



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

**THURSDAY 28 JANUARY 2021 at 10.00am
VIA DIGITAL PLATFORM**

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, 26 November 2020 **(pages 1-6)**
- 2. Provisional Premises Licence**
 - a) Stodola, 109 High Street, Musselburgh **(pages 7-32)**
- 3. Grant of a Personal Licence (pages 33-40)**
 - a) Manish Kumar
- 4. Request to Extend Provisional Premises Licence (pages 41-44)**
 - a) 10-12 Court Street, Haddington
- 5. Major Variation of Premises Licence**
 - a) Auld Brig Tavern, 45 Eskside West, Fisherrow, Musselburgh **(pages 45-62)**
 - b) Event Space, Archibald Hope House, Eskmills Park, Musselburgh **(pages 63-90)**
 - c) Lidl, Mercat House, 6 High Street, Prestonpans **(pages 91-118)**

Kirstie MacNeill
Clerk of the Licensing Board
21 January 2021

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 26 NOVEMBER 2020
TELECONFERENCE MEETING

Board Members Present:

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

Clerk of the Licensing Board:

Ms K MacNeill, Service Manager – People and Governance

Attending:

Ms M Winter, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Mr R Fruzynski, Licensing Standards Officer
Sergeant Karen Harling, Police Scotland
PC Graeme Bairden, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor W Innes

Declarations of Interest:

None

Due to restrictions imposed during the COVID 19 pandemic, the East Lothian Licensing Board determined to proceed with the meeting by way of video conferencing.

1. MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 24 September 2020 were approved as a true record of the meeting.

2. REVIEW OF PREMISES LICENCE Day to Day, 26-28 Bridge Street, Tranent

Following Mr Manish Kumar being charged with selling alcohol to a 14-year-old child, a review of the premises licence had been requested by Police Scotland on 29 October 2020 in terms of Section 36(1) of the Licensing (Scotland) Act 2005 on the grounds of improving public safety, protecting and improving public health, and protecting young people from harm.

Mr Kumar and his representative, Mr Alistair Macdonald, were both present at the hearing.

PC Graeme Bairden spoke to the police letter dated 22 October 2020. He described the incident and how it came to the attention of the police. On Friday 2 October 2020, police received a call from a member of the public to inform them that her stepson had purchased alcohol from the premises in question. The young person had described the man who had sold him three bottles of alcohol, and the father had attended the store to challenge Mr Kumar. PC Bairden reported that Mr Kumar stated at this time that the young person had said he was 18 years old and would return to the store with proof of age. PC Bairden advised that officers attended and noted statements, and the young person said that at no time had he been challenged regarding his age.

Responding to a question from Councillor Henderson, PC Bairden advised that the CCTV footage was viewed but could not be seized due to a technical difficulty with making a copy. The footage was subsequently lost because it had been on a time loop.

Mr Macdonald provided the Board with background information to make clear who were the owners, the licence holders, and who ran the store. He advised that Mr Mohammad Ashraf Nadeem held the premises licence, and his son was the owner of the property and ran the shop until the premises were let to Mr Kumar at the beginning of 2020. He advised that Mr Nadeem had an interest in the business, but played no role in the running of the business; the transfer application had now been lodged. When letting the property out, he felt he had satisfied himself that Mr Kumar and his wife were suitable people to take over the business. Mr Macdonald advised that Mr Kumar had been unable to access a training course to become a personal licence holder over lockdown, but had since attended the relevant course and had lodged an application with the City of Edinburgh Council, which had not yet been granted. Mr Macdonald advised that Ms Duncan was the current premises manager and worked for Mr Kumar on a part time basis.

Mr Macdonald advised that his client took issue with the police report only in terms of the alcohol actually sold; Mr Kumar stated that this had been one bottle of alcohol rather than the reported three bottles. Mr Macdonald reassured the Board that Mr Kumar had cooperated fully with police requests regarding CCTV.

Mr Macdonald stressed that Mr Kumar had stated that this had been a one-off incident and mistake, and there had been no issues had arisen before or since. He noted that Mr Kumar had contacted police about young people outside the shop trying to persuade adults to purchase alcohol on their behalf, although the police had not

attended following this report. He advised that Mr Kumar had been trained by Ms Duncan, premises manager, and the alcohol refusal book had been available to police. Since the incident, Mr Kumar had passed his personal licence holder training; Mr Macdonald suggested that Mr Kumar's application to the City of Edinburgh Council for a personal licence could be withdrawn and lodged instead in East Lothian.

Mr Kumar apologised to the Board and to the parents of the young person to whom had had sold alcohol. He said he did not know why he had made this mistake, and had ensured that nothing further of this sort would happen. He confirmed that, other than this incident, no such issues had ever occurred while he had been in retailing.

Regarding Mr Kumar's challenge to the number of bottles of alcohol sold, PC Bairden advised that statements from both the young person and his father confirmed that three bottles of alcohol had been purchased.

The meeting was adjourned to allow Board Members to discuss in private, after which, the Convener invited Members to give their decision and reasons in turn.

Councillor Henderson acknowledged that Mr Kumar still had a journey ahead in terms of charges and court appearances, and therefore felt that a written warning from the East Lothian Licensing Board would be the most appropriate action. She also wished for Mr Kumar to consider lodging his personal licence application in East Lothian.

Councillor Goodfellow echoed Councillor Henderson's comments. He felt strongly that protection of young people from harm was a critical part of Licensing Board policy, and that a 14-year-old managing to purchase alcohol was very serious given the Board's Challenge 25 policy. He hoped that Mr Macdonald would take the salient points of the discussions back to the premises licence holder, who the sanction was being taken against.

Councillor Bruce agreed that the incident had been a serious one, but felt that a written warning was appropriate in the circumstances.

Councillor McMillan echoed Councillor Henderson's request for Mr Macdonald to work with Mr Kumar to bring his personal licence application to East Lothian. He stated that the Board had considered suspending the licence, but felt that a written warning as a minimum would be an appropriate sanction.

The Convener described the incident as serious and regrettable, and said that the Board were mindful of their role in protecting children and young people from harm. She agreed that a written warning was appropriate.

Decision

The East Lothian Licensing Board unanimously agreed that a written warning would be issued to the premises licence holder, and requested that Mr Kumar lodge his personal licence application with East Lothian Council.

3. MAJOR VARIATION OF PREMISES LICENCE

a 102 New Street, Musselburgh

The application sought a major variation of the provisional premises licence to hold birthday parties and functions, to be able to play background music while customers were dining, and to add a food takeaway service and off-sales to enable customers to take home an unfinished bottle of wine. The application also sought to allow children

to remain in the restaurant after 22:00 if in attendance at a prearranged function and accompanied by a responsible adult.

No objections had been raised by Police Scotland, NHS Scotland, by Planning, or the public. Initially a representation had been made by the Community Council in relation to admission of children after 10pm, but the applicant been in touch with the Community Council and this representation had since been withdrawn.

Ms Sau Tai Wong was present to speak to her application. She stated that variations were being sought because the licence for which she had previously applied was too restrictive. Mr Rafiq, who was the tenant, wished to offer takeaway meals, and occasionally host functions. She confirmed that the delivery service would be for food only, and that the only off sales would be for customers to take home an unfinished bottle of wine.

PC Bairden said that as parents/responsible adults should be present at a function, the police would have no particular objection to children staying after 10pm in such instances.

Responding to a question from the Convener, Ms Wong confirmed that children would be allowed to stay after 10pm only at pre-arranged functions and not as a general rule.

Councillor Henderson thanked Ms Wong for returning so quickly after making her initial application, and for the level of detail provided in the new application.

The Convener was comfortable to grant the application having received clarification that children would be allowed to remain on the premises after 10pm at prearranged functions only.

Decision

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

b The Ship Inn, 184 North High Street, Musselburgh

The application sought a major variation to include: breakfast and tea/coffee served from 10:00 including TV sport to be shown; background music; various types of events and functions; and to make home deliveries available. The outside area had also been reconfigured and additional toilets built. Children and young persons would be permitted entry to the restaurant and outside area when the premises were open.

No objections had been raised by Police Scotland, NHS Scotland, by Planning, or the public. Representations had been made by Police Scotland and by Planning, to which the applicant had already responded. The applicant had submitted a retrospective planning application covering the reconfigured car parking spaces to accommodate the new bin store.

Mr Graeme Arnott was present to speak to his application. He stated that the premises had been closed for one year. He felt that the new bin store would be of benefit by bringing refuse collection away from the busier North High Street. He wished to amend the hour that children and young persons were allowed in the bar area to 8pm, and for them to be allowed to remain on the premises until the terminal hour. He advised that the premises were well run by the general manager, and that all families who frequented the premises were known to staff.

Responding to a question from Councillor Henderson, PC Bairden advised that police had attended the premises with the LSO, and reported that the pavement had been fully reinstated. He requested that there be some kind of delineation to keep the two areas distinct from one another. Councillor Henderson requested that this be made a condition, and Mr Arnott confirmed that a barrier could be provided.

PC Bairden supported the application, and commented that the premises were well run by experienced staff.

Rudi Fruzynski, LSO, commented that the premises were popular in Musselburgh and congratulated Caledonian on the newly refurbished area. He had no concerns about the operation and fully supported the application.

Councillor Bruce supported the condition raised by Councillor Henderson for a barrier or delineation between the outdoor area and the pavement. He welcomed the investment made to The Ship Inn, and supported the application.

Councillors McMillan, Dugdale, and Goodfellow also supported the application, including the condition to erect a barrier around the outdoor area, and welcomed the investment made to the premises.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variation to the licence. The following condition was applied:

- A barrier or some form of delineation is to be put in place for the outdoor area.

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board

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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.

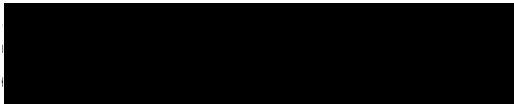
MJJ Foods Ltd
3 Neatoune Drive
Danderhall
EH22 1FZ

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* |
|--|---------|

**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

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

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. |
|---|

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.

| <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.

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> |
|--|-----------|

**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 |
|--|--|---|--|
| 5(a) Activity | <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 |
| Accommodation | No | N/A | N/A |
| Conference facilities | No | No | No |
| Restaurant facilities | No | No | No |
| Bar meals | No | No | No |
| 5(b) Activity | <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 |
| Social functions including: | | | |
| Receptions including Weddings, funerals, birthdays, retirements etc. | No | No | No |
| Club or other group meetings etc. | No | No | No |
| 5(c) Activity | <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 |
| Entertainment including: | | | |
| Recorded music – see 5(g) | Yes | Yes | Yes |
| Live performances – see 5(g) | No | No | No |
| Dance facilities | No | No | No |
| Theatre | No | No | No |
| Films | No | No | No |
| Gaming | No | No | No |
| Indoor/outdoor sports | No | No | No |
| Televised sport | 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

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? YES/NO*

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

*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.

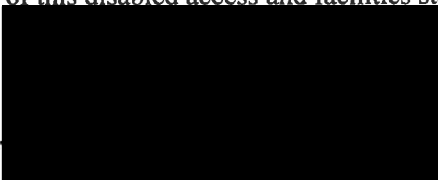
Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types 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>On/Off Consumption</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 & deliveries</p> | <p>a) Not Applicable</p> <p>b) Off sales will be used for the sale of alcoholic drinks in the shop, and possibly deliveries</p> |
|---|---|

Clarification is required in relation to the content of your proposed Operating Plan
 (extend the boxes below if you require additional space)

| |
|--|
| <p>To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p style="text-align: center;">Not Applicable</p> |
| <p>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:</p> <p style="text-align: center;">Not Applicable</p> |
| <p>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:</p> <p style="text-align: center;">May be background music played in the shop, subject to Government guidelines. The others are not applicable</p> |
| <p>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</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

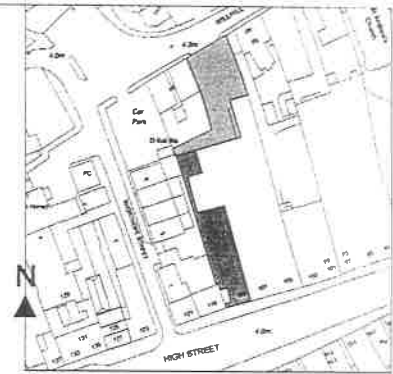
SIGNATURE AND DECLARATION BY APPLICANT

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 | |
|-----------|--|------|--|



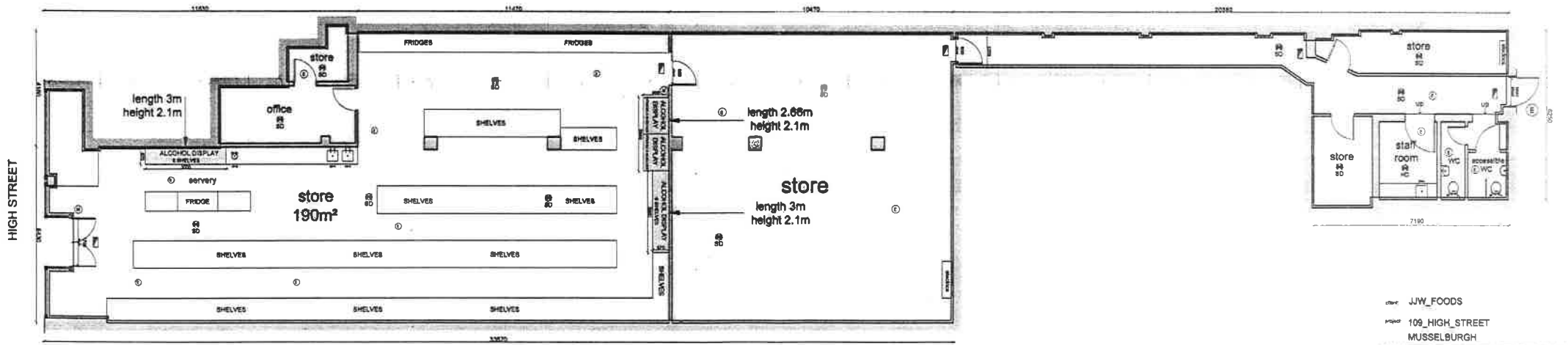
SITE PLAN
scale 1:1250

LEGEND

-  Smoke detector L2 should be installed in accordance with BS 6639 Part 1: 2013
-  Emergency lighting should be in accordance with BS 6206: 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.



client JYW FOODS
 project 109_HIGH STREET
 MUSSELBURGH

| Rev | Date | Description | By | App. Date | Scale |
|------------------|------|--------------------------|----|-----------|-------|
| 210_02 | | FLOOR PLAN AND SITE PLAN | | 14/11/05 | B3 |
| LICENSING | | | | | |
| | | | | | 04-2 |



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

**SECTION 50
PLANNING CERTIFICATE**

| | |
|-------------------------------|------------------------------|
| APPLICANT: | MJJ Foods Ltd |
| NAME AND ADDRESS OF PREMISES: | 109 High Street, Musselburgh |

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: | 2 nd December 2020 |
|---------|---|-------|-------------------------------|

Keith Dingwall
Service Manager, Planning

Winter, Maree

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 8th 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



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

EL1707
PC/R/1112

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

3

| | |
|--|--|
| 1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1 | |
| TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state) | |
| Surname | KUMAR |
| Forenames | MANISH |
| Date and Place of Birth | [REDACTED] |
| NI Number | [REDACTED] |
| ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| [REDACTED] | |
| Post town | [REDACTED] |
| Post code | [REDACTED] |
| TELEPHONE NUMBERS | |
| Daytime | East Lothian Council Licensing - 1 DEC 2020 |
| Evening | |
| Mobile | |
| FAX NUMBER | [REDACTED] |
| E-mail address (if you would prefer us to correspond with you by e-mail) | |
| Address for correspondence associated with this application (if different to the address above) | |
| Macdonald Licensing, 21a Rutland Square | |
| Post town | Edinburgh |
| Post code | EH1 2BB |

| | | |
|--|---|-----------------------------|
| 2. Your licensing qualification | | |
| Read note 2 | Please tick | |
| I hold an accredited qualification | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| If you have ticked yes please provide a copy of your qualification with your application. | | |
| 3. FIRST APPLICATIONS ONLY | | |
| This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below. | | |

| Note: You may only hold one personal licence at a time | | Please tick | |
|---|--|------------------------|------|
| Do you currently hold a personal licence? | | Yes | No ✓ |
| Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board? | | Yes | No ✓ |
| Has any personal licence held by you been forfeited in the last 5 years? | | Yes | No ✓ |
| Licensing Board | | | |
| Licence number | | | |
| Date of issue | | | |
| Date of expiry | | | |
| Any further details | | | |
| 4. RENEWAL ONLY | | | |
| This section should be completed only if you are applying for a renewal of your existing licence | | | |
| Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below | | | |
| Details of current personal licence | | | |
| Licensing Board | | | |
| Licence number | | | |
| Date of issue | | | |
| Date of expiry | | | |
| Any further details | | | |
| If you cannot provide your personal licence, provide a statement explaining why | | | |
| | | | |
| Other personal licence | | | |
| Note: You may only hold one personal licence at a time | | Please tick | |
| I confirm that I do not hold any other personal licences other than the one submitted for renewal | | Yes | No |
| 5. CHECKLIST | | | |
| I have | | Please tick yes | |
| • Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3. | | ✓ | |
| • Enclosed a copy of any licensing qualification I hold | | ✓ | |
| • Enclosed my current personal licence (renewal only) | | | |
| • Made or enclosed payment of the fee for the application | | ✓ | |


6. Previous Convictions

You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4.

| Offence | Court | Date | Penalty |
|---------|-------|------|---------|
| NONE | | | |

7. Declaration

The contents of this application are true to the best of my knowledge and belief

| | | | |
|-----------------------------------|---|----------------------------|--|
| SIGNATURE – read note 5 |  | DATE 15 Oct 2020 | |
|-----------------------------------|---|----------------------------|--|



Scottish Certificate for Personal
Licence Holders at SCQF Level

6

R352 04



is awarded to

MANISH KUMAR

and was successful in the following 1 module

SCQF 6 Licensing for Personal Licence Holders (1 credit)

Pass



Accreditation

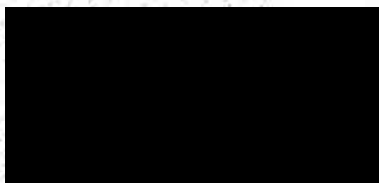


scottish credit and
qualifications framework

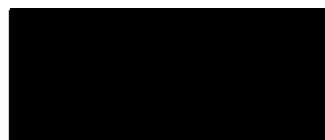
Credit Rating Body - SQA Accreditation

Awarded 20 October 2020
4TA9-H3T2-RCM9-C7HV-T44T

201020/7104-11/072650/BFC5756/M/100185
0001053301
5502812548



Kirstie Donnelly MBE
Director-General and Chief Executive Officer
The City and Guilds of London Institute



David Phillips
Managing Director
City & Guilds



Awarded by



The City and Guilds
of London Institute

The City and Guilds of London Institute is the awarding body / awarding organisation for City & Guilds qualifications.
The Institute was founded in 1878 and granted Royal Charter in 1900.
City & Guilds is a City & Guilds Group business

17/12/2020

Your Ref: EL1707

Our Ref: 394300GB

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

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
MANISH KUMAR, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant, Mr Kumar, has been charged with the following relevant offence(s).

| Date | Court | Crime/Offence | Disposal |
|-------------|----------------------|---|-----------------|
| 02/10/2020 | EDINBURGH SHERIFF | SECTION 102(1) LICENSING SCOTLAND ACT 2005. Selling alcohol to child or young person. | PENDING |

I am unable to confirm the existence of any foreign offence in respect of Mr Kumar.

Mr Kumar is the tenant of the premises at the Day Today grocery store, Tranent.

OFFICIAL

On Friday 2nd October 2020 a telephone call was received by Police Scotland from a member of the public to report that her stepson (Aged 14) had been found in possession of alcohol which he had purchased from the premises of Day today, Tranent.

The youth involved informed his parents that he had attended at the Day Today store and purchased three bottles of alcohol. He described Mr Kumar to his parents as the person who had sold him the alcohol. The alcohol purchased was two bottles of 75cl Mad dog 20/20 (13% vol) and a bottle of Cactus Jack Apple Schnapps (15% vol). In his statement given to Police the youth said that at no point was he challenged in regard to his age and that he himself was surprised to be served as he is aware he does not look eighteen years of age.

The father of the youth involved attended the Day Today store and challenged Mr Kumar in regard to his actions. Mr Kumar stated to him that the youth was 18 years of age and that he had said he would return to the store at a later time with proof of age documentation.

Police were then contacted.

Officers attended and noted statements from the youth involved and his father.

Officers then attended the Day Today store and were shown the CCTV footage in relation to the incident by Mr Kumar himself. This showed a very short exchange where the youth could be seen being handed the items from Mr Kumar and then paying for them. At no time from did the youth appear to present any form of identification to Mr Kumar. The CCTV did not have audio. The CCTV footage was not seized however was viewed by two police Officers.

Mr Kumar was thereafter cautioned and charged with an offence relating to section 102(1) of the Licensing Scotland Act 2005, selling alcohol to a child or young person and informed he would be reported for summons. He replied "IT WAS A MISTAKE" in reference to the charge.

Constable Bairden, Police Scotland licensing officer submitted a premises review referral to the board in regards to the incident. The outcome of this being that the premises was issued a written warning.

It is clear from the circumstances of this incident that Mr Kumar did not follow his training as given by the designated premises manager and as such he failed to meet the requirements of the licensing objectives of

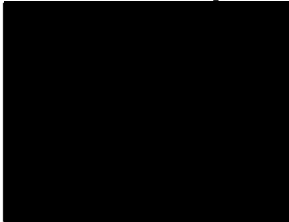
- Securing Public Safety
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm.

The actions of Mr Kumar in relation to this incident are cause for concern in regards to his application for a premises license.

OFFICIAL

I request that the Licensing Board considers the aforementioned grounds for this application and takes such steps as it considers necessary or appropriate for the purposes of fulfilling the Licensing Objectives.

Yours faithfully



John McKenzie
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 662 5775.

REPORT TO: East Lothian Licensing Board
MEETING DATE: 28 January 2021
BY: The Clerk of the Licensing Board
SUBJECT: Request to Extend Provisional Premises Licence

4

1 PURPOSE

- 1.1 To advise Members of a request made in terms of section 45(7) of the Licensing (Scotland) Act 2005 (“the Act”) to extend the period of a provisional premises licence in respect of premises at 10-12 Court Street, Haddington.

2 RECOMMENDATIONS

- 2.1 That East Lothian Licensing Board considers whether to grant the request to extend the period of effect of the Provisional premises licence, and if minded to grant, to determine the appropriate period of the extension.

3 BACKGROUND

- 3.1 In terms of section 45 of the Act, a provisional premises licence granted by the Board does not take effect until confirmed. If the provisional premises licence is not confirmed by the period ending 4 years from the date of issue, it is treated as being revoked.
- 3.2 On the application of the holder of a provisional premises licence made before the expiry of the 4 year period, the Licensing Board can extend the provisional period by such period as it considers appropriate if it is satisfied that:-
- (i) completion of the construction or conversion of the premises has been delayed; and
 - (ii) the delay has been caused by factors out with the licence holder’s control.

- 3.3 The provisional premises licence in respect of the premises at 10-12 Court Street, Haddington, was originally granted by the Licensing Board on 24 March 2016.
- 3.4 At the January Board 2020, the duration of the Licence was extended by one year. It is therefore now due to expire in March 2021.
- 3.5 Mr McDonald's clients originally envisaged this would be more than sufficient time for the building work and paperwork to be completed, due largely to the COVID situation, this has proved impossible.
- 3.6 An email from Mr McDonald provided background information:
- Discussions with Building Standards and have identified what work requires to be done. They are currently attempting to organise contractors, which in the current climate is very difficult.
- I do not think there is any possibility of being in the position to confirm this Licence prior to its current expiry date.
- Accordingly in terms of Section 45(7) of the Licensing (Scotland) Act 2005, I would ask the Board to consider a further extension.
- 3.7 The premises are described as a Café/Bistro in a commercial unit situated in Court Street, Haddington. If confirmed, the premises licence will have a maximum capacity figure of 38 persons, with licensed hours for the sale of alcohol on & off the premises of 11.30am to 10pm - Monday to Sunday.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community, or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

7.1 None.

| | |
|----------------------|---|
| AUTHOR'S NAME | Maree Winter |
| DESIGNATION | Licensing Officer |
| CONTACT INFO | 01620 827867 / licensing@eastlothian.gov.uk |
| DATE | 20 January 2021 |

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

5a

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

EL0101

2(b) Name and Address of Premises

Auld Brig Tavern
45 Eskside West
Fisherrow
Musselburgh
East Lothian

Post Code EH21 6RB

Phone No.

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

Greene King Retailing Limited
Westgate Brewery
Bury St Edmonds
Suffolk

Post Code IP33 1QT

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

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)

At Q5

Permit bar meals within and outwith core hours

Permit; receptions; club meetings; recorded music; performances; indoor/outdoor sports outwith core hours.

At further information add as new paragraph 1 – “The activities in column 4 may occur prior to core hours in conjunction with a breakfast service but not normally before 8am.

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.

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)

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) due to covid office restrictions the licence will have to follow in due course

.....

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 09 Nov. 2020

Capacity: APPLICANT / AGENT (delete as appropriate)

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

niall.hassard@ttsolicitors.com

.....
07500 120 827

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> |
| | | |

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

| |
|--|
| EL0101 Auld Brig Tavern 45 Eskside West Fisherrow Musselburgh East Lothian EH21 6RB |
|--|

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> | NO |
| <i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i> | YES |
| <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> | 11:00 | 23:00 |
| <i>Tuesday</i> | 11:00 | 23:00 |
| <i>Wednesday</i> | 11:00 | 23:00 |
| <i>Thursday</i> | 11:00 | 24:00 |
| <i>Friday</i> | 11:00 | 01:00 |
| <i>Saturday</i> | 11:00 | 01:00 |
| <i>Sunday</i> | 11:00 | 24:00 |

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> | 11:00 | 22:00 |
| <i>Tuesday</i> | 11:00 | 22:00 |
| <i>Wednesday</i> | 11:00 | 22:00 |
| <i>Thursday</i> | 11:00 | 22:00 |
| <i>Friday</i> | 11:00 | 22:00 |
| <i>Saturday</i> | 11:00 | 22:00 |
| <i>Sunday</i> | 11:00 | 22:00 |

Question 4

SEASONAL VARIATIONS

| | |
|--|------------|
| <i>Does the applicant intend to operate according to seasonal demand</i> | YES |
|--|------------|

**If YES – provide details*

We would seek to take advantage of any extended period of trading granted by the board for significant local/national events e.g. festive period & bank holidays etc.

Question 5

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

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

| | | hours – please confirm <i>YES/NO</i> | outwith core licensed hours please confirm <i>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.

THE ACTIVITIES IN COLUMN 4 MAY OCCUR PRIOR TO CORE HOURS IN CONJUNCTION WITH A BREAKFAST SERVICE BUT NOT NORMALLY BEFORE 8AM

TELEVISED SPORT – WE ANTICIPATE THAT CERTAIN MAJOR SPORTING EVENTS E.G. OLYMPICS; FOOTBALL WORLD CUP MAY BE TELEVISED OUTWITH CORE HOURS AND WE WOULD WISH TO OFFER THE SALE OF ALCOHOL ON THE PREMISES AT THESE TIMES. THIS WOULD BE OBTAINED THROUGH AN EXTENDED HOURS APPLICATION.

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.

WE MAY PROPOSE A RANGE OF ACTIVITIES DURING CORE HOURS SUCH AS QUIZ NIGHTS, DOMINOES, CHARITY NIGHTS OR SIMILAR SOCIAL ACTIVITIES APPROPRIATE TO THE TARGET MARKET.

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? | |
|---|--|

| | |
|--|--|
| When fully occupied, are there likely to be more customers standing than seated? | |
| *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 | YES |
| | *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

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED ONLY WHEN ACCOMPANIED BY AN ADULT.

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

0 TO 17 YEARS

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

CHILDREN AND YOUNG PERSONS WILL BE ADMITTED UNTIL 8.00PM.

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 ADMITTED TO ALL PUBLIC AREAS, HOWEVER THEY WILL NOT BE PERMITTED TO SIT OR STAND AT THE BAR COUNTER, AND WE WILL COMPLY WITH THE LOCAL CONDITION WHICH SPECIFIES THEY ARE NOT TO BE WITHIN 1.5M OF THE BAR COUNTER.

Question 7

CAPACITY OF PREMISES

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

ON SALES – 60

Question 8

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

Personal details

8(a) *Name*

STEPHEN BREMNER

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

[Redacted]

8(e) Personal licence

| <i>Date of issue</i> | <i>Name of Licensing Board issuing</i> | <i>Reference no. of personal licence</i> |
|----------------------|--|--|
| 1 NOVEMBER 2019 | CITY OF EDINBURGH COUNCIL | 263325 |

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.

[Redacted Signature]

Signature * (see note below)

Date09 November 2020

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.

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.

The business is an existing public house. The variation seeks to permit bar meals. Breakfast, teas and coffees may also diversify the offer so activities like club meetings; performance, music, indoor outdoor sports are now sought outwith licensed hours as ancillary to breakfast service..

(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) No change |
| (b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries | b) No Change |

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:

Bar meals introduced to diversify the offer and unused kitchen to be brought back into use.

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:

Family celebrations and life events like funerals will be accommodated as demand arises but this is not the core business. Outwith core hours sought as facility to do food being introduced. Morning purveys could be arranged or occasional outing catered for e.g. bacon rolls a local golf society

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:

Outwith core hours sought as facility to do food being introduced – see comments in business profile

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 no change

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 no change

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:

See Q5(e)

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:

NA no change

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 no change

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)

| |
|--|
| <p>Preventing Crime and Disorder:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives</p> |
| <p>Securing Public Safety:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives.</p> |
| <p>Preventing Public Nuisance:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives</p> |
| <p>Protecting and Improving Public Health:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives. Food registration has been submitted to East Lothian EHO.</p> |
| <p>Protecting Children and Young Persons From Harm:</p> <p>The introduction of a food offer will diversify the business, supplement the sale of alcohol and help to uphold the licensing objectives</p> |

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

| |
|---|
| <p>Additional Information:</p> <p>NA</p> |
|---|

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

In a very challenging time for hospitality businesses with the devastating effect of Covid 19 on the Licensed Trade, investment and diversification should be welcomed. Businesses which provide a facility for the local community, protect jobs and create safe places for people to meet and socialize are vital.

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 |  | te | 11/11/2020 |
|-----------|---|----|------------|

13/11/2020

Your Ref: Variation 42498

Our Ref: 391727/GB

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



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Divisional Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
AULD BRIG TAVERN
45 ESKSIDE WEST, FISHERROW, MUSSELBURGH, EAST LOTHIAN, EH21
6RB.**

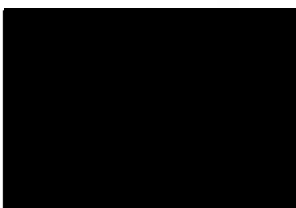
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of permitting bar meals within and out with core hours. Permit receptions, club meetings, recorded music, performances, indoor / outdoor sports out with core hours.

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

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

Yours faithfully



John McKenzie

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNENCE

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 14 Dec. 2020

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE MAJOR VARIATION APPLICATION

**Auld Brig Tavern, 45 Eskside West, Fisherrow, Musselburgh, East
Lothian EH21 6RB**

I refer to the above subject and can confirm that Licensing Standards has no objection to the proposed variation to include the following facilities:

Permit bar meals within and outwith core hours

Permit; receptions; club meetings; recorded music; performances; indoor/outdoor sports outwith core hours.

At further information add as new paragraph 1 – “The activities in column 4 may occur prior to core hours in conjunction with a breakfast service but not normally before 8am.

Proposed food offerings include Toasties, Macaroni and Cheese, Beef Chilli, Chicken Curry, Spaghetti Bolognese, and Mince and Tatties.

The premises are well run and a popular community pub. The additional facilities will enhance the experience for customers.

R. Fruzynski
Licensing Standards Officer

PC
RF
GDU
SC
Full
NHS

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

5b

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).

Change in company name, Change of premises manager

.....

SECTION 2: PREMISES LICENCE DETAILS

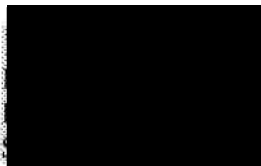

2(a) Licence Number of Premises

| |
|---------|
| EL 0368 |
|---------|

2(b) Name and Address of Premises

| | | | |
|--|-----------------|------------------|----------------------|
| Event Space, Archibald Hope House Eskmills Park Station Road Inveresk Musselburgh | | | |
| Post Code | EH21 7PQ | Phone No. | 0131 287 0530 |

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

| | | | |
|---|---|--|--|
| Scott Alan Campbell Dodds | | | |
|  | | | |
| Post Code |  | | |

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)

Proposed Operating plan included with application

We wish to amend existing operating plan to include:

- A change of premises manager from Christopher Michael Campbell to Scott Alan Campbell Dodds
- Extended layout plan to include the cobbled area and private garden that forms part of the premises

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.

We are looking to include the private garden and cobbled space outside the venue Which forms part of the premises.

The proposed area is from the bollards which section off the car park (S W) to the exterior wall of "The drying house" (N E) (Please see attached layout plan.)

Note: This does not include the public walk way running between the building and 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)

We wish to include the cobbled and private garden area in the "Description of premises"

We wish to change the "named premises manager" from Christopher Michael Campbell to Scott Alan Campbell Dodds

We have since change company name and wish to have this updated in the summary (From GH Event Catering Ltd to Hickory Food (Scotland) Limited)

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-

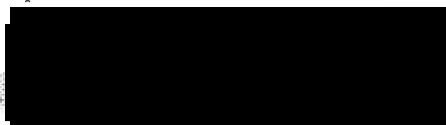
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

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 £170 is enclosed.

Signature



(See note 5 below)

Date 23/11/2020

Capacity: APPLICANT

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> |
|-----------------------------------|-----------------------|-----------------------|
| | | |

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

| |
|---|
| Event Space, Archibald Hope House Eskmills Park Station Road Inveresk Musselburgh EH21 7PQ |
|---|

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> | NO |
| <i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i> | YES |
| <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> | 11:00 | 23:00 |
| <i>Tuesday</i> | 11:00 | 23:00 |
| <i>Wednesday</i> | 11:00 | 23:00 |
| <i>Thursday</i> | 11:00 | 23:00 |
| <i>Friday</i> | 11:00 | 01:00AM |
| <i>Saturday</i> | 11:00 | 01:00AM |
| <i>Sunday</i> | 11:00 | 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> | 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 will operate the extended hours offered by the licensing board at the Christmas and New year period.

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 | N/A | N/A |
| <i>Conference facilities</i> | YES | YES | YES |
| <i>Restaurant facilities</i> | NO | NO | NO |
| <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) <i>Activity</i> Entertainment including: | <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> | YES | YES | NO |
| <i>Theatre</i> | YES | YES | YES |
| <i>Films</i> | YES | YES | YES |
| <i>Gaming</i> | NO | NO | NO |
| <i>Indoor/outdoor sports</i> | NO | NO | NO |
| <i>Televised sport</i> | YES | YES | YES |
| 5(d) | <i>Please confirm</i> | To be provided during core licensed | Where activities are also to be provided |

| <i>Activity</i> | <i>YES/NO</i> | hours 11:00–01:00 please confirm <i>YES/NO</i> | outwith core licensed hours please confirm <i>YES/NO</i> |
|------------------------------------|----------------------------------|--|---|
| <i>Outdoor drinking facilities</i> | YES | YES | NO |
| 5(e) Activity | <i>Please confirm 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>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.

Conferences – This activity may take place outwith core licensing hours but not before 7am and not later than the terminal hours of operation.

Receptions – This activity may take place outwith hours but not before 9am and not later than the terminal hours of operation.

Clubs and Group Meetings – This activity may take place outwith core hours but not before 7am and not later than the terminal hours of operation.

Recorded Music - This activity may take place outwith core hours but not before 7am and not later than the terminal hours of operation.

Live Performances - This activity may take place outwith core hours but not before 7am and not later than the terminal hours of operation.

Theatre - This activity may take place outwith core hours but not before 7am and not later than the terminal hours of operation.

Films - This activity may take place outwith core hours but not before 7am and not later than the terminal hours of operation.

Televised Sport - This activity may take place outwith core hours but not before 7am and not later than the terminal hours of operation.

Note: Please note that no alcohol will be sold outwith core hours without there being in place a general extended hours application approved by the Local Authority.

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.

Exhibitions, Fashion shows, Wedding Fairs, Corporate Events, Charity Events

5(g) Late night premises opening after 1.00am - N/A

| | |
|---|---------|
| Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB? | YES/NO* |
|---|---------|

| | |
|--|---------|
| When fully occupied, are there likely to be more customers standing than seated? | YES/NO* |
| *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 | YES |
| | *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

Children and young persons will have access to these premises but only when accompanied by a responsible person.

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

Children 0 - 15 Years
Young Person 16 – 17 Years

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

Due to the nature of these premises being run as an events hub, it is essential that children and young persons be allowed to remain on the premises until the conclusion of the events.

Management will reserve the right to refuse entry to children and young persons should they feel the event is not suitable for them.

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

All public areas of the premises with the exception of a 1.5m radius around the bar counter.

Question 7

CAPACITY OF PREMISES

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

400

Question 8

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

Personal details

8(a) *Name*

Scott Alan Campbell Dodds

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

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.

The premises are used as an events venue offering a private area for events such as weddings, parties, birthdays, wakes, celebrations, conferences, charity events and private events such as Christmas parties.

The capacity of the venue is 400 however the average event is usually around 100-200 people.

The premises provide bespoke events, catering and beverage facilities.

The premises are managed by Hickory, Scotland's leading independent event and venue management company.

The premises are a member of Best Bar None and Gold Accredited.

On/Off Consumption

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

a) Events – private events for wedding, parties, corporate events, functions, birthdays, charity events etc.

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

b) Pre-booked deliveries to clients who have ordered food and wine

8(d) *Email address and telephone number*

scott@eskmillsvenue.com
[REDACTED]

8(e) *Personal licence*

| <i>Date of issue</i> | <i>Name of Licensing Board issuing</i> | <i>Reference no. of personal licence</i> |
|----------------------|--|--|
| 11/03/2019 | East Lothian Licensing Board | EL1563 |

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: [REDACTED]

Date: 23/11/2020

Capacity: APPLICANT

Telephone number and email address of signatory: [REDACTED] / scott@eskmillsvenue.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.

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 premises are promoted as an events venue that includes conference facilities.

Accommodation, restaurant and bar meals are not applicable.

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:

The premises is an event venue and is promoted to offer functions such as weddings, birthdays and retirements. On average the premises hosts 2 events per week. The majority of events are weddings (70%) followed by private events (30%)

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:

Recorded music is provided as background low level music during events.

Live performances is provided in terms of a band or DJ at the events – For example wedding band

Dancing facilities are available in the premises to allow for dancing at events – for example dancing at a wedding.

The premises can also be used as an events space for theater or film – this is infrequent

Gaming is not permitted in the premises

Indoor/outdoor sports is not permitted in the premises

Televised sport – whilst the does not currently happen in the premises we wish to have the option to do so in the future

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:

We intend to use our private outdoor garden area which is adjacent to the venue for guests. For events such as weddings we will have drinks reception in this area.

For private events we will have a pop-up bar area in the garden that customers can purchase drinks from.

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:

Adult entertainment is not permitted in the premises.

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:

For certain events such as conferences they will be required to start before core licensing hours. An example being a business conference that starts at 9am.

This is infrequent, As 70% of the events at the premises are weddings, which tend not to begin until the afternoon, within core hours.

NB: Please note that no alcohol will be sold outwith core hours without there being in place a general extended hours application approved by the Local Authority.

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:

Exhibitions, Fashion shows, wedding fairs, corporate Events, Charity Events.

The above mentioned events form a small part of the premises routine events – Based on

2019 events they represent 10% of all events.

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.

Baby changing: Dedicated baby changing area with changing table and separate waste bin.

Childrens zone – the premises has a dedicated childrens zone with soft seating and games, designed to keep children entertained during events. This is predominantly aimed at children between the ages of 5-12 years. The area is visible from the main venue and not separate so that the children are always visible to the parents etc.

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 team are trained in accordance with the 2005 Act and trained to handle refusals of service
- We will have free drinking water available at all times
- Anyone found to be disorderly will be refused service and recorded in a refusals book
- Depending on the severity of the disorder, management may at their discretion report it to the police
- For private events that are ticketed and are available to the public to buy in advance we will have SIA stewards working in the premises

Securing Public Safety:

- Regular liaison with the local authority and local police
- We are a member of Best Bar None (Gold Accredited) and will proactively follow their advanced guidance
- Appointment of SIA stewarded where necessary for certain event types
- All staff engaged in the sale/service of alcohol will be appropriately trained in accordance with the 2005 Act
- We will operate a challenge 25 policy at all times
- Anyone who is aggressive will be refused service and may be reported to the police
- A refusal book will be maintained at all times

Preventing Public Nuisance:

- Our drinks menu will not have any promotions designed to increase drinking
- Our drinks menu will not favor shot or alco-pops and make them an attractive option
- Our drinks menu will not be designed to attract those who are under age
- We will abide by the regulations placed on us by the local council and police
- We will ensure noise is kept to a minimum within our garden area and ensure all activity is stopped by 2200
- Music in the outside cobbled area and garden will be background low level only
- Free drinking water will always be available and will be actively encouraged along with the sale of alcohol
- Appropriate seating will be available at all times

Protecting and Improving Public Health:

- Free drinking water will be available at all times
- Spirits will be served in 25ml measures, with a maximum 50ml measure allowed per drink
- Staff will be trained and briefed to be vigilant to the signs of alcohol related issues and will refuse service where appropriate
- A wide range of reasonably priced quality soft drinks will be available and will be actively encouraged along with each sale of alcohol
- Low and non-alcoholic options will be available at all times

Protecting Children and Young Persons From Harm:

- Children and young persons will not be permitted within 1.5m of the bar counter
- A wide range of non-alcoholic drinks will be available
- Challenge 25 will be in operation at all times
- Children and young persons will only be permitted entry when accompanied by a responsible adult
- Management will reserve the right to refuse entry to children and young persons should they feel the event is not suitable for them
- Anyone who is underage found trying to purchase alcohol for themselves or others will be refused service and reported to the police
- Anyone found trying to purchase alcohol for anyone underage will be refused service and reported to the police

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

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

The premises is a well established and respected venue offering a quality service. The venue is well known and has won several awards for its operation. The venue is managed by the award winning and highly experienced Hickory.

The venue is a member of Best Bar None and has achieved gold accreditation.

The only change to the layout plan we are asking for is to include the external garden area which is private to the venue and not open to the general public to be included in the layout plan. This will allow drinks receptions to take place outside in nice weather.

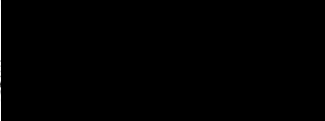
The garden area being requested to be included has previously been included in the license for the premises but was not included (due to an oversight) when the last license application was made. Thus, the board have previously deemed that this area can be licensed. We are simply asking that it is again.

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 | 23/11/2020 |
|-----------|---|------|------------|

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

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

Question 2

Disabled access to, from and within the premises

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

The premises are all on the ground floor with double access doors to and from the premises.

The garden area is open plan with a wide entrance/exit. The garden area is level and flat allowing easy access.

There are no steps or rises therefore no need for lifts or ramps.

Question 3

Facilities available

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

The premises has:

- Disabled Toilet
- Accessible furniture including tables for meals

A lift is not required as the premises are all on one level

Question 4

Other provisions

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

- Assistance dogs are welcome
- Large print menus are available
- Table service is offered for everyone as standard allowing ease of service

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



Date:

23/11/2020

Capacity:

APPLICANT

Telephone number and email address of signatory:



scott@eskmillsvenue.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."

Winter, Maree

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>
Sent: 22 December 2020 10:44
To: Licensing
Subject: RE: Major Variation application and Layout plan - Event Space, Archibald Hope House, Eskmills Park, Inveresk [OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

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

Good morning.

No Police objections.

Thanks

Graeme.

Graeme Bairden
Constable 4269 J
Licensing officer
Police Scotland - J Division- East Lothian
Telephone - 07866 195214
Email - graeme.bairden@scotland.pnn.police.uk



POLICE
SCOTLAND
Keeping people safe
POILEAS ALBA

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 11 December 2020 12:14
To: Lothian Scot Borders Licensing East Mid Lothian
Subject: RE: Major Variation application and Layout plan - Event Space, Archibald Hope House, Eskmills Park, Inveresk [OFFICIAL]

Hi,

Please find attached.

EAST LoTHIAN COUNCIL

PEOPLE and GOVERNANCE

From
Licensing Standards Officer

To
Clerk to the Licensing Board

Date: 11 Dec. 20202

Subject: LICENSING SCOTLAND ACT 2005 – MAJOR VARIATION APPLICATION

**Archibald Hope House, Eskmills Park, Station Road, Inveresk, Musselburgh East
Lothian EH21 7PQ**

I refer to the above subject and can confirm that this variation application has been assessed and I am satisfied that the proposed outdoor Layout Plan is in accordance with the Act.

I request that the Board consider the following local licence conditions, as attached to the previous Premises Licence:

Local Conditions:

1. In the interests of public safety, children must be excluded from an area of 1.5 metres from any pop up bar servery in the outdoor area.
2. Terminal hour of the outside drinking area to be 22.00 hours.
3. To prevent noise nuisance to the nearby residents and other premise users that there be no amplified entertainment or speech in the outdoor area.

This report is submitted for the information of Board members.

R. Fruzynski
Licensing Standards Officer

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery **To:** Clerk to the Licensing Board
Per: Neil Millar **Per:** Licensing Board
Cc:

Date: 18th December 2020

LICENSING (SCOTLAND) ACT 2005

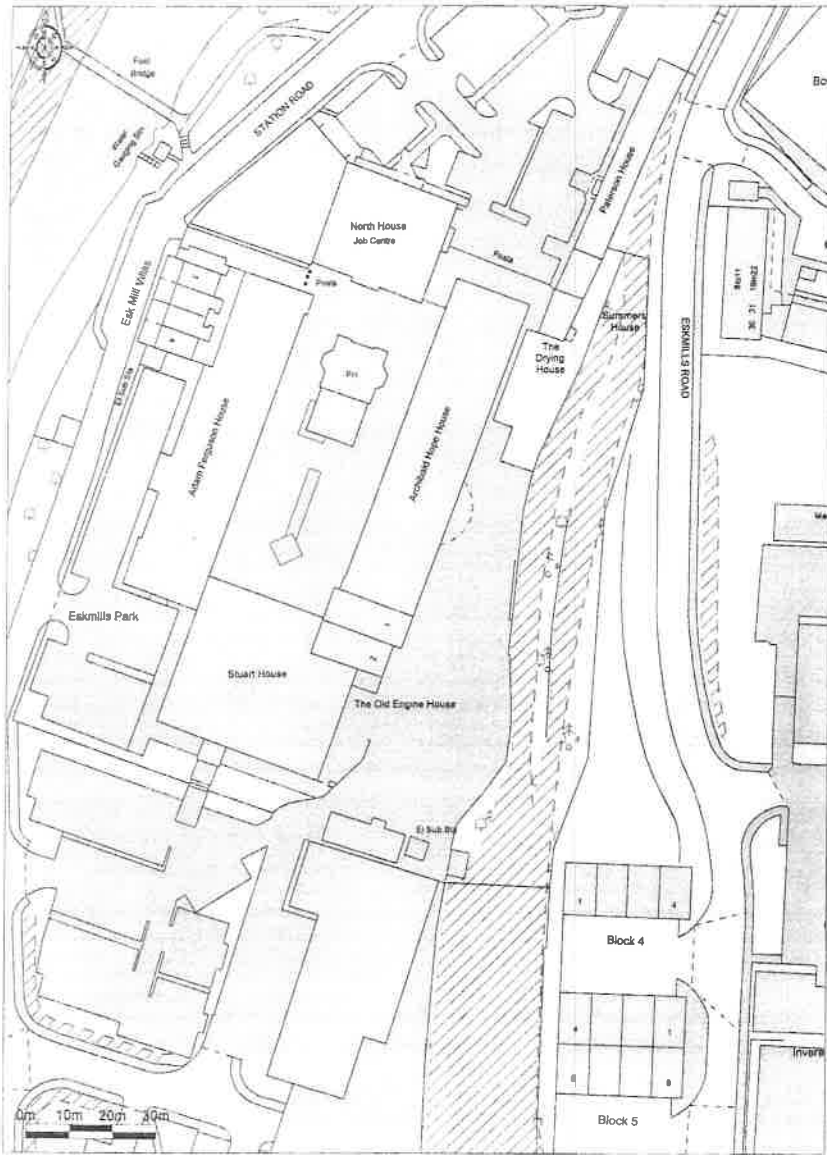
Re: Consultation response

Address: Event Space, Archibald Hopes House, Eskmills Park, Inveresk
Application type: Variation other than a minor variation of premises licence

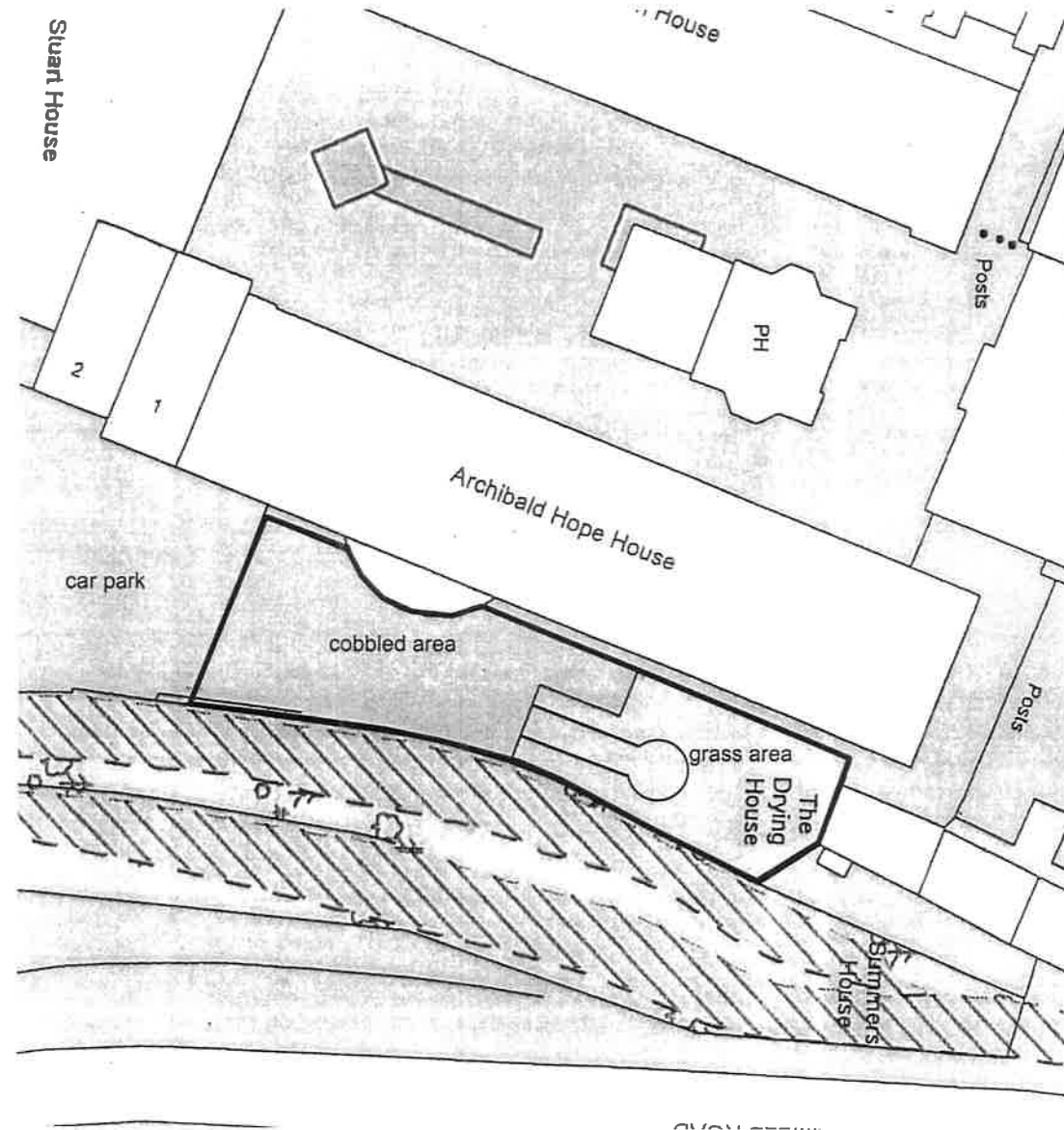
Planning permission is not required for the sale of alcohol on the premises.

However, I can confirm that there are no records of a grant of planning permission for the use of a beer garden / external drinking area within the grounds of the premise.

Please note that it is the responsibility of the licensee to confirm what planning permission is in place for this use or demonstrate that planning permission is not required for it. Otherwise I would advise that a planning application is sought for the change of use of this area of land to form a beer garden/external drinking area as shown for it on the submitted drawings.



Site Location Plan 1:1250



Site Layout Plan 1:500

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

PC
ENV
TS
ENV R
FRC
NYS
G

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)

5c

- 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

EL0127

2(b) Name and Address of Premises

Lidl Great Britain Limited
Mercat House
6 High Street
Prestonpans

| | | | |
|-----------|----------|-----------|--|
| Post Code | EH32 9AN | Phone No. | |
|-----------|----------|-----------|--|

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

Lidl Great Britain Limited
19 Worple Road
London

| | | | |
|-----------|----------|-----------|--|
| Post Code | SW19 4JS | 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)

Question 7 Capacity of premises

Increase in capacity from;

Capacity during non-seasonal trading: Length 26.45m Height 1.8m (Total Capacity 47.61m²)

Additional capacity during season trading (1 December each year to 2 January following year) is

Length 10.68m Height 1.8m = 19.22m²

Maximum total capacity: 66.83m²

To;

Capacity during non-seasonal trading: Length 34.46m Height 1.8m (Total Capacity 62.02m²)

Additional capacity during season trading (1 December each year to 2 January following year) is

Length 10.68m Height 1.8m = 19.22m²

Maximum total capacity: 81.24m²

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.

Remerchandising of the store resulting in a change to the layout and increase in alcohol capacity effective from 11.02.2021

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)

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 02/12/2020

Capacity: APPLICANT / AGENT (delete as appropriate)

If agent, please provide name, address,

**Rebecca Bough, Lidl
Licensing, Palmer**

phone number and (if applicable) email address

**Avenue, Severn Beach
BS35 4DF**

.....
0117 428 0315 licensing@lidl.co.uk
.....

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> | | |
| <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

| Day | OFF Consumption | |
|------------------|------------------------|----------------------|
| | Opening time | Terminal hour |
| <i>Monday</i> | 10.00 am | 10.00 pm |
| <i>Tuesday</i> | 10.00 am | 10.00 pm |
| <i>Wednesday</i> | 10.00 am | 10.00 pm |
| <i>Thursday</i> | 10.00 am | 10.00 pm |
| <i>Friday</i> | 10.00 am | 10.00 pm |
| <i>Saturday</i> | 10.00 am | 10.00 pm |
| <i>Sunday</i> | 10.00 am | 10.00 pm |

Question 4

SEASONAL VARIATIONS

| | |
|--|------------|
| Does the applicant intend to operate according to seasonal demand | YES |
|--|------------|

****If YES – provide details***

The applicant seeks an increased capacity of alcohol display for the period of 1 December each year until 2 January of the following year. The relevant capacities shall be stated in question 7 below. The applicant seeks the increased capacity to allow them to adequately cope with increased seasonal demand around the Christmas and New Year period as per the layout plans

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> | No | No | No |
| <i>Restaurant facilities</i> | No | No | No |
| <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,</i> <i>retirements etc.</i> | No | No | No |
| <i>Club or other group</i> <i>meetings etc.</i> | No | No | No |
| 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 –</i> <i>see 5(g)</i> | Yes | Yes | Yes |
| <i>Live performances –</i> <i>see 5(g)</i> | No | No | No |
| <i>Dance facilities</i> | No | No | No |

| | | | |
|--|----------------------------------|--|---|
| <i>Theatre</i> | No | No | No |
| <i>Films</i> | No | No | No |
| <i>Gaming</i> | No | No | No |
| <i>Indoor/outdoor sports</i> | No | No | No |
| <i>Televised sport</i> | No | No | No |
| | | | |
| 5(d) Activity | Please confirm YES/NO | To be provided during core licensed hours – please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| <i>Outdoor drinking facilities</i> | No | No | No |
| | | | |
| 5(e) Activity | Please confirm YES/NO | To be provided during core licensed hours – please confirm YES/NO | Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| <i>Adult entertainment</i> | No | No | No |

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

N/A

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 operate as a supermarket. The premises may open outwith the core hours for this purpose. No alcohol is sold outwith core hours

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* |
|---|---------|

| | |
|--|---------|
| When fully occupied, are there likely to be more customers standing than seated? | YES/NO* |
| *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 | YES/NO* |
| | *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?

Capacity during non-seasonal trading: - Length 34.46m Height 1.8m = 62.02m²

Additional capacity during seasonal trading (1 December each year to 2 January following year) is Length 10.68m Height 1.8m = 19.22m²

Maximum total capacity: 81.24m²

Question 8

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

Personal details

8(a) Name

Narinder Kumar

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> |
|----------------------|--|--|
| 08.07.2015 | Edinburgh | 298744 |

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 [REDACTED] * (see note below)

Date 21/12/2015

Capacity *licensing manager* APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory 0117 428 0315 – licensing@lidl.co.uk

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

Lidl Scotland – Licensing Objective Focus Statement

Below are some of the ways in which Lidl Great Britain Limited supports the five Licensing Objectives.

Preventing Crime and Disorder

- Lidl have installed EAS tagging systems in all stores with high theft risk items, including some alcohol lines. All alcohol products over £9.49 are security tagged. This acts as both deterrent and detection method for potential theft.
- Lidl employs stringent training practices which develop staff to be aware of potential issues and how to manage difficult circumstances should they arise.
- No member of Lidl staff is permitted to undertake till duties until all relevant training has been completed.
- Lidl are an approved provider of SCPLH training and therefore all training and refresher training is undertaken within the company. Lidl are graded by the BII as "Grade 1", which is the highest grading that can be achieved.
- Lidl contract SIA accredited Security companies to supply SIA accredited Guards in stores which are deemed to require support to manage any crime or disorder issues.
- Lidl install state of the art CCTV systems in all stores. Images are retained for a reasonable period of time and may be available as required by the police or licensing standards officer. Lidl are happy to engage with local licensing police to discuss the period of image retention as may be considered appropriate in the circumstances.
- Lidl undertake their own test purchasing of alcohol within their premises – using over 18 year olds but under 25 year olds in order to test the integrity of the Challenge 25 policies in relation to all age restricted products, including alcohol – this is generally undertaken when the premises are at their busiest, to ensure that staff are applying the Challenge 25 process at all times, regardless of how busy a store might be.

Securing Public Safety

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above.
- Lidl undertake daily, weekly and biannual health & safety, trading law and maintenance checks in all stores, to ensure compliance. Our compliance procedures and policies are regularly reviewed.

Protecting Children / Young People From Harm

- Lidl follow our 'Think 25' procedure which requires all customers who appear to be under the age of 25 provide valid proof of age documents should they wish to purchase an age restricted product.
- Lidl's tills automatically prompt the cashier that an age restricted item has been scanned and will not allow the sale to continue unless the cashier confirms the Think 25 procedure has been followed.
- The Lidl ID procedure also supports this objective as the senior manager on duty (a personal licence holder) must authorise all ID verification as required through the Think 25 procedure before a sale can be authorised.
- Lidl does not merchandise any sweets etc near the alcohol section; this reduces the likelihood for children / young people being near alcoholic products.
- Lidl does not stock alcopop drinks which might be readily considered as attractive to under aged persons.
- Internal Challenge 25 testing process as above.

Preventing Public Nuisance

- As above SIA accredited Security Guards are present in stores which require support.
- CCTV as above
- Waste receptacles for customers are provided for disposal of litter.
- All by-products of our premises are responsibly disposed of, and where possible, recycled.

Protecting and Improving Public Health

- The Lidl till system cannot process alcoholic items either before 10am or after 10pm. This makes it impossible for licensing hours not to be adhered to.
- Lidl merchandises the alcohol section as the furthest area from the customer entrance. As well as assisting with security, it also ensures that not necessary for customers to walk past the section in order

to reach different areas of the store or reach the till counters. This reduces the likelihood of customers 'impulse purchasing' alcohol.

- Lidl were the first major retailer in the UK to remove the sale of tobacco in all stores.
- Lidl were the first major retailer in the UK to remove sweets from the checkout area to reduce impulse buying of unhealthy items.
- Do not stock high ABV ciders or super strength lagers/beers which might be more readily associated with problem drinkers
- Lidl have 6 varieties of fruit and vegetables on offer every week as part of their healthy eating promotions
- On of the first supermarkets to implement a voluntary "challenge 16" in relation to caffeinated energy drinks, ahead of legislation to regulate this.
- Lidl participate in Neighbourly - avoiding food wastage by contributing to local charities and community groups, food bank and homeless organisations and their "fund a fridge" campaign.
- Energy saving – New premises and warehouse save energy through innovations in lighting and refrigeration - recycling energy to reduce waste.

| | |
|--|---|
| <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 & deliveries</p> | <p>a)</p> <p>b) <u>Supermarket – offering sale of alcohol along with other food and household items</u></p> |
|--|---|

Clarification is required in relation to the content of your proposed Operating Plan
(extend the boxes below if you require additional space)

| |
|--|
| <p>To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p>N/A</p> |
| <p>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:</p> <p>N/A</p> |
| <p>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:</p> <p>N/A</p> |

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:

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:

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.

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:

See attached

Securing Public Safety:

See attached

Preventing Public Nuisance:

See attached

Protecting and Improving Public Health:

See attached

Protecting Children and Young Persons From Harm:

See attached

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

| |
|---|
| Additional Information: |
| Supporting Comments: i.e. reasons why the Board should support your application. |

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 | 17.12.2020 |
|-----------|---|------|------------|

“SCHEDULE 6

Regulation 7

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>*Delete as appropriate</i> | | |

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

Question 2

Disabled access to, from and within the premises

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

There is level entry access/exit to the premises. All floors are accessible by disabled customers.

Question 3

Facilities available

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

The premises has toilets suitable for disabled access.

The store has trolleys for use with wheelchairs

Groceries are displayed at varied heights. Shop floor staff will assist any customer requiring additional assistance.

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.

The store has a bell in the entrance foyer for disabled customers if they need assistance.

The store has disabled parking bays

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 17.12.2020

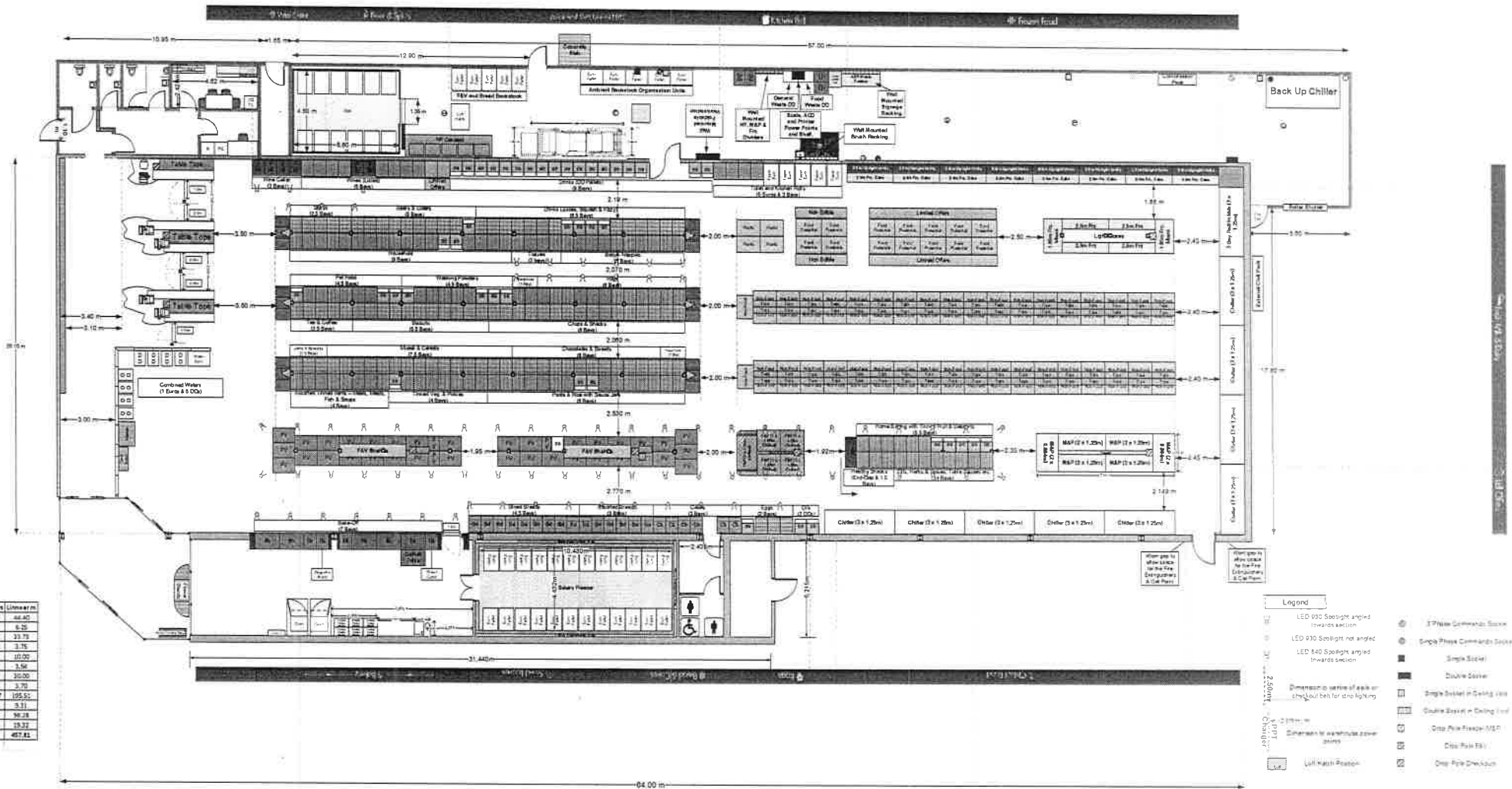
Capacity Licensing Manager APPLICANT/AGENT

