
EAST LoTHIAN**3b****Meeting 26 March 2020 at 10.00a.m. in , Council Chambers, Town House, Haddington****Licensing (Scotland) Act 2005****Variation (Major)(s)**

	Premises	Applicant	Date Received	Comments
2	MARGIOTTA 10A HIGH STREET ABERLADY LONGNIDDRY EAST LoTHIAN EH32 0RB	JELCM LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	10 February 2020	Change name of premises to Margiotta. Add recorded(background) music, to take place prior to core hours. Amend opening hours 7am to 10pm. Add takeaway (hot food and coffee) and Deliveries (which may include alcohol). Reduce offsale capacity to 13.5m2.
3	NISA LOCAL 18-26 HIGH STREET NORTH BERWICK EAST LoTHIAN EH39 4HQ	TASNEEM AHMED	30 January 2020	To vary licence for addition of home deliveries of alcohol and increase alcohol display from 23.4m2 to 28.89m2 and vary layout plan for introduction of new checkout 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)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

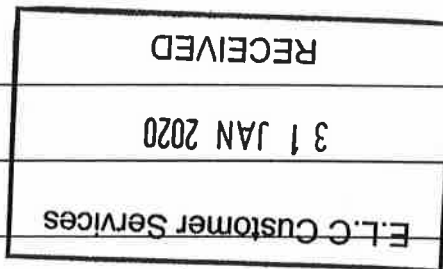
EL0142

2(b) Name and Address of Premises

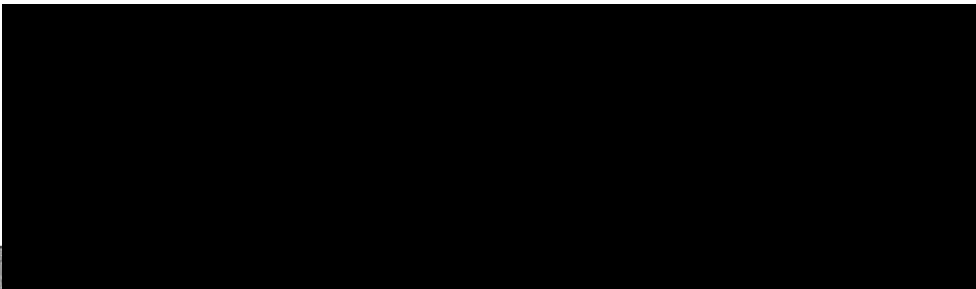
NISA LOCAL
18-26 HIGH STREET
NORTH BERWICK
EH39 4HQ

Post Code EH39 4HQ

Phone No. 01620895775



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


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SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

NA

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)

WE WOULD WISH TO OPERATE HOME DELIVERIES OF ALCOHOL AND INCLUDE THIS IN THE OPERATING PLAN AT Q5 (f) DELIVERIES OF ALCOHOL

WE REQUEST THE INCREASE OF ALCOHOL DISPLAY FROM 23.4 m² TO 28.89m² AND AMEND THE OPERATING PLAN AS FOLLOWS:

Q7 TOTAL ALCOHOL DISPLAY : 28.89m²

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

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

THE PROPOSED VARIATION IS TO ACCOMMODATE A CHANGE TO THE LAYOUT PRIOR TO LAUNCH OF OUR REFURBISHED STORE. THE CHANGE RESULTS IN AN INCREASE IN THE ALCOHOL DISPLAY CAPACITY FROM 23.4M² TO 28.89M².

AN AMENDED LAYOUT PLAN TO REFLECT THE INCREASE IN DISPLAY CAPACITY; INTERNAL RECONFIGURATION AND INTRODUCTION OF THE NEW CHECKOUT AREA, IS ATTACHED TO THIS APPLICATION.

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)

NA

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 **£200**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£220** (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

30/01/2020

Capacity: APPLICANT / AGENT (delete as appropriate)

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

.....
.....
.....

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>

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

Convenience store based on North Berwick High Street for over 25 years. We're an independent grocery shop, a family business in operation for over 35 years in East Lothian. Owned and operated by Rasul Brothers LTD.

We share usage of the 'Nisa' brand with other independent retailers like 'Pinkie Farm' in Musselburgh and on a more national scale ' ParcMarket' at Center Parcs . 'Nisa' is owned and operated by The Co-operative Food Group and acts as a partners and wholesalers for Nisa Members.

On/Off Consumption

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

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

Convenience store & Off-Sales license with storage room, kitchen/loading area, office & toilet as per plans

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:

NA

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:

NA

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:

NA

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:

NA

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:

NA

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:

NA

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:

PREMISES OPEN AS GENERAL GROCERS BETWEEN HOURS OF 7AM – 10PM

PREMISES IN LATTER STAGES OF INTRODUCING ON-LINE HOME DELIVERY OPERATING BETWEEN HOURS 10AM - 10PM

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.

