

APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

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

Question 1

Name, address and postcode of premises to be licensed.

2a

Monktonhall Service Station, Musselburgh Bypass, Musselburgh, EH21 8RE

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 and telephone number.

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.

Motor Fuel Limited, Gladstone Place, 36-38 Upper Marlborough Road, St Albans, AL1 3UU
05206547

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.*

William Bahlsen Bannister
[REDACTED]
No previous convictions

Jeremy Clarke
[REDACTED]
No previous convictions

Simon Paul Lane
[REDACTED]
No previous convictions

Thomas Mckenzie Biggart
[REDACTED]
No previous convictions

Timothy Edward Douglas Allan
[REDACTED]
No previous convictions

* 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

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Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES/NO*
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**If YES – provide full details*

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

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

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

(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.

The premises are located within the service area at Musselburgh Bypass.

The premises trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps.

The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.

The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent on the premises as a principal source of petrol or derv or groceries and thereby satisfy the criteria of section 123(5) of the Licensing (Scotland) Act and as such are not excluded premises.

Question 6

6 *To be completed by members' clubs only*

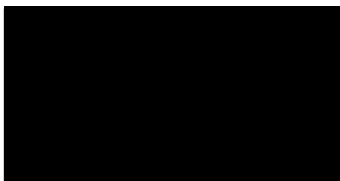
<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	YES/NO*
<i>* Delete as appropriate</i>	

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

Signature



*(see note below)

Date 03/06/2021

Capacity SOLICITOR APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

Agent: Harper Macleod LLP, 45 Gordon Street, Glasgow, G1 3PE
Tel: 0141 227 9388 Email; andrew.hunter@harpermacleod.co.uk

OPERATING PLAN

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

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	YES /NO*
1(b) Will alcohol be sold for consumption solely OFF the premises?	YES/ NO *
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES /NO*
*Delete as appropriate	

Question 2

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

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

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 hrs	22:00 hours
<i>Tuesday</i>	10:00 hrs	22:00 hours
<i>Wednesday</i>	10:00 hrs	22:00 hours
<i>Thursday</i>	10:00 hrs	22:00 hours
<i>Friday</i>	10:00 hrs	22:00 hours
<i>Saturday</i>	10:00 hrs	22:00 hours
<i>Sunday</i>	10:00 hrs	22:00 hours

Question 4

SEASONAL VARIATIONS

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

Question 5

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

COL. 1 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) <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>Outdoor drinking facilities</i>	No	No	No
5(e) <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>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 play background music in the retail areas of the store. The premises are open on a 24 hours basis. The retail shop is accessible between 05:00hours and 23:00 hours each day and therefore music may be played out with core licensing hours. The premises can use of a night pay window during the hours of 23:00 hours and 05:00 hours if required.

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 comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt.

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

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	YES/NO*
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/NO*
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<i>*Delete as appropriate</i>	
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Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS - N/A

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?

Off sales display: 14.43 m ²

Question 8

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

Personal details

8(a) *Name*

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8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address and telephone number*

--

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 of this operating plan are true to the best of my knowledge and belief.

Signature



* (see note below)

Date 03/06/2021

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

Telephone number and email address of signatory

Agent: Harper Macleod LLP, 45 Gordon Street, Glasgow, G1 3PE
Tel: 0141 227 9388 Email: andrew.hunter@harpermacleod.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.



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.

<p>Business Profile Please describe your business offering.</p> <p>The premises trade as petrol filling station with adjacent retail shop. The retail shop trades as a general convenience shop under the Londis brand, offering groceries, household goods as well as "food on the go" such as sandwiches and snacks, Costa Coffee and a selection of cold drinks.</p> <p>(extend this box if you require additional space)</p>	
<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) <u>N/A</u></p> <p>b) Proposal to offer selection of branded beers and wines in the public area of the shop with a small selection of spirits stored behind the counter. This will be a limited range in keeping with what would be seen in a general convenience grocery shop (as opposed</p>

	to a larger scale supermarket type premises). Sale of alcohol is proposed as an ancillary part of the grocery/convenience offer, typically accounting for around 10-12% of retail space.

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>Low level background music may be played in the shop.</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 objectives section how you intend to prevent public nuisance from use of such facilities:</p> <p>N/A</p>

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:

Premises trade on a 24 hour basis so all shop and fuel facilities are available outwith core licensing hours.

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:

N/A

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.

N/A – off sale premises only.

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 Licensing Objectives Statement for Motor Fuel Limited

Securing Public Safety:

See attached Licensing Objectives Statement for Motor Fuel Limited

Preventing Public Nuisance:

See attached Licensing Objectives Statement for Motor Fuel Limited

Protecting and Improving Public Health:

See attached Licensing Objectives Statement for Motor Fuel Limited

Protecting Children and Young Persons From Harm:

See attached Licensing Objectives Statement for Motor Fuel Limited

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

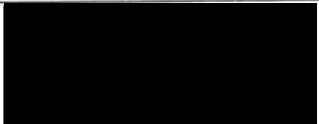
Motor Fuel currently operate two licensed premises in the Board area, being petrol filling stations at Dalkeith and Dalrymple (North Berwick).

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

Whilst this will be addressed in greater detail at a Board hearing to follow, the applicant considers that they can demonstrate that the premises should be regarded as an exception to the excluded premises provisions of section 123 of the Licensing (Scotland) Act 2005. Market Research will be provided to support this position.

The provision of a small alcohol section in each premises will provide a convenient additional facility for local customers using the premises for grocery purchases.

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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	24/06/2021

LICENSING OBJECTIVES – MOTOR FUEL LIMITED

Section A - Prevention of Crime and Disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. [and to be to the reasonable satisfaction of the police as may be required].
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium. [Images shall be provided to the police or to an authorised officer of the licensing board within 24 hours of request as may be required]
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request as may be required.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time as may be required.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensed activity.
7. All staff undergo a strict training regime on age related sales restrictions, prior to commencement of employment at the point of sales. This training is refreshed periodically to ensure staff are up to date with any developments in the law. The training covers the issue of age related sales – alcohol, tobacco, fuel, solvents etc.
8. Staff training will include discussion of crime prevention and awareness, and shall consider situations of conflict management. This will include refusal of service to persons who appear drunk or under the influence of drugs.

Section B - Securing Public Safety

1. We will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing board, licensing standards officers and/or the police.
2. Public safety is integral to the way that we maintain our premises and is regularly reviewed through our health & safety policies. This policy is fully briefed and trained to all management and staff and we will continue to brief our staff to the standards required by the relevant legislation, and follow the advice of our professional advisors.
3. All exit doors are easily operable and comply with all necessary Fire regulations.
4. A first aid kit will be maintained on the premises and an accident book retained for recording of any incidents.

Section C - Preventing Public Nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises. Waste from the premises is collected by a private contractor.

Section D - Protecting and Improving Public Health

1. Our staff are trained to refuse any person the sale of alcohol who is or appears to be drunk or under the influence of drugs.
2. The premises will not operate any irresponsible drinks promotions which encourage excessive consumption of alcohol and affect public health
3. In addition, our alcohol sales price point will be higher than the minimum price required by applying the minimum price per unit for alcohol in Scotland, effective from 1 May 2018

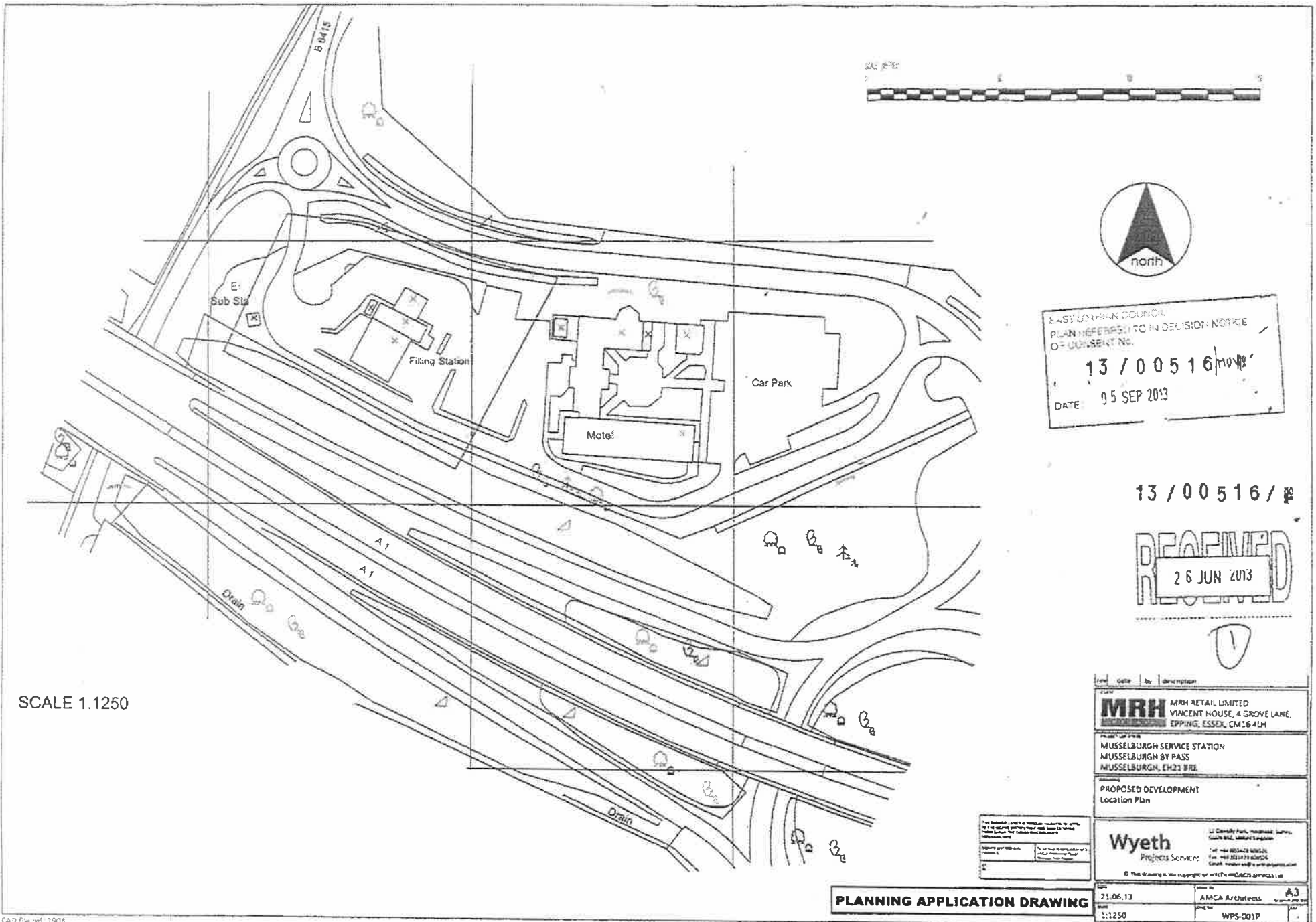
Section E - Protecting Children from Harm

- 1 The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
- 2 The premises display signage at relevant focal points within the store to emphasis the proof of age policy (Challenge 25).
- 3 Staff have the aid of a "till prompt" system that requires them to confirm age verification procedure has been undertaken before sale proceeds when alcohol product is scanned. This serves as a further safeguard and reminder.

DISABLED ACCESS AND FACILITIES STATEMENT

The premises are constructed on a single level and have level entry allowing for access by all customers. The premises have a disabled access WC. The service counters have lowered access to assist persons who may be using a wheelchair. Sight assistance dogs are welcome on the premises.

In the forecourt, the customers who may have difficulty in fuelling their own cars can use the service call button to alert staff to their arrival. This allows staff to assist them with the provision of fuel to their car.



SCALE 1:1250

EAST LOTHIAN COUNCIL
 PLAN REFERS TO IN DECISION NOTICE
 OF URBSERT No. 13/00516/10/00
 DATE: 05 SEP 2013

13/00516/P

RECEIVED
 26 JUN 2013

ref	date	by	description
13/00516/P			
MRH			MRH RETAIL LIMITED VINCENT HOUSE, 4 GROVE LANE, EPPING, ESSEX, CM16 4JH
Project Location MUSSELBURGH SERVICE STATION MUSSELBURGH BY PASS MUSSELBURGH, EH21 3RE			
Proposed Development Location Plan			
Prepared by Wyeth Project Services		11 Gandy Park, Harrogate, Surrey, GU24 0AZ, United Kingdom Tel: +44 (0)1473 800526 Fax: +44 (0)1473 800524 Email: enquiries@wyeth-projects.com	
© This drawing is the copyright of WYETH PROJECTS SERVICES LTD			
Drawn by	21.06.13	AMCA Architects	AJ
Scale	1:1250	WPS-001P	

PLANNING APPLICATION DRAWING

MOTOR FUEL LIMITED

Disabled Access and Facilities Statement

Licensing (Scotland) Act 2005, Section 20(2)(b)(iia)
The Premises Licence (Scotland) Amendment Regulations 2018 No. 49

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

*delete as appropriate

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 customer areas of the premises are located on a single level. The premises have level entry / exit.
Emergency exit points are suitable from use by disabled persons

Question 3 - Facilities available.