Telephone number and email address of signatory..... 0117 428 0315 licensing@lidl.co.uk

*** 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.”

| | | | | | |
|---|------------------------------|------------------------------------|----------------------------|--------------------------------------|-------------------|
| 721 Prestonpans – Current | Size: 5 Aisle 1286 sqm BN | Inner Length: 64.00m | Inner Width: 20.10m | Ceiling Height: 3.30m | Updated: 25_02_20 |
| F&V: 17.5 Bays (Length) + 5 Bay Upright Chill | M&P: 12 Bay Upright Cabinets | Non food: 78 NF Tables inc. Plants | Food Presenters: 14 Tables | Chiller Size: 30 Bays Inc. 3 Bay RIM | |



| Section | Bay Size (m) | Bays | Consumers |
|-----------------------------|--------------|------|---------------|
| Fruit & Veg (bays) | 1.25 | 17 | 44.45 |
| Fruit & Veg Chiller (bays) | 1.25 | 9 | 9.25 |
| Chiller (bays) | 1.25 | 27 | 33.75 |
| Milk in Milk (bays) | 1.25 | 3 | 3.75 |
| Meat, Fish & Poultry (bays) | 1.25 | 8 | 10.00 |
| Meat, Fish & Poultry (bays) | 0.85 | 4 | 3.56 |
| Freezer (cabinets) | 1.20 | 12 | 30.00 |
| Freezer (cabinets) | 1.85 | 2 | 3.70 |
| Ambient (bays) | 1.33 | 147 | 195.55 |
| Bakery (bays) | 1.33 | 7 | 9.31 |
| Non-food Tables (Tables) | 1.25 | 78 | 36.28 |
| Food Presenters (Tables) | 1.33 | 14 | 18.62 |
| Total | | | 467.82 |

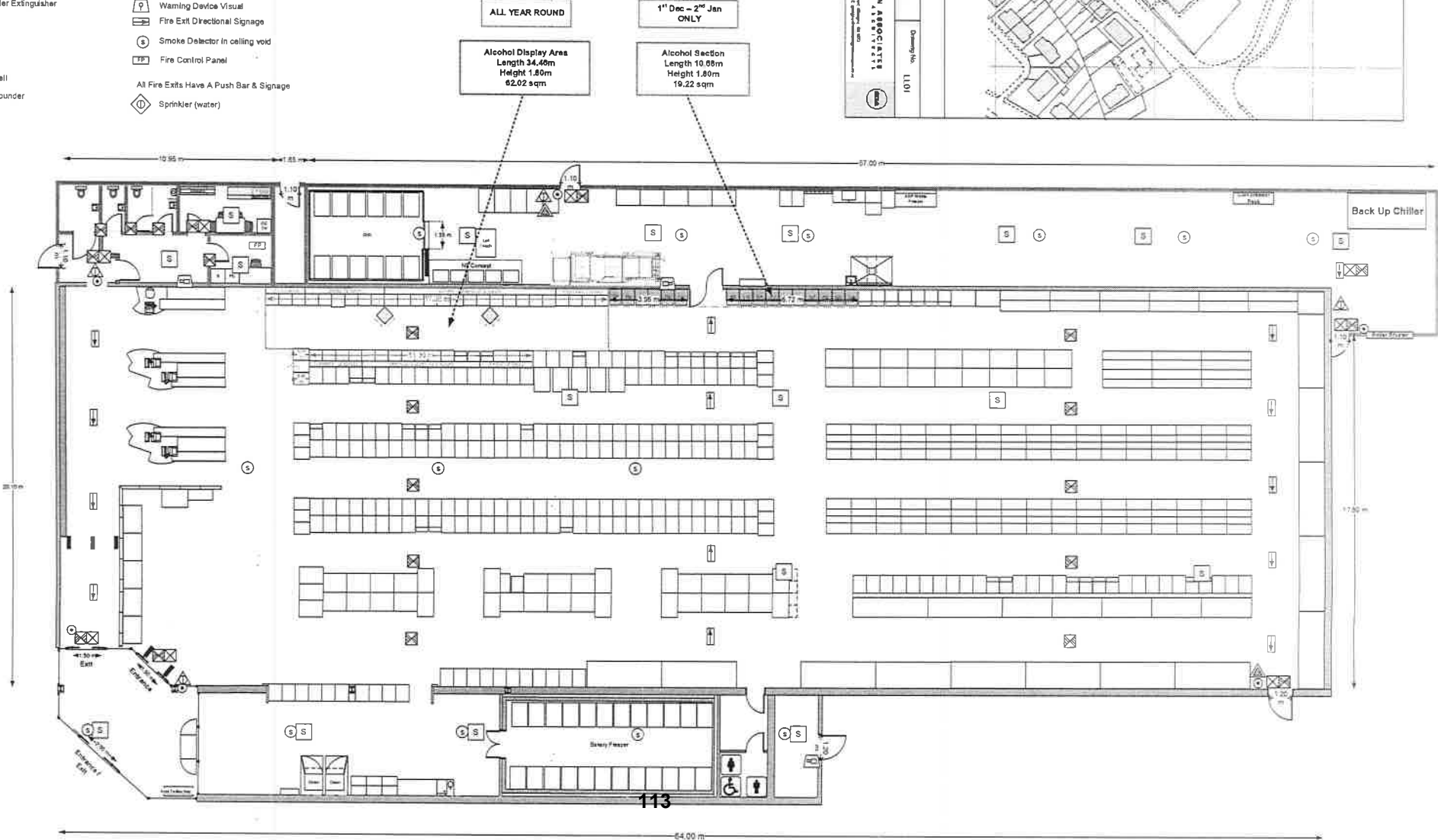
| | | | |
|---------------------------------|--|---------------------------|--|
| 0721 Prestonpans – Lidl GB Ltd. | | Size: 5 Aisle 1286 sqm BN | |
| Inner Length: 64.00m | | Inner Width: 20.10m | |
| Ceiling Height: 3.30m | | Updated: 01.12.20 | |

CHILDREN AND YOUNG PERSONS ARE ENTITLED TO ACCESS ALL PUBLIC AREAS OF THE PREMISES

Scale 1:100

| | | | |
|--|-----------------------------|-------------|-------------|
| Project | Lidl UK GB Ltd, Prestonpans | | |
| Client | Lidl UK GB Ltd | | |
| Drawn | FJM | Date | 02-07-09 |
| Checked | | Scale | 1:1250 @ A4 |
| Title | | Project No. | 02143395 |
| Site Plan | | Drawing No. | 1101 |
| | | | |
| SWIN DESIGN ASSOCIATES 22, The Square, Preston, Lancashire, PR1 1QJ Tel: 01773 800 000 Fax: 01773 800 001 | | | |

- Portable Water Extinguisher
- Portable Foam Extinguisher
- Portable CO₂ Extinguisher
- Portable Dry Powder Extinguisher
- Fire Blanket
- Smoke Detector
- Heat Detector
- Warning Device Bell
- Warning Device Sounder
- Emergency Light
- Emergency Exit Illuminated Sign
- Call Point
- Warning Device Visual
- Fire Exit Directional Signage
- Fire Control Panel
- Smoke Detector in ceiling void
- All Fire Exits Have A Push Bar & Signage
- Sprinkler (water)



| | | |
|---------------------------------|--|---------------------------|
| 0721 Prestonpans – Lidl GB Ltd. | | Size: 5 Aisle 1286 sqm BN |
| Inner Length: 64.00m | | Inner Width: 20.10m |
| Ceiling Height: 3.30m | | Updated: 01.12.20 |

CHILDREN AND YOUNG PERSONS ARE ENTITLED TO ACCESS ALL PUBLIC AREAS OF THE PREMISES

| | | | |
|---------|----------------------------|-------------|-----------|
| Project | Urban Licence, Prestonpans | File | Site Plan |
| Client | Lidl UK GmbH | Project No. | GR143-95 |
| Drawn | PJM | Date | 02/07/08 |
| Checked | Scale 1:1250 @ A4 | Drawing No. | L01 |

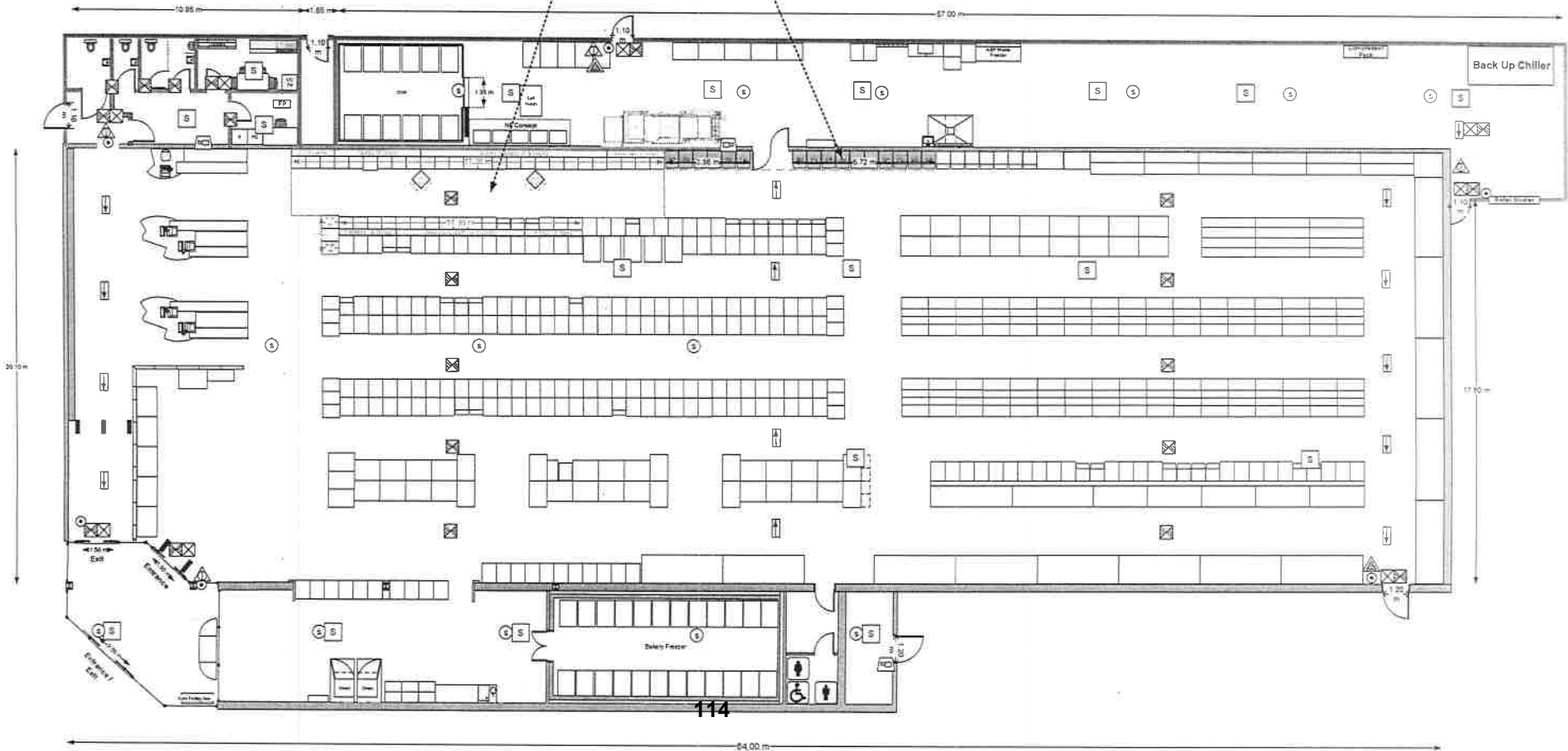
SWITH DESIGN ASSOCIATES
 5, WILSON STREET, PRESTONPANS, SCOTLAND, NN1 1 1 1
 11-14 Hill Street, Prestonpans, Scotland, NN1 1 1 1

