



**AGENDA FOR THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 27 FEBRUARY 2020 at 10.00 am
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Agenda of Business

Apologies

Declarations of Interest

Members and officers should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

- 1. Minutes for Approval**
East Lothian Licensing Board, 23 January 2020 **(pages 1-4)**
- 2. New Premises Licence**
Miros Village, 127 High Street, Musselburgh **(pages 5-70)**
- 3. Major Variation of Premises Licence**
 - a) Aldi Stores, Olive Bank Retail Park, Newhailes Road, Musselburgh **(pages 71-92)**
 - b) Glenkinchie Distillery Visitor Centre, Glenkinchie Distillery, Glenkinchie **(pages 93-139)**

**Kirstie MacNeill
Clerk of the Licensing Board
20 February 2020**

Public papers for this meeting are available to view on the East Lothian Council website:
http://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 23 JANUARY 2020
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Goodfellow
Councillor J Henderson
Councillor J McMillan

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager, People and Governance

Attending:

Ms G Herkes, Licensing Officer
Ms C Shiel, Licensing Officer
Mr R Fruzynski, Licensing Standards Officer
PC C Banks, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 28 November 2019 were approved as a true record of the meeting.

**2. PROVISIONAL PREMISES LICENCE
Beer Zoo, 35 high Street, Dunbar**

Mr D Holt and Ms F Holt, Directors, were present.

The Clerk advised that the application sought to licence a small ground floor shop for the off-sales of alcohol. She stated that the Licensing Standards Officer (LSO) and Police Scotland had requested that CCTV be installed, and that there were no public objections.

Mr Holt explained that the premises would be retailing craft beers, boutique spirits and other quality Scottish and international specialist alcoholic products.

The LSO reported that the premises had been operating with occasional licences without any problems and that he supported the application.

PC Banks, Police Scotland, echoed the comments made by the LSO and reminded the Board that Police Scotland had requested the installation of CCTV.

Board members asked questions about the company's internet and delivery/non delivery policies, the use of Challenge 25, and their commitment to climate change challenges, which the Directors answered to the Board's satisfaction.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence with the condition that CCTV to be installed and maintained in full working order.

**3. MAJOR VARIATION OF PREMISES LICENCE
Aldi Stores, Haddington Road, Tranent**

Ms C Loudon, TLT Solicitors, was present to represent the applicant. The store manager and the area manager were also present.

The Clerk advised that the application sought to vary the premises licence to change the layout plan to permanently increase the alcohol display capacity and to further increase the display capacity, annually, during December and at Easter. She stated that there were no objections from any parties.

Ms Loudon explained that alcohol would now be displayed at the rear of the store, in line with a standard layout change that is being rolled out across all Aldi stores. She commented that she had received very helpful advice from the LSO regarding the application.

The LSO and Police Scotland stated that they had no objections to the application.

Councillor Goodfellow expressed concern that displaying alcohol at the back of the store could encourage the theft of alcohol and stressed the need for the applicant to strictly adhere to their policy of reporting all alcohol thefts to the Police.

Decision

East Lothian Licensing Board unanimously agreed to grant the variation of the premises licence.

**4. PERSONAL LICENCE
Lee Cargill**

Mr Cargill was present.

The Clerk advised there were no objections to the application.

Mr Cargill explained that he had previously held a Personal Licence and had not received his renewal advice due to a change in his location.

PC Banks stated that Police Scotland had no objection to this application.

Decision

East Lothian Licensing Board unanimously agreed to grant the personal licence.

**5. REQUEST TO EXTEND PROVISIONAL PREMISES LICENCE
10-12 Court Street, Haddington**

Mr A McDonald, McDonald Licensing, was present to represent the applicant. Mr F Cucchi, Company Director, was also present.

The Clerk presented the report and informed members that there had been a request to extend the period of the provisional premises licence, and outlined the matters that the Board should take into consideration when making its decision. She added that there are no objections to the application.

Mr McDonald explained that the extension is being sought as a result of delays in building works, although these are now fairly well advanced. He indicated that the premises should open around Easter 2020 and requested an extension of one year, to provide contingency against any further delays.

The LSO and Police Scotland had no comments to make.

Decision

East Lothian Licensing Board unanimously agreed to grant the extension to the provisional premises licence.

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
	1 MIROS VILLAGE 127 HIGH STREET MUSSELBURGH EAST LOTHIAN EH21 7DD	CAFE MIRO LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	21 January 2020	Cafe/Restaurant - On & Off Sales, restaurant facilities, receptions, recorded music, live performances, takeaways and deliveries.

ELO 370

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR 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.

Miros Village
127 High Street
Musselburgh
East Lothian
EH21 7DD

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.*

East Lothian Council
Licensing

21 JAN 2020

Received

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

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

Cafe Miro Limited
25/25a Promenade
Portobello
Edinburgh
EH15 1HH

Company Number SC520440

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.**

Kazim Aslan

Born

*** 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

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	NO
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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

Name & position (if applicable)	Date of conviction (if or sentence	Court	Offence	Penalty

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)

Cafe/bistro premises located on the ground floor of a property on High Street, Musselburgh.

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	

(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.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of the [redacted] are true to the best of my knowledge and belief.

Signature [redacted] (see note below)

Date 20/1/20

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

.....

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	X
<i>Layout plan</i>	X
<i>Planning certificate</i>	X
<i>Building standards certificate</i>	X
<i>Food hygiene certificate</i>	X

*** 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.

Miros Village 127 High Street Musselburgh East Lothian EH21 7DD

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>	11am	11pm
<i>Tuesday</i>	11am	11pm
<i>Wednesday</i>	11am	11pm
<i>Thursday</i>	11am	11pm 12 MIDNIGHT
<i>Friday</i>	11am	1am
<i>Saturday</i>	11am	1am
<i>Sunday</i>	11am	Midnight

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>	11am	10pm
<i>Tuesday</i>	11am	10pm
<i>Wednesday</i>	11am	10pm
<i>Thursday</i>	11am	10pm
<i>Friday</i>	11am	10pm
<i>Saturday</i>	11am	10pm
<i>Sunday</i>	11am	10pm

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*

To apply or take grant of Extended Hours for any National/ Local/ Sporting/ Festive Events the Board may grant.

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
5(a) <i>Activity</i>	<i>Please confirm</i> 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>Accommodation</i>	NO	NO	NO
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> 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>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> 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>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<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>	YES	YES	YES

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.

The premises may open from 8am for breakfasts, snacks, hot and cold drinks but no alcohol will be sold or supplied until the commencement of core hours. Activities answered “yes” in column 4 may take place during this period or during periods of Seasonal Variations or Extended Hours.

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.

Takeaways (which may include alcohol)
 Deliveries (which may include alcohol)
 Outside catering (which may include alcohol)
 BYOB may be permitted under certain circumstances, and it is accepted that the responsibility will be with the Licence Holder, in terms of your Policy.

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?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
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*Delete as appropriate

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>	YES
	<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*

Children and Young Persons are welcome onto the premises. Children must vacate the premises by 10pm and Young Persons by 11pm, unless attending a private pre-booked function in which case they may remain until the end of the function.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

No restriction (0-17 years)

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

Children must vacate the premises by 10pm and Young Persons by 11pm, unless attending a private pre-booked function in which case they may remain until the end of the function.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

66

Question 8

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

Personal details

8(a) *Name*

Kazim Aslan

8(b) *Date of birth*

██████████

8(c) *Contact address*

██
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8(d) *Email address and telephone number*

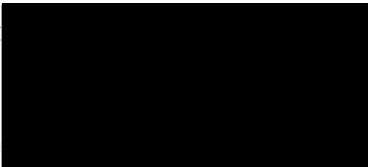
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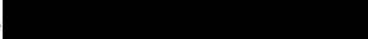
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 September 2016	City of Edinburgh	335119

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of  the best of my knowledge and belief.

Signature  (see note below)

Date *20/11/10*

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.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.

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation. Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

Business Profile

Please describe your business offering.

Our clients operate Café Miro, at 25 The Promenade, Portobello, which is obviously in the Edinburgh Licensing Board area. They have been operating their successfully for a couple of years and this is their second place. It will be operated on a very similar basis.

However Portobello is popular with walkers and joggers taking a break, particularly dog-walkers! This is a High Street location and therefore slightly different.

Food is pizzas, burgers, fish and pasta but also in the morning it is very much a café type of operation with a variety of coffees and teas and other such drinks. Various soft drinks, pastries etc.

This is the basis on which they will start off but there may be tweaks, as a result of this location.

(extend this box if you require additional space)

On/Off Consumption

(a) Please describe the type of business you intend to operate in respect of On consumption.

a)
On-consumption will be principally beers and wines for consumption with the food mentioned earlier., particularly with larger meals. Somebody might just want to come in and have a glass of wine and a snack and read the paper however.

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

b)
The premises will do takeaways and would like to be able to offer particular types of alcohol, some of which might be from Turkey which is where the owner is from.

They may do deliveries in the future.

Clarification is required in relation to the content of your proposed Operating Plan

(extend the boxes below if you require additional space)

To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

The only one of these Activities to be included in the Application are Restaurant Facilities, as explained.

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

We have asked for permission for Receptions, which would include these type of events, and certainly Birthdays and Retirements and Christmas meals for instance. These will normally be on a relatively informal basis with perhaps a number of tables being taken up by the party. There have already been some birthday parties with birthday cakes etc.

Weddings and other such functions might be catered for on an individual basis, and would probably be for the whole premises, but again until such time as our clients have been operating for a longer period of time and know what local demand is, that is uncertain.

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

There will certainly be background music and there may very occasionally be Live Music of a Turkish nature for instance. This could be finished by, say, 11pm at the latest.

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

N/A

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

N/A

Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

This would relate to the premises opening prior to licensed hours as a café, as explained. Restaurant Facilities would be appropriate plus Recorded Music. Unlikely that any other Activities would take place during this period. If a TV is introduced it might be on.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Deliveries (which may include alcohol)

Takeaways (which may include alcohol)

Outside catering (which may include alcohol)

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

Children and young persons will be very much welcomed onto these premises which will have an atmosphere conducive to them being there. The hours requested are in terms of your Policy.

Baby-changing facilities will be available for under-5s.

Licensing Objectives - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

As explained our clients have experience of operating a similar premise on Portobello Promenade and although this is a different type of location, the business itself will be the same and they will expect a similar clientele – perhaps not quite so many dog-walkers! They have had no issues in Portobello, other, unfortunately, than a break-in but customers have been very well-behaved, because that is the type of place and atmosphere it is.

Our clients will cooperate with the Police and will do everything that they need to do.

Securing Public Safety:

The premises have been recently refurbished, and have appropriate Building Warrant/Completion Certificate granted so certain aspects of Public Safety were taken into account here.

The safety of their customers is paramount to our clients, and they would anticipate people with mobility issues for instance and perhaps other issues as well attending. Their safety and well-being will be catered for.

Preventing Public Nuisance:

The music played will be background music. People come here to chat with their friends and the last thing they want is music blaring out.

If there is Live Music it will be very occasional and probably in the early part of the evening.

Protecting and Improving Public Health:

This is not the type of operation where people would come to consume alcohol to an excessive extent. They are here for a snack or a meal and accompanying wine or beer etc.

It would completely spoil the ambience and the environment of the premises, if they allowed people who had already had too much to drink in or allowed their customers to have too much to drink.

Our clients are aware of concerns regarding the over-consumption and irresponsible use of alcohol in Scotland. They feel sure that they will not contribute to this.

Protecting Children and Young Persons From Harm:

As we have said above Children and Young Persons will be welcomed, baby-changing facilities available, and in general there will be nothing that is contrary to the interests of having under-18s present.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

Our clients when considering their second place looked around and decided that there was a gap in the market in the centre of Musselburgh for an operation such as theirs. Although it is in a different Licensing Board area, the Portobello one is not too far away and management can move between both in a supervisory capacity.

Supporting Comments: i.e. reasons why the Board should support your application.

Our clients have a track record of operating café/restaurant premises in Portobello and would like to open in Musselburgh.

It is not a bar. It is very much a café/restaurant and operates accordingly.

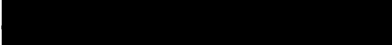
It is not anticipated that it will cause issues that contravene the Licensing Objectives. That has not been the case in Portobello.

They feel that it will be a credit to Musselburgh and East Lothian and that both locals and people visiting Musselburgh will appreciate it.

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The contents  the best of my knowledge and belief.

Signature		Date	20/1/20
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Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

DISABLED ACCESS AND FACILITIES STATEMENT

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

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>Picture attached of entrance.</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.

The entrance is suitable for access by people with disability issues for instance. It is a double door and there is no step. Of course staff are always available to assist but certainly the premises consider themselves to be disadvantaged friendly, whether it be mobility or other issues. Staff will be trained accordingly.

Question 3

Facilities available

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

An accessible toilet is included.

There will be table service available at all times and staff will be trained to watch out for people with any form of mobility or other issue. Consideration is being given to large print menus for instance and in any case explanations can be given when required.

Similarly, staff training will include reference to customers who may have mental or other similar issues.

Hearing is another problem and if customers make staff aware of the fact that they do have hearing problems then appropriate measures will be taken which could involve writing things down, or other forms of communication.

Question 4

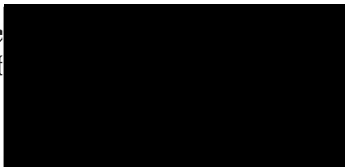
Other provisions

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.

Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types of illness.
It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The content and belief  facilities statement are true to the best of my knowledge

Signature * (see note below)

Date 20/1/20

Capacity APPLICANT/AGENT

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

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.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.”



**LICENSING (SCOTLAND) ACT 2005
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:

Café Miro Limited

**NAME AND
ADDRESS OF
PREMISES:**

127 High Street, Musselburgh

SECTION 50 PLANNING CERTIFICATE

- I confirm that planning permission (ref: 18/01122/P) 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:

19th December 2019

**Neil Millar
Planning Officer**



East Lothian Council

Our ref: MM/JD
Your ref:
Direct Line: 01620 827296
Fax Number: 01620 827918
E Mail: ehs@eastlothian.gov.uk

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827
Fax 01620 824295

19 December 2019

Alistair Macdonald
Macdonald Licensing
21a Rutland Square
Edinburgh
EH1 2BB

Dear Sir

**THE LICENSING (FOOD HYGIENE REQUIREMENTS) (SCOTLAND) ORDER 2011
CAFÉ MIRO LIMITED, MIROS VILLAGE, 127 HIGH STREET, MUSSELBURGH EH21 7DD**

I hereby certify, in terms of Section 50 of the Licensing (Scotland) Act 2005, that the premises operated at Miros - Village, 127 High Street, Musselburgh, EH15 1HH does comply with the requirements of the EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 (S.S.I. 2006/3)


Marion Muir
Food and Safety Officer
cc Licensing Board



**LICENSING (SCOTLAND) ACT 2005
BUILDING (SCOTLAND) ACTS 3003**

**SECTION 50
BUILDING STANDARDS CERTIFICATE**

Section 50 Application No: 19/00009/S50

Applicant: Cafe Miro Limited, 25-25A Promenade, Edinburgh, EH15 1HH

Agent: Macdonald Licensing, 21A Rutland Square Edinburgh EH1 2BB

Premises Address: 127 High Street, Musselburgh, East Lothian, EH21 7DD

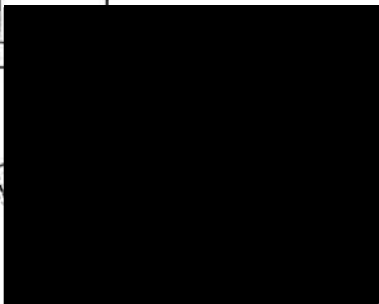
Proposed Use of Premises: Café / Take away

I confirm that building warrant **18/00791/BW** & amendment to warrant **18/00791/BW_A** were issued for these premises and a completion certificate accepted on **14.11.2019**

I therefore confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of Provisional Premises license to cover the above proposed use.

Drwg No.	Rev.	Description.	Source.
10179 04 01		Ground Floor Plan	Format Design, Holyrood Business Park, 146 Duddingston Road West, Edinburgh, EH16 4AP

Signed:



Date: 22.01.2020

Manager

Contact Details: Address: Engineering Services & Building Standards, East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA

Tel No: 01620 827 216

Email: buildingstandards@eastlothian.gov.uk
[Marked for the attention of Frank Fairgrieve]

Issued To: Macdonald Licensing, 21A Rutland Square Edinburgh EH1 2BB

Copied To: Marie Winter, per Clerk of the Licensing Court, East Lothian Council, John Muir House, Haddington

**LICENSING (SCOTLAND) ACT 2005 – SECTION 20
NOTICE OF APPLICATION FOR PREMISES LICENCE**

1. Applicant/Agent Name & Address (including Postcode)	2. Name & Address of Premises (including Postcode)
Diageo Scotland Limited c/o Messrs. Morton Fraser Solicitors Quartermile Two 2 Lister Square Edinburgh EH3 5GL	Glenkinchie Distillery Visitor Centre Glenkinchie Distillery Glenkinchie Pencailland Tranent East Lothian EH34 6ET

LICENCED HOURS APPLIED FOR

	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Tuesday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Wednesday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Thursday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Friday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Saturday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00
Sunday	10:00 until 22:00	10:00 until 22:00	09:00 until 12 Midnight	19:00 until 22:00

3. Brief overview of nature of the business proposed to be carried on in the premises
 Very licence for on-sales - 9am to 12 Midnight Daily to strictly outside area no alcohol will be consumed outside 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 848 and off sale to 3391. Change in refect 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 landscaped areas.

Further detailed information in regard to this application (including the operating plan and layout plan) is available for
 inspection at the Licensing Office, East Lothian Council, John Muir House, Haddington during the following office hours:
 10am - 4pm & 2pm - 4pm Monday-Thursday & 10am - 12pm & 2pm - 3.30pm on Friday.
 Any person is eligible to object. Anyone wishing to object or make representations must, not later than
 Thursday 8 January 2020, lodge with the Clerk of the Licensing Board a written notice of objection or representation. It is the
 responsibility of the person making the objection or representation to ensure that the Board has received it and it may be
 helpful to lodge it in one of the following ways:

- delivered by hand within the time specified, or
- posted (to be registered or recorded in special delivery post) so that it is the normal course
of post it might be expected to be delivered within that time, or
- if sent after that time and an acknowledgment of the fax is kept, or
- E-mailed within that time and an acknowledgment of the email is kept,
it is the responsibility of the person making the objection or representation to ensure that the Board has received it.

Date: 19/12/19 Signature: [Redacted] Tel: 0131 605 2000



Winter, Maree

From: David Hossack <David.Hossack@morton-fraser.com>
Sent: 07 January 2020 12:21
To: Winter, Maree
Subject: FW: Site notice

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Maree,
Here is photo showing notice on display
Kind regards
David

David Hossack

Accredited specialist in Employment Law and Commercial Mediation
Partner
For Morton Fraser LLP
t: 0131 247 1024 | m: 07808 730 734 | [LinkedIn](#)
www.morton-fraser.com

[Click here for regular blogs on employment law and HR issues](#)

[Click here for details of our Employment Protection Package for employers](#)

To receive regular news and specialist updates on all areas of the law, subscribe to our [email updates](#)

From: Paisley, Rhona [<mailto:Rhona.Paisley@diageo.com>]
Sent: 20 December 2019 14:42
To: Mariska Drion; David Hossack
Subject: RE: Site notice

Hi David/Mariska

Please find attached images of notice in place and check sheet which will be signed off daily.

29/01/2020

Your Ref: ELO370

Our Ref: JE/4926LIC/20



**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
PREMISES LICENCE
MIROS VILLAGE
127 HIGH STREET, MUSSELBURGH, EAST LOTHIAN, EH21 7DD.**

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.

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147

Winter, Maree

From: Fruzynski, Rudi
Sent: 24 January 2020 08:46
To: Winter, Maree
Subject: RE: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Maree

I visited the above premises on 22nd January 2020 and liaised with the applicant.

I have no objection or representation in respect of this application.

Kindest regards

Rudi Fruzynski
Licensing Standards Officer - Accredited Paralegal
Licensing, Administration and Democratic Services
Room 1.21
John Muir House,
Haddington, East Lothian, EH41 3HA
Tel No. 01620827363

Keep up to date with local and national licensing information at www.eastlothianlicensingforum.co.uk



"Although basic guidance may be sought from the Clerk to the Licensing Board and Licensing Standards Officer, it is for the applicant to make sure that the Application/Operating/Layout Plan is in the correct form and covers all aspects of the operation of the premises. Applicants should, consider seeking independent legal advice." (ref Statement of Licensing Policy 2013- 2016)

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 21 January 2020 14:33
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>; Licensing <Licensing@nhslothian.scot.nhs.uk>; irenetait@btinternet.com
Subject: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Dear all,

Winter, Maree

From: Aitken, Beatrice
Sent: 24 January 2020 08:49
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD
Attachments: Miros Village - grant of premise licence application.pdf; Miros Village Layout Plan.pdf

Dear licencing,

I have no objections to this application, subject to standard conditions.

EHTS, can you please add No Objections to Premises Licence to premises 19/00111/COM.

Thank you,
Beatrice

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 21 January 2020 14:57
To: Aitken, Beatrice <baitken@eastlothian.gov.uk>
Subject: FW: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Karen Baikie | Business Support Administrator | Council Support | East Lothian Council | John Muir House | Brewery Park | Haddington | East Lothian EH41 3HA
Direct Dial 01620 828755, ext 6755 | kbaikie@eastlothian.gov.uk
www.eastlothian.gov.uk

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 21 January 2020 14:33
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>; Licensing <Licensing@nhslothian.scot.nhs.uk>; irenetait@btinternet.com
Subject: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD

Dear all,

Please find attached an application and layout plan for a premise licence for a Restaurant/Café at 127 High Street, Musselburgh. Could I please have any objections/representations by Thursday 13th February 2020.

Kind regards
Maree.

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867

Winter, Maree

From: Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> on behalf of Licensing <Licensing@nhslothian.scot.nhs.uk>
Sent: 07 February 2020 09:51
To: Winter, Maree
Subject: RE: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD - Deadline 13th Feb

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Morning Maree

No objections/letter from NHS Lothian on this application

Kind regards, Fiona

Fiona Boyle

PA/Administrator to:

Dr Fredi Garbe, Consultant in Public Health

Ms Alison Milne, Supporting Pregnancy & Newborn Screening

Mr Jim Sherval, Consultant in Public Health

Direct Dial: 0131 456 5817 (35817)

PHM Tel: 0131 465 5460

Email: fiona.boyle@nhslothian.scot.nhs.uk

Address: NHS Lothian, Public Health & Health Policy, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

** Please note my working hours are Monday - Friday; 8.00am to 1.00pm **

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]

Sent: 21 January 2020 14:33

To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; torquil.cramer@firescotland.gov.uk; Grant, Shona; Licensing; [REDACTED]

Subject: Grant of a Premise Licence Application - Miros Village, 127 High Street, Musselburgh, EH21 7DD - Deadline 13th Feb

Dear all,

Please find attached an application and layout plan for a premise licence for a Restaurant/Café at 127 High Street, Musselburgh. Could I please have any objections/representations by Thursday 13th February 2020.

Kind regards

Maree.

Maree Winter

Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:

[REDACTED]
12.2.20.

Your ref. KMacN/mjw/EN/L/L1.

Dear Madam,

With reference to the above I wish to put forward my concerns.

- 1) NOISE DISRUPTION.
- 2) SMOKING IN OUR STAIR DOORWAY.
- 3) OUR SAFETY WITH REGARDS TO OUR STAIR DOOR NOT CLOSING PROPERLY, HAVING BEEN CHANGED TO A FIRE EXIT. I HAVE ON MANY OCCASIONS ASKED FOR THIS TO BE RECTIFIED.

Jewis faithfully,

East Lothian Council
Licensing

12 FEB 2020

Received

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to :

**The Clerk of the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete **Part A** of this form.
- If you are **MAKING REPRESENTATIONS**, please complete **Part B** of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:

This objection/representation relates to the following Application:

Applicant's name (if known):	Kazim Aslan	
Name & Address of premises:	127 High Street Musselburgh EH21 7DD	
This Application is for	• Premises Licence	<input checked="" type="checkbox"/>
	• Provisional Premises Licence	<input type="checkbox"/>
	• Variation of an existing Premises Licence	<input type="checkbox"/>
Application Number (if known)		

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	[REDACTED]
Surname	[REDACTED]
First Name(s)	[REDACTED]
Address (including postcode):	[REDACTED]

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

(b) The application must be refused where:-

- Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],
- Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or
- Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

<u>Objective</u>	<u>Explanation</u>
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

	<u>Objective</u>	<u>Explanation</u>
	<p>Protecting children and young persons from harm</p>	
<p>(d)</p>	<p>The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <ul style="list-style-type: none"> (i) the nature of the activities proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises. <p>Please explain why :</p> <p>.....</p> <p>.....</p>	
<p>(e)</p>	<p>Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <ul style="list-style-type: none"> (i) licensed premises, or (ii) licensed premises of the same or similar description as the subject premises, <p>Please explain why:</p> <p>.....</p> <p>.....</p>	

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION

I/We wish to make these representations to the Board concerning the application: —

In support of the application.

We understand and very much support the need to have a vibrant High Street, with a variety of provision, a thriving evening economy and increased ethnic and cultural diversity, all of which this application would provide. We understand also that Mr Aslan wishes to provide an enhanced service to his customers and increase the profitability of his business.

This, however, needs to be balanced with residents' amenity. We bought a flat [REDACTED] a cafe operating from 8am to 5pm seven days a week. By the same token, Mr Aslan opened a café directly underneath residential properties.

By making representation, we are seeking for all parties in this situation to have respect for the others' needs and to achieve a compromise which strikes an appropriate balance between them.

<p>As to modifications which should be made to the Operating Plan</p>	<p>We are aware that the core hours in Mr Aslan's application are those of the ELC licensing provisions. However, it is not clear from the application whether Mr Aslan intends to be open routinely to these hours or whether the cafe would only be open to 11pm, midnight or 1am if a special event was booked.</p> <p>Given that the business is first and foremost a café, and advertises the provision of breakfasts and lunches on its front signage, we would ask the Board to consider stipulating opening hours of Sunday – Thursday, closing at 5pm as at present. This modification would allow Mr Aslan to enhance services to his core customers at lunchtime, whilst also respecting our rights as residents.</p> <p>On Friday and Saturday, we would ask the Board to stipulate closing at 11pm. This would enable customers to enjoy dining during the evening, but would not encroach too much on our peace and quiet.</p> <p>The application also refers to extended hours beyond those applied for. No reason is provided as to why this would be required, how often and what for. We would be very concerned if the café were to be able to open even later. If the Board approves extended hours, we would request that Mr Aslan is required to provide us with regular information when events are to take place.</p> <p>We would also like the Board to consider that the indicated capacity of 66 persons in the application be modified to a lower number. (Mr Aslan's original planning statement for change of use and his drawing accompanying this license application indicated c40 covers.) We feel this is a reasonable modification to mitigate the impact of increased noise.</p>
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<p>As to conditions which should be imposed.</p>	<p>We would ask the Board to consider not allowing amplified live music or live sports events. We ask this to reduce the impact on our health that these levels of noise will cause. Furthermore, Mr Aslan's application states that customers come to chat to friends and do not wish to have "music blaring out".</p> <p>We are happy for there to be acoustic live music, very occasionally and in the early evening as per Mr Aslan's application, especially if Mr Aslan was to improve soundproofing. We realise that this might not be within the Board's remit, but it would help to reduce noise disturbance.</p> <p>We ask the Board to consider placing a condition that no glass bottles are left outside the premises overnight for collection. We feel that this would be in keeping with Mr Aslan's desire to ensure public safety as well as preventing potential public nuisance, which could also be detrimental to us.</p> <p>Mr Aslan's plan to provide takeaways, (although he stated in his planning application that he had no plans to do this) could result in the increased accumulation of litter. We would ask that the Board consider a condition that waste bins are provided and that staff are required to ensure there is no build-up of debris. We feel that this would support the work of the Council to maintain a positive street amenity.</p> <p>We note that Mr Aslan's business in Portobello suffered an unfortunate break in. The presence of alcohol in the café could provide more of a motivation for that type of crime. We ask the Board to consider, on the grounds of preventing crime and disorder, that enhanced security measures are required to be installed.</p>
--	--

<p>Other representations</p>	<p>We have found it difficult to make a robust representation about this application as the information provided lacks clarity. For example, the business profile refers to 'tweaks' being made to the business model but gives no further information about what that might entail.</p> <p>There is no information provided about the nature, extent and likely frequency of the events referred to. Language used is vague in the extreme eg "TV might be on", "If there is live music it will be very occasional and probably in the early evening." These are all material considerations in relation to how we view this application.</p> <p>We experienced noise nuisance at Hogmanay, when a party was held in the café, ending at 1am. Downstairs noise is audible in our kitchen and bedroom, and whilst acceptable when the café closes at 5pm, it becomes a more significant issue if the café is granted the opening hours Mr Aslan is requesting. We did not complain about the Hogmanay party, having assumed it was a one off and again, understanding that people in Scotland like to party on Hogmanay.</p> <p>However, if that level of disturbance was to become a regular occurrence and affect our sleep, the knock-on effects on our health and ability to work would be significant. Furthermore, one of us has an enduring health condition which causes periods of extreme fatigue. As this person works, a peaceful environment in the home is essential.</p> <p>As it is not within the Board's remit, we are only commenting in this representation on another concern about this application, which we are pursuing separately with Planning (and on which we have sought advice from our solicitor). This relates to Mr Aslan's use of our common close which he has designated a fire escape route, and which leaves our property insecure. A simple solution to this would be our request above for a modification of the numbers allowed to be in the premises thus removing the need for Mr Aslan to have a second fire escape route.</p>
------------------------------	--

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

We trust that the representations we have made are of a sufficient standard to assist the Board to make a decision, and are grateful for the opportunity to make these points.

The Supplementary Application Information section states that the Licensing Board has “made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.” We feel our representation would have been stronger for example, if Mr Aslan had clearly evidenced the actions he proposed to take to meet all five of the licensing objectives.

Mr Aslan’s argument that there is no risk to crime and disorder is based on his customer profile in Portobello. He acknowledges that Musselburgh is a different place and in a different licensing area, but provides no information at all about how he would address any issues which did arise. There is no mention of the control measures contained in the Statement of Licensing Policy eg training of staff, policies, display of materials.

There is also a lack of evidence provided of how Mr Aslan proposes to ensure public health is not compromised beyond a statement that he feels “sure [he] will not contribute to” over consumption of alcohol.

There is no mention of a risk mitigation strategy other than “management” can move between Musselburgh and Portobello in a “supervisory capacity.” However, there are no clear steps detailed of how this would work operationally should an incident occur in one site while “management” is at the other.

We are also conscious of the Board’s aspiration to consider the avoidance of over provision in deprived areas.

In conclusion, we have tried in this representation to find an appropriate balance between the needs of all parties. We chose the route of representation as it offers a negotiated process and allows Mr Aslan to clarify the areas noted above.

If the Board accepts our points, Mr Aslan would still be able to provide an enhanced service to his own customers while contributing to a vibrant, thriving High Street consistent with other local eating establishments. We would retain our residential amenity, health and wellbeing and the quiet enjoyment of our home. We trust that the Licensing Board will give due consideration to the points we have raised in making their decision.

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the attached privacy notice

Your Signature



Date

13/02/2020

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

EAST LoTHIAN COUNCIL



PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: DPO@eastlothian.gov.uk

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.

Your information may be shared with the following recipients or categories of recipient:

- | | |
|---|---|
| <ul style="list-style-type: none">• <i>Police Scotland</i>• <i>Scottish Fire & Rescue Service</i>• <i>Public Health</i>• <i>The applicant and/or the applicant's agent</i>• <i>Neighbouring Proprietors</i>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i> | <ul style="list-style-type: none">• <i>Licensing Standards Officers</i>• <i>Planning Services</i>• <i>Building Standards</i>• <i>Environmental Health</i>• <i>Community Councils</i>• <i>The Scottish Government</i> |
|---|---|

The retention period for the data is:

- | |
|--|
| <ol style="list-style-type: none">(1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the date of refusal and thereafter will be destroyed.(2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence ceases to have effect and thereafter will be destroyed. |
|--|

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

**Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation**

If you are completing this form by hand, please write legibly in block capitals using ink.

Please indicate below the type of notice you are making:

(please tick the appropriate box)

Objection

Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board
East Lothian Council
Licensing, Administration and Democratic
Services
John Muir House
Haddington
East Lothian
EH41 3HA**

Any person may, by notice to the Licensing Board—

(a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or

(b) Make representations to the Board concerning the application

- If you are **OBJECTING**, please complete Part A of this form.
- If you are **MAKING REPRESENTATIONS**, please complete Part B of this form.
- **All parties** should complete Sections 1, 2 and Part C of this form.

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

Section 1 – Application Details:							
This objection/representation relates to the following Application:							
Applicant's name (if known): (This is the name of the applicant in respect of the licensed premises referred to in the application)	CAFE MIRO LIMITED						
Name & Address of premises:	MIROS VILLAGE, 127 High Street MUSSELBURGH, EH21 7DD						
This Application is for	<table border="1"> <tr> <td>• Premises Licence</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>• Provisional Premises Licence</td> <td><input type="checkbox"/></td> </tr> <tr> <td>• Variation of an existing Premises Licence</td> <td><input type="checkbox"/></td> </tr> </table>	• Premises Licence	<input checked="" type="checkbox"/>	• Provisional Premises Licence	<input type="checkbox"/>	• Variation of an existing Premises Licence	<input type="checkbox"/>
• Premises Licence	<input checked="" type="checkbox"/>						
• Provisional Premises Licence	<input type="checkbox"/>						
• Variation of an existing Premises Licence	<input type="checkbox"/>						
Application Number (if known)	KMacN/mjw/EN/L/L1						

Section 2 – Objector/Representer Details:

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual Title	[REDACTED]
Surname	[REDACTED]
First Name(s)	[REDACTED]
Address (including postcode):	[REDACTED]

(B) COMPLETE IF YOUR ARE OBJECTING OR LODGING A REPRESENTATION ON BEHALF OF AN ORGANISATION

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other _____ delete/complete as appropriate
Surname	
First Name(s)	
Address of person lodging objection/representation on behalf of organization (including postcode):	
Name of Organisation:	
Nature of Organisation e.g. resident's association, ward councilor, trade association	
Address of Organisation (including postcode):	

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

(a) The premises are excluded premises.

Commented [MK1]: I think we should just say what those are

(b) The application must be refused where:-

- Section 25(2) [the Licensing Board has refused a premises licence application in respect the premises less than a year before this application],
- Section 64(2) [Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more] or
- Section 65(3) [Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or both].

Commented [MK2]: I would put the text First without the brackets and put the section of the Act in brackets This is meant for the public to understand so I would shy away from legalese

(b)(a) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

(c) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

Objective	Explanation
Preventing crime and disorder	

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

<u>Objective</u>	<u>Explanation</u>
Securing public safety	

<u>Objective</u>	<u>Explanation</u>
Preventing public nuisance	NOISE NUISANCE - THERE ARE FAMILIES AND FAMILIES WITH YOUNG CHILDREN @ 125, 127, 133 High Street, NOISE FROM LIVE PERFORMANCES AND PEOPLE UNDER INFLUENCE OF ALCOHOL LEAVING THE PREMISES WILL INTERRUPT SLEEP AND PUBLIC WELFARE
<u>Objective</u>	<u>Explanation</u>
Protecting and improving public health	

Objective	Explanation
Protecting children and young persons from harm	EXPOSURE TO STRONG LANGUAGE FROM CUSTOMERS UNDER INFLUENCE OF ALCOHOL LEAVING THE PREMISES WHICH ARE VERY CLOSE TO PRIMARY SCHOOL
<p>(d) The premises are unsuitable for use for the sale of alcohol, having regard to²—</p> <p>(i) the nature of the activities proposed to be carried on in the subject premises,</p> <p>(ii) <input checked="" type="checkbox"/> the location, character and condition of the premises, and</p> <p>(iii) the persons likely to frequent the premises.</p> <p>Please explain why: <u>TWO CLOSE TO PRIMARY SCHOOL & MAIN ENTRANCE TO SCHOOL</u></p>	
<p>(e) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—</p> <p>(i) licensed premises, or</p> <p>(ii) licensed premises of the same or similar description as the subject premises,</p> <p>Please explain why:</p>	

² Please indicate which of the factors apply, with a concise explanation why. Please delete any that do not apply.

PART B - REPRESENTATION	
I/We wish to make these representations to the Board concerning the application: —	
In support of the application.	
As to modifications which should be made to the Operating Plan	
As to conditions which should be imposed.	
Other representations	

PART C: Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here:-

Please attach supporting documents/further pages as necessary. Please number all extra pages

I have read and understood the  notice

Your Signature

Date

12 FEB 2020

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

**Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE**

EAST LoTHIAN COUNCIL



PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at 01620 827989 Email: 01620@eastlothian.gov.uk

Your information is being collected to use for the following purposes:

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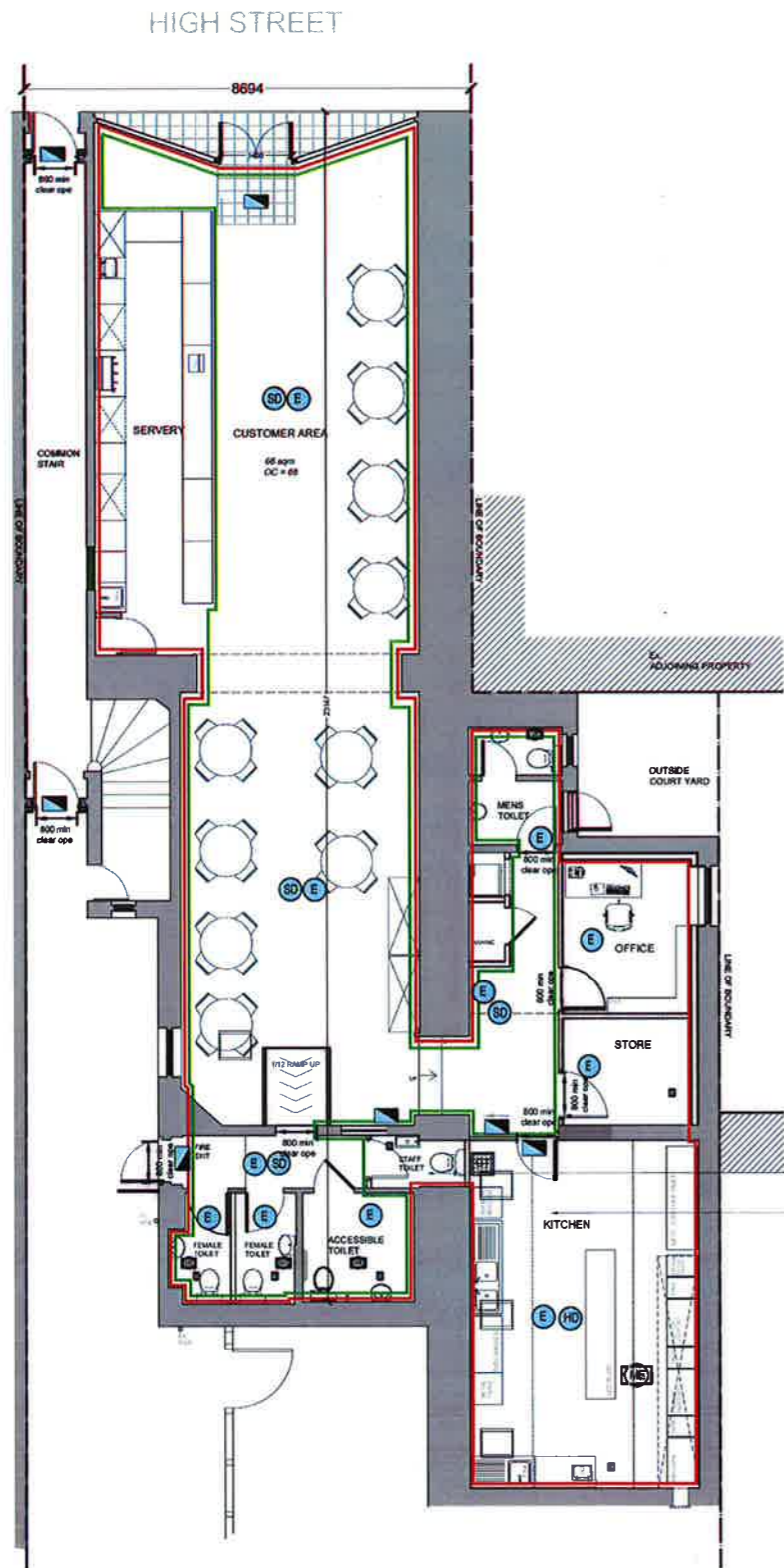
- | | |
|---|---|
| <ul style="list-style-type: none">• <i>Police Scotland</i>• <i>Scottish Fire & Rescue Service</i>• <i>Public Health</i>• <i>The applicant and/or the applicant's agent</i>• <i>Neighbouring Proprietors</i>• <i>Some information will also be shared with the Public via the Register of Premises Licences</i> | <ul style="list-style-type: none">• <i>Licensing Standards Officers</i>• <i>Planning Services</i>• <i>Building Standards</i>• <i>Environmental Health</i>• <i>Community Councils</i>• <i>The Scottish Government</i> |
|---|---|

The retention period for the data is:

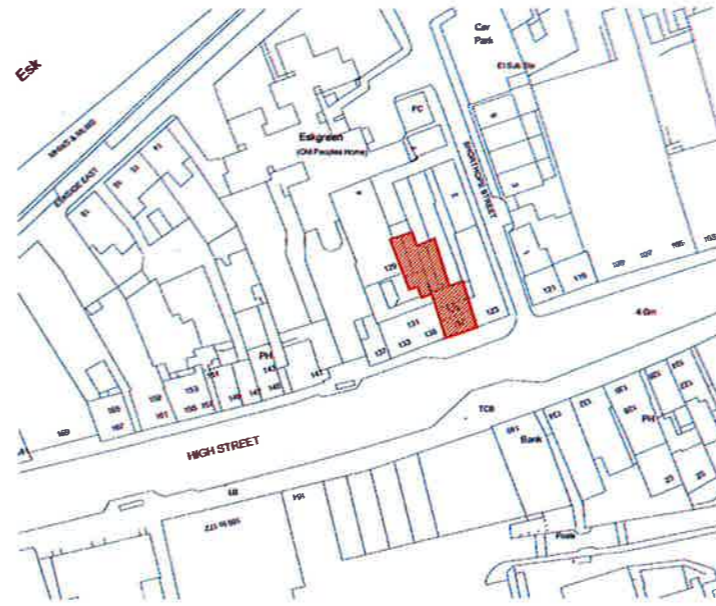
- | |
|--|
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 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as far as the legislation permits.



GROUND FLOOR PLAN
1:100 @ A2



SITE LOCATION
1:1250 @ A2

PROPOSED LEGEND

- Fire sound
- Fire alarm push
- Fire Alarm indicating panel
- Illuminated exit box with exit signage, 3 hour maintained
- Non illuminated exit box with exit signage
- Fire extinguisher
- Emergency lighting units 3 hour maintained
- Smoke detector L2 To comply with BS 5839 Part 1: 2013
- Heat detector, 3 hour maintained
- Mechanical Extraction
- Trickle ventilation
- Access for children and young persons
- Licensed area

FIRE MASTER NOTES

Fire Warning System to comply with British Standard 5839: Part 1:2002.

Emergency Lighting System to comply with British Standard 5266: Part 1: 2005. (Maintained- 3 hour duration) and BS EN 1838: 1999 (or BS 5266-7: 1999).

Firefighting Equipment to comply with British Standard EN3, British Standard 7863 : 1996, British Standard 5306-3:2003 and British Standard 5306-6: 2000.

Signs and Notices to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/ or British Standard 5499: Part 1 :2002.

The applicant must ensure that the upholstered furniture satisfies the Cigarette and Match Ignitability Test specified in British Standard 5852: 1990 (1998).

A Certificate of Compliance to the aforementioned British Standards should be issued by a competent person and forwarded to the Fire Authority prior to, or on the date of final inspection of the premises.

PROPOSED CUSTOMER AREA: 66 SQM
Occupant Capacity : 66

TOILET PROVISIONS
Females - 33 = 2 WC's + (1 Accessible)
Male's - 33 = 1 WC + 1 Urinal
Accessible = 1 WC
Staff WC = 1 WC
Occupancy capacity customers excluding
servery, ramp & fridge displays = 66
Kitchen Staff = 3
Servery Staff = 2
Office = 1

rev	date	details	by	rev	date	details	by

<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p>SERVICES OFFERED:</p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	<p>drawing no: 10179 04 01</p> <p>status: LICENSING</p>	<p>drawing title: Ground Floor Plan</p> <p>job title: 127 High Street, Musselburgh</p> <p>client: Mr Kazim Aslan</p>	<p>scale : 1:100 @ A2</p> <p>drawn: MJ</p>
<p>format DESIGN</p> <p>FADADS Limited</p>		<p>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</p>	<p>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</p>	

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 TLI 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)

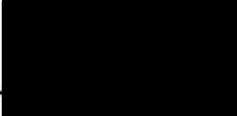
If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- 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
TILT LLP
140 West George Street, Glasgow G2 2HG
+44(0)333 006 0945
- michael.mcdougall@tiltsolicitors.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
--	-----------

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

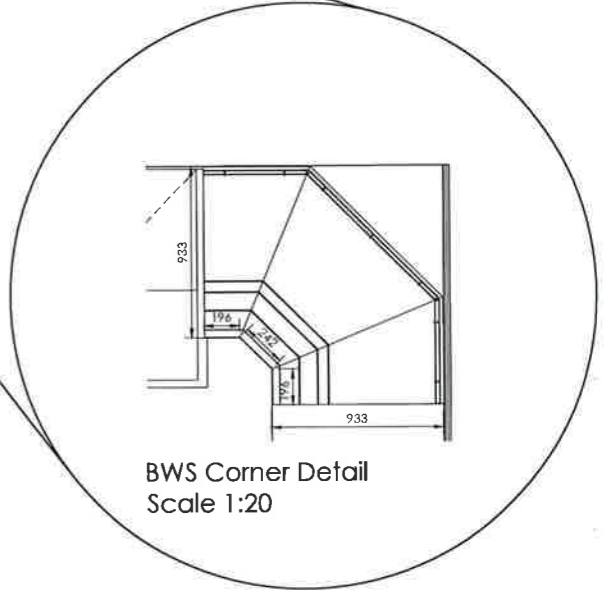
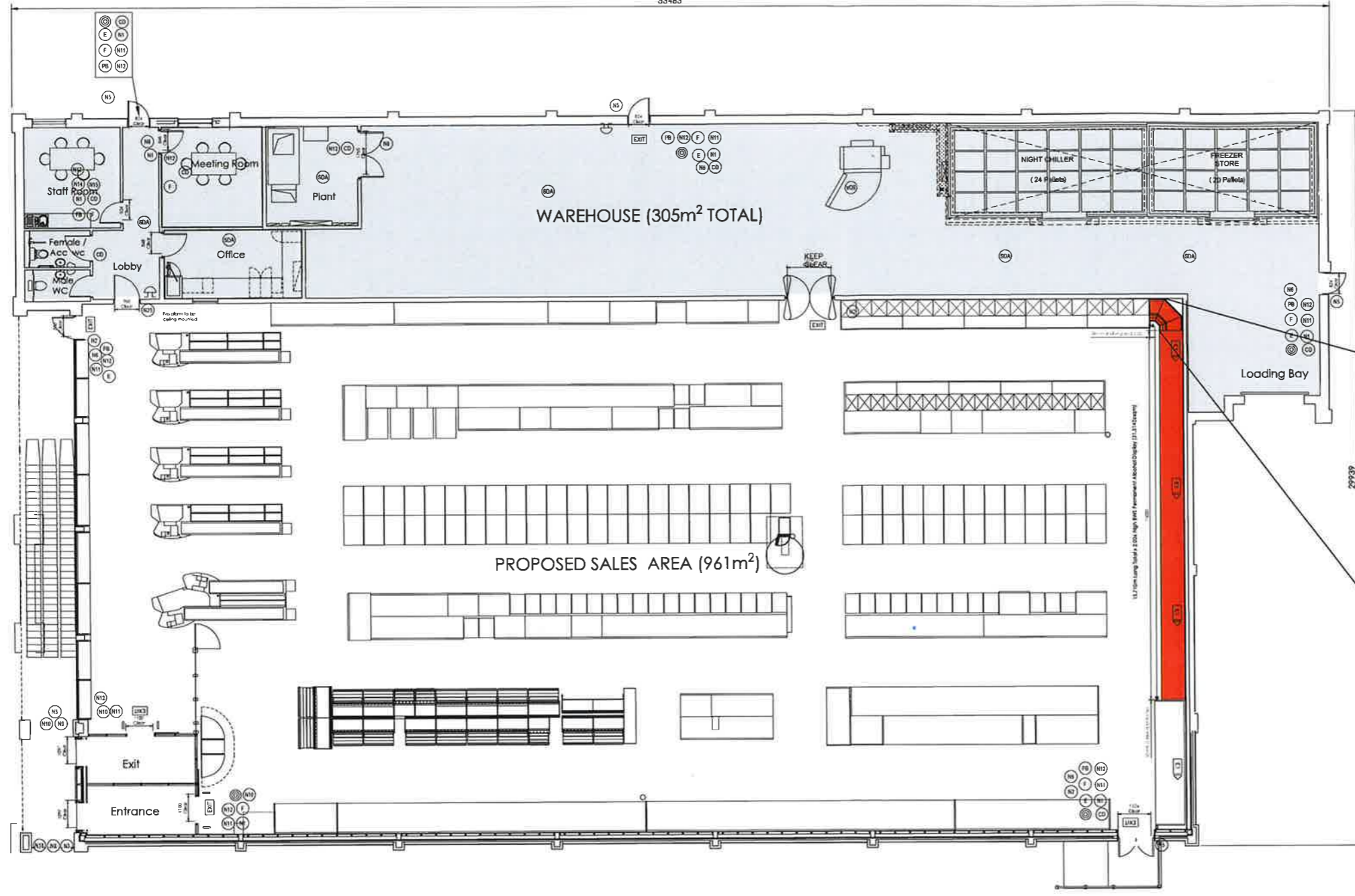
Please find attached major variation to amend the alcohol capacity to 31.51426m². Could I please have any objections/representations you may care to make by Wednesday 29th January 2020.

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

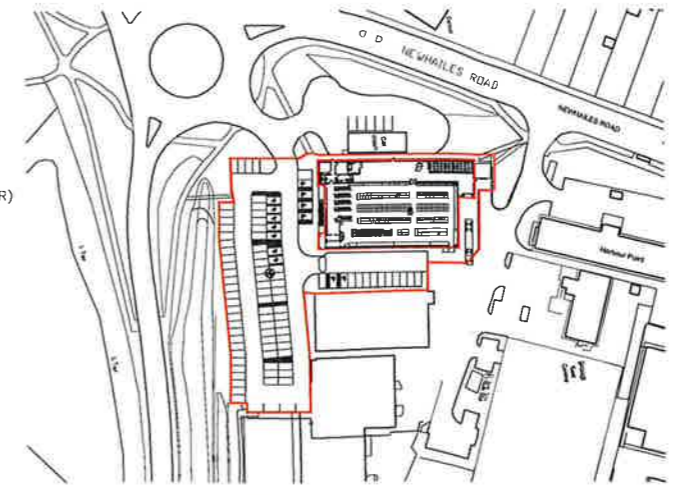
Rev	Date	Description	By	Chk'd By
A	01.07.19	Final base	JK	NM
B	05.08.19	Revised to suit T17 comments	JW	NM
C	18.11.19	Updated to reflect latest merchandise plan	NM	



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
- (ND) 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
- (NG) "FIRE DOOR KEEP CLOSED" SIGN 80 x 80mm
- (NH) "FIRE DOOR KEEP LOCKED" SIGN 80 x 80mm
- (NI) "AUTOMATIC DOORS" SIGN BLACK LETTERS ON WHITE 200 x 200 SELF ADHESIVE
- (NJ) FIRE ALARM CALL POINT SIGN 80 x 80mm SELF ADHESIVE
- (NK) FIRE ALARM CALL POINT SIGN 150 x 200mm
- (NL) "FIRE EXTINGUISHER" SIGN 150 x 200mm
- (NM) "FIRE EXTINGUISHER" SIGN 150 x 200mm SELF ADHESIVE
- (NN) "NO SMOKING" SIGN 200 x 200mm
- (NO) "FIRE BLANKET" SIGN 75 x 210mm
- (NP) "MIND YOUR HEAD" SIGN 400 x 100mm
- (NQ) "MIND THE STEP" SIGN 400 x 100mm
- (NR) "WAY IN / NO EXIT" SELF ADHESIVE VINYL SIGN
- (NS) "WAY OUT / NO ENTRY" SELF ADHESIVE VINYL SIGN
- (NT) "FIRE ALARM CONTROL PANEL" SIGN 200 x 150mm
- (EU) DIRECTIONAL FIRE EXIT SIGN 600 x 200mm LEFT HAND
- (EV) DIRECTIONAL FIRE EXIT SIGN 600 x 200mm RIGHT HAND
- (EW) DIRECTIONAL FIRE EXIT SIGN 300 x 100mm LEFT HAND
- (EX) ILLUMINATED FIRE EXIT SIGN
- (PB) PUSH BAR MECHANISM AND "PUSH BAR TO OPEN" SIGN 600 x 100mm (ON DOOR)
- (E) FIRE EXIT SIGN 705 x 150mm (ON DOOR)
- (C) FIRE ALARM CALL POINT (BREAK GLASS UNIT)
- (F) FOAM SPRAY AFF FIRE EXTINGUISHER
- (CD) CARBON DIOXIDE FIRE EXTINGUISHER
- (FB) FIRE BLANKET
- (SD) SMOKE DETECTOR
- (VSD) VOID MOUNTED SMOKE DETECTOR WITH CEILING MOUNTED INDICATOR
- (SAS) FIRE ALARM SMOKE DETECTOR & SOUNDER
- (SAH) FIRE ALARM HEAT DETECTOR & SOUNDER
- (SAC) FIRE ALARM CONTROL PANEL
- (SAB) 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

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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.

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)Change of description
.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0120

2(b) Name and Address of Premises

Glenkinchie Distillery Visitor Centre
Glenkinchie Distillery
Glenkinchie
Pencaitland
Tranent

Post Code EH34 5ET

Phone No. 01875 342004

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

Diageo Scotland Limited
5 Lochside Way
Edinburgh Park
Edinburgh
(Reg. No. SC000750)

Post Code EH12 9DT

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

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)

1. Change in on sale hours from 09:00 to 00:00 daily
 2. Change in wording relating to activities following 5(e) to clarify use outwith core hours, to clarify use of external areas including taking into account the changes to be made to external areas.
 3. Expansion and clarification of activities in 5(f) to cover workshops, sampling of non alcoholic drinks and foods and use of external area for displays and demonstration.
 4. Change in on sale capacity to 846
 5. Change in off sale capacity to 33.91m²
 6. Change in wording in 6(b) to reflect removal of bowling green.

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. Reconfiguration of existing areas to create new visitor areas in existing visitor centre and office building.
 2. Creation of new visitor centre building.
 3. Removal of pavilion building and creation of new licensed garden area.

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)

Revised description to read:-

The premises are located 2 miles to the south of the village of Pencaitland, 6 miles from the A1 and 18 miles from Edinburgh City Centre and comprise areas located within the Glenkinchie Distillery site to include a Visitor Centre, Shop, area within a warehouse, external area and a marked board walk adjacent to lagoons.

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 £ is enclosed.

Signature



..... (See note 5 below)

Date

18/12/19

Capacity: AGENT

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

David Hossack
Morton Fraser LLP
Quartermile Two
2 Lister Square
Edinburgh, EH3 9GL
DDI: 0131 247 1024
David.hossack@morton-fraser.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>

Winter, Maree

From: David Hossack <David.Hossack@morton-fraser.com>
Sent: 09 February 2020 08:43
To: Winter, Maree
Subject: RE: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Confidential: intended recipient only

Dear Maree,

Having discussed matters with my client they would suggest that a condition be applied along the following lines:
" *Alcohol for consumption on the premises prior to 1100 hrs on any day may only be sold to persons participating in a formal tasting or sampling session, or to such persons following on from their participation in a formal tasting or sampling session, and a notice to that effect will be displayed on the premises.*" Our sense is that this might work best as a condition rather than in terms of being added to the operating plan. In addition they are content to amend the application to the terminal hour of 23.00 on Monday to Wed in line with the Board Policy. Would you wish a revised operating plan to that effect now?

Kind regards

David

David Hossack

Accredited specialist in Employment Law and Commercial Mediation
Partner

For Morton Fraser LLP

t: 0131 247 1024 | m: 07808 730 734 | [LinkedIn](#)

www.morton-fraser.com

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From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 10 January 2020 10:28
To: David Hossack
Subject: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf

Hi David,

Please find attached objection received for the major variation for Glenkinchie Distillery.

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

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Glenkinchie Distillery Glenkinchie Pencaitland East Lothian EH34 5ET
--

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>	09:00	00:00
<i>Tuesday</i>	09:00	00:00
<i>Wednesday</i>	09:00	00:00
<i>Thursday</i>	09:00	00:00
<i>Friday</i>	09:00	00:00
<i>Saturday</i>	09:00	00:00
<i>Sunday</i>	09:00	00:00

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>
--	------------

**If YES – provide details*

The premises may close outwith the times stated in light of customer demand or weather conditions.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
5(b) Activity Social functions including:	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>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
5(c) Activity Entertainment including:	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>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	NO	NO	NO

5(d) <i>Activity</i>	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</i> <i>facilities</i>	YES	YES	YES
5(e) <i>Activity</i>	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.

Restaurant: - the premises may be used for dining before core hours.

Conferences, receptions/club meetings may take place before core hours.

Recorded music may be played in the premises during the entire hours of the operation.

Live performances, theatre presentations and film performances may take place on the premises often but not exclusively related to the premises licence holder's products and may commence prior to core hours.

Indoor/outdoor sports: a range of external sports may take place on the external areas and may commence prior to core hours.

External drinking areas the external licensed areas may be used of consumption of alcoholic and other beverages but no alcoholic beverages may be consumed on these areas outwith core hours.

No alcohol will be served outwith core hours for any activity unless an extended hours application is made.

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.

The premises form an integral part of distillery tours run from the premises. All areas of the premises may be used in connection with tours and for other educational activities related to the production of whisky and other alcoholic products.

Such activities may include guided tours, exhibitions, talks, workshops and demonstrations by Diageo and others.

The premises will be used for the taking and dispatch of orders including by electronic commerce.

The premises may be used for tastings/sampling of whisky/ other alcoholic products and other non alcoholic and food products.

The visitor shop may sell a wide variety of products other than alcohol products.

The premises may be used for a wide variety of functions, dinners and meetings.

The premises may be used for a whole range of office functions at all times.

The external areas may be used for a variety of recreational purposes including displays and demonstrations of all natures including Falconry.

The walkway next to the lagoons will be used for walks, nature and wildlife tours and generally as part of the distillery tours. Samples of alcohol may be provided as part of such tours.

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

<i>6(a)</i>	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES</i>
	<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*

<i>Children will be permitted entry into the premises only when accompanied by an adult. Young persons will be permitted into the premises without being accompanied by an adult.</i>

6(c) *Provide statement regarding the AGES of children or young persons to be allowed entry*

<i>All ages of children and young persons will be permitted entry.</i>
--

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

Children and young persons will be permitted entry at all times.

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

Children and young persons will be permitted into all public areas.

Question 7

CAPACITY OF PREMISES

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

On sales 846 persons
Off sales: 33.91m2

Question 8

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

Personal details

8(a) Name

Rhona Paisley

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

[REDACTED] Rhona.paisley@diageo.com

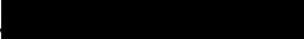
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01/09/2009	Edinburgh Licensing Board	259859

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 18/12/14

Capacity: AGENT

Telephone number and email address of signatory: 0131 2471024; david.hossack@morton-fraser.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.

09/01/2020

Your Ref: EL0120

Our Ref: J/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
GLENKINCHIE DISTILLERY VISITOR CENTRE
GLENKINCHIE VISITORS CENTRE, GLENKINCHIE, ORMISTON, EAST
LOTHIAN, EH34 5ET.**

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 several changes to both the operating and layout plan.

In terms of Section 22(1) (a) of the same Act, I wish to make the objections under the following licensing objectives

- Protecting and improving public health
- Protecting children and Young people from harm
- Preventing Public Nuisance
- Preventing Crime and Disorder

At present the facility have on sale hours from 1000hrs–2200hrs, Monday to Wednesday and 1000hrs-2300hrs, Thursday to Sunday. This is already an hour earlier start than current board policy each day. This current provision is to facilitate tours of the distillery which has its first tour time starting of 0900hrs. This allows persons to purchase products '*post*' tour as the tours take a minimum of 90 minutes, during which they are given samples.

With regards the proposed alcohol licensed start time of 0900hrs, which would be then 2 hours outwith board policy, this is to allow persons who may be not going on the tour to purchase Diageo alcohol products from 0900hrs. This would be in a bar that forms part of the new layout plan. This area will sell the full range of Diageo products from 0900hrs. This would be open to the public. It is not anticipated that persons not involved in any tour would use this for this purpose, however it would mean that it could be.

At peak season, from March to October, the final tour starts at 1800hrs and would be finished around 2000hrs. The gift shop closes at 1900hrs. Current licensed hours for the distillery finish at 2300hrs. This currently allows additional time to partake any further sampling/drinking or purchase of products.

Following discussion with the premises manager the extended hours have been requested to cover any enquiries for late/evening tours and to have the ability to hold a variety of private functions, thus negating the need for any occasional licence application.

This is not a precedent to be set and we cannot see the justification when the proposed business plan is primarily for tourism and offering of samples post tour.

Police Scotland are of the opinion that the variation should be refused on the grounds that the extended hours would be inconsistent with the licensing objectives of:

- **Protecting and improving public health**

The proposal is to have for sale, within a bar area from 0900hrs, alcohol to persons either on or not on the tour. During the tours small samples are also given to participants.

The extended hour requested at the end of the day is to offer the flexibility of holding functions, should this be required, and to ensure that the tours have sufficient time to use the bar area and other activities post tour. This has managed well with previous licensed hours, without need for the extra hour.

The requested hours would potentially allow longer drinking hours, in excess of 14 hours, which is out with that recommended and as such is against the licensing objective of protecting and improving public health.

- **Protecting children and young persons from harm**

From Board Policy regarding children and young persons:

'Where there are no identified issues during the normal course of business children will only be allowed to remain on licensed premises until 2200hrs, However, if any child is attending a pre-arranged function they may remain on the premises until the end of the function'.

There are no specific details given as to the plans for children after 2200hrs. It should be noted that Children and young persons are allowed access to the full facility and bar area within the proposal.

- **Preventing Public Nuisance**

It would be naïve not to consider that once extended hours are granted that a business such as this would not take the opportunity to have wider use of these to hold regular functions. The extended hours, are likely to mean an increase in the volume and frequency of pedestrian and vehicular traffic in and around the distillery thus increasing the likelihood of additional noise/disruption during the latter hours.

- **Preventing Crime and Disorder**

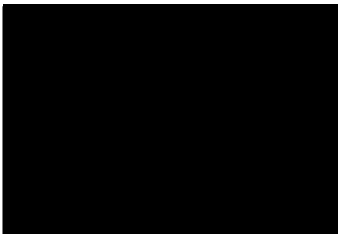
Should the facility increase functions the increase in the footprint and proposed facilities available at the distillery may bring with it the potential of crime and disorder in and around the village. Should the facility regularly hold functions, there is the likelihood for an increase in antisocial behaviour/disorder.

It is appreciated that the premises are a well-run establishment and have not been of issue for Police Scotland. If it is the intention just to keep the premises primarily as a tourist facility then it is not clear why there is a need for the requested hours.

There is however a concern that the overall increase requested in this application may also set a precedent for other premises within the authority area looking to extend hours that are well outwith board policy.

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

Yours faithfully



EAST LoTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 09 Jan. 20

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

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

I refer to the above subject and can confirm that the undernoted premises have been visited in relation to application for a Premises Licence variation.

The main changes requested are a change of core hours and alteration to the layout plans.

With respect to core hours, the current licensed hours are as follows:

<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

<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

Outdoor alcohol drinking facilities are available from 10:00 to 22:00 each day.

The amended hours requested only refer to on consumption and are for an increase of one hour in the morning and one hour in the evening each day, namely from 09:00 to 24:00.

The reasons given for requesting earlier opening is that with the expansion of the overall licensed footprint of the distillery, will allow for the enhanced promotion the four corners of the Johnny Walker and Glenkinchie Distillery experience. Coach tours would arrive early morning and could be afforded tasting and bar facilities from 09:00 rather than have to wait until the end of a 90 minute tour. It is not anticipated that visitors would want to drink normal whisky measures at the commencement of core hours, but the facility would be available to anyone who did not undertake the tour. It is more likely that the sampling of small 10ml measures of whisky, prior to beginning a tour, would be the normal reason for earlier on consumption hours.

In relation to the extended hour from 23:00 to 24:00 hours, it is suggested that this would afford facilities for functions and tours that commence mid evening. As stated, tours take 90 minutes, therefore, a tour beginning at 19:30 would not finish until at least 21:00, leaving 2 hours for other activities. Distillery functions would likewise have to terminate by 23:00, under the current licensed hours, but it is requested that an extra hour would allow this tourist facility additional flexibility rather than have to apply for occasional extensions to hours when required.

The proposed extended hours are out with Board policy, but every application is determined on its own merits having regard to Section 8.1 of the Board's policy on tourism, as follows:

- 8.1 The Board will arrange to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in its considerations. New or extended license applications relating to a recognised tourist attraction must show that the granting of the licence will have no serious impact on the Licensing Objectives.

I have no objection to the proposed increase in capacity of the number of persons access to the premises given the increased scale of the distillery or to the change in size of the alcohol display.

It is of note that there have been no complaints received in relation to the operation of the premises licence, and the company and staff have always worked well with Licensing Standards and the Police Licensing Officer in promoting a very important, notable and well run tourist attraction.

This information is provided for the information of Board members.

R. Fruzynski
Licensing Standards Officer

Lothian NHS Board

Public Health and Health Policy

Telephone 0131 465 5460

www.nhslothian.scot.nhs.uk



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

Date 3rd January 2020

Your Ref

Our Ref JS//fb

Enquiries to Jim Sherval

Extension 35436

Direct Line 0131 465 5436

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

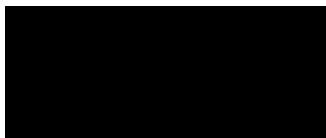
Dear Ms Winter

MAJOR VARIATION APPLICATION : GLENKINCHIE DISTILLERY

We would like to make a representation concerning this application.

The change in on sale hours applied for are 0900 to midnight daily. We note that the Board's policy is for an 11 o'clock commencement hour daily with an 11pm finish Monday to Wednesday, Midnight on Sunday and 1am Thursday to Saturday. We respectfully suggest that the Licensing Board may wish to ascertain why this application is an exception to their policy.

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

[REDACTED]

20 January 2020

Ms K MacNeill
The Clerk of the Licensing Board
John Muir House
HADDINGTON
East Lothian EH41 3HA

Dear Ms MacNeill,

GLENKINCHIE DISTILLERY

I am writing to object to the application by Glenkinchie Distillery to extend its licensing hours and run an outdoor drinking area.

I live at [REDACTED] Under the current regime the car park can be very noisy from time to time and particularly when there are minibuses full of visitors arriving or departing. The noise arises from vehicles and humans – engines running, loud conversations and phone calls can all be clearly heard from inside my house. The visitors depart by 5pm, and in the evening the village is peaceful.

The prospect of this, and greater, disturbance extending to midnight is not tolerable. I have a full-time job (as do many of the village inhabitants) and am normally in bed by 11pm. The proposal to extend licensing hours and introduce an outdoor drinking place would create noise well into “anti-social hours” by any standard.

Whilst one would hope that nobody would drive away from the distillery after consuming alcohol, they would clearly be hanging around waiting for buses and taxis within feet of my house. This would inevitably reduce the value of my property and more importantly ruin my quality of life. I have no doubt there would be a high risk of litter in my garden, not to mention human excrement and vomit – this already occurs from time to time so is no exaggeration.

The distillery appears to know full well that their plans are unacceptable to their neighbours, as evidenced by their failure to inform all of us at the outset. The vast resources of Diageo should not hold sway over the standards that would apply to a small business.

This proposed extension is clearly totally inappropriate for a small rural village community and I would urge the Licensing Board to reject it.

Yours sincerely

[REDACTED]

East Lothian Council
Licensing

28 JAN 2020

Received

27/1/20

REF APPLICATION FOR VARIATION AT
GLENKINCHIE DISTILLERY - MAJOR.

DEAR KIRSTIE MACNEIL,

I WISH TO REGISTER A FORMAL OBJECTION
TO THE GRANTING OF ANY EXTENSION TO THE
CURRENT LICENSE ON THE GROUNDS OF PUBLIC
NUISANCE.

OUR VILLAGE IS A QUIET CONSERVATION VILLAGE
WHICH IS ONE OF THE MAIN REASONS FOR
LIVING HERE.

I AM ALSO OBJECTING TO THE INCLUSION
OF AN EXTERNAL DRINKING AREA AGAIN ON
THE GROUNDS OF PUBLIC NUISANCE.

THE CLOSE PROXIMITY OF THE PROPOSED
EXTERNAL DRINKING AREA TO THE HOUSES
SURROUNDING THE DISTILLERY WOULD
LEAD TO AN EROSION OF PRIVACY AND PEACE
AND QUIET.

I AM ALSO AT A LOSS AS TO WHY THE
DISTILLERY HAS APPLIED FOR AN EXTENSION

TO MIDNIGHT ON A DAILY BASIS,
ACCORDING TO THE PLANNING CONDITIONS
THERE ARE NO BUS MOVEMENTS ALLOWED
BETWEEN 10PM AND 8AM. HOW DO
THEY PROPOSE TO GET PEOPLE OUT OF
THE VILLAGE?)

AS IS WELL RECORDED, THE NOISE AND
ANTI-SOCIAL BEHAVIOUR ASSOCIATED
WITH ALCOHOL IS WELL KNOWN. THE
IDEA OF LARGE NUMBERS OF INTOXICATED
PEOPLE WALKING AROUND OUR VILLAGE
IS NOT WHAT WE ARE PREPARED TO
TOLERATE.

THIS IS NOT A CITY CENTRE LOCATION!
IT IS A QUIET CONSERVATION VILLAGE!

I AM ALSO ENCLOSED A PETITION WHICH
HAS BEEN SIGNED BY ALL THE
HOUSEHOLDS IN THE VILLAGE

WHAT MATTERS MOST? A MULTI-NATIONAL
COMPANY OR THE ENTIRE RESIDENTS?

I LOOK FORWARD TO HEARING FROM
YOU IN DUE COURSE,

Yours Sincerely



Application for variation of license at Glenkinchie Distillery

We, the undersigned, wish to register a formal objection to the above mentioned application on the basis of public nuisance. Our village is a peaceful and quiet one. Indeed one of the main reasons for staying here is the fact that there is no noise after 5 o'clock in the evening. The granting of a license allowing the sale of alcohol up to the hour of midnight on a daily basis, together with the provision of an external licensed garden area, would create a severe intrusion into the peaceful nature of our village. Our main areas of concern are noise from the garden area, car engines running late at night, car doors slamming not to mention the general unruliness associated with large groups of intoxicated people late at night.

Yours faithfully-



Twenty-four signatures from 19 different households have been redacted.

Herkes, Gillian

From: [REDACTED]
Sent: 29 January 2020 19:30
To: Licensing
Subject: Licensing Application for Glenkinchie Distillery by Diageo

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Sir,

Variation of Alcohol Licence application by Diageo for premises at Glenkinchie Distillery, Glenkinchie, Pencaitland, East Lothian EH34 5ET

My name is [REDACTED], and I live at [REDACTED] Pencaitland, EH34 5ET.

I wish to make the following representations regarding the above application.

1. Glenkinchie has a population of approximately 35 people, varying in age from about 6 months to over 80 years old. This licensing application is for functions of up to 846 people indoors, and more outdoors. Having spoken to staff at the Distillery, it has been stated that the intention is to attract, amongst other functions, stag and hen parties to the venue. All 23 houses in the village sit higher on the land and have direct line of sight down into the "garden area" referred to in the application. 19 of the 23 houses share property boundaries with the distillery premises.

Glenkinchie is an attractive rural village (the entire village is a Conservation area), with no background noise like would be heard in a town, such as Haddington. Any outdoor function in the garden area will create noise and nuisance which doesn't currently exist, and noise carries in the still air. There are no other licensed premises in the area - any noise and nuisance created will be "new", not adding to existing disruption.

Current parking provision provided by the distillery is 50 car parking spaces and 5 coach spaces. Public transport in Glenkinchie currently consists of a bus to Haddington at 8.10am and a bus from Haddington at 4.25pm. An off-road and unlit footpath through woodland leads to the next-nearest bus stop over a mile away at Lempockwells, where the last bus is 7.25pm to Haddington, and onwards a further 1.5 miles along the unlit Pencaitland Railway walk to the bus stop in Pencaitland, where the bus heads into Edinburgh. Any persons attending functions at the Distillery in the evening will normally require to use private cars or minibuses creating extra traffic on narrow rural roads, and also brings the prospect of drink-driving since the whole point of holding a function in a distillery is the alcohol involved.

I would ask the Board to consider the following in regard to the application:

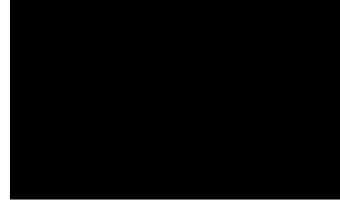
1. Restricting the hours of use of the garden area in the evening and at weekends, to prevent noise nuisance to nearby residents.
2. Restricting the hours of use of the interior spaces to prevent nuisance to nearby residents as crowds disperse, particularly if granting a licence up to midnight is considered.
3. Restricting the number of guests overall, to take account of the limited public transport available and the provision of parking, again to prevent nuisance and disturbance to nearby residents.

Thank you.

East Lothian Council
Licensing

21 JAN 2020

Received



16 January 2020

Dear Ms MacNeill

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION (MAJOR)
PREMISES – GLENKINCHIE DISTILLERY VISITOR CENTRE, GLENKINCHIE
DISTILLERY, GLENKINCHIE, PENCAITLAND, TRANENT, EAST LOTHIAN, EH34 5ET
TYPE – ON AND OFF SALES**

We strongly object to this application for the following reasons:

The noise factor involved with people arriving and departing in this little hamlet, from 9am – 12 midnight daily, in their cars, in buses and even on foot, during the 15 hours they are hoping to be open every day. The visitors to this distillery are not the quietest of people when they arrive and are even noisier when they leave, due to the consumption of alcohol on the premises., especially the bus loads of foreign visitors.

The residents in this little hamlet have had to put up with noise from this distillery for years and years now, mainly in the spring and summer months, not only from the visitors who have had too much to drink and can be very noisy when they leave, but also from the various events that they hold in the distillery, including very loud pipe bands, classic car events which can be very noisy, with all the cars arriving at, or departing from the distillery car park and driving on all the quiet surrounding roads, increasing the risk of accidents, as there are so many of them.

The risk of accidents to residents, who have to leave the hamlet to go to their work, doctor or hospital appointments, shopping etc, due to the way lots of the visitors to the distillery arrive and depart, in the various forms of transport they use. Lots of them drive far too fast up and down the narrow road leading to and from the distillery, sometimes even on the wrong side of the road! We have had a wing mirror on our car knocked off by one car load of visitors, driving down the middle of this narrow road, at speed. There is no pavement on this road, so it is dangerous enough for residents to walk up and down it, usually with their dogs, without having to avoid speeding drivers going to and from the distillery.

The fact that visitors to the distillery can have alcohol 15 hours a day, everyday, is a very bad idea, as most of them arrive in cars and may be tempted to drink and drive. It is a distillery in a rural area, not a pub. They seem to be wanting to be open longer hours than a pub does and this is unacceptable and certainly not allowed outside in any garden..

It is also a residential area, where people have to live in peace and quiet, at least during some time during the 15 hours everyday that they hope to be open. There are many people who live in the hamlet, who are elderly and have various, serious medical conditions and need to rest. We also have people who have to sleep during the day, due

to working long hours during the night. So the thought that we will have to put up with even more noise from this distillery, if they are allowed to open from 9am – 12 midnight, with drink being available, whether inside or outside the premises, is just not acceptable.

The residents have had to put up with major disruption in their area, over many years, due to this distillery, with various projects that they have carried out, including the re-roofing, due to asbestos being found, the very bright lights being installed, which light up all the back of our houses, which have bedrooms at the back, making it more difficult to sleep.

They have huge overgrown trees which surround the distillery and block out the sunlight to our gardens, making it impossible to sit in our gardens during late afternoon, or evening, as it is so cold due to lack of sunshine. These trees have never been reduced in size during the 23 years we have lived here, up until one of them fell over into our next door neighbour's back garden, which is about 100ft long and the tree covered a vast amount of it. It could have killed someone!. They then decided to cut down some of the trees, as they were dangerous, but there are still very many huge trees, overlooking our gardens, which should have been reduced in size many years ago.

They had gas installed at the distillery, causing more disruption and noise to the area. We were told that if they got gas, that it would be possible for the residents to also have gas installed, but we never received the offer to have this done.

We now have the worst disruption to this little hamlet, with all the building work that is being carried out and has been for many, many months now. They have taken away the lovely bowling green, which was one of the nicer parts of the distillery, but was hardly ever used, but now it looks like we are all living in an industrial site and is horrible to see from our windows every day, or for people visiting the area.

This used to be a lovely little hamlet, with cherry trees surrounding the distillery and the verges kept well trimmed by the distillery workers, but now it is a shambles and not what you would expect a conservation area to look like.

If the distillery are allowed to have nearly all day, every day, opening hours, with alcohol consumed, this means that in our little lane, we will get even more visitors to the distillery, walking up it and even driving up our narrow lane, which is in the most dreadful state due to potholes..

Some visitors do not want to go into the distillery, due to religious reasons, or that they are not allowed to take their children into the premises, so they tend to come up our lane, just for a look at our houses and gardens, or to use the council swing park for their children, which is not in the best, or safest condition for anyone to go in, as there are huge trees in the distillery, which overhang this swing park and which could fall over and kill a child, in one of the many storms that we get in the area during the winter. The swings are not in great shape either and the only children that use them, are usually children of the visitors to the distillery.

The lane we live on, is not a council road, and they give us no help to fill in the potholes, even though they own the swing park in the lane. We do try to fill in these huge potholes every year, but it is now becoming too difficult to do and some of us are quite elderly and not in the best of health. The distillery visitors have no right driving their cars up our unmade up road and they should be told by the distillery not to do that. We are all thinking about putting up a sign at the start of the lane, saying that this is a private lane and only for

the residents, especially the parking areas in front of our houses, which we own, which they sometimes use without our permission.

I am a disabled pensioner and I hardly ever leave the house now, due to the state of this dangerous road and the horrible state of the surrounding area, which is quite unpleasant to see and will be even worse and much noisier, if the distillery is allowed to open 15 hours a day, every day and where alcohol can be consumed.

The distillery is only interested in making more and more money by wanting to make all these changes and have no thought for the disruption this will cause to the people who have to live here.

A licensed garden area is just not acceptable in any way, as we have enough noise coming from the distillery, when visitors have been drinking inside the distillery, so being allowed to drink for up to 15 hours during everyday of the week, outside in a garden, will be detrimental to this once lovely little hamlet and we will not accept it. It is not a pub and should not be treated as one. They make quite enough money from their distillery already, without disrupting the lives of all the people who are trying to live in this area.

They do nothing for our little community, to make our lives more pleasant living here, so we strongly object to their application, as do lots of other residents in the hamlet, some of whom, including us, never even received a letter from the council about this application, until one of the residents found out that we had not been contacted and told the council that they had missed out some of the residents who would be the most affected by this application, if it went ahead.

The residents who live in this conservation area, have to abide by planning laws and restrictions etc, but the distillery seem to be allowed anything that they apply for, no matter how disruptive their changes make to this once lovely little area. We have put up with it all for years and years now, but enough is enough.

Please keep us all informed in this hamlet, of what is happening with this application to vary the licensing hours etc of the distillery and also when a decision will be made, as some people will want to attend that meeting.

Yours sincerely



Winter, Maree

From: Millar, Neil
Sent: 10 January 2020 10:56
To: Winter, Maree
Subject: RE: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf
Attachments: 2682738.pdf

Hi Maree,

Please see attached copy of the Decision Notice issued through the grant of planning permission (Ref: 18/01076/P) for alterations to building, including the formation of distillery visitors centre and associated works at Glenkinchie Distillery.

As you will note, 7 conditions were imposed on the Decision Notice, in particular Condition 5 states that 'No more than a total of 16 coach movements per day shall be permitted to and from the application site. Of the 16 coach movements, no more than 4 movements per day shall be permitted between the hours of 18:00 and 22:00. No coaches shall access or egress the application site between the hours of 22:00 and 08:00'. The reason for this condition is to protect the amenity of neighbouring residential properties.

However, it does not appear that the proposed change to the licensing hours would conflict with Condition 5 of planning permission 18/01076/P. Moreover, altering the licensing hours for sales within the premise does not constitute development and thus planning permission is not required for this.

Kind regards

Neil

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 10 January 2020 10:31
To: Millar, Neil <nmillar@eastlothian.gov.uk>
Subject: FW: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf
Importance: High

Hi Neil,

Please see attached email I received regarding the major variation application. Are you able to advise me if there are any planning restrictions for Glenkinchie.

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**



From: Winter, Maree
Sent: 10 January 2020 10:28
To: 'David Hossack' <David.Hossack@morton-fraser.com>
Subject: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf

Hi David,

Please find attached objection received for the major variation for Glenkinchie Distillery.

