



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

5a

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary - (Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

1. Add at Section 5(c) – Recorded music YES, YES, YES.
2. Add at “Where you have answered YES in respect of any entry in column 4 above, please provide further details below.” – “recorded music may be played outwith core licensing hours.”
3. Amend the shop operating hours at Section 5(f) of the Operating Plan to 0700 and 2200 hours Monday to Sunday.
4. Add at the bottom of Section 5(f) of the Operating Plan:
“Home delivery of groceries, including alcohol will be available subject to demand.”

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0151

2(b) Name and Address of Premises Scotmid, 180 - 184 High Street, Prestonpans,

East Lothian

Post Code EH32 9AZ Tel. No. _____

Email lLovie@scotmid.co.uk

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

Scottish Midland Co-operative Society Limited, Hillwood House, 2 Harvest Drive, Newbridge,

Edinburgh

_____ Post Code EH28 8QJ

Tel. No. _____ Email address lLovie@scotmid.co.uk

3. NATURE OF VARIATION

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

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

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

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. (See Note 1)

1. Add at Section 5(c) – Recorded music YES, YES, YES.
2. Add at “Where you have answered YES in respect of any entry in column 4 above, please provide further details below.” – “recorded music may be played outwith core licensing hours.”
3. Amend the shop operating hours at Section5(f) of the Operating Plan to 0700 and 2200 hours Monday to Sunday.
4 Add at the bottom of Section 5(f) of the Operating Plan:
“Home delivery of groceries, including alcohol will be available subject to demand.”

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

A copy 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)

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)

Covid-19

5. FEE PAYABLE

Information on fees can be found at https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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

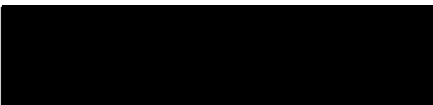
(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200.00 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Lindsay Robinson, Solicitor, for and on behalf of Anderson Strathern LLP, As Agents for Scottish Midland Co-operative Society Limited

Date 11 January 2022.

Capacity AGENT (delete as appropriate)

If agent, please provide details

Full name Lindsay Robinson, Anderson Strathern LLP

Address 1 Rutland Court, Edinburgh

Post Code EH3 8EY

Tel. No. 0131 625 7292 Email address

lindsay.robinson@andersonstrathern.co.uk / gillian.smith@andersonstrathern.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')

Alcohol - Application for Major Variation to Licence

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

Question 2

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Question 3

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

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

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.

Recorded music may be played outwith core licensing hours.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The store will be open for the sale of general convenience goods between the hours of 0700 and 2200 hours Monday to Sunday. These are the maximum hours during which the premises will be open to members of the public and subject to customer demand.

Home delivery of groceries, including alcohol will be available subject to demand.

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
Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	NO	NO	NO
Bar meals	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
Receptions including Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	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
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

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
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When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	N/A
	*Delete as appropriate	

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

N/A

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

N/A

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

N/A

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

N/A

Question 7

CAPACITY OF PREMISES

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

OFFSALES: 34.2m³

Question 8

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

Personal details

8(a) *Name*

Jennifer Renton

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

ILovie@scotmid.co.uk

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
5 January 2013	East Lothian Licensing Board	EL926

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)

Lindsay Robinson, Solicitor for and on behalf of Anderson Strathern LLP as Agent on behalf of Scottish Midland Co-operative Society Limited

Date ...11.01.2022.....

Capacity ...Solicitor..... AGENT (delete as appropriate). Telephone number and email address of signatory ...0131 625 7292 lindsay.robinson@andersonstrathern.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.

21/01/2022

Your Ref: **EL0151**

Our Ref: **610800/GB**

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



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
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
SCOTMID HIGH STREET PRESTONPANS
SCOTMID BUILDING, HIGH STREET, PRESTONPANS, EAST LoTHIAN, EH32
9AZ.**

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

- The playing of recorded music.
- Operating hours between 0700hrs and 2200hrs Monday to Sunday.
- Home delivery of groceries including alcohol.

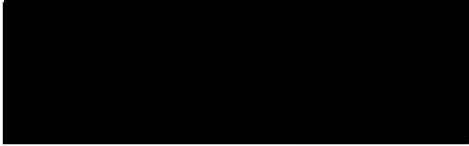
In terms of Section 29(5) this request can be considered a variation.

Police Scotland seek to confirm that the provision for off sales remains within the daily core times of 10.00hrs and 22.00hrs and that appropriate measures are in place in regard to age confirmation relating to home deliveries of alcohol.

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

OFFICIAL

Yours faithfully



Catriona Paton
Chief Superintendent

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

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 09 February 2022 14:55
To: Herkes, Gillian
Subject: RE: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

No objection.

The applicant will comply with the requirements of Section 119 of the Licensing (Scotland) Act 2005 and the relevant parts of East Lothian Statement of Licensing Policy 2018-2023 in relation to deliveries.

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian
EH41 3HA

01620827363

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation. It is recommended that you consult with a licensing agent or solicitor if you are looking for legal advice on matters.

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 18 January 2022 14:43
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; prestonpanscommunitycouncil@googlemail.com; [REDACTED]
Subject: FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Good Afternoon

Please find attached Major Variation application for Scotmid. 180-184 High Street, Prestonpans for report by 10 February 2022.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington

Herkes, Gillian

From: Licensing
Sent: 20 January 2022 09:48
To: Herkes, Gillian
Subject: FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans
Attachments: Herkes_Gillian_QXM04806_FIREBIRD_3743_001.pdf

From: Johnson, Darren <djohnson@eastlothian.gov.uk>
Sent: 20 January 2022 09:46
To: Licensing <licensing@eastlothian.gov.uk>
Subject: FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Hi

No objections.

Darren

From: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Sent: 19 January 2022 14:19
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Hello Darren

Can you please deal with this. I was going to do it but Uniform is still down.

Thanks

Andrew

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 18 January 2022 15:53
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 18 January 2022 14:43
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; [Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>](mailto:Fruzynski,Rudi@eastlothian.gov.uk); [Environment Reception <environment@eastlothian.gov.uk>](mailto:EnvironmentReception@eastlothian.gov.uk); [Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>](mailto:EnvironmentalHealthTradingStandards@eastlothian.gov.uk); 'Licensing@nhslothian.scot.nhs.uk'; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; [Trading Standards <tradingstandards@eastlothian.gov.uk>](mailto:TradingStandards@eastlothian.gov.uk); Grant, Shona <sggrant@eastlothian.gov.uk>; prestonpanscommunitycouncil@googlemail.com; [REDACTED]
Subject: FW: Attached Image Major Variation - Scotmid, 180-184 High Street, Prestonpans

Good Afternoon

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 19th January 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Scotmid, 180-184 High Street, Prestonpans

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

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

