

ELO373

**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR /PROVISIONAL PREMISES LICENCE**

**Licensing (Scotland) Act 2005, section 20**

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

**2**

**Question 1**

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

109 High Street  
Musselburgh  
EH21 7DA

**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.*

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.

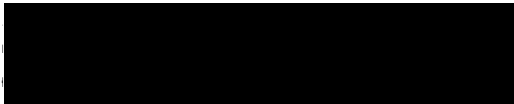
MJJ Foods Ltd  
3 Neatoune Drive  
Danderhall  
EH22 1FZ

Company Number SC667177

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.\*

Jaroslaw Jacek Wiatrowski



Joanna Wiatrowska



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

**Question 3**

*Previous applications*

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

*If YES – provide full details*

**Question 4**

*Previous convictions*

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES/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*

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

**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)*

Retail premises located in the ground floor of a three storey building on High Street, Musselburgh.
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**Question 6**

6 *To be completed by members' clubs only*

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

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

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

Signature [redacted] \* (see note below)

Date 2/12/10

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

<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>	
<i>Food hygiene certificate</i>	

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

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

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

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

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

109 High Street  
Musselburgh  
EH21 7DA

### 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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	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>	<i>NO</i>
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*\*If YES – provide details*

**Question 5**

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

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

The premises may open from 7am for the provision of groceries, newspapers and general produce but no alcohol will be sold or supplied until the commencement of licensed hours. Activities answered yes in column 4, such as background music, may take place during this period.

*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.

Deliveries (which may include alcohol)  
Takeaways ( might do coffees, hot snacks)

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

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

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

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

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

**Question 7**

*CAPACITY OF PREMISES*

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

18.186 m2

**Question 8**

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

*Personal details*

8(a) *Name*

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address*

8(e) *Personal licence*

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

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

The contents ..... the best of my knowledge and belief.

Signature ..... (see note below)

Date ..... 2/14/10

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

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

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

0131 2296181, 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.

“SCHEDULE 6

Regulation 7

**DISABLED ACCESS AND FACILITIES STATEMENT**

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

**Question 1**

**Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	NO
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
*Delete as appropriate		

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 door is wide enough for a wheelchair, with care. See photo attached.

**Question 3**

**Facilities available**

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

There are no particular facilities, but staff would look out for people with any form of disability, including mobility issues, and deal with them accordingly. This would apply for instance to people in wheelchairs who could not see the full display, or anyone with sight issues.

In general our clients wish to establish themselves as a popular local business, catering mainly for local residents and hopefully build up knowledge on their customers as they become regulars.

**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.

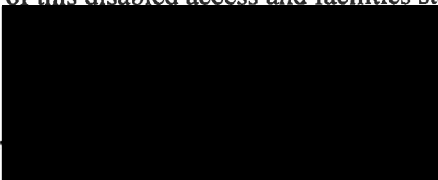
Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types 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 contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature ...  \* (see note below)

Date ..... 2/12/20 .....

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."

## 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 are a husband and wife team, Jaroslaw and Joanna Wiatrowski, originally from Poland. They have, since moved here, opened three shops. This will be their fourth. They have two in Edinburgh, at West Granton Road and Gilmerton Dykes Road, and one on High Street, Dalkeith

The shops are traditional convenience stores with a wide range of products including foodstuffs, magazines, confectionary, toiletries and general household items. Many of the items originate in Poland and Eastern Europe but they cater for demand from local residents if specific products are popular

They do cater for a lot of customers from that part of the world but their range of products and quality of their operations are such that they attract a lot of business from local people generally

The other three shops are licensed with Edinburgh and Midlothian Boards. We do the licensing for the other three shops, all of which were new Licences for previously unlicensed shops, and are not aware of any issues with any of them

This shop opened recently with the benefit of Occasional Licences and has received a good reaction from customers

(extend this box if you require additional space)

<p><b>On/Off Consumption</b></p> <p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p> <p>(b) Please describe the type of business you intend to operate in respect of Off consumption &amp; deliveries</p>	<p>a) <b>Not Applicable</b></p> <p>b) <b>Off sales will be used for the sale of alcoholic drinks in the shop, and possibly deliveries</b></p>
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**Clarification is required in relation to the content of your proposed Operating Plan**  
 (extend the boxes below if you require additional space)

<p><b>To what extent do you intend to use any of the following:</b> Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p style="text-align: center;"><b>Not Applicable</b></p>
<p><b>Social Functions – Weddings; Birthdays; Retirements ; Other</b> - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:</p> <p style="text-align: center;"><b>Not Applicable</b></p>
<p><b>Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport</b> - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:</p> <p style="text-align: center;"><b>May be background music played in the shop, subject to Government guidelines.</b>  <b>The others are not applicable</b></p>
<p><b>Outdoor Drinking Facilities</b> - 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</p>



objectives section how you intend to prevent public nuisance from use of such facilities:

**Not Applicable**

**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:

**Not Applicable!**

**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:

**The shop may open from 7am for non-alcohol products**

**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:

**Not Applicable**

**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.

**As retail premises with off sales only Children and Young Persons are permitted entry. Children on their own would be monitored by staff**

**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:**

Our clients both have Personal Licences and operate, with their staff, three shops in areas where a strong management style is appropriate. They will be extremely diligent in enforcing their Age Verification Policy, display Challenge 25 Posters and will give staff guidance with regard to what ID they can accept.

They will have a CCTV system in place which will be monitored and used when appropriate to download any incidents.

They have good relationships with the Police and LSOs in their area and are sure that this would continue in East Lothian

**Securing Public Safety:**

This is a big shop so will be laid out in a customer friendly basis which should avoid over-crowding and should be capable of easy access for wheelchair users.

They take pride in the quality of their shops and look after the fabric of the building and fixtures.

The safety of their staff and customers are paramount. As experienced operators they know how to deal with a Risk Assessment and take appropriate action for all types of potential issues

**Preventing Public Nuisance:**

There is no reason to think that these premises will constitute a nuisance. Customers will be expected to behave in a proper way and misbehavior of any type towards other customers and staff will not be tolerated. Our clients do depend on local business and like to feel they are part of the

communities that they are located in. They certainly do not want to cause any issues for the local residents

**Protecting and Improving Public Health:**

Our clients know, from their other shops, that customers who have already had too much to drink may try to be served more alcohol. This will not be tolerated and staff will be trained to recognize signs that might indicate this. This location is high profile and they want to establish a reputation straight way that they will not tolerate drunkenness, misbehavior or under agers attempting to purchase alcohol in their premises, which they hope East Lothian will consider an asset to the area

**Protecting Children and Young Persons From Harm:**

We have already referred to their Age verification Policy and this includes Agency purchases by adults. Again staff will be guided as to what might indicate that an adult is purchasing for under agers, in which case the sale will be refused

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

Taking over these high profile premises on Musselburgh High Street. They have fitted it out to a high standard and will use their experience to operate properly

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

As above. Good and experienced operators. Creation of a local facility which our clients consider there is a demand for in the area

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

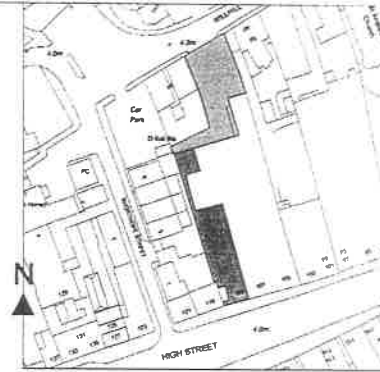
Signature		Date	
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**LEGEND**

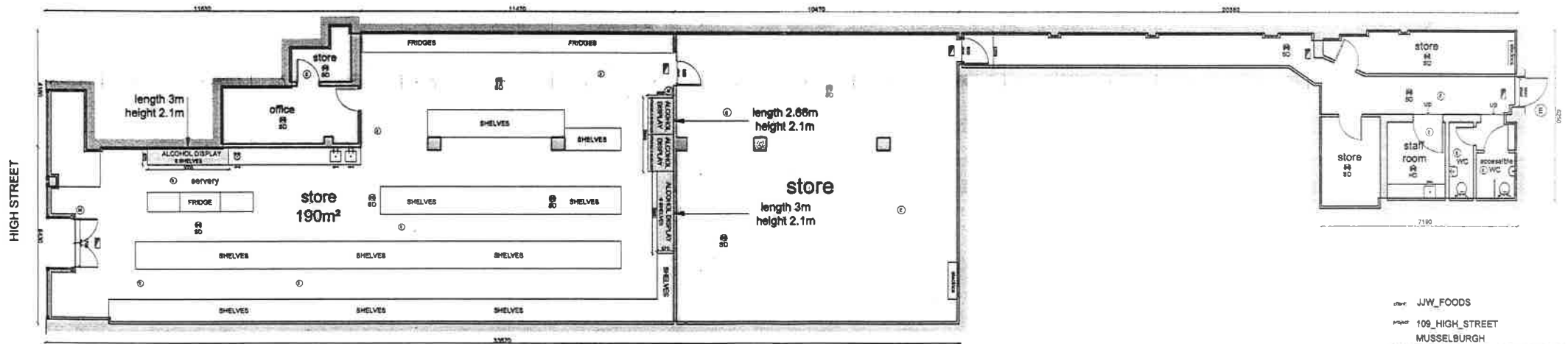
-  Smoke detector L2 should be installed in accordance with BS 6639 Part 1: 2013
-  Emergency lighting should be in accordance with BS 6266: Part 1: 2005 as read in association with BS 5266: Part 7: 1999 (BS EN 1838: 1999).
-  Manual call point
-  Illuminated exit box with exit signage, 3 hour maintained
-  Licensed area