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

The premises have a customer toilet with disabled access facilities

Grocery items are displayed at different heights. Where a product is outwith the reach of a disabled customer, shop floor staff are available to provide 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.

Assistance dogs are welcome on the premises to assist their owners

Disabled Customer parking is available.

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)	[REDACTED]
Name in BLOCK CAPITALS	Andrew Hunter
Date	10/10/2020
Telephone number	0141 227 9388
Email address	andrew.hunter@harpermacleod.co.uk
Capacity (delete as appropriate)	Agent

*** Data Protection Act 1998**

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

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

**SECTION 50
PLANNING CERTIFICATE**

Fax: 01620 827255
Email: licensing@eastlothian.gov.uk

APPLICANT:

Motor Fuel Limited

**NAME AND
ADDRESS OF
PREMISES:**

Monktonhall Service Station, Musselburgh Bypass, EH21 8RE

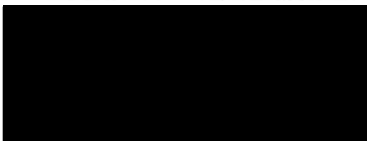
SECTION 50 PLANNING CERTIFICATE

- 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:	25 th May 2021
Keith Dingwall Service Manager, Planning			

21/06/2021

Your Ref: MFG MONKHALL

Our Ref: 567153/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 GRANT OF A
PREMISES LICENCE
MONKTONHALL SERVICE STATION
B6415 FROM OLD CRAIGHALL, OLD CRAIGHALL, MUSSELBURGH, EAST
LOTHIAN, EH21 8RE.**

I refer to the above application.

In terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005 I give you notice that Police Scotland wish to make representation to the board regarding the Premises Licence application on the grounds that under the terms of Section 123(1) of the Licensing Scotland Act 2005 the premises may be regarded as an "Excluded premises".

It is respectfully requested that this be given consideration by the East Lothian Licensing Board as there has been no evidence presented by the applicant demonstrating why this should not be considered to be an excluded premises.

EAST LoTHIAN COUNCIL

PEOPLE AND GOVERNANCE

From: Rudi Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 14 July 2021

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

Monktonhall Service Station, Musselburgh Bypass, Musselburgh, East Lothian
EH21 8RE

I refer to the above subject and can confirm that Licensing Standards has no comment to make on this application.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

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

Date: 29th June 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Monktonhall Service Station, Musselburgh
Application type: Provisional premises licence

There are no objections to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.

**BP Monktonhall Service Station
Edinburgh Bypass, Musselburgh, EH21 8RE.
Customer Profiling Research Report
July - September 2021**

Research & Reporting by

Taylor McKenzie Research & Marketing Ltd (TMCK)

TMCK



VAT Registration: 774523611

TAYLOR MCKENZIE RESEARCH & MARKETING LTD

Registered in Scotland 210656

A 101 Douglas Street, Glasgow, G2 4EZ

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W taylorckenzie.co.uk

Executive Summary Page BP Monktonhall Service Station

Introduction

The following report outlines the findings from a customer research interviewing program carried out between Thursday 15th July and Friday 24th September 2021 at BP Monktonhall Service Station, Edinburgh Bypass, Musselburgh, EH21 8RE and the surrounding residential areas. The research explored the buying behaviours of persons' resident in the locality of the site. Customers and local residents were asked to provide information on; their place of residence in relation to the premises, their means of travel to the premises and their purchasing behaviour in relation to fuel and groceries at the BP Monktonhall Filling Station.

This summary page contains the results from the key objective of the research as outlined below.

Key Research Objective

[Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board (5th April 2011)* whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

Materially disadvantaged or inconvenienced?

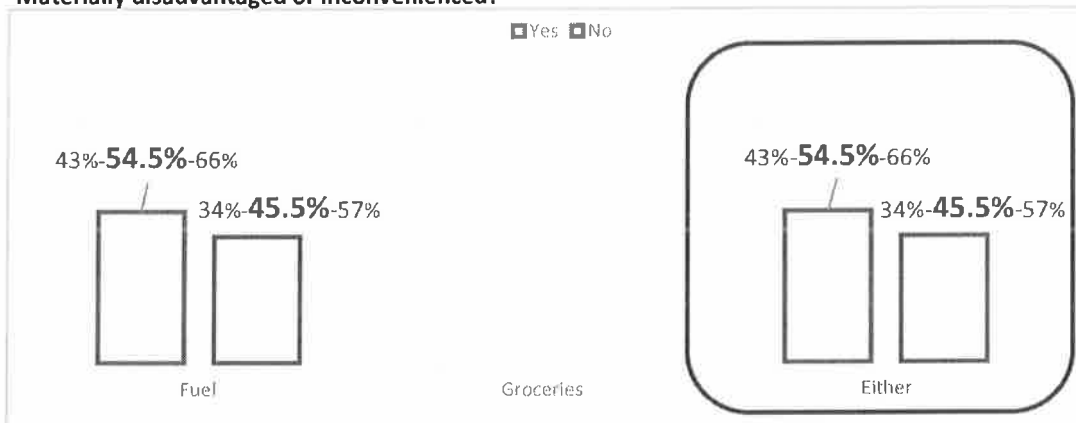


Figure 1 – Fuel Base 77

Groceries Base 0

Either Base 77

Conclusion

The results show that a statistically significant* proportion of persons (54.5% (+/-11.12%) in the locality) see and treat this service station on the Edinburgh Bypass as the principal source from which they, in ordinary course, purchase groceries or fuel and would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

* Statistically significant - In statistics, a result is called **statistically significant** if it is unlikely to have occurred by chance. The likelihood that a result or relationship is caused by something other than mere random chance.

