



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

**THURSDAY 23 JUNE 2022 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. Major Variation of Premises Licence**
 - a. Iceland Food Warehouse, Unit 3 Haddington Retail Park, Haddington (**pages 1-26**)
 - b. MRH Dalrymple Filling Station, Dirleton Road, North Berwick (**pages 27-50**)
 - c. The Royal British Legion (Scotland), 147 High Street, Dunbar (**pages 51-62**)
 - d. Winton Arms, Pencaitland, Tranent (**pages 63-85**)

**Carlo Grilli
Clerk of the Licensing Board
16 June 2022**

**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**



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

1a

**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)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises ELO366

2(b) Name and Address of Premises Food Warehouse, Unit 3 Haddington Retail Park

Haddington, East Lothian

Post Code EH41 3FW Tel. No. 01620823672

Email n/a

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

Iceland Foods Limited

Second Avenue, Deeside Industrial Park, Deeside, Flintshire

Post Code CH5 2NW

Tel. No. ██████████ Email address ████████████████████

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)

The variation is to amend the approved layout plan which supports the Premises Licence. In particular, an increase of the capacity figure listed at Q7 for the alcohol display area to 26.4m2.
Reconfiguration of shelving area as per plan ref 'ice487-haddington-lic01a'

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.

Increase in alcohol display capacity from 17.6m2 to 26.4m2 as per enclosed layout plan ref: 'ice487-haddington-lic01a'

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)

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 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)

Date 23rd February 2022

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

If agent, please provide details

Full name Niall Hassard

Address TLT LLP 140 West George Street, Glasgow

Post Code G2 2HG

Tel. No. 0333 006 0400

Email address niall.hassard@tltsolicitors.com

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 2018

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
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Food Warehouse Unit 3 Haddington Retail Park Haddington EH41 3DF
--

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

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
<i>5(a)</i> <i>Activity</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>Accommodation</i>	NO	NO	NO
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
	NO	NO	NO
<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>	NO	NO	NO
<i>Club or other group</i> <i>meetings etc.</i>	NO	NO	NO
<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>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO

<i>5(d)</i> <i>Activity</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>Outdoor drinking</i> <i>facilities</i>	NO	NO	NO
<i>5(e)</i> <i>Activity</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>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 is to be provided throughout the premises, such music shall be provided at all times the premises is open to the public and whilst store staff are working within the premises. The music shall only be played internally so as to avoid disruption to our neighbours.

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.

Sale of groceries, including fresh and frozen foods and other non-food items to be provided both in and outwith the core licensing hours.

The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries and other non-food items.

The above shall include deliveries made using our home delivery and ecommerce services, subject to compliance with sections 119 & 120 Licensing (Scotland) Act 2005.

The premises will also on occasion be used to launch new products, have product sampling and food tasting events and host friends and family evenings.

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>N/A</i>
--	------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>N/A</i>
---	------------

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

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>	<i>N/A</i>
	<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?

26.4m2 Off Sales

Question 8

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


Personal details

8(a) Name

Danielle Alderdice

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>
25/06/2015	Edinburgh City Council	296364

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 23rd February 2022

Capacity APPLICANT

Telephone number and email address of signatory. 01244 843699 

*** 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.

Statement of how the Licensing Objectives will be upheld by Iceland Foods Ltd, t/a

Food Warehouse, Unit 3 Haddington Retail Park

Haddington, East Lothian

(Ref: EL0366)

Background to the applicant –

Iceland Foods Ltd is a unique British food retailer which launched with one shop in 1970 (in Shropshire). It now sits with over 1000 stores throughout the UK – two stores currently trading in East Lothian, namely, the applicant premises and Newhailes Road, Musselburgh, (Ref: EL0123)

The East Lothian stores and indeed the 80+ other stores in Scotland do not cause Boards or their officers any significant issues.

Iceland in East Lothian -

Iceland has had a presence in East Lothian via its Musselburgh store for some 20 years. Up until the launch of the Haddington Food Warehouse Store, Iceland had been trading in its traditional high street Iceland format.

About the Food Warehouse

The Iceland brand has grown and evolved through the decades. Initially it focused on the traditional "high street" Iceland store (per Musselburgh). However, in September 2014 Iceland opened the first of its new concept stores called "The Food Warehouse" in England. This format is more than double the size of a typical high street Iceland store and as well as the full Iceland range of frozen products, it offers a significant additional range of fresh products, extended ranges of luxury and speciality frozen food, together with chilled meat, dairy and fresh produce, plus a wide selection of value bulk packs of tinned products (like

baked beans) and large packaged household goods (e.g. washing powders etc). The Food Warehