

EAST LoTHIAN

Meeting 27 February 2020 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
2	ALDI STORES LIMITED OLIVE BANK RETAIL PARK NEWHAILES ROAD MUSSELBURGH	ALDI STORES LIMITED C/O TLT SOLICITORS - GLASGOW 140 WEST GEORGE STREET GLASGOW G2 2HG	24 December 2019	Amend operating plan and layout plan for Alcohol Capacity display area to 31.51426m2.
3	GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT	DIAGEO SCOTLAND LIMITED C/O MESSRS. MORTON FRASER SOLICITORS QUARTERMILE TWO 2 LISTER SQUARE EDINBURGH	19 December 2019	Vary licence for on-sales - 9am to 12 Midnight Daily, to clarify outside area, no alcohol will be consumed outwith core hours. Expansion to cover workshops, sampling of non alcoholic drinks and foods and use of external area for displays and demonstrations. Change in on sale capacity to 846 and off sale to 33,91m2. Change to reflect removal of bowling green. Change to layout to create new visitor areas and new visitor centre building. Removal of pavilion building and creation of new licensed garden area.

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

EL0172

2(b) Name and Address of Premises

Aldi Olive Bank Retail Park Newhailes Road Musselburgh		
Post Code	EH21 8RE	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)

Q7 – amend permanent alcohol display capacity to 31.51426m2

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.

Change in layout including relocation of alcohol display resulting in the increase of the permanent alcohol display to 31.51426m2.

Layout plans Ref: 0323-36-AL(76)500 Rev C. 7 no copies attached.

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?

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 is enclosed.

Signature



..... (See note 5 below)

Date 20.12.19

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

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

Michael McDougall
Associate
TIT LLP
140 West George Street, Glasgow G2 2HG
+44(0)333 006 0945
- michael.mcdougall@titsolicitors.com
.....

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>

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>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<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>	10AM	10PM
<i>Tuesday</i>	10AM	10PM
<i>Wednesday</i>	10AM	10PM
<i>Thursday</i>	10AM	10PM
<i>Friday</i>	10AM	10PM
<i>Saturday</i>	10AM	10PM
<i>Sunday</i>	10AM	10PM

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	NO
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**If YES – provide details*

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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) Activity</i>	COL. 2 <i>Please confirm YES/NO</i>	COL. 3 <i>To be provided during core licensed hours – please confirm YES/NO</i>	COL. 4 <i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<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 Social functions including:</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>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	NO	NO	NO
<i>Club or other group meetings etc.</i>	NO	NO	NO
<i>5(c) Activity Entertainment including:</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>Recorded music – see 5(g)</i>	NO	NO	NO
<i>Live performances – 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
<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

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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?

31.51426M2

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*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01.09.09	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  * (see note below)

Date20.12.19.....

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.

Michael McDougall
Associate
TLT LLP
140 West George Street, Glasgow G2 2HG
+44(0)333 006 0945
michael.mcdougall@tltsolicitors.com

30/12/2019

Your Ref: EL0172

Our Ref: JDIV/LIC//4926/CB



**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 VARIATION OF A PREMISES LICENCE
ALDI MUSSELBURGH
OLIVEBANK RETAIL PARK, MUSSELBURGH, EAST LOTHIAN, EH21 6RE.
ALDI STORES LTD.**

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

The variation requested consists of:

- Change in layout including relocation of alcohol display resulting in the increase of permanent Alcohol Display to 31.51426m²

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

EAST LoTHIAN COUNCIL

PEOPLE and GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 08 Jan. 20.

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE VARIATION APPLICATION

Aldi, Olive Bank Retail Park, Newhailes Road, Musselburgh, East Lothian EH21 8RE

I refer to the above subject and can confirm that the premises licence variation application has been assessed and I am satisfied that the Operating and Layout Plans as applied for, in this fresh refurbishment exercise, are in accordance with the Act.

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, as it is at present. The LSO and Police Licensing Officer have found that out of sight displays have a significant 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, it is requested conditions be applied that that all theft of alcohol should be reported to the police. In addition, all spirits and high value alcohol products should be security labelled/tagged.