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Research Methodology

BP Monktonhall Service Station

A quantitative research study was carried out from Thursday 15th July to Friday 24th September 2021, with 732 customers and local residents (or 'participants'). Surveys were conducted both on site at BP Monktonhall Service Station, Edinburgh Bypass, Musselburgh, EH21 8RE, with participants selected as they were exiting the store, and also door to door with residents who live in a 2-mile radius of the BP Monktonhall filling station. The inclusion of the door to door methodology ensured that a representative sample of those 'local' to the filling station were being asked for their relationship to the filling station. By analysing Google map imaging, it was decided that by including residential premises closest to the filling station, a proximity of 2 miles should be considered local.

Fieldwork was stratified to cover the core hours of off-sale of alcohol on the premises 10am until 10pm.

The structured questionnaire (please see Appendix 2 for full questionnaire) was executed via Computer Assisted Personal Interviewing (CAPI) with the use of an iPad. The screen was shared with participants so that they could view all images and questions. All participants were asked to give their full postcode in order to help map travel time and distance to location.

Sample Size

All in store intercepts (interviews) were conducted as participants were exiting via the main front entrance/exit; participants were selected at random to ensure sampling confidence. Upon completion of each survey, interviewers were under strict instruction to approach the second customer that passed them. All door to door intercepts (interviews) were conducted in-home or just outside the residence, door to door sampling was conducted by approaching every second door within a selected route. Each interviewer 'start-point' and interview route was selected to ensure that a representative sample would be achieved.

By completing 732 interviews with current service station users we can be sure that the data and attitudes collected will be statistically representative of the customer base. Importantly this large number of 'base' participants allowed for statistical comparison of sub-groups.

An important sub-group within this research that will form the 'population of interest' are participants who live within the locality of the premises AND use the garage as their principal source for purchasing Fuel or Groceries [Base – 77]. This figure represents 10.5% of the entire customer population.

Population of Interest

This sub-group of 77 participants will be used to answer the key objective of the research. Whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

Defining the Population of interest

Q2 – How far from this Station do you live? (Map 1)

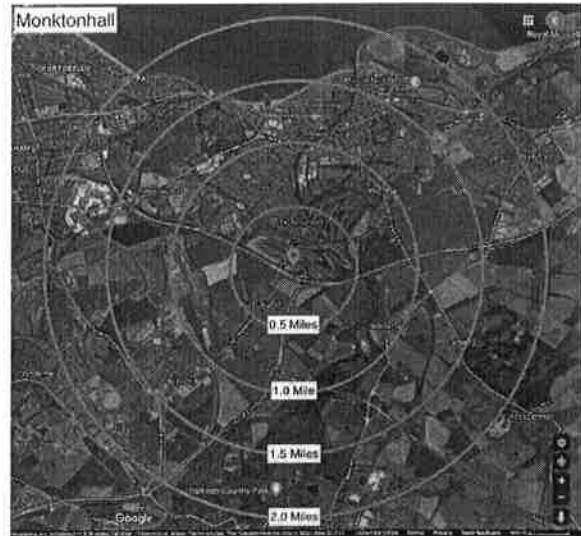
Within 2 miles = continue

2 miles+ = record postal code & close

Q7 – In the ordinary course of your purchasing habits, do you treat these premises as the principal source of: a) Petrol or DERV (Fuel)? b) Groceries?

Yes to a) *or* b) = Continue

No to a) *and* b) = Close



Map 1

Research Findings – Locality BP Monktonhall Service Station

Locality to Premises

Q2 – How far away from this Service station do you live?

If codes 1-5 were selected (under 2 miles) then respondent was categorised as **living within the locality**.

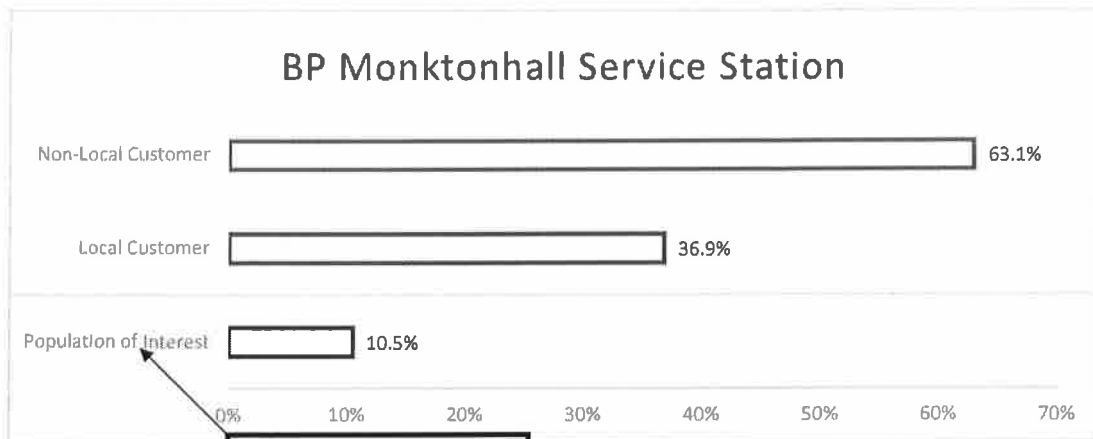


Figure 2 – Base – 732

As defined on page.4

Research Findings–Geo-mapping BP Monktonhall Service Station

All participants were asked to provide their postcode in order to allow for them to be geo-tagged on a map. Out of the 77 participants who fell into **the population of interest** 77 provided a full and complete postcode. They are represented below as red icons, in some cases the same postcode has been given and will be represented by only 1 icon.

Average distance from filling station – 0.87 miles



Map 2

Analysis of the postcode data has shown that the participants from the 'population of interest' live within a locality of 0.87 miles from the service station (green icon) on average.

Research Findings – Demographics

BP Monktonhall

Service Station

Gender

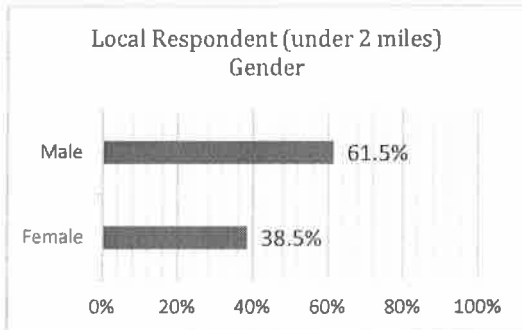


Figure 3 – Base 270

Average visits per week (local users)

Grocery Shopping Base - 98	1.15 visit per week
Fuel Purchase Base - 269	0.71 visits per week

Table 1 – Base varied

Age

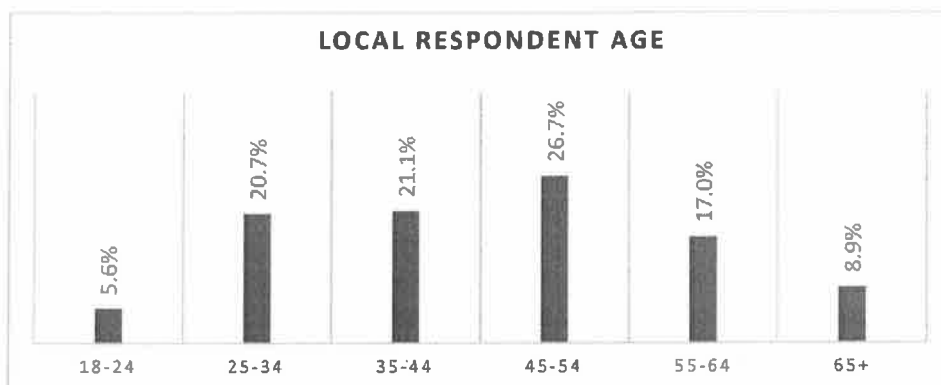


Figure 4 – Base 270

Respondent travel habits

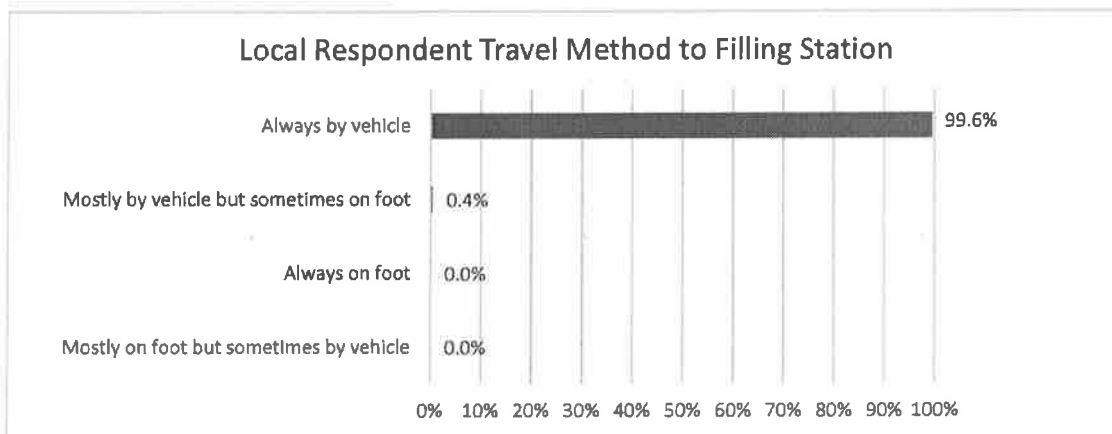
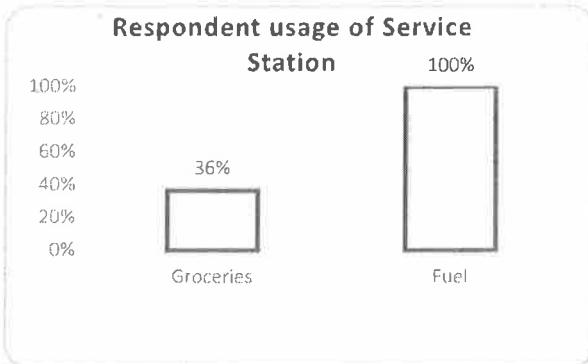


Figure 5 – Base 270

Research Findings – Premises Usage ^{BP}

Monktonhall Service Station

How BP Monktonhall Service Station is being used



98 participants (36.3%)

Use service station as a source of **Groceries**

269 participants (99.6%)

Use service station as a source of **Petrol/DERV (Fuel)**

Figure 6 – Base 270

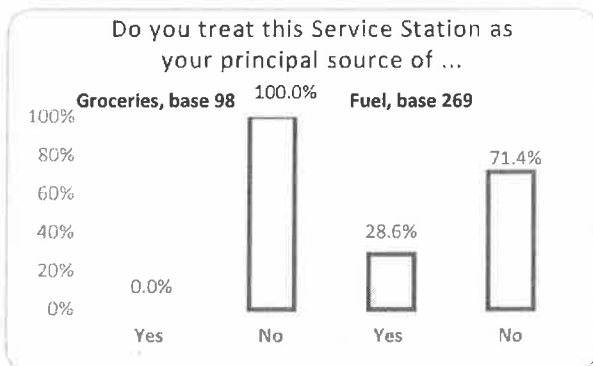


Figure 7 – Base Varied

Defining the population of interest

Participants, who live within the locality (within 2 miles) of the service station [Base 270], were asked how they currently use the Service Station – **Figure 6**.

They were then asked if, in the ordinary course of their purchasing habits, they treated this Service Station as their principal source of Petrol/DERV or Groceries – **Figure 7**.

77 (28.5%) local customers (participants) answered 'yes' to treating the service station as their principal source of either groceries or fuel. This forms the population of interest as outlined in the introduction – **Figure 8**.