NA

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:

Excellent CCTV

High End products close too or present area occupied by Team Member
Training and Development of all Team Members on security/crime prevention
Challenge 25 scheme
Prominent notices
Better lighting around the building
Health and Safety assessments and review
Risk Assessments and reviews
Company Auditing

From our experience and intuition, we believe it's best to locate the Alcohol section near an area where we reduce any potential for crime and disorder. Just as our current layout, our new layouts beverage section will be located near the checkout area. Experience tells us, this area is the optimal location to reduce potential misfortunes. We also have exceptional HD CCTV with night vision which have always and forever will be accessible by Police Scotland if required. There will be CCTV at the checkout area for team members as well as the office allowing constant monitoring.

Securing Public Safety:

We are committed to securing public safety by:
Design and layout of store
CCTV
Training and Development
Health and Safety assessments
Written Policy
Risk Assessment
Team Members First Aid Qualified

Preventing Public Nuisance:

Training Development and supervision
CCTV
Store closes at 9pm everyday
Liaise with Neighborhood watch and Community Warden
Litter and waste management policy
Temperature controlled store

Protecting and Improving Public Health:

Notification displayed at display area
Challenge 25
Till Prompts for Team members selling age restricted products
Staff members trained in protecting and improving public health with particular attention towards Alcohol abuse
Selection of Non-Alcoholic beverages
Defibrillator located within 20 meter of the store
Delivery drivers trained at personal license holder level

We take within our own responsibility the consideration of public health towards alcohol abuse within the community. We train our team members extensively to identify alcohol abuse and how to refuse and log sales once we believe member of the public are have unfortunately fallen victim. Our team communicates well with the public and its important that we 're beneficial to the community. Records of refusals are logged and are regularly updated and reviewed . Our

stores are audited and risk assessment's undertaken.

We're a community store and want to operate in a healthy and safe society.

Protecting Children and Young Persons From Harm:

Challenge 25

Accept only accredited proof of age scheme

Training and Development and Supervision in accordance to company policy and procedure

Log-Books

Layout designed separating product marketed towards Children and the display of restricted items.

Company Policy and Procedures Auditing

Health, Safety and Risk Assessment

Delivery drivers trained at personal license holder level. Delivery of alcohol must be signed buy persons over 18 and confirm no person under the age of 18 will have access to any age restricted products.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

This store refurbishment which we're about to undertake is in essence to future-proof these essential services to the local communities to which it serves. Business is extremely competitive and change is constant in the grocery market. These changes are to inline our business with customers expectations. We're investing a lot of our own money into this project, hopefully developing this business to create more employment and create a better experience in general for our community and tourists alike. We want to showcase the "best in local produce" adding a point of difference from our competitors.

At Nisa NB, we stock your standard range from what we would expect from a High Street Co-operative food store. Our range of produce from East Lothian includes Lucas Ice Cream, Glenkinchie Malt Whiskey, and Belhaven Brewery, naming a few. The Lothians and the surrounding areas have incredible producers and independent retailers are essential to these small businesses development and sustainability. We've calculated, producers making tail-end 'Retail-able Product' From within a 50 miles radius of the store, approximately 68% is from within the "Alcohol and Beverage" market. Currently in the store, we're only covering 10% of these producers within the Beverage sector and believe the extra space requested is justified, encouraging more purchases of locally produce beverages.

The following local brands which we would like to introduce:

- Thistly cross cider
- NB Gin
- Belhaven Brewery (Inc. Range)
- Scots Cheer
- Knopps Beer
- Stewart Brewing
- Alechemy Brewing
- Range Caledonia Brewing
- Edinburgh Beer Factory
- Brew Dog (Inc. Range)
- Barneys Beer
- Innis & Gunn
- Cross Borders Brewing Company
- Tempest Brewing
- St Andrews Brewing
- Loch Leven Brewing
- Edinburgh Gin (Inc. Range)

*These are the main producers which we would like to introduce into our new range. Please consider these suppliers have an extensive range of products.

This is mainly being pushed by consumer demand and environmental issues, therefore only right to inline with customers expectations and remain relevant as an independent grocers. We will use the extra space to stock more small and larger beverage produced locally and within Scotland.

We are currently doing home deliveries for our Elderly and and housebound customers. This is an essential service to the community. However, we are looking to expand this operation in order to keep it sustainable. We are in the process of developing our on-line home delivery application as this is the next stage of convenience grocery shopping. Innovative technology coupled with the speed to which convenience retailers can deliver is beginning to be pushed by consumer demand. We would like to be the first to introduce this instant, on-line grocery deliveries in North Berwick. This service is still in development stage and is yet not ready for operational purposes.