It is also known that when a number of checkouts are not in operation, the aisle closure systems are not always put in place diverting persons past operators. It is recommended that the closure of unused aisles be tightened up on.

In addition, to thwart determined thieves from being assisted in leaving by automatic entry only doors i.e. having adults/children open no exit automatic doors from beyond the doors, that crime prevention measures are put in place through liaison with Police Scotland.

It is also recommended that a member of staff should operate in the alcohol display area at busy periods, and that the 7 CCTV cameras currently covering the alcohol display, be maintained to a standard acceptable to Police Scotland.

This report is submitted for the information of Board members.

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: Douglas, Andrew
Sent: 24 December 2019 13:29
To: Licensing
Subject: FW: Major variation - Aldi, Olive Bank, Musselburgh
Attachments: major variation app - Aldi - Olive Bank, Musselburgh.pdf; Layout plan - Aldi, Olivebank, musselburgh.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

I have no objections to the granting of this licence, subject to the standard conditions.

Kind Regards

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

From: Environmental Health/Trading Standards
Sent: 24 December 2019 10:53
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Major variation - Aldi, Olive Bank, Musselburgh

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 24 December 2019 10:47
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Grant, Shona <sgrant@eastlothian.gov.uk>; fiona.boyle@nhslothian.scot.nhs.uk; Licensing <Licensing@nhslothian.scot.nhs.uk>; [REDACTED]
Subject: Major variation - Aldi, Olive Bank, Musselburgh