Population of interest
77 participants

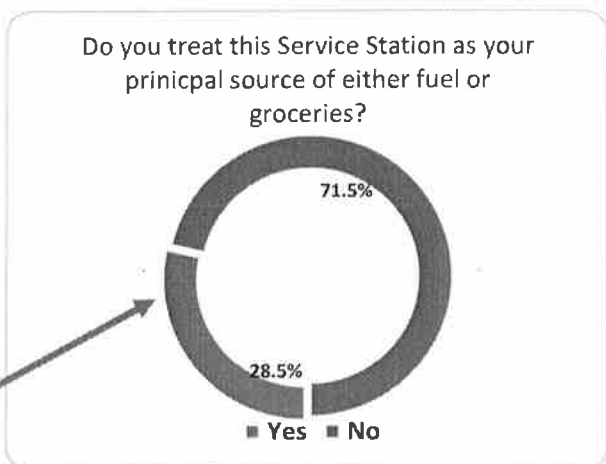
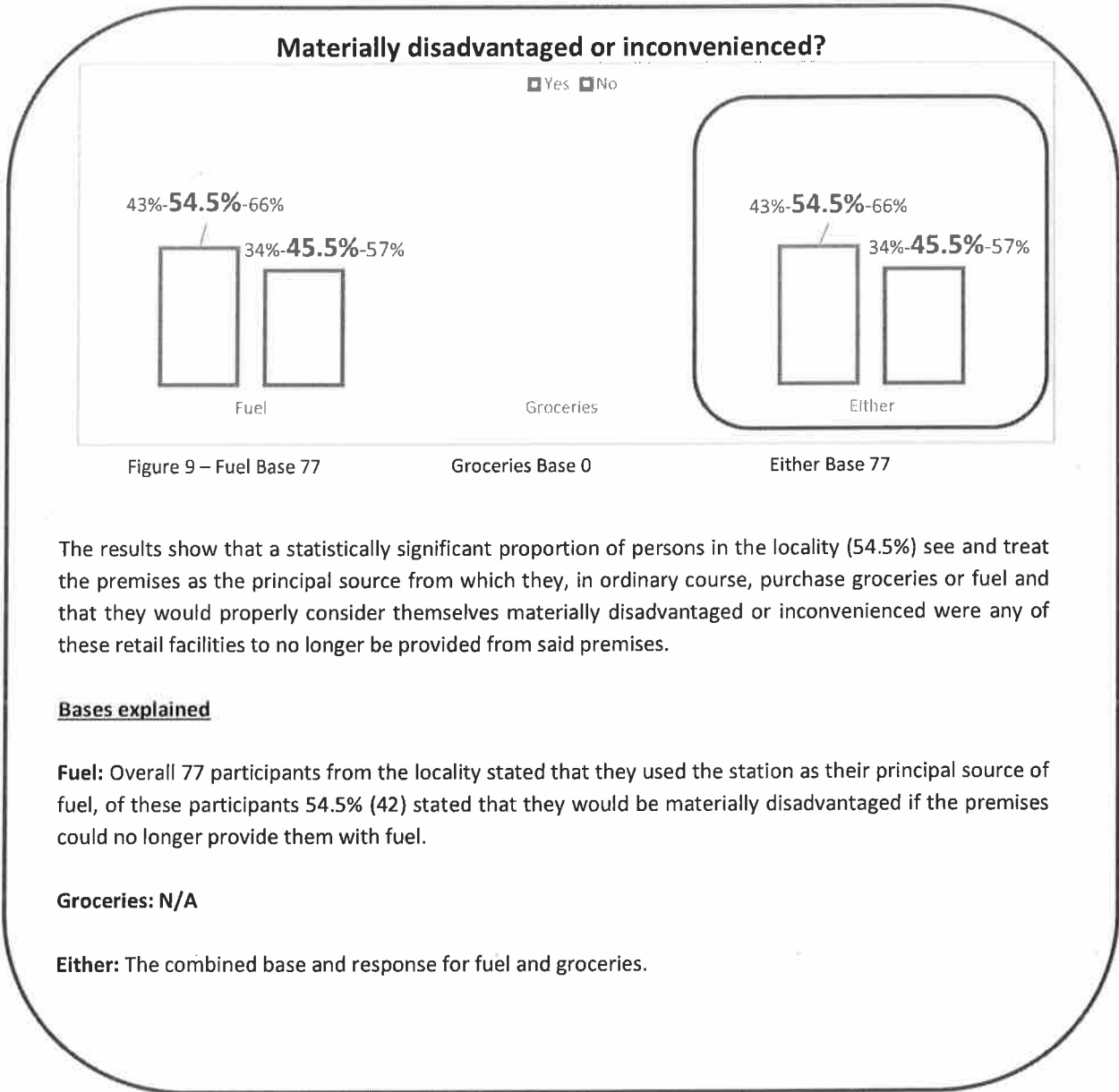


Figure 8 – Base 270

Research Findings – Key Findings Usage^{BP}

Monktonhall Service Station

Once the population of interest had been defined (Base 77), these participants were asked:
 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with: a) Petrol or DERV (Fuel)? b) Groceries?



Research Findings – Key Findings

BP Monktonhall

Service Station

In order to qualify the result all participants who coded yes to being materially disadvantaged if the service station could no longer provide fuel were asked **'Would you have an alternative fuel source you could use?'** Base 42

Yes – 81.0% (34)

No – 19.0% (8)

Those who answered 'Yes' to having an alternative fuel source – 81.0% (34) were then asked: **Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?** Base 34

Yes – 41.2% (14)

No – 58.8% (20)

Results show that the alternative fuel and grocery sources available to 81.0% of participants would cause 58.8% of this group to be inconvenienced.

66.7% (28) of those materially disadvantaged (base 42) confirmed this was still the case after considering alternatives.

Research Findings – Key Findings BP Monktonhall

Service Station

The graph below highlights participants who live locally and use the garage as their principal source of either fuel or groceries and who, after considering local alternatives, still feel they would be materially disadvantaged or inconvenienced if the premises could no longer provide them with either.

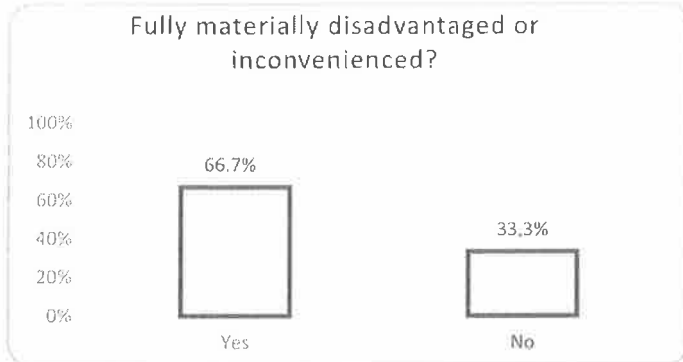


Figure 10, Base 28

The geo-map below shows where all participants (28) who coded 'yes' live; on average 0.87 miles from the station.



Map 3

Research Findings – Key Findings BP Monktonhall

Service Station

The graphs below highlight the demographic of those who are materially disadvantaged or inconvenienced after having considered local alternatives.

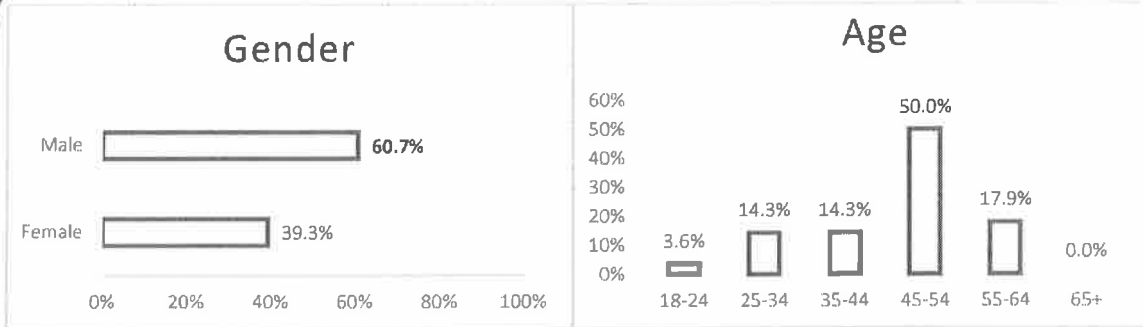


Figure 11 – Base 28

Figure 12 – Base 28

Average visits per week

Grocery Shopping <i>Base 19</i>	1.84 visits per week
Fuel Purchase <i>Base 28</i>	1.99 visits per week

Table 2 – Base Varied

About TMcK

Taylor McKenzie Research & Marketing (TMcK) are a full service agency and provide all stages in the market research process from fieldwork and recruitment, through to interviewing and analysis of data. We are also proud to host one of the UK's best viewing facilities, known as 'The Glasgow View'.

Based in Glasgow since formation in 2001 our steady growth over the past nineteen years has been down to the dedication of our skilled, reliable and creative staff.

TMcK's research team is headed up by Research Director Nicky Taylor who has extensive knowledge of consumer research in Scotland. In the past 12 months he has headed up similar quantitative research projects for KPMG, Tennent's, AXA amongst others. Nicky acts as the main contact for client and will attend briefings and debriefs and will be aided in the completion of the project by Laura Taylor (Director) and TMcK field. TMcK are Company Partners of the Market Research Society and abide by their code of conduct.

This demonstrates that we are one of a small number of Scottish companies who work with the Market Research Society in ensuring that quality standards are consistently upheld within the research industry.

About Market Research Society (MRS)

In the competitive world of market research, one name assures you of instant recognition and respect - that of MRS.

MRS is the 'voice of your profession'. Their role is to represent and communicate good practice in research to the business community, government and the public; to award accreditation and to provide support for our members.

Professional standards

All members of the Society must comply with the **MRS Code of Conduct** which is enforced through a disciplinary process. This is the primary means by which market research remains a self-regulated profession. A range of guidelines and advisory services provide support to members in practical implementation of the *Code*.

The *Code of Conduct* embodies the principles of confidentiality and transparency. It provides protection to research users, participants and to researchers themselves. The *Code* has the confidence of the business community, government and regulators. It embraces the principles of data protection legislation. Membership of MRS is your way of showing that you subscribe to these ethical and legislative principles.

Appendix 1 – Research Background

The Licensing (Scotland) Act 2005 defines premises that operate in whole or in part as a garage for the sale of petrol or derv as “excluded premises”. Subject to the provisions of section 123(5) of the Act, garage premises are “excluded premises”. Where premises are “excluded premises”, sale of alcohol is not permitted. The Client wishes to explore the motivations and buying behaviours of the consumers who visit affected forecourt premises with the purpose of ascertaining whether or not their forecourt premises fall to be determined as “excluded premises” or within the exception contain under section 123(5). Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board* (5th April 2011) whether a recognisable number of persons in the **locality**¹ see and treat the said premises as the **principal source**² from which they, in **ordinary course**³, purchase **groceries**⁴ or fuel and who would properly consider themselves **materially disadvantaged** or **inconvenienced**⁵ were these retail facilities to no longer be provided from said premises.

Should the research prove that a substantial % of a **representative sample**⁶ local residents who use the outlet as their principal source of groceries and would be materially disadvantaged or inconvenienced if the outlet stopped selling groceries then it would help to form a case to include the outlet as being ‘not excluded’ from the changing legislation.

¹ **Locality** will be defined on a premises by premises basis. This will be determined via respondent answering what will be Q1 (How far away from this station do you live?) and will be confirmed with geo-mapping postcode software. Those living within the chosen distance will be deemed suitable to represent persons living in the locality and they will be further questioned on purchasing habits. Those living out with the chosen distance will be asked for their postcode and interview will be terminated.

²⁻³ **Principal source / Ordinary course**; these points must be answered by asking each respondent a question that will be interpreted consistently and fully understood.

Generally speaking, do you treat this premises as your principal source for a) Petrol or DERV (a full description of DERV will be provided in Showcard to help understanding) b) Groceries. A simple yes or no answer will be collected.

This will provide the research with its population of interest.

⁴ **Groceries**; will be defined as being food or other things used within the home.

Appendix 1 – Research Background

(continued)

⁵ **Materially disadvantaged or inconvenienced;** the term materially disadvantaged is perhaps not in the general diction of the average respondent, and we would not expect it to be used by a respondent if asked to describe how they felt about a retail outlet closing. However, when it is combined with the word inconvenienced in the Q. “Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with a) petrol (DERV) b) Groceries?”) we would expect a good understanding. An open question asking why participants would feel materially disadvantaged or inconvenienced will be asked if ‘yes’ is coded at either a) petrol (DERV) or b) groceries.

⁶ **Representative sample;** in quantitative market research studies which are to be conclusive it is very important that the data collected and the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection should be stratified in terms of opening hours and weekend / weekday footfall and respondent selection should be entirely random.

Statistical Representation

In order for the findings to be conclusive it is very important that the data collected, the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection was stratified in terms of opening hours and weekend / weekday footfall and respondent selection was entirely random.

The table below indicates achieved error thresholds for the overall base of participants and for the population of interest base. Error bars are present throughout each table to represent statistical relevance of each figure.

Population	%GIVING PARTICULAR ANSWER		
	10%/90%	30%/70%	50%
Total Base 732	+ 2.17	+ 3.32	+ 3.62
Local Base 270	+ 3.58	+ 5.47	+ 5.96
Pop of interest Base 77	+ 6.70	+ 10.24	+ 11.17
Inconvenienced Base 42	+ 9.07	+ 13.86	+ 15.12

Appendix 2 – Research Questionnaire

Good morning/afternoon my name is & I am work for Taylor McKenzie Research & Marketing Ltd, an independent Scottish research agency. We are here today to better understand how this filling station is being used by its customers. We only have a few questions to ask and it is important you help so that we can ensure a representative view of all customers. It should only take 2 minutes.