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**

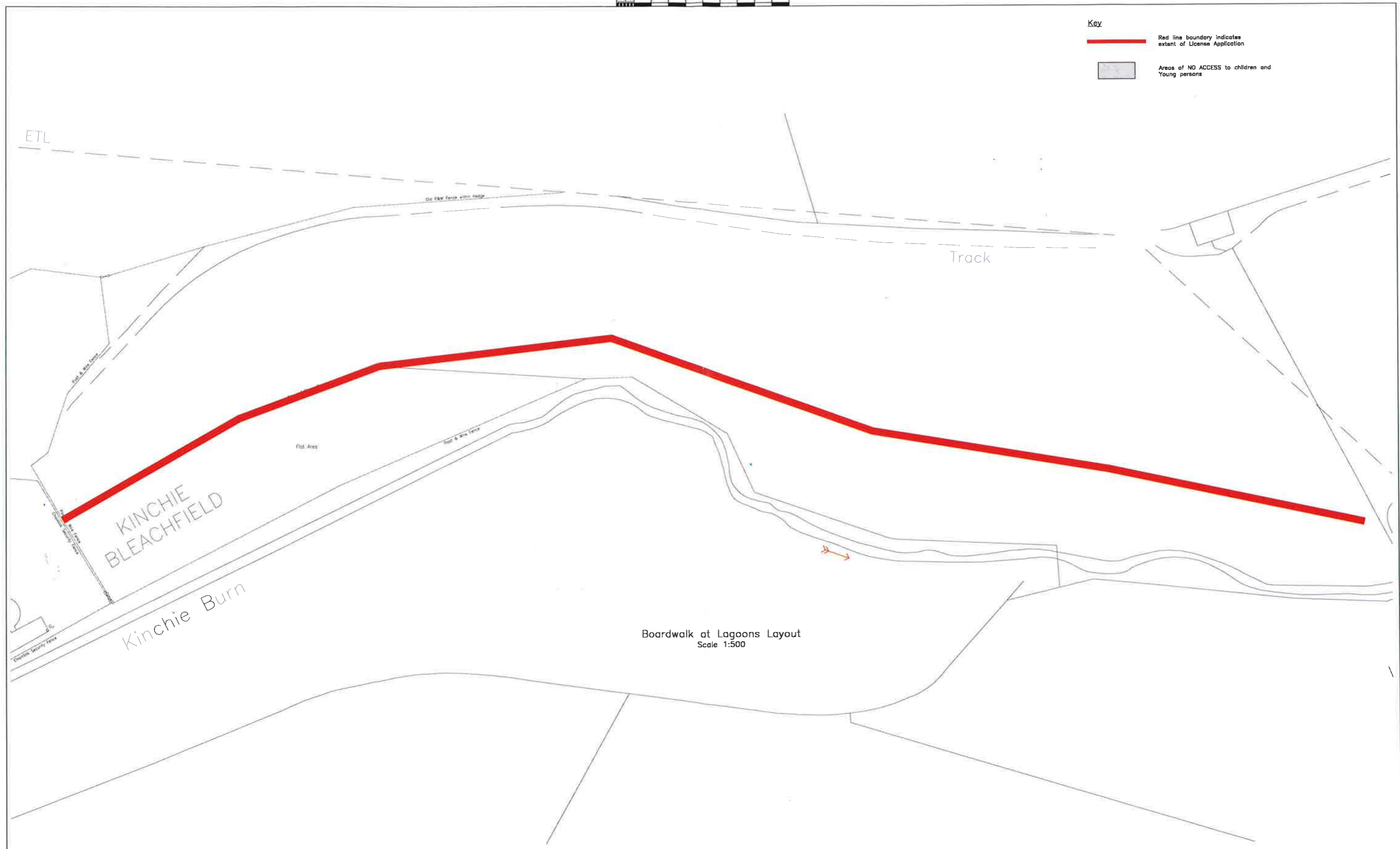




Key

 Red line boundary indicates extent of License Application

 Areas of NO ACCESS to children and Young persons



Boardwalk at Lagoons Layout
Scale 1:500

Notes

Revisions	Date	Dr.	Revisions	Date	Dr.

Diageo (Scotland) Ltd
Glenkinchie

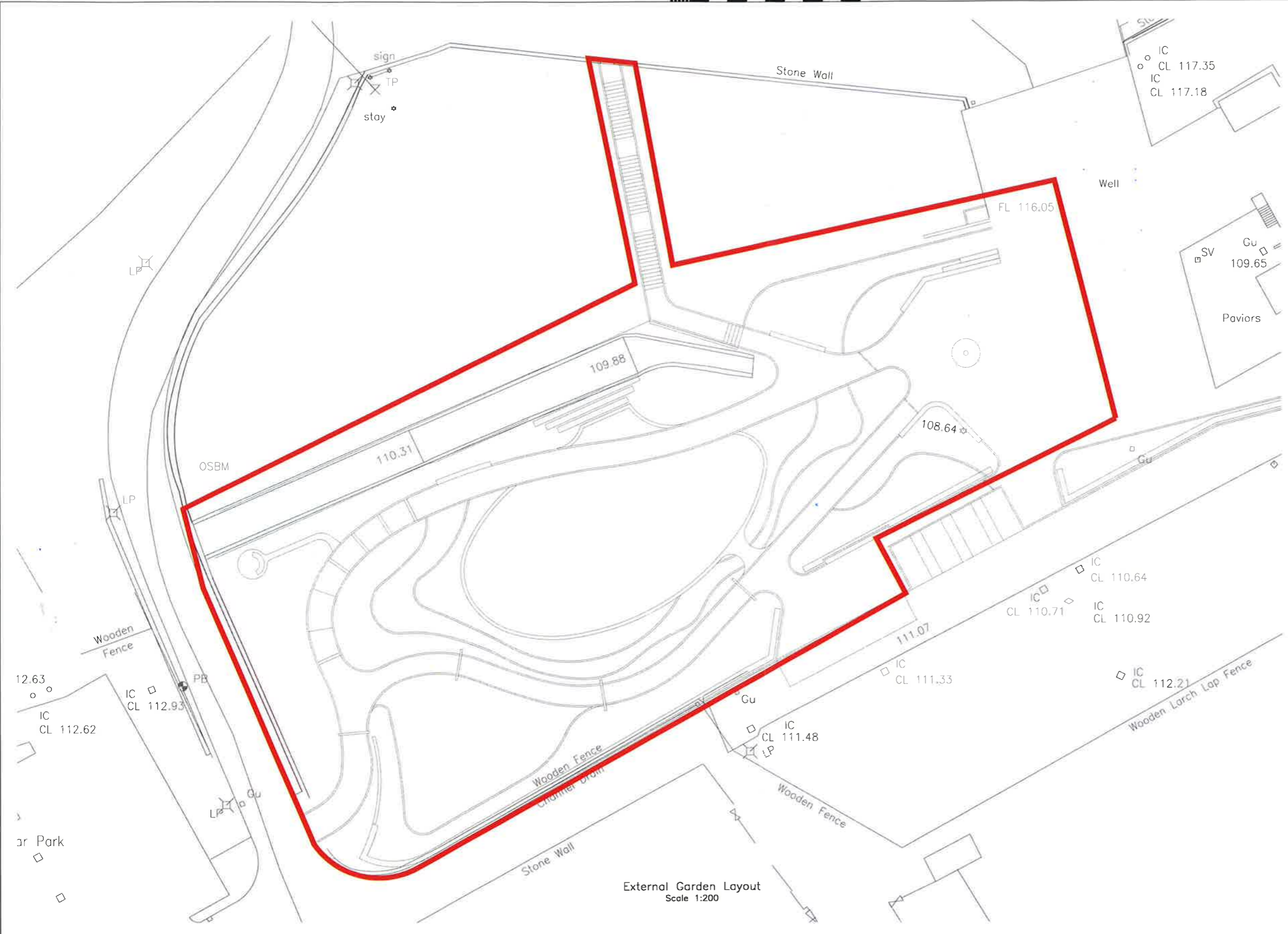
LICENCE APPLICATION

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Cornerstone, 60 South Gyle Crescent
Edinburgh EH12 9EB
Email: edinburgh@blythandblyth.co.uk Telephone: 0131 474 2700
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Licensing Drawings

BOARDWALK AT LAGOONS GENERAL ARRANGEMENT		
Drawn by	Checked by	Scale 1:500 @ A1
Date: 08/16	Date: 09/16	DO NOT SCALE
Drawing No.	Revision	
AZ70368:28:(24)004		

Key
Red line boundary indicates extent of License Application



External Garden Layout
Scale 1:200

Notes

Revisions	Date	Dr.	Revisions	Date	Dr.

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Licensing Drawings

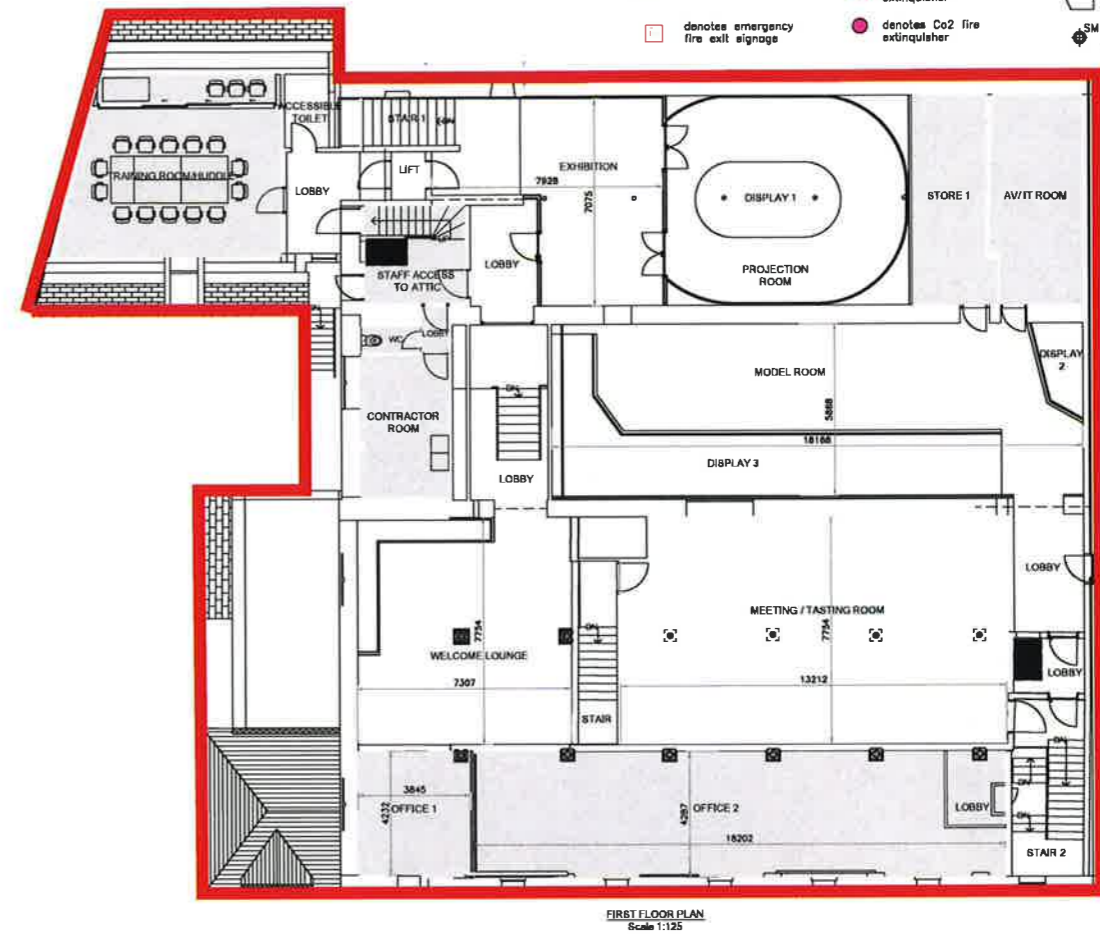
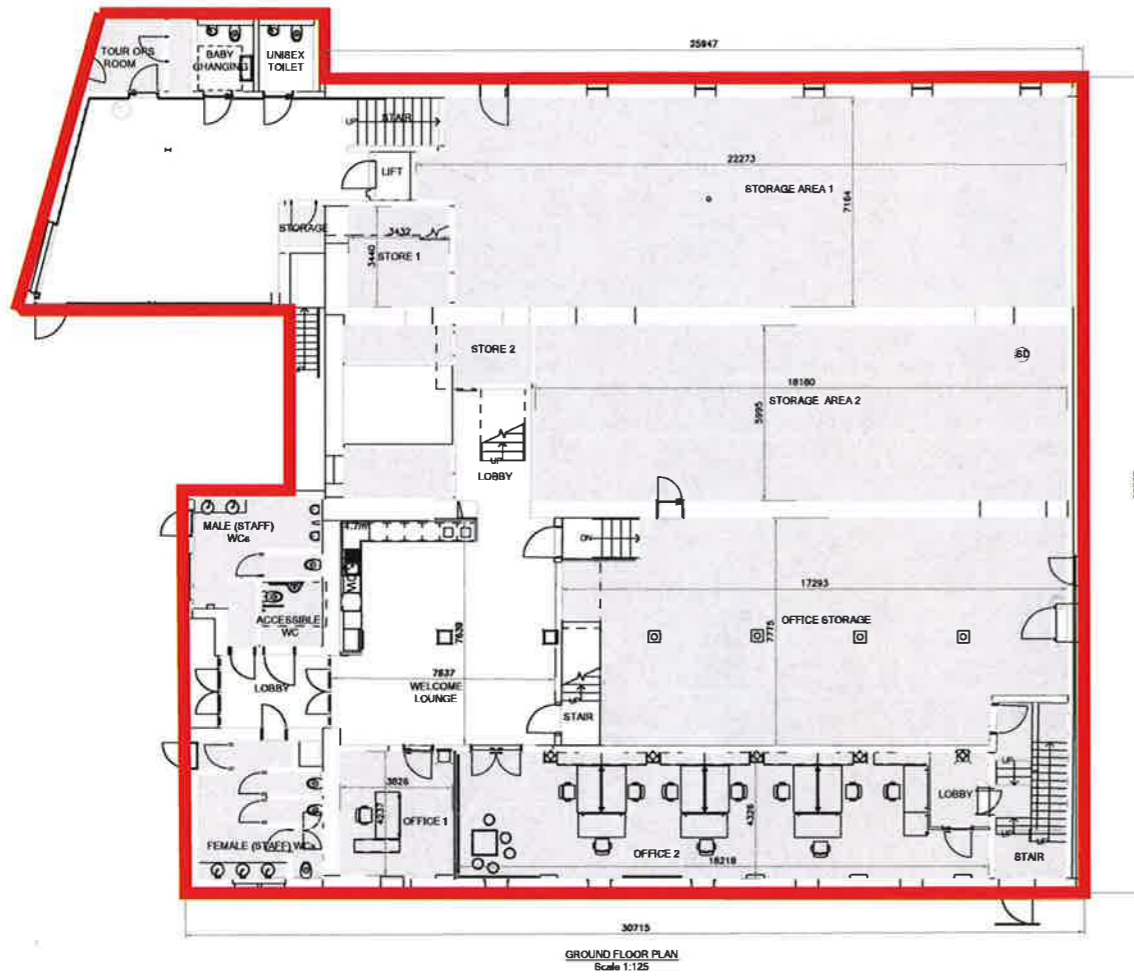
EXTERNAL GARDEN AREA GENERAL ARRANGEMENT		
Drawn: JP	Checked: PK	Scale: 1:500 @ A1
Date: Sep 19	Date: Sep 19	DO NOT SCALE
Drawing No:	Revision	
AZ70368:28:(24)008		

Key

- Red line boundary indicates extent of License Application
- Areas of NO ACCESS to children and Young Persons

Legend

- denotes cctv camera
- denotes fire alarm
- denotes emergency fire exit signage
- denotes break glass fire alarm point
- denotes FOAM fire extinguisher
- denotes Co2 fire extinguisher
- denotes WATER fire extinguisher
- denotes cctv monitor
- denotes smoke detector



Notes						
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Revisions	Date	Dm.	Revisions	Date	Dm.