Dear all,

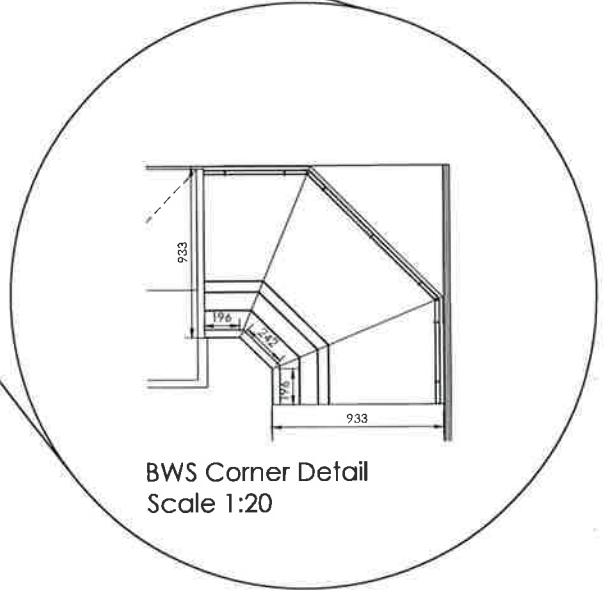
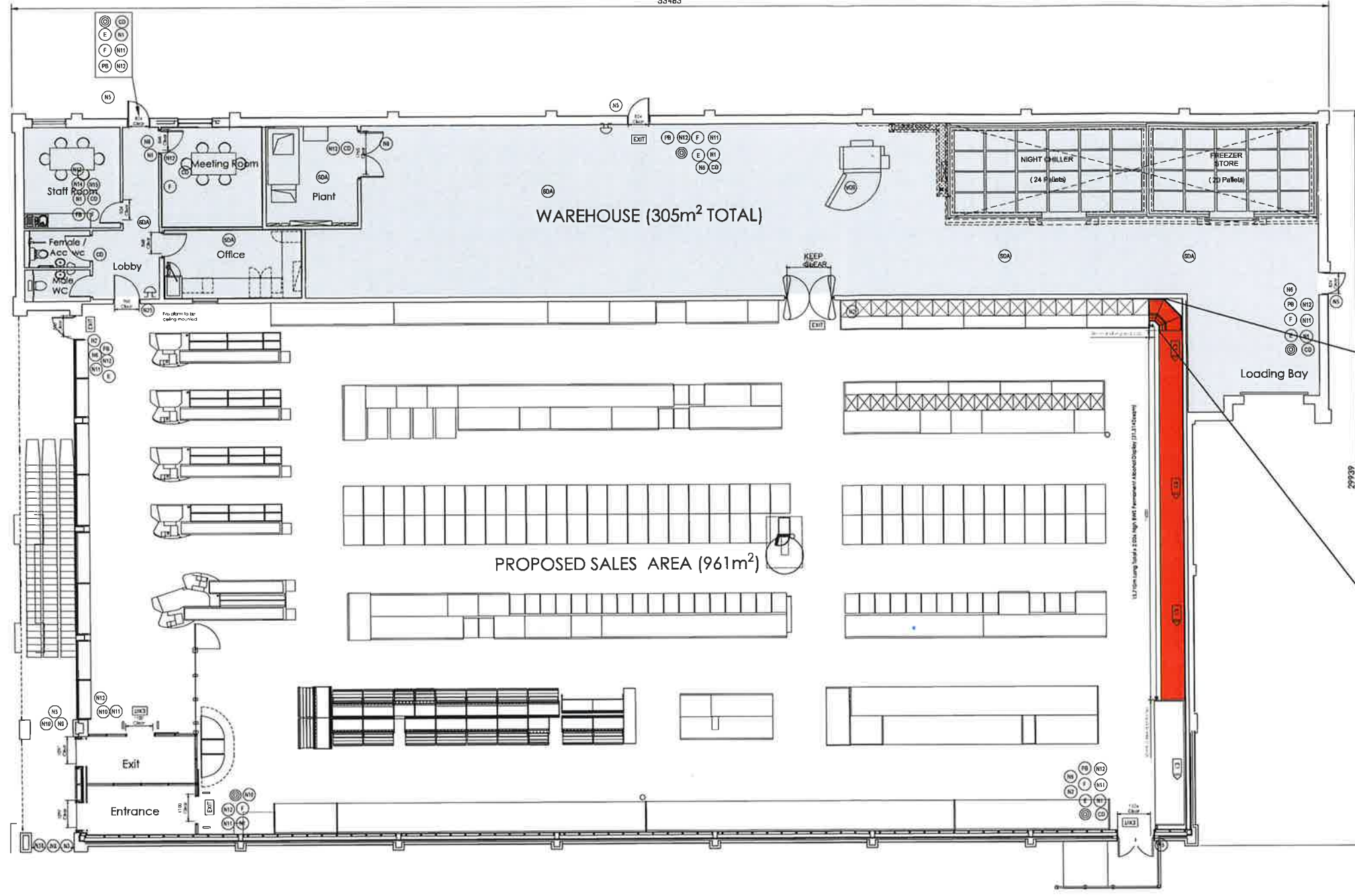
Please find attached major variation to amend the alcohol capacity to 31.51426m². Could I please have any objections/representations you may care to make by Wednesday 29th January 2020.

Kind regards
Maree.

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867
mwinter@eastlothian.gov.uk

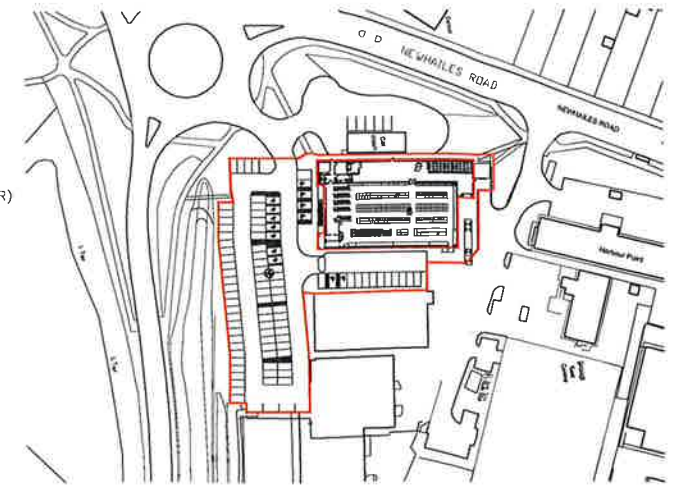
Rev	Date	Description	By	Chk'd By
A	01.07.19	Final base	JK	NM
B	05.08.19	Revised to suit T17 comments	JW	NM
C	18.11.19	Updated to reflect latest merchandise plan	NM	



