewed by Winton Brewery Ltd (currently contract brewing out of Loanhead). No beer to be brewed on the premises. Sales for off premises consumption only through internet with proposed sales between 10:00 and 22:00. No members of the public, suppliers or wholesalers to visit the property.

Detached end house property is also for residential use and in rural area. No physical alterations of the property required for proposed use.

Question 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
*Delete as appropriate	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

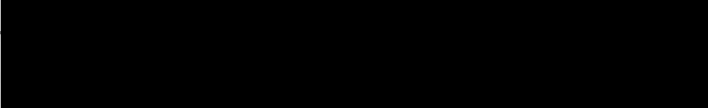
If signing on behalf of the applicant please state in what capacity.

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

Signature  ..... \* (see note below)

Date ..... 21/05/18 .....

Capacity WB DIRECTOR ..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory 

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input type="checkbox"/>
<i>Building standards certificate</i>	<input type="checkbox"/>
<i>Food hygiene certificate</i>	<input type="checkbox"/>

**\* 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by ( <i>INITIALS</i> )	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

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

48 Limekilns, Pencaitland, East Lothian, EH34 5HF.
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### Question 1

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

<i>I(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>I(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</i>
<i>I(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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		



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

5(d) Activity	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
Outdoor drinking facilities	NO	N/A	N/A
5(e) Activity	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
Adult entertainment	NO	N/A	N/A

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.

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

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

**CHILDREN AND YOUNG PERSONS**

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	NO
	<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*

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?*

*This premises is proposed to be used solely for the storage of alcohol for internet sales. Capacity, in terms of persons is therefore not applicable.*

**Question 8**

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

*Personal details*

8(a) Name

Mr Steven William Holligan

8(b) Date of birth



8(c) Contact address

[Redacted]

8(d) Email address and telephone number

wintonbrewery@outlook.com  
[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
10 <sup>th</sup> January 2017	East Lothian Licensing Board	EL1358

**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 [Redacted] ..... \* (see note below)

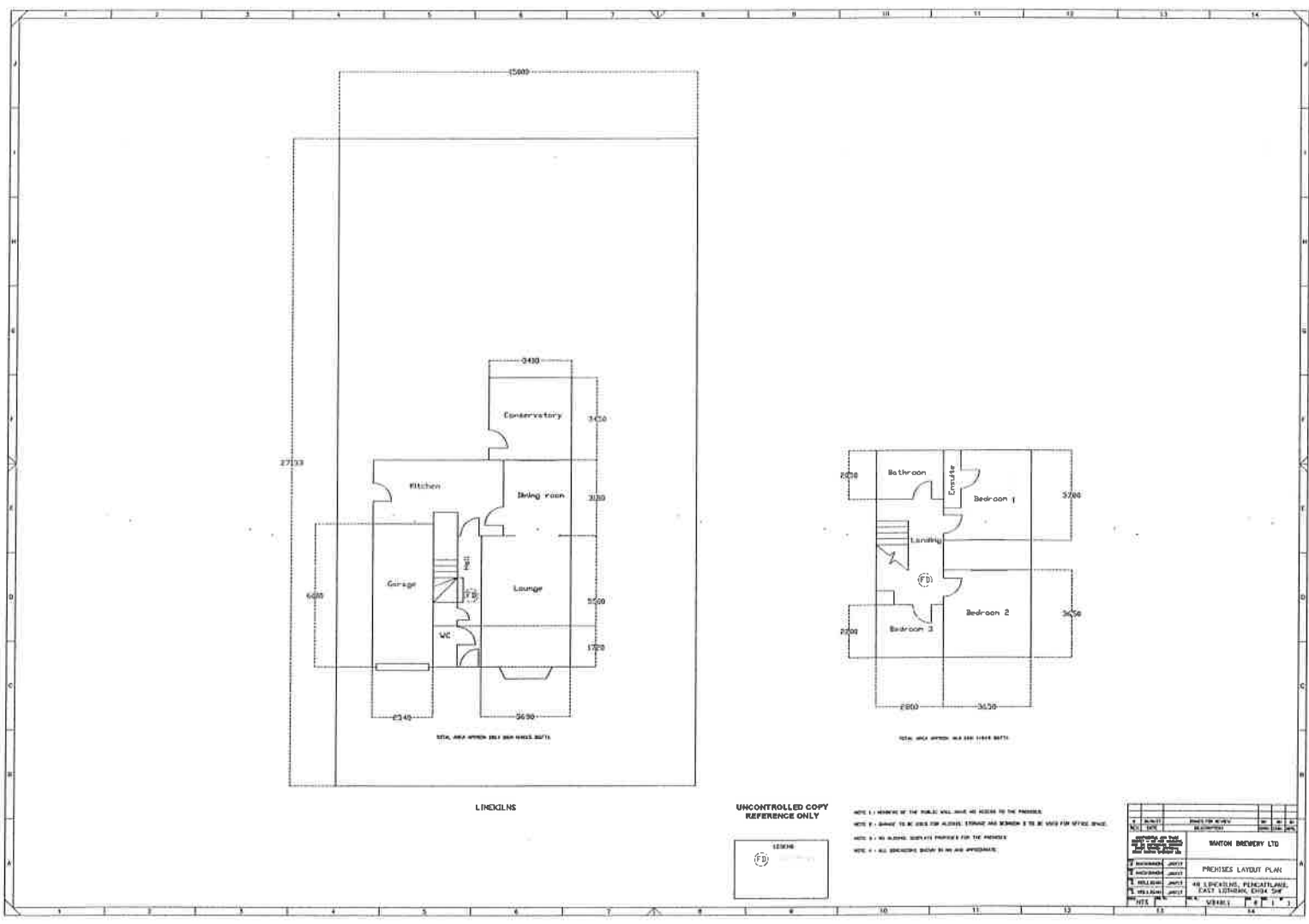
Date ..... 21/03/18 .....

Capacity ... DIRECTOR WB ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory .. [Redacted]

**\* 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.





**SUPPLEMENTARY STATEMENT  
APPLICATION FOR PROVISIONAL PREMISE LICENCE  
WINTON BREWERY, 48 LIMEKILNS, PENCAITLAND, EH34 5HF**

The following information outlines compliance with the licensing objectives set out in the Licensing (Scotland) Act 2005.

- 1. Preventing crime and disorder**
- 2. Securing Public Safety.**

As this is an on-line delivery only service, there is no access to the property by members of the public. This means that the level of alcohol is controlled and therefore has no knock on effects for any crime and disorder on the premises, thus securing public safety.

**3. Preventing Public Nuisance**

Given the fact that the premises are an on-line Brewery and has no public access, there will be no groups of people accumulating outside so there will be a minimal risk of noise nuisance.

**4. Protecting and Improving Public Health**

The nature of the Brewery is such that it is for on-line sales only and does not have a bar. This is to provide a service to provide customers who can't access products that we sell, in their local shops and gives them the chance to purchase our products. The Brewery will sell through distributors and direct retail customers as our main sale route.

Online Sales will be controlled by the following:

- a) Purchasers will have to confirm that they are of the legal age to purchase alcohol.
- b) Purchasers will be advised that there are strict controls by the delivery carrier and production of I.D will be requested on delivery.

Given the nature and quality of the products, the company actively promotes responsible drinking. Consumers will be advised on our website to drink responsibly and to drink less but quality products.

**5. Protecting Children from Harm**

No Children are allowed in the distillery and strict controls are in place in relation to on-line sales.

Winton Brewery only engages a specialist drinks carrier

- a) To ensure the drinks are handled with care
- b) To ensure that employees are specially trained in ensuring no alcohol is delivered to persons under 18 years of age.
- c) Delivery personal will ask for ID for any persons thought to be under the age of 25. This will be in the form of a passport or driving licence (photographic evidence).
- d) Staff will be trained prior to being allowed to deliver alcohol. Challenge 25 is part of the training provided to staff. In the first instance delivery will be by the licence holders and designated premise manager of the firm.

Date 17<sup>th</sup> April 2018

Your Ref:

Our Ref: IK/APP/314464



**POLICE  
SCOTLAND**

Keeping people safe

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

Iain Livingstone QPM  
Deputy Chief Constable Designate

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PREMISES LICENCE  
WINTON BREWERY  
48 LIMEKILNS, PENCAITLAND, EAST LOTHIAN, EH34 5HF.  
WINTON BREWERY LIMITED**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Whilst the police have no objection to this application the applicant should be fully aware of his responsibilities in relation to Section 119 of the Licensing (Scotland) Act 2005, relative to 'deliveries' of alcohol.

Yours faithfully



Iain Livingstone QPM  
Deputy Chief Constable Designate

# 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:** 04 May 2018

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

**48 Limekilns, Pencaitland, East Lothian EH34 5HF**

I can confirm that the premises have been visited in relation to this application.

The applicant has been operating the sale and supply of alcohol from these premises since 1<sup>st</sup> April 2018 by way of Occasional Licences. To date, there have been no complaints received or any identified issues or problems surrounding the operation of the licences.

I would recommend that if the Board is minded to support this application that consideration be given to requiring the following conditions:

- The Internet sales system must verify by declaration that the purchaser is 18 years of age or over before accepting any order.
- The Licence Holder to ensure that delivery staff are trained to the standard prescribed in The Licensing (Training of Staff) Regulations 2007 and the requirements of The Licensing (Scotland) Act 2005 Section 119 in respect of delivery of alcohol from vehicles.
- No alcohol to be left at any address where there is no person to receive it.

At present, there are two similar Premises Licences in place in respect of wine distributors that operate from residential properties in East Linton and North Berwick. They have not been the subject of complaint or operating problems.

This report is submitted for the information and consideration of Board members.

R. Fruzynski  
Licensing Standards Officer