Q1 Interviewer select filling station

BP Monktonhall Service Station

Q2 How far away from this Service station do you live?

Showcard s2

- Within 1/4 of a mile Go to Q3
 Within 1/2 a mile
 Within 1 mile
 Within 1.5 miles
 Within 1.5 to 2 miles
 Within 2 to 10 miles (approx.) CLOSE
 More than 10 miles away (approx.) CLOSE

Q3 Which of these best describes how you travel to this station?

Showcard s3

- Always by vehicle Go to Q4
 Always on foot Go to Q4
 Mostly by vehicle but sometimes on foot Go to Q4
 Mostly on foot but sometimes by vehicle Go to Q4
 Other (write in) Go to Q3

Q4 Including today, in the past 6 months have you used this station as a source of ...

Showcard s4

Interviewer - Read out...

- Petrol or DERV (fuel) Go to Q5
 Groceries Go to Q6
 Both for Petrol or DERV (fuel) and Groceries Go to Q5

**Interviewer note - if respondent queries what qualifies as 'groceries' please give the following description -
Groceries - 'food or other things used within the home'**

Appendix 2 – Research Questionnaire

(Continued)

Q5 How often do you visit this station for the purchase of petrol or DERV (fuel)?

Showcard s5

- Every day
- 4 - 5 times a week
- 2 - 3 times a week
- Once a week
- 2 - 3 times a month
- Once a month
- Once every 2 months
- 3 - 4 times a year
- Once a year
- Less often
- First visit

Q6 How often do you visit this station for the purchase of groceries?

Showcard s5

- Every day
- 4 - 5 times a week
- 2 - 3 times a week
- Once a week
- 2 - 3 times a month
- Once a month
- Once every 2 months
- 3 - 4 times a year
- Once a year
- Less often
- First visit

Q7 Generally speaking, do you treat this premises as your principal source for:

Showcard s6a & s6b

Interviewer - Read out full statement above for both petrol and groceries

	Yes	No
Purchasing Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
Purchasing Groceries	<input type="checkbox"/>	<input type="checkbox"/>

Q8 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with:

Showcard s7

	Yes	No
Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
Would you have an alternative fuel source you could use?	<input type="checkbox"/>	<input type="checkbox"/>
Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

Appendix 2 – Research Questionnaire

(Continued)

Q9 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with...

Showcard s7b

	Yes	No
Groceries	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative grocery source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is this alternative grocery source available to you without causing you to be disadvantaged or inconvenienced in any way?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If no: Why is this? (probe fully)</i>		

Q10 Record Gender

Male

Female

Q11 Which of these age groups do you fall into?

Showcard s8

18-24

25-34

35-44

45-54

55-64

65+

Interviewer Say: Could you please tell me your home postcode, this is so we can get a better understanding of store catchment. This data will never be used for contacting you and will never be passed on with any personal information. Interviewer please enter with a space, as follows.... e.g. G2 4EZ

Postcode

Appendix 3 – Open Ended Responses

"Q8b - Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with Fuel? If yes: Why is this?"

"Have to go further"

"No other place local"

"Close to home"

"Close by"

"Close"

"Have to travel"

"Have to travel further"

"It's near home"

"Would have to drive further away for my fuel"

"Closest petrol station to me"

"Only a mile away"

"It's the closest for me"

"It's my closest"

"On my way home"

"It's on my way home"

"Nearest"

"On my way to and from work"

"So handy as work near here so pass every day"

"Just easy for me as pass on my way to work"

"Handy for me as on my way to and from work"

"Great on my way to and from work so convenient for me and never any Qs"

"Easy for me as on my way to work"

"Handy for me as on my way to and from work"

"Always use here. Convenient for me"

"Just down the road and on my way to and from work"

"Near to me and I travel in that direction. Also don't like supermarket fuel"

"Go that way most days for work"

"Convenient for work and don't like supermarket fuel"

"On my way to and from work so handy"

"Close to work"

"Close to work"

"Close to work"

"No where else"

"Closest"

"Close to work"

"Close to work"

"Closest"

"It's the closest"

"Near by"

"Closest"

"Close to work"

"Closest"

Q8e: If NO: Why would this fuel source cause you to be disadvantaged or inconvenienced? Include as much detail as possible:

"Have to cross over sheriff hall roundabout which is very busy"

"Would need to go out of my way"

"Takes me out of my way"

"Takes me out of my way and always Qs at Tesco"

"Would mean a detour from my usual route"

"Would take me out of my way"

"Would have to go totally in the opposite direction"

"Would need to go out of my way"

"It's supermarket fuel"

"Have to go in the opposite direction"

"Don't like supermarket fuel"

"Further to travel"

"Further to travel"

"Don't like supermarket fuel"

"Don't like supermarket fuel"

"Further to travel"

"Don't like supermarket fuel"

"Further away"

"Don't like supermarket fuel"

"Further away"

Appendix 4 – Postcodes of Population of Interest

Eh21 6xd	Eh216sy	EH21 7AX	EH21 6PD	EH21 6NN
Eh21 6nr	Eh221fl	EH21 6RR	EH21 6UL	EH21 6PG
Eh22 1qs	Eh221sa	EH21 6TR	EH21 6HQ	EH21 8JH
Eh21 6xd	Eh221fl	EH21 6TS	EH21 6PF	EH21 8AN
Eh21 8sl	Eh152qy	EH21 6TR	EH21 6RZ	EH21 8AZ
Eh21 6pg	Eh216es	EH21 6TU	EH21 6RR	EH21 8LX
Eh21 8jf	Eh217Nj	EH21 6SS	EH21 6SS	EH21 8PJ
Eh21 6es	Eh218lh	EH21 8RL	EH21 6XA	EH21 6EU
Eh22 1rz	Eh218br	EH21 6HQ	EH21 6RZ	EH21 8RW
Eh22 1sr	Eh216sp	EH21 6HR	EH21 6SS	EH21 8RE
Eh21 8sl	Eh218aa	EH21 6PF	EH21 6NH	EH21 6PS
Eh21 8fl	Eh153qt	EH21 6HR	EH21 6TB	EH21 6RZ
Eh21 6sn	Eh216rr	EH21 6PD	EH21 6TB	EH21 8RE
Eh22 1fq	Eh218bz	EH21 8RD	EH21 6PH	EH21 6XA
Eh21 6hn	EH21 6PT	EH21 6TJ	EH21 6NA	EH21 6SF
EH21 6HU	EH21 8TA			