Scale 1:100

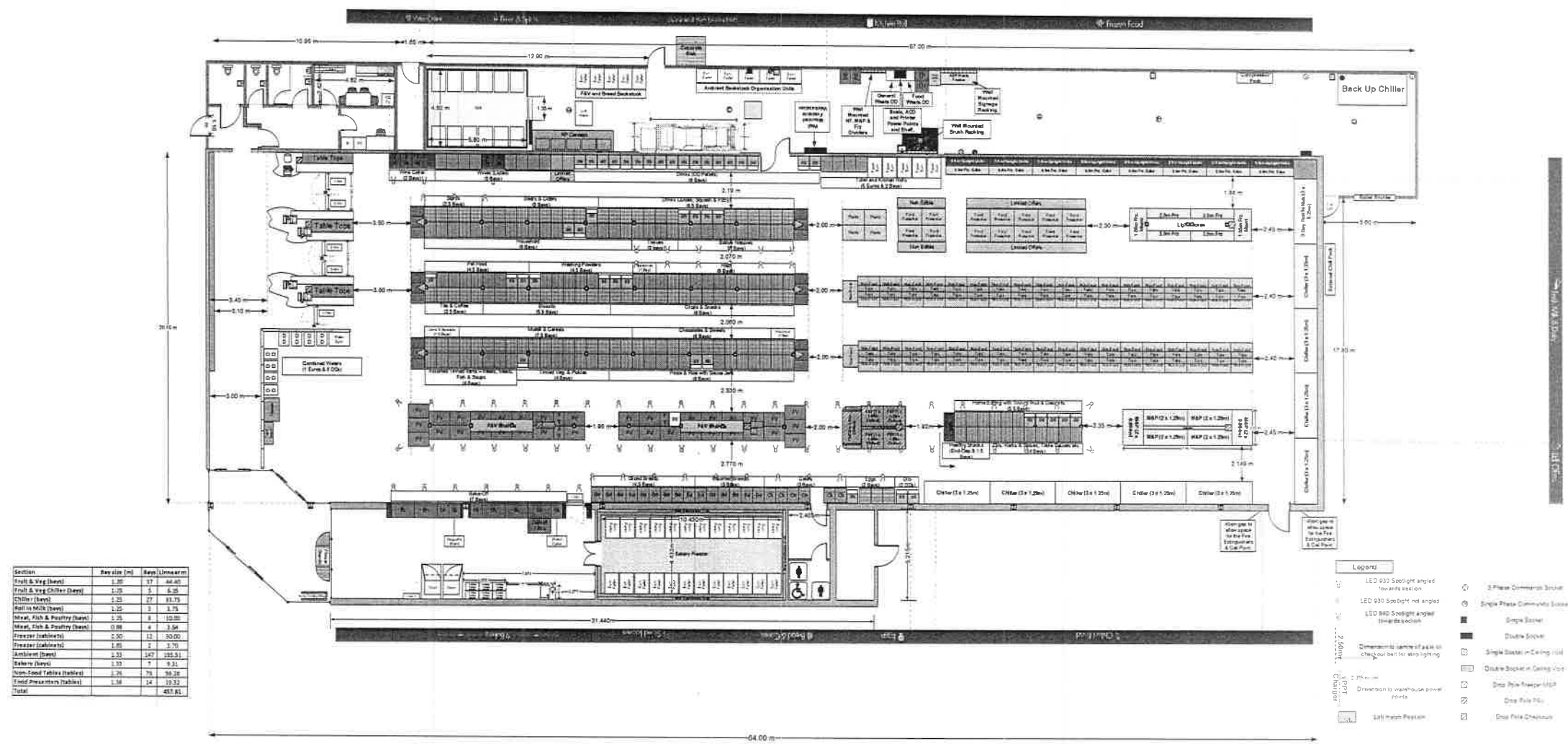
- Portable Water Extinguisher
- Portable Foam Extinguisher
- Portable CO₂ Extinguisher
- Portable Dry Powder Extinguisher
- Fire Blanket
- Smoke Detector
- Heat Detector
- Warning Device Bell
- Warning Device Sounder
- Emergency Light
- Emergency Exit Illuminated Sign
- Call Point
- Warning Device Visual
- Fire Exit Directional Signage
- Smoke Detector in ceiling void
- Fire Control Panel
- All Fire Exits Have A Push Bar & Signage
- Sprinkler (water)

ALL YEAR ROUND
 Alcohol Display Area
 Length 34.49m
 Height 1.60m
 62.02 sqm

1st Dec – 2nd Jan ONLY
 Alcohol Section
 Length 10.64m
 Height 1.90m
 19.22 sqm



| | | | | | |
|---|------------------------------|------------------------------------|----------------------------|--------------------------------------|-------------------|
| 721 Prestonpans – Current | Size: 5 Aisle 1286 sqm BN | Inner Length: 64.00m | Inner Width: 20.10m | Ceiling Height: 3.30m | Updated: 25_02_20 |
| F&V: 17.5 Bays (Length) + 5 Bay Upright Chill | M&P: 12 Bay Upright Cabinets | Non food: 78 NF Tables inc. Plants | Food Presenters: 14 Tables | Chiller Size: 30 Bays Inc. 3 Bay RIM | |



| Section | Bay size (m) | Bay Length (m) |
|-----------------------------|--------------|----------------|
| Fruit & Veg (bays) | 1.25 | 17 44.40 |
| Fruit & Veg Chillers (bays) | 1.25 | 5 6.25 |
| Chiller (bays) | 2.25 | 27 61.75 |
| Built in M&P (bays) | 1.25 | 3 3.75 |
| Meat, Fish & Poultry (bays) | 1.25 | 8 10.00 |
| Meat, Fish & Poultry (bays) | 0.88 | 4 3.94 |
| Freezer (bays) | 2.50 | 12 30.00 |
| Freezer (bays) | 1.85 | 1 3.70 |
| Ambient (bays) | 1.33 | 147 189.51 |
| Bakery (bays) | 1.33 | 7 9.31 |
| Non-Food Tables (Tables) | 1.75 | 78 36.75 |
| Food Presenters (Tables) | 1.38 | 14 19.32 |
| Total | | 457.81 |

- Legend**
- LED 030 Spotlight angled towards aisle
 - LED 030 Spotlight not angled towards aisle
 - LED 040 Spotlight angled towards aisle
 - Dimension to centre of aisle on check-out belt for aisle lighting
 - Dimension to warehouse power points
 - 3 Phase Command Centre
 - Single Phase Command Centre
 - Simple Socket
 - Double Socket
 - Single Socket in Ceiling Grid
 - Double Socket in Ceiling Grid
 - One Pole Freezer M&P
 - One Pole M&P
 - One Pole Chiller

17/12/2020

Your Ref: LIDL

Our Ref: 395524GB

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



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Divisional Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
LIDL UK GMBH PRESTONPANS
LIDL UK GMBH, HIGH STREET, PRESTONPANS, EAST LOTHIAN, EH32 9AN.**

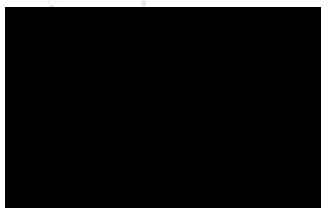
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of remerchandising of store shelving to increase alcohol capacity to cope with seasonal demands.

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

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

Yours faithfully



John McKenzie
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6119.

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 23 Dec. 2020

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

Lidl UK, Mercat House, 6 High Street, Prestonpans, East Lothian EH 32 9AN

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

This application applies for increases to the current non-seasonal display of alcohol of 47.61m² to 62.02m² and to a new seasonal display size, from 1st December to 2nd January each year, from 66.83m² to 81.23m², which are substantial increases of 14.41m² and 19.22m² respectively.

Previous applications to vary alcohol display capacity:

In 2017 an application was granted for an increase of the display capacity from 46.62m² to 47.61m², an increase of 0.99 m². The approved display area was also permitted to increase to 66.83m² between 1st December and 2nd January each year.

In May 2015 Lidl applied to change the size of the alcohol display capacity of 40.50m² to 46.62m², an increase of 6.52 m².

In June 2014 Lidl applied to change the size of the alcohol display capacity of 36.18m² to 40.50m², an increase of 4.32 m².

In May 2014 Lidl applied for a reduction in size of alcohol display capacity from 38.79 m² to 36.18 m²

In February 2011, Lidl applied for the alcohol display capacity granted at the time of a variation in 2011 to be reduced from length 36.5m x height 1.8m (total 65.70m²) to length 21.55m x height 1.8m (total 38.79m²).

During the period 2017 – 2020, during which Lidl has used the current seasonal area of 66.83m², I can confirm that there have been no operational problems identified or complaints received by Licensing Standards.

Lidl is a very well run store.

R. Fruzynski
Licensing Standards Officer

Winter, Maree

From: Prestonpans Community Council <prestonpanscommunitycouncil@gmail.com>
Sent: 07 January 2021 13:53
To: Winter, Maree
Subject: Re: Major Variation application - Lidl, Mercat House, Prestonpans

Follow Up Flag: Follow up
Flag Status: Flagged

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 Sirs,

Following consideration of the Licensing Application submitted on behalf of Lidl's, at this time Prestonpans Community Council cannot support this. Given the current economic climate with local pubs and independent shops within the town struggling due to the covid crisis, we feel this is an attempt by Lidl at trying to secure a near-monopoly of local alcohol sales.

There has been considerable media reporting that alcohol consumption at home has gone up during the Covid pandemic due to the restrictions on the hospitality sector and people having to work from home. As well as Lidl, Prestonpans currently has 3 Scotmid stores, one Co-op and 4 local convenience stores all selling alcohol therefore there is adequate provision in our town and no need for Lidl to expand its alcohol provision.

What evidence has Lidl provided to justify the view that there is the likelihood of a shortage of local provision of sales of alcohol during the festive season? Also given they are the fifth largest corporation in the world with sales around 104 billion Euro in 2018, what substantial contribution have they made to assist in alleviating poverty and deprivation within the PSG ward and the wider East Lothian?

Therefore, at this time support from Prestonpans Community Council would strongly object to this licensing application.

Kind regards,

Leanne Ward
Secretary, Prestonpans Community Council.

On Tue, 15 Dec 2020 at 11:15, Winter, Maree <mwinter@eastlothian.gov.uk> wrote:

Dear all,

Please find attached major variation application for Lidl, Prestonpans. Could I please have any representations/objections by Friday 8th January 2021. I have requested the support statement and disability statement and will follow onto you once received.