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LICENCE APPLICATION

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Licensing Drawings

OFFICES & STORAGE GROUND FLOOR & FIRST FLOOR GA			
Drawn: BTH	Ck'd:	Scale: 1:125	
Date: May '08	Date:	DO NOT SCALE	
Drawing No. AZ70368:28:(24)002		Revision D	

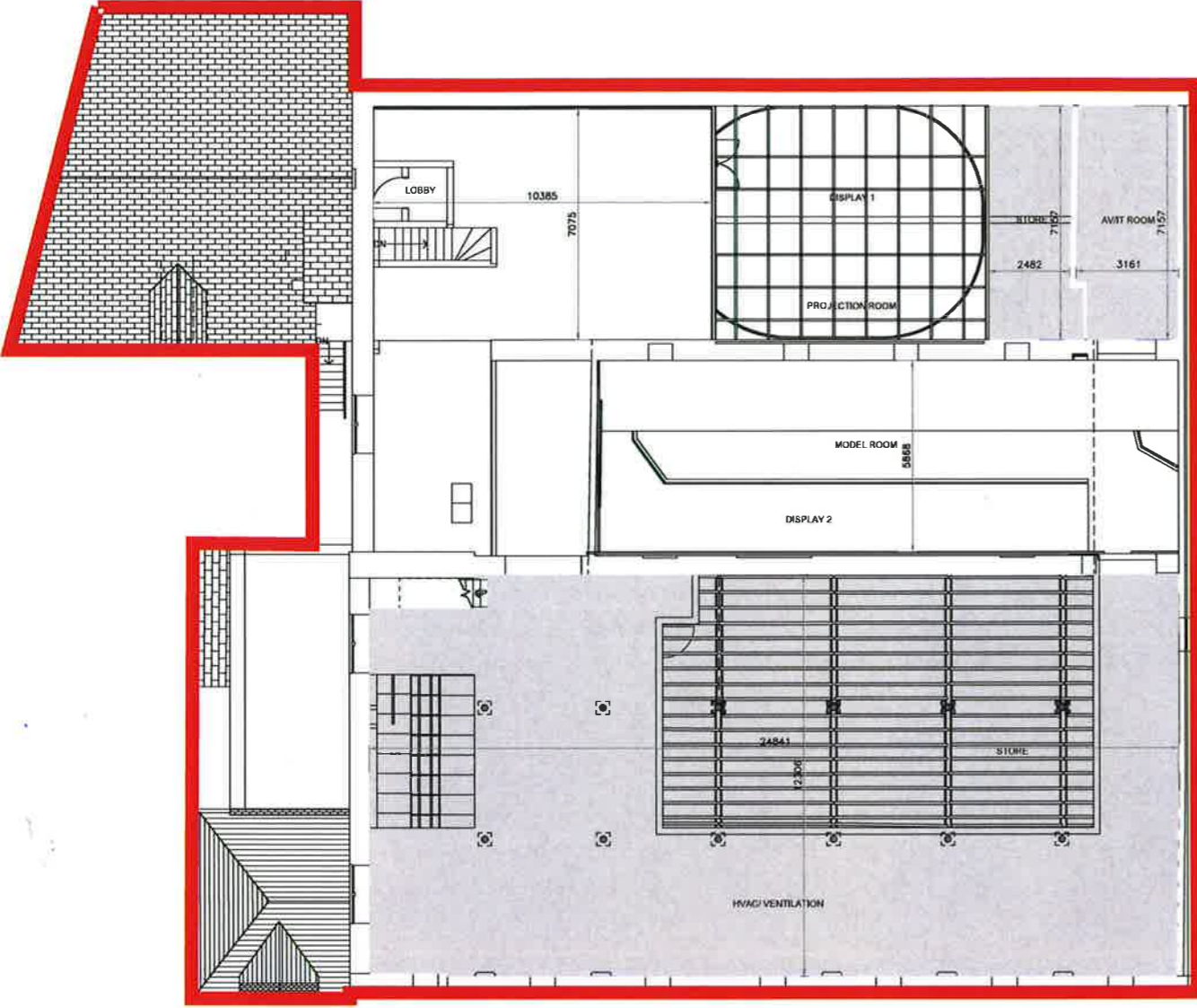
Key

Red line boundary indicates extent of License Application

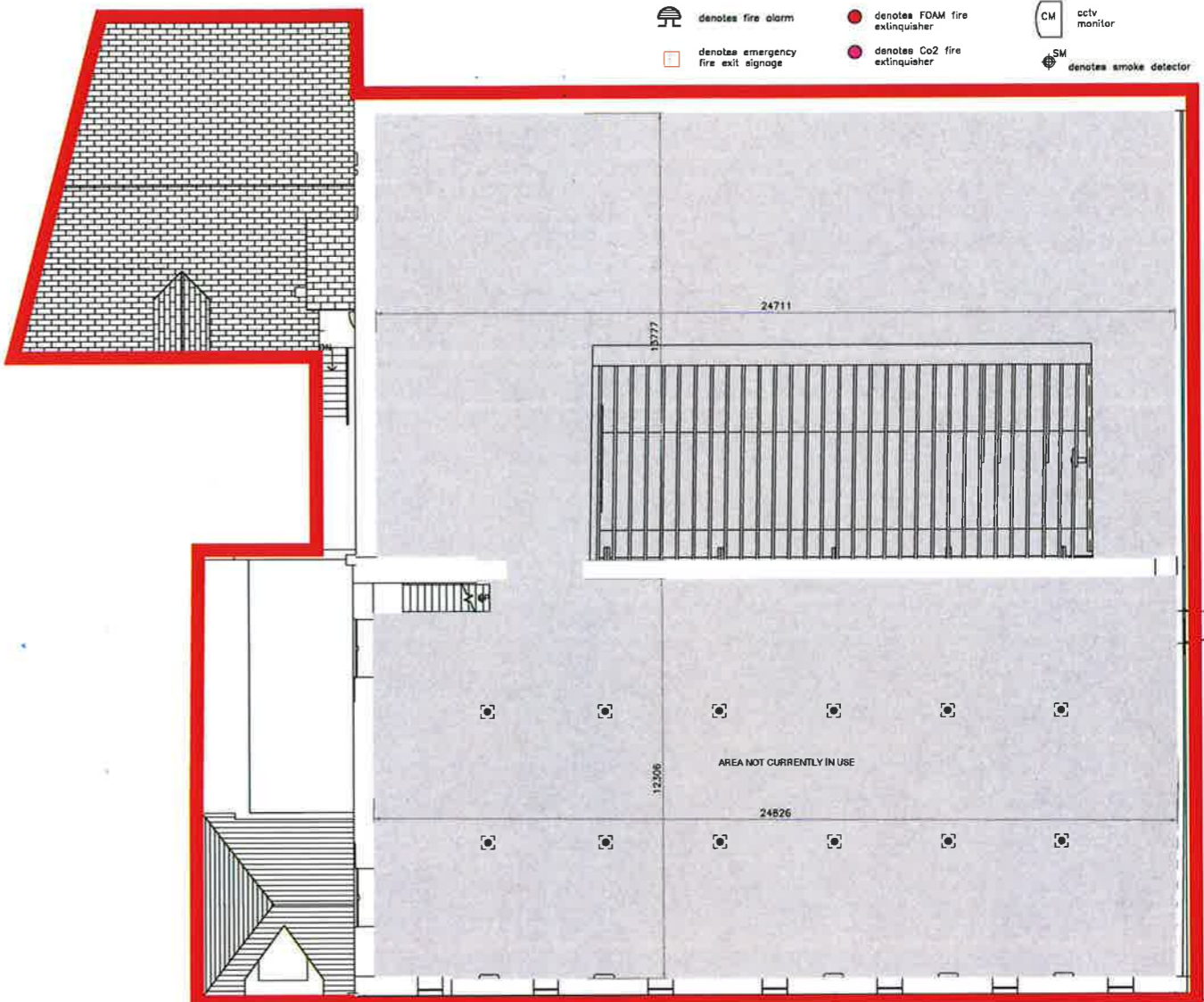
Areas of NO ACCESS to children and Young persons

Legend

- denotes cctv camera
- denotes fire alarm
- denotes emergency fire exit signage
- denotes break glass fire alarm point
- denotes FOAM fire extinguisher
- denotes Co2 fire extinguisher
- denotes WATER fire extinguisher
- cctv monitor
- denotes smoke detector



SECOND FLOOR PLAN
Scale 1:100



THIRD FLOOR PLAN
Scale 1:100

Notes

Revisions	Date	Dm.	Revisions	Date	Dm.

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LICENCE APPLICATION

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Licensing Drawings

OFFICES & STORAGE SECOND FLOOR & THIRD FLOOR GA	
Drawn: TH	Scale: 1:100
Date: May '08	Date: DO NOT SCALE
Drawing No. AZ70368:28:(24)003	Revision

Key

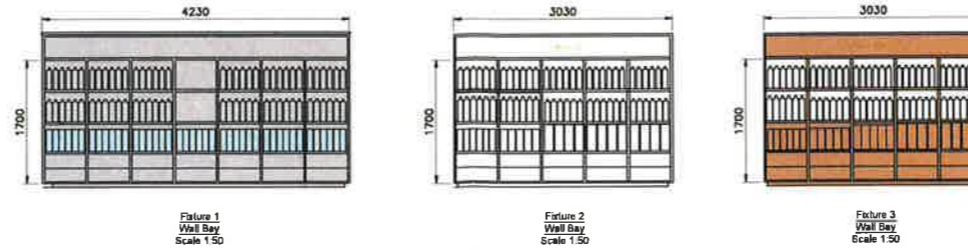
Red line boundary indicates extent of Licence Application

Areas of NO ACCESS to children and Young persons

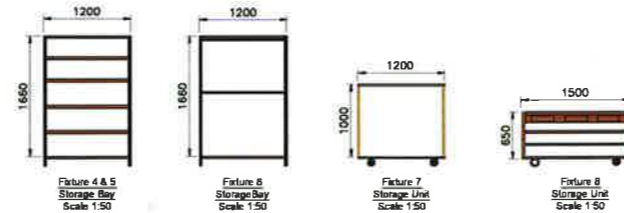
Legend

- denotes cctv camera
- denotes fire alarm
- denotes emergency fire exit signage
- denotes break glass fire alarm point
- denotes FOAM fire extinguisher
- denotes Co2 fire extinguisher
- denotes WATER fire extinguisher
- denotes cctv monitor
- denotes smoke detector

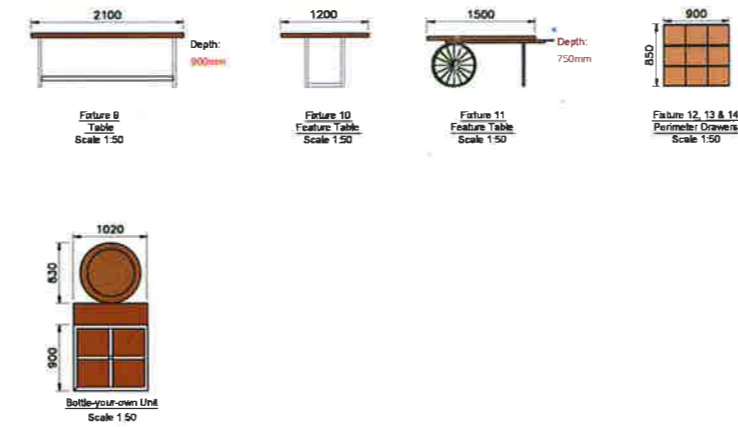
Whisky Perimeter:



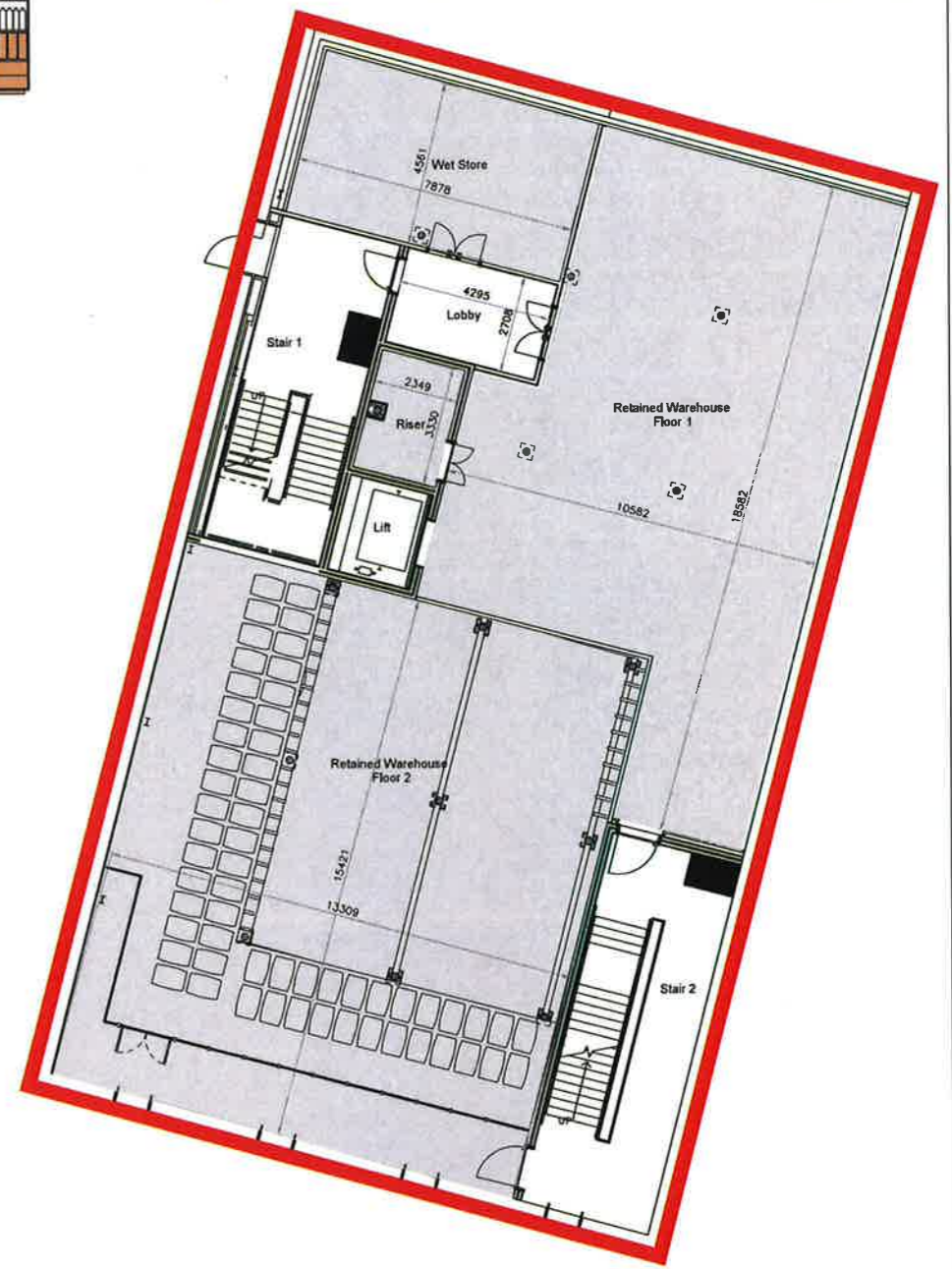
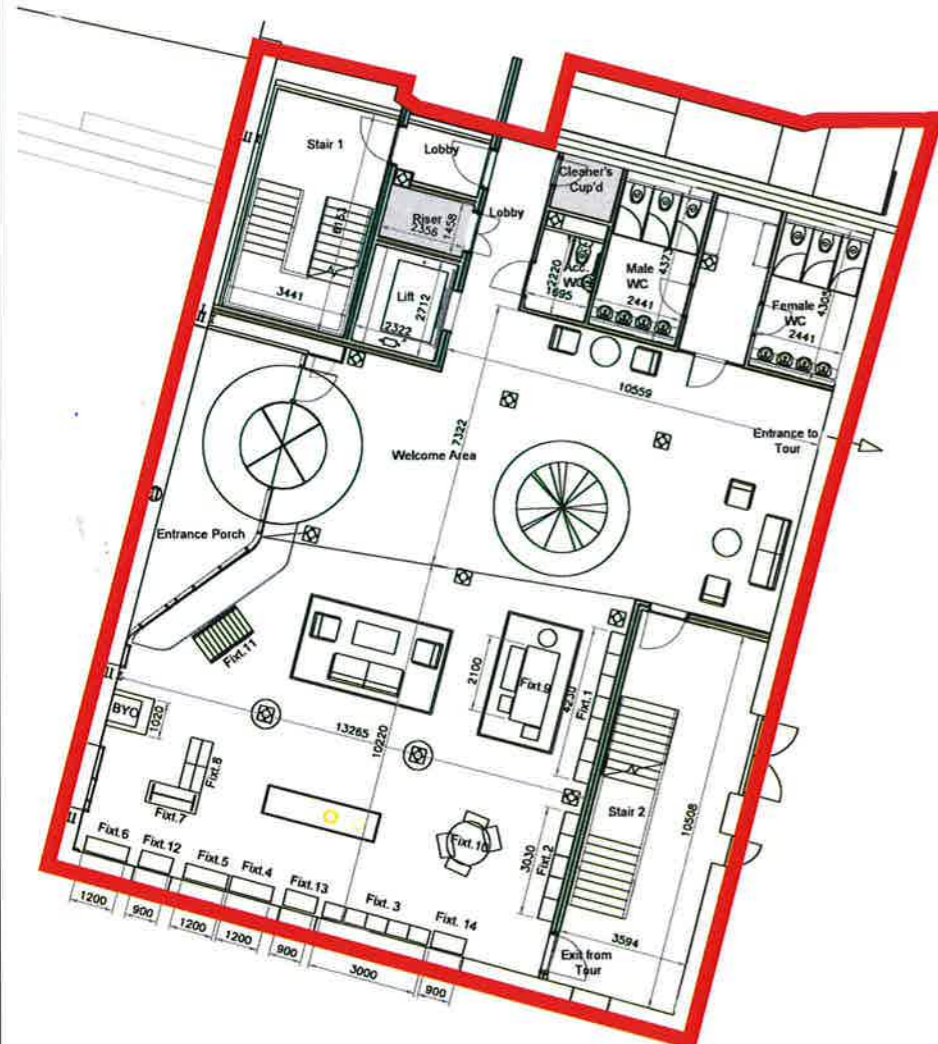
Lifestyle & Clothing:



Mixed-use Units:



Fixture	Usage	Dimension (m)	Storage capacity (m ²)
Fixture 1	Alcohol/ Other Items	1.7m x 4.23 m	7.19 m ²
Fixture 2	Alcohol/ Other Items	1.7m x 3.03m	5.15 m ²
Fixture 3	Alcohol/ Other Items	1.7m x 3.03m	5.15 m ²
Fixture 4	Alcohol/ Other Items	1.66m x 1.2m	1.99 m ²
Fixture 5	Alcohol/ Other Items	1.66m x 1.2m	1.99 m ²
Fixture 6	Alcohol/ Other Items	1.66m x 1.2m	1.99 m ²
Fixture 7	Alcohol/ Other Items	1.0m x 1.2 m	1.20 m ²
Fixture 8	Alcohol/ Other Items	0.85m x 1.5 m	0.97 m ²
Fixture 9	Alcohol/ Other Items	0.9m x 2.1m	1.89 m ²
Fixture 10	Alcohol/ Other Items	1.2m x 1.2m	1.44 m ²
Fixture 11	Alcohol/ Other Items	0.75 x 1.2m	0.9 m ²
Fixture 12	Alcohol/ Other Items	0.85m x 0.8 m	0.75 m ²
Fixture 13	Alcohol/ Other Items	0.85m x 0.8m	0.75 m ²
Fixture 14	Alcohol/ Other Items	0.85m x 0.8m	0.75 m ²
Bottle your own Alcohol		0.83 m x 1.02m	0.85 m ²
Empty bottles		0.9 m x 1.02m	0.92 m ²
			Total : 33.91 m ²



Notes	Revisions	Date	By	Revisions	Date	By

Diageo (Scotland) Ltd
 Glenkinchie

LICENCE APPLICATION

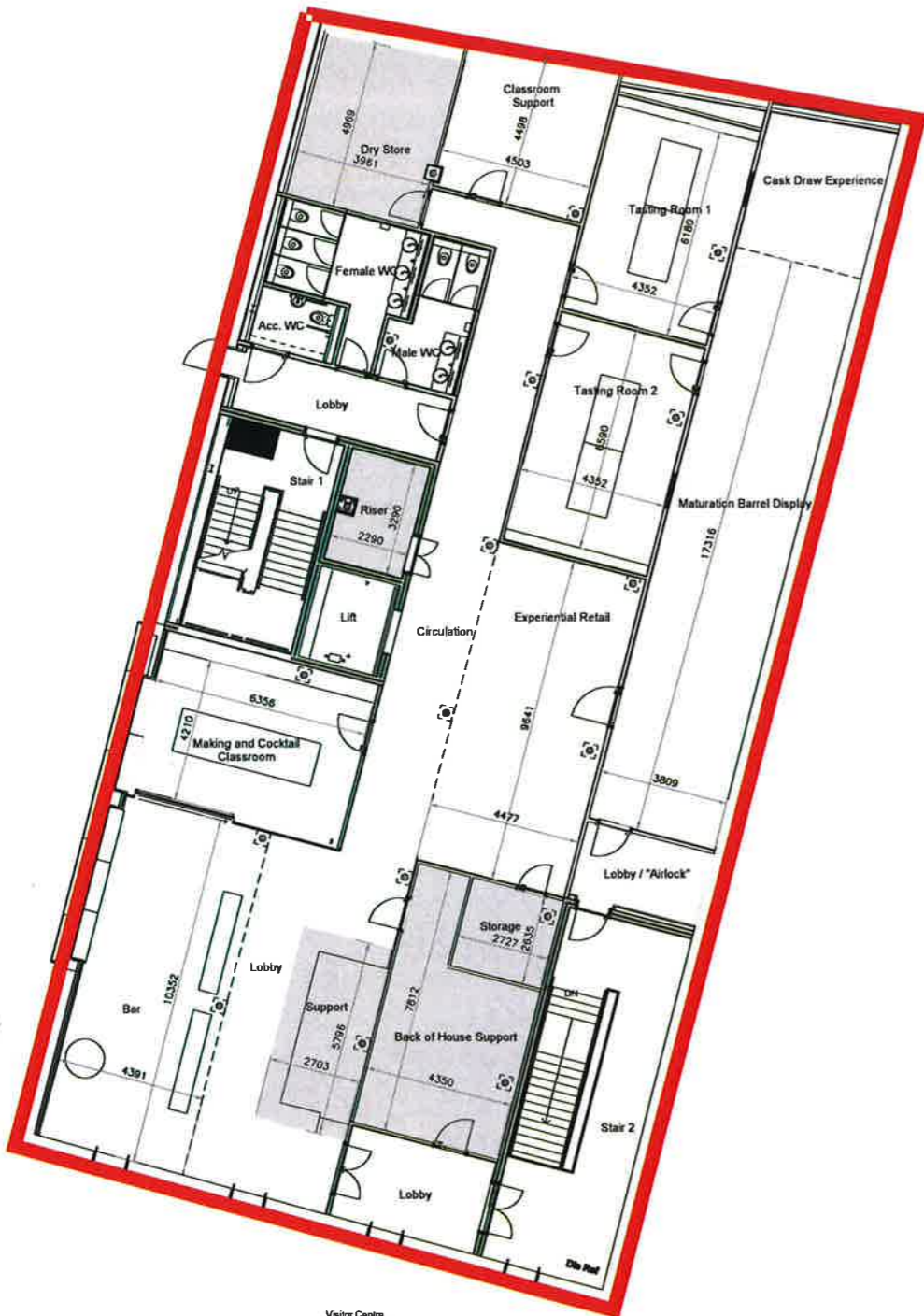
BLYTH & BLYTH
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 E-mail: edinburgh@blythandblyth.co.uk
 www.blythandblyth.co.uk Telephone: 0131 434 2700

Licensing Drawings

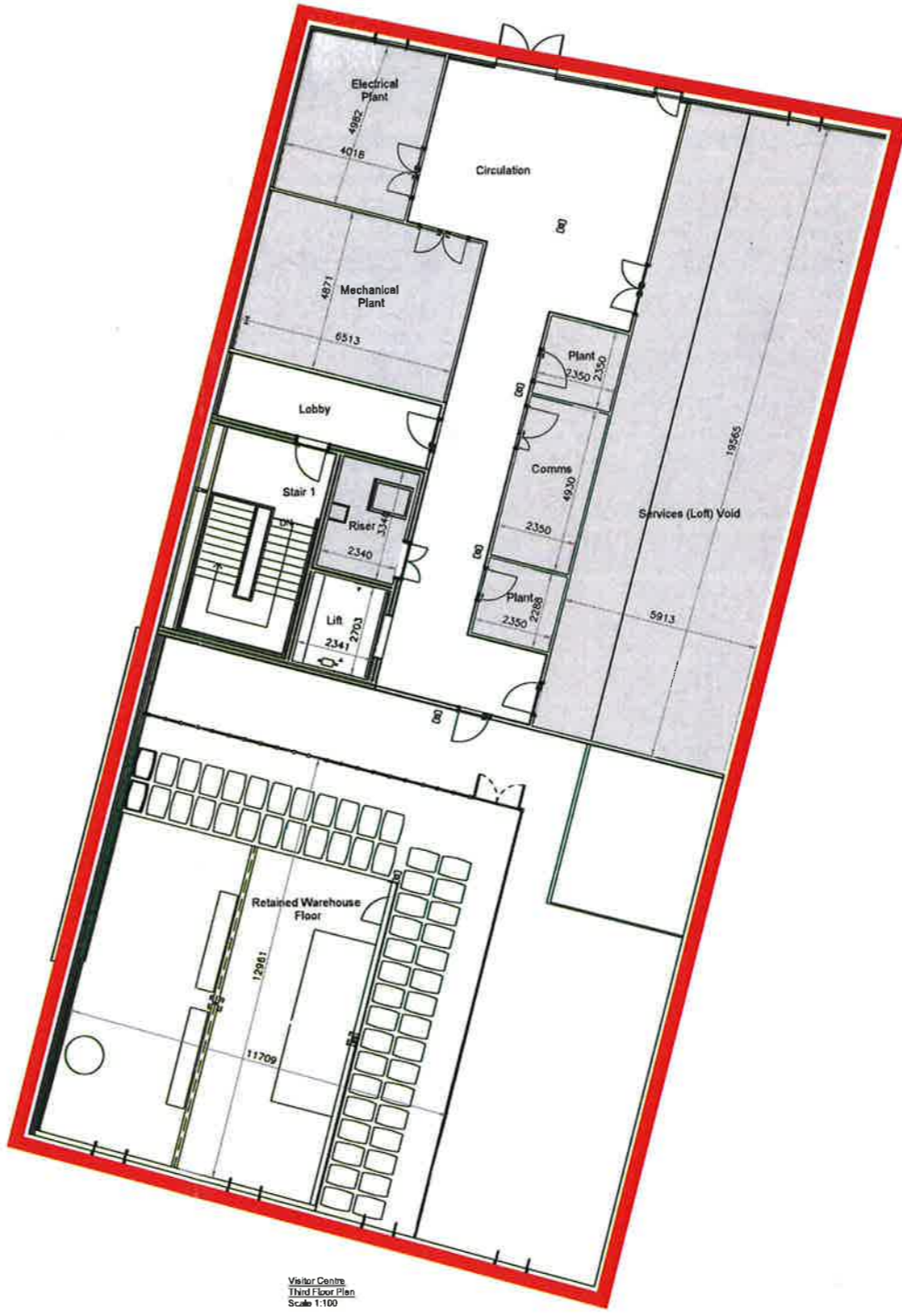
VISITOR CENTRE
 GROUND FLOOR & FIRST FLOOR GA

Drawn by	CK'd by	Scale
Date: Sep'16	Date: Sep'16	1:200 @ A1
Drawing No.		Revision
AZ70368:28:(24)006		

DO NOT SCALE



Visitor Centre
Second Floor Plan
Scale 1:100



Visitor Centre
Third Floor Plan
Scale 1:100

Key

- Red line boundary indicates extent of Licence Application
- Grey shaded areas denote NO ACCESS to children and Young persons

Legend

- denotes CCTV camera
- denotes fire alarm
- denotes emergency fire exit signage
- denotes break glass fire alarm point
- denotes FOAM fire extinguisher
- denotes Co2 fire extinguisher
- denotes WATER fire extinguisher
- denotes cctv monitor
- denotes smoke detector

Notes	

Revisions	Date	Drn.	Revisions	Date	Drn.

Diageo (Scotland) Ltd
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LICENCE APPLICATION










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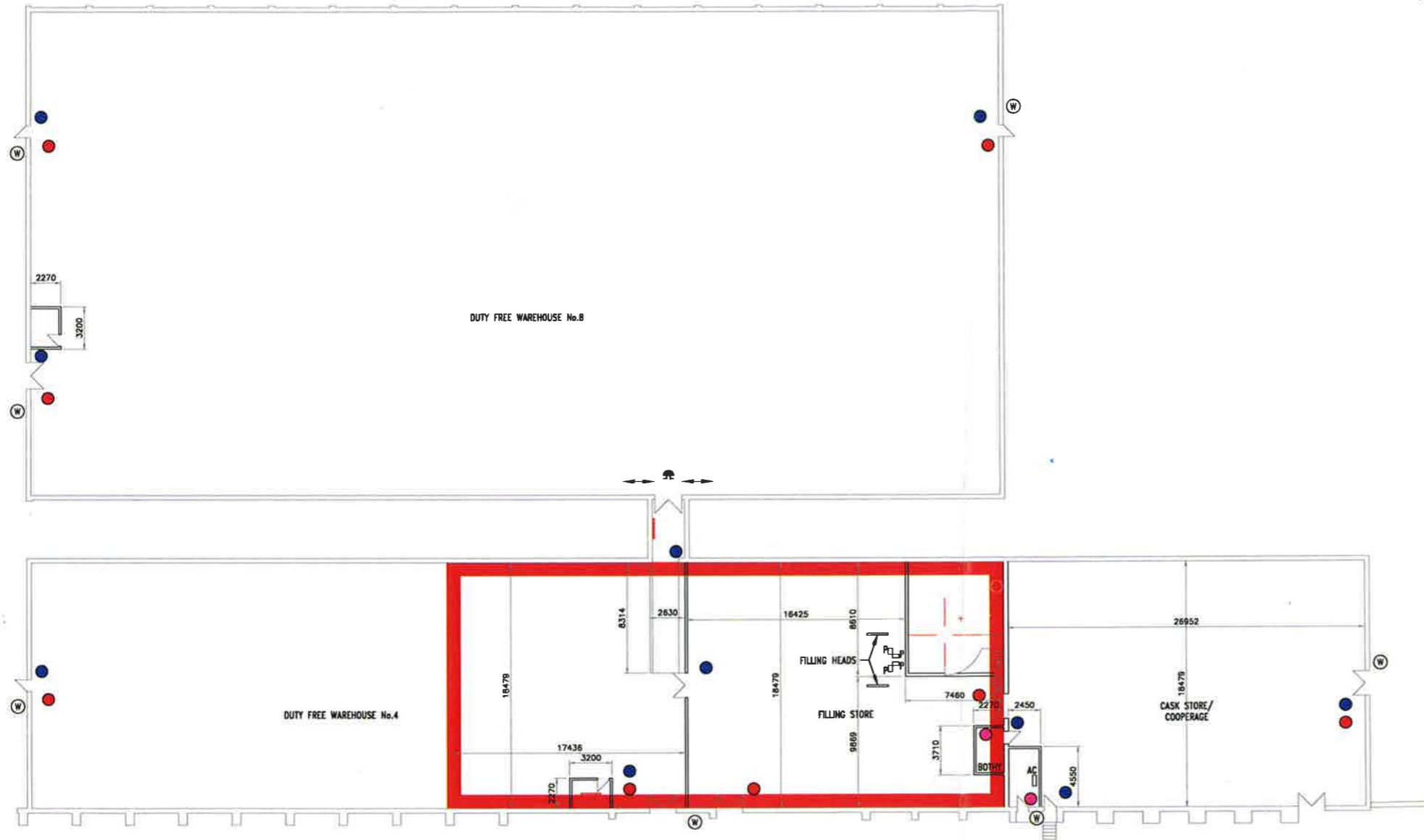
VISITOR CENTRE SECOND FLOOR & THIRD FLOOR GA		
Drawn: kp	Cl'd: p.k.	Scale: 1:200 @ A1
Date: Sep'16	Date: Sep'16	DO NOT SCALE
Drawing No. AZ70368:28:(24)007	Revision	

Key

- Red line boundary indicates extent of License Application
- Areas of NO ACCESS to children and Young persons

Legend

-  denotes cctv camera
-  denotes break glass fire alarm point
-  denotes WATER fire extinguisher
-  denotes fire alarm
-  denotes FDAM fire extinguisher
-  cctv monitor
-  denotes emergency fire exit signage
-  denotes Co2 fire extinguisher
-  denotes smoke detector



Filling Store Layout
Scale 1:200

Notes	Revisions	Date	Dm.	Revisions	Date	Dm.
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Diageo (Scotland) Ltd
Glenkinchie

LICENCE APPLICATION

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Licensing Drawings

FILLING STORE GENERAL ARRANGEMENT			
Drawing No.	CK'd P.K.	Scale 1:200 @ A1	
Date: Sep'16	Date: Sep'16	DO NOT SCALE	
Drawing No. AZ70368:28:(24)005			Revision A