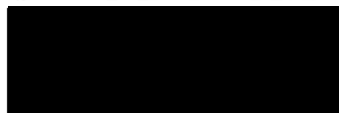
Furthermore, we would be looking to only deliver within the period between 10am and 10pm and our drivers will be personal license holders or the equivalent level of knowledge and experience.

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

SIGNATURE AND DECLARATION BY
APPLICANT




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

Signature



Date

30/01/2020

-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

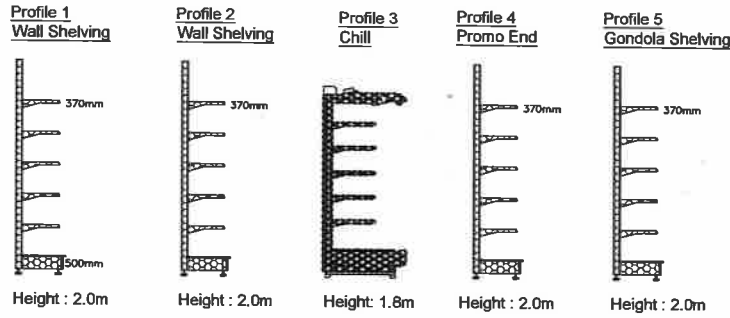
Display Area of Alcohol (Inaccessible)
 Wall Shelving:- 2.0m (w) x 2.0m (h) = 4.0m²

Display Area of Alcohol (Accessible)
 Wall Shelving:- 1.83m (w) x 2.0m (h) = 3.66m²

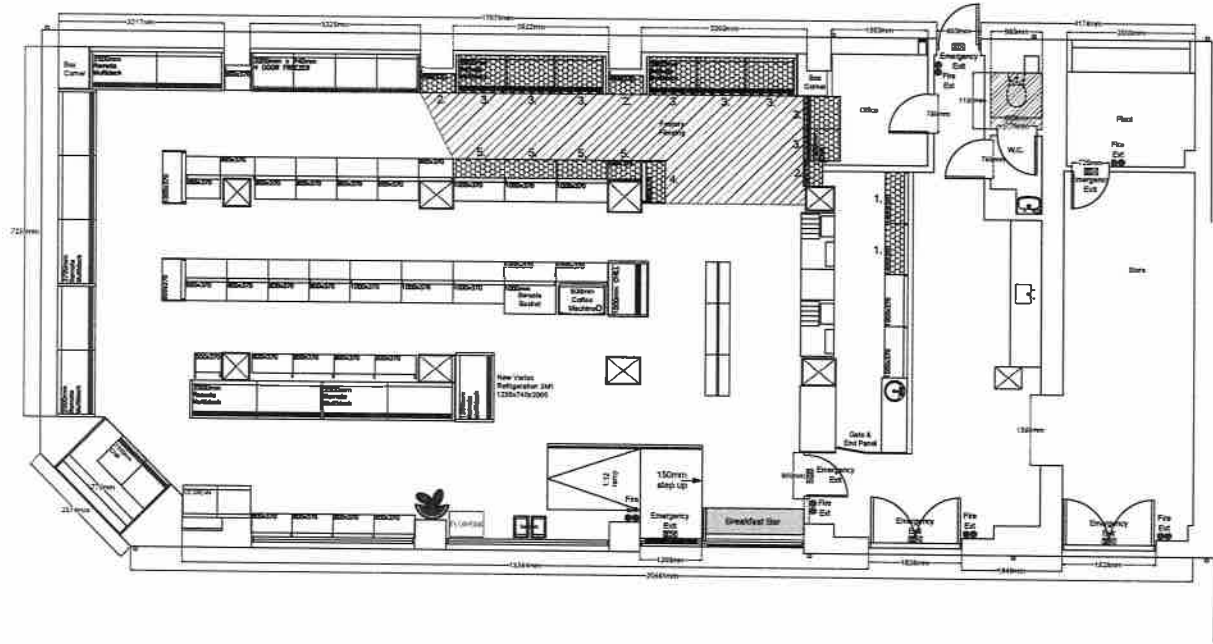
Gondola Shelving:- 3.65m (w) x 2.0m (h) = 7.3m²
 Promo End:- 0.8m (w) x 2.0m (h) = 1.6m²

Chills:- = 6.85m (w) x 1.8m (h) = 12.33m²

Total Display Area:- 28.89m²



- Existing Ceiling: -
- Proposed Ceiling: -
- Depth of Frieze: -
- Wall Column Height: -
- Gondola Column Height: -
- Suspended Ceiling: -
- Floor Specification: -
- Lighting Specification: -
- Woodwork Finish: -
- Shelving Colour: -
- Kickplate Colour: -
- Ticket Rail Colour: -
- Dairy Trim Colour: -
- Slatwall Finish: -
- Frieze Finish: -



Vertex RAS Ltd
 Sir William Smith Road
 Kirkton Industrial Estate
 Arbroath
 Angus
 DD11 3RD