LEGEND

- (NF) GENERAL FIRE NOTICE, Ref 1/1033/JK
- (NO) "EMERGENCY EXIT ONLY" SIGN 450 x 100mm SELF ADHESIVE VINYL
- (NK) "KEEP CLEAR" SIGN 200 x 200mm SELF ADHESIVE VINYL
- (NH) DIRECTION ARROW SIGN WHITE ARROW ON BLUE CIRCLE ON WHITE SQUARE 200 x 200mm
- (NE) "FIRE EXIT KEEP CLEAR" SIGN 200 x 200mm MOUNTED EXTERNALLY
- (NF) "FIRE DOOR KEEP CLOSED" SIGN 80 x 80mm SELF ADHESIVE
- (NF) "FIRE DOOR KEEP CLOSED" SIGN 80 x 80mm
- (NF) "FIRE DOOR KEEP LOCKED" SIGN 80 x 80mm
- (NO) "AUTOMATIC DOORS" SIGN BLACK LETTERS ON WHITE 200 x 200 SELF ADHESIVE
- (NF) FIRE ALARM CALL POINT SIGN 80 x 80mm SELF ADHESIVE
- (NF) FIRE ALARM CALL POINT SIGN 150 x 200mm
- (NF) "FIRE EXTINGUISHER" SIGN 150 x 200mm
- (NF) "FIRE EXTINGUISHER" SIGN 150 x 200mm SELF ADHESIVE
- (NF) "NO SMOKING" SIGN 200 x 200mm
- (NF) "FIRE BLANKET" SIGN 75 x 210mm
- (NF) "MIND YOUR HEAD" SIGN 400 x 100mm
- (NF) "MIND THE STEP" SIGN 400 x 100mm
- (NF) "WAY IN / NO EXIT" SELF ADHESIVE VINYL SIGN
- (NF) "WAY OUT / NO ENTRY" SELF ADHESIVE VINYL SIGN
- (NF) "FIRE ALARM CONTROL PANEL" SIGN 200 x 150mm
- (NF) DIRECTIONAL FIRE EXIT SIGN 600 x 200mm LEFT HAND
- (NF) DIRECTIONAL FIRE EXIT SIGN 600 x 200mm RIGHT HAND
- (NF) DIRECTIONAL FIRE EXIT SIGN 300 x 100mm LEFT HAND
- (NF) ILLUMINATED FIRE EXIT SIGN
- (NF) PUSH BAR MECHANISM AND "PUSH BAR TO OPEN" SIGN 600 x 100mm (ON DOOR)
- (NF) FIRE EXIT SIGN 705 x 150mm (ON DOOR)
- (NF) FIRE ALARM CALL POINT (BREAK GLASS UNIT)
- (NF) FOAM SPRAY AFF FIRE EXTINGUISHER
- (NF) CARBON DIOXIDE FIRE EXTINGUISHER
- (NF) FIRE BLANKET
- (NF) SMOKE DETECTOR
- (NF) VOID MOUNTED SMOKE DETECTOR WITH CEILING MOUNTED INDICATOR
- (NF) FIRE ALARM SMOKE DETECTOR & SOUNDER
- (NF) FIRE ALARM HEAT DETECTOR & SOUNDER
- (NF) FIRE ALARM CONTROL PANEL
- (NF) FIRE ALARM BELL

Key Plan - 1:1250



ALCOHOL MERCHANDISE LEGEND:

- Permanent Alcohol Display
- Non-Public Area

Note:
No specific area for use of children only. Children and young persons are permitted in all public areas of the premises.

Aldi Stores Ltd

Aldi - MUSSELBURGH

Newhales road
Musselburgh, EH21 6RE

Alcohol Licence Plan

0323-36-AL(76)500

IA NM 24.07.19 1:100 A1 Information

Media Exchange 2
Coqual Street
Newcastle Upon Tyne
NE1 2QB

www.projectarchitects.com

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