

EAST LOTHIAN

Meeting 28 November 2019 at 10:00am in Council Chambers, Town House, Haddington

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
3	ALDI GATESIDE WEST WEST ROAD HADDINGTON EAST LOTHIAN EH41 3DF	ALDI STORES LIMITED	9 October 2019	Purpose built supermarket with car parking.

EAST LoTHIAN LICENSING BOARD

EL367
sent in Reg 14/17

**APPLICATION FOR ~~PREMISES LICENCE~~/PROVISIONAL PREMISES
LICENCE***

*Delete as appropriate

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.

**Aldi
Gateside West
West Road
Haddington
EH41 3DF**

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, telephone number & email address.*

[Empty box for individual applicant details]

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

[Empty box for partnership applicant details]

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

Aldi Stores Limited
Holly Lane
Atherstone
Warwickshire
CV9 2SQ
Company Registration Number - 2321869

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

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.**

Please see attached.

*** 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?* **NO**

If YES – provide full details

Question 4

Previous convictions

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<i>YES</i>
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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 & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>
<i>Aldi Stores Limited</i>	<i>24.02.16</i>	<i>Teesdale Crown Court</i>	<i>Section 2 of the Health & Safety at Work etc. Act</i>	<i>Fine £100,000</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)*

Purpose built supermarket with car parking.

Question 6

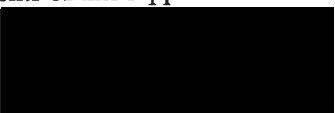
6 *To be completed by members' clubs only*

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

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)

Date08.10.19.....

Capacity ~~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>	<i>x</i>
<i>Layout plan</i>	<i>x</i>
<i>Planning certificate</i>	<i>x</i>
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** 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	

ALDI DIRECTOR'S HOME ADDRESSES – NOT FOR CIRCULATION

Name	Date of Birth	Place of Birth	Address	Any Convictions
Julie Ashfield	[REDACTED]	[REDACTED]	[REDACTED]	None
James Hutcheson	[REDACTED]	[REDACTED]	[REDACTED]	None
Giles Hurley	[REDACTED]	[REDACTED]	[REDACTED]	None
Daniel Ronald	[REDACTED]	[REDACTED]	[REDACTED]	None
Oliver James King	[REDACTED]	[REDACTED]	[REDACTED]	None



**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:	Aldi Store Ltd
NAME AND ADDRESS OF PREMISES:	Gateside West, West Road, Haddington

SECTION 50 PLANNING CERTIFICATE

I confirm that planning permission (ref: 11/00729/PPM) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.


I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License/Confirmation of Provisional License to cover the above proposals.

Signed:		Date:	12 th September 2019
Neil Millar Planning Officer			

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	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 <i>5(a)</i> <i>Activity</i>	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	COL. 4 <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO		
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	NO	NO	NO
<i>Club or other group</i> <i>meetings etc.</i>	NO	NO	NO
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	NO	NO	NO
<i>Live performances –</i> <i>see 5(g)</i>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	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
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
<i>Outdoor drinking facilities</i>	NO	NO	NO
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
<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 WITHIN AND OUTWITH CORE HOURS.

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*

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

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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?

Question 8

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

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address


8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

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 08.10.19

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

Telephone number and email address of signatory

*** 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.

SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

- Access to the premises is via an automatic door entrance approached normally from a level or ramped surface.
- The entrance door features an assistance bell positioned at a low level for a disabled person to summon help if necessary.
- The store has an extra wide checkout (900mm) which is fitted with a hearing induction loop.
- The width of the aisles are appropriate to allow free movement and safely accommodate electric scooters and wheelchairs.
- All customer areas are on the ground floor

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

- The premise has a disabled toilet on the ground floor, which can be made available to any disabled customer should the need arise.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

- Assistance dogs are welcome and a sign to this effect is displayed at the store entrance
- Some products may be displayed in cabinets or on shelving which may not be easily accessible to wheelchair users. Staff are available to assist customers as required.
- The premises will have at least 1 fire exit route which is suitable for persons with mobility issues. An Evac Chair will be provided where no level escape route can be provided.
- Price Tickets and Point of Sale material has appropriate colour contrast and font size of at least 14 point where practical.

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 disabled access and facilities statement are true to the best of my knowledge and belief.

Signature ..  * (see note below)

Date08.10.19

Capacity APPLICANT/AGENT

Telephone number and email address of signatory.....

*** 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 15/10/2019

Your Ref: EL367

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

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

John McKenzie
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith
EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
ALDI GATESIDE WEST HADDINGTON
GATESIDE COMMERCE PARK, HADDINGTON, EAST LOTHIAN, EH41 3ST.
ALDI STORES LIMITED, HOLLY LANE, ATHERSTONE, WARWICKSHIRE.**

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, other than what has been declared on the application form.

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

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147

Herkes, Gillian

From: Douglas, Andrew
Sent: 15 October 2019 09:46
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Provisional Licence for Aldi Gateside, Haddington
Attachments: Aldi Provisional Haddington.pdf; Aldi Provisional Haddington Plan.pdf

I have no objections to the granting of this provisional licence. The premises will require a section 50 from Environmental Health once the building has been built.

Can this be scanned to Uniform please – I cant find an entry on Uniform so I am not sure if a planning application has been submitted yet.

Kind Regards

Andrew Douglas
Environmental Health Team Manager - Business Regulation
Tel: 01620 827455

From: Environmental Health/Trading Standards
Sent: 14 October 2019 14:40
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Provisional Licence for Aldi Gateside, Haddington

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 14 October 2019 14:37
To: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>;
Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception
<environment@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Boyle, Fiona
<Fiona.Boyle@nhslothian.scot.nhs.uk>; licensing@nhslothian.scot.nhs.uk; Grant, Shona
<sgrant@eastlothian.gov.uk>
Cc: [REDACTED]
Subject: Provisional Licence for Aldi Gateside, Haddington

Hi

Please find attached Provisional Licence application for Aldi, Gateside West, Haddington for report.

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington

EAST LoTHIAN COUNCIL

PEOPLE and GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 22 Oct. 19.

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

Aldi, Gateside West, West Road, Haddington, East Lothian EH41 3DF

I refer to the above subject and can confirm that the provisional premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Act.

In accordance with the Board's statement of licensing policy 2018 to 2023, in relation overprovision and the availability of alcohol, I can confirm that there are no other licensed premises within 800 metres of the proposed Iceland store. There is however another Provisional Licence application in progress in relation to another proposed new store nearby, which relates to a request to display 17.60m² of alcohol.

I have paid particular attention to the layout of this store. The proposed alcohol display is at the very rear of the store and not in sight of checkout operators. The LSO and Police Licensing Officer have found that out of sight displays have a negative impact on deterring and preventing theft of alcohol, which is recognised as being a major problem for supermarkets. Therefore, as a standard now being set for all new off-sales premises, all theft of alcohol should be reported to the police and a CCTV camera, maintained to a standard acceptable to Police Scotland, should cover the alcohol display. It is also recommended that a member of staff should operate in the area at busy periods.

This report is submitted for the information of Board members.

R. Fruzynski
Licensing Standards Officer

Lothian NHS Board

Public Health and Health Policy

Telephone 0131 465 5460

www.nhsllothian.scot.nhs.uk



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

Date 31st October 2019

Your Ref

Our Ref JS/fb

Enquiries to Jim Sherval

Extension 35436

Direct Line 0131 465 5436

Email jim.sherval@nhsllothian.scot.nhs.uk

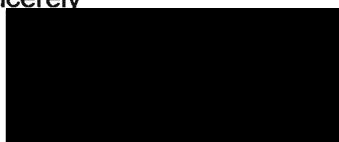
Dear Ms Winter

PROVISIONAL LICENCE: ALDI , HADDINGTON

We have no objection to this application on the grounds of the Licensing (Scotland) Act as this is a new premises that has yet to trade and is in an area where there has been substantial house building. However, we would like to make a representation to the Board at this point about the size of the display area being asked for. In the spirit of the Act's desire to protect public health we are interested in preventing problems related to alcohol in this new community from the outset.

A recent application from Iceland was for 17.6 square metres of display (shelving of approx. 8 metres long and 2.2 metres tall). We note that this application is for 34.02 square metres (shelving of approx. 16.96 metres long and 2 metres tall). This is twice the amount requested by the adjacent premises. We are concerned that there might be a desire between the outlets to compete on price and amount of alcohol offered and we would like to draw the Board's attention to this, and we respectfully urge the Board to seek the reasons why this applicant is seeking such a large amount of alcohol display. We also ask the Board that they monitor the development of this area in terms of alcohol sales and harm over the next few years.

Yours sincerely



JIM SHERVAL FFPH
Consultant in Public Health



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

Chair Brian G. Houston
Chief Executive Tim Davison

Lothian NHS Board is the common name of Lothian Health Board