Firefighting Equipment to comply with British Standard EN3, British Standard 7863 : 1996, British Standard 5306-3:2003 and British Standard 5306-5: 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.



SITE PLAN  
scale 1:1250



client JYW FOODS  
project 109\_HIGH\_STREET  
MUSSELBURGH

Rev	Date	Description	Rev	Date	Rev
01		Issued for			
02		Revised			
03		Final			

Drawing No	Project No	Scale	Date
210_02	FLOOR_PLAN_AND_SITE_PLAN	1:100	08
Client	LICENSING		
Sheet	04-2		



**SECTION 50  
PLANNING CERTIFICATE**

<b>APPLICANT:</b>	<b>MJJ Foods Ltd</b>
<b>NAME AND ADDRESS OF PREMISES:</b>	<b>109 High Street, Musselburgh</b>

**SECTION 50 PLANNING CERTIFICATE**

I confirm that planning permission (ref:.....) 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 to cover the above proposals.

Signed:		Date:	<b>2<sup>nd</sup> December 2020</b>
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**Keith Dingwall  
Service Manager, Planning**

Winter, Maree

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**From:** Lothian Scot Borders Licensing East Mid Lothian  
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>  
**Sent:** 16 December 2020 11:50  
**To:** Licensing  
**Subject:** FW: Provisional Premise Licence application - Stodola, 109 High Street, Musselburgh [OFFICIAL: POLICE AND PARTNERS]  
**Attachments:** Layout Plan - Stodola, 109 High Street, Musselburgh.pdf; Provisional Licence application - Stodola, 109 High Street, Musselburgh.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.

## OFFICIAL: POLICE AND PARTNERS

Good morning  
There is no police adverse comment to this application.  
Kind regards  
Rona

---

**From:** Winter, Maree [mailto:mwinter@eastlothian.gov.uk]  
**Sent:** 11 December 2020 10:11  
**To:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; 'Licensing@nhslothian.scot.nhs.uk'; torquil.cramer@firescotland.gov.uk; Environment Reception; Environmental Health/Trading Standards; Trading Standards; Grant, Shona; [REDACTED]  
**Subject:** Provisional Premise Licence application - Stodola, 109 High Street, Musselburgh

Dear all,

Please find attached provisional premise licence application for a retail premises to sell alcohol off-sale at 109 High Street, Musselburgh. Could I please have any representations/objections by 8<sup>th</sup> January 2021.

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](mailto:mwinter@eastlothian.gov.uk)



# EAST LoTHIAN COUNCIL

## PEOPLE AND GOVERNENCE

**From:** R. Fruzynski  
Licensing Standards Officer

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

**Date:** 09 Dec. 2020

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

**Stodoła, 109 High Street, Musselburgh, East Lothian EH21 7DA**

I refer to the above subject and can confirm that I met with the applicant, Joanna Wiatrowska when I visited her lovely new Polish convenience store and deli. The shop is well laid out and stocked with Polish food and drink produce and is already very popular with the local community.

The premises have been operating under Occasional Licences since it opened in October 2020 There have been no identified issues.

In relation to deliveries of alcohol, the conditions required under Section 119 of the Licensing (Scotland) Act 2005 and Section 32 of the current 'Statement of Licensing Policy 2018 -2023 should be complied with, namely:

### **32.0 Deliveries**

- 32.1 Applicants for licences that include any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records. (ref. Section 119 L(S)A 2005)
- 32.2 Applications for deliveries from cafes, restaurants and other food businesses, not considered to be predominantly grocers/supermarkets outlets, may be granted home delivery services, provided the order is ancillary to a meal and, any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.



32.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.

Licensing Standards has no objection to his application and welcomes this new shop to Musselburgh.

R. Fruzynski  
Licensing Standards Officer