Tele: 01241 876796
 F.A.X.: 01241 878010
 www.vertexscotland.com

Project Details: Nisa Local
 18-26 High Street
 North Berwick
 East Lothian
 EH39 4HQ



Drawing Title:	License
Drawing No:	18-119
Scale:	1:100@A3
Date:	28-01-20
Drawn By:	JT
Revision:	-
Project Rep:	JF
Revision By:	-

13/02/2020

Your Ref: EL0142

Our Ref: JE/4926LIC/20

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



**POLICE
SCOTLAND**

Keeping people safe

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
NISA FOODS
- 26, 18 HIGH STREET, NORTH BERWICK, EAST LOTHIAN, EH39 4HQ.**

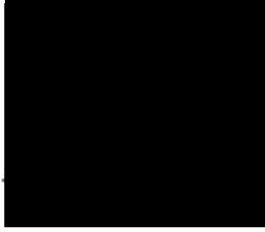
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a change to the operating and layout plan following refurbishment and an increase in the alcohol display from 23.4m² to 28.89m² and to make deliveries of alcohol, between 1000-2200 daily.

The premises is a well-known local grocery store, which has been operating in North Berwick for many years. It has a wide range of alcoholic beverages for sale.

Should the Board be minded to grant this variation, I would take this opportunity to remind the applicant of her obligations under Section 119 of the Act in relation to keeping records of these deliveries.

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



Yours faithfully

For enquiries please contact the Licensing Department on 01620 826147.

EAST LoTHIAN COUNCIL

People and Governance

**From: Rudi Fruzynski,
Licensing Standards Officer**

**To: K. MacNeill
Clerk to the Licensing Board**

Date: 19 Feb. 2020

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION 2020
NISA LOCAL, 18 - 26 HIGH STREET, NORTH BERWICK, EAST LoTHIAN
EH42 1NP**

I can confirm that the applicant and premises have been visited in relation to this variation application. My observations are as follows:

The changes applied for are:

- To add in the facility of home delivery of alcohol. In this respect, the applicant should comply with requirements of Section 119 of the Licensing (Scotland) Act 2005 and Section 32 of the Board's statement of licensing policy, especially Sections 32. 1 and 32.3 therein.
- To change the layout of the store and increase the alcohol display from 23.4m² to 28.89m². Licensing Standards has no objection to this proposal, but as a standard now being set for all variations to off-sales premises, it is requested that conditions be applied 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 and that the currently installed CCTV cameras be maintained to a standard acceptable to Police Scotland.

In summary, the proposed changes are supported by Licensing Standards.

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

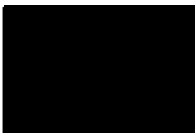
From: [REDACTED]
Sent: 01 March 2020 19:21
To: Herkes, Gillian
Subject: RE: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation

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 Gillian

The Community Council has had an opportunity to consider the major variation application from Nisa Local, 18-26 High Street, North Berwick and can confirm that it has no objection to the proposed variation.

Regards



Secretary, NBCC

From: Herkes, Gillian [mailto:gherkes@eastlothian.gov.uk]
Sent: 06 February 2020 14:20
To: Lothian Scot Borders Licensing East Mid Lothian; Environmental Health/Trading Standards; Environment Reception; torquil.cramer@firescotland.gov.uk; Fruzynski, Rudi; Boyle, Fiona; Licensing; Grant, Shona; [REDACTED]
Subject: FW: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation

Good Afternoon

Please find attached Major Variation Application for Nisa Local, 18-26 High Street, North Berwick for report.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 10th February 2020

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Nisa Local, 18-26 High Street, North Berwick

Application type: Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Herkes, Gillian

From: Licensing
Sent: 26 February 2020 11:59
To: Herkes, Gillian
Subject: FW: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation - Deadline 2 March

From: Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> **On Behalf Of** Licensing
Sent: 26 February 2020 11:50
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>; Licensing <licensing@eastlothian.gov.uk>
Subject: RE: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation - Deadline 2 March

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.

Hi Gillian

No comments from NHS Lothian regarding above application, thanks.

Kind regards, Fiona

From: Herkes, Gillian [mailto:gherkes@eastlothian.gov.uk]
Sent: 06 February 2020 14:20
To: Lothian Scot Borders Licensing East Mid Lothian; Environmental Health/Trading Standards; Environment Reception; torquil.cramer@firescotland.gov.uk; Fruzynski, Rudi; Boyle, Fiona; Licensing; Grant, Shona; [REDACTED]
Subject: FW: Attached Image Nisa Local, 18-26 High Street, North Berwick - Major Variation - Deadline 2 March
Importance: High

Good Afternoon

Please find attached Major Variation Application for Nisa Local, 18-26 High Street, North Berwick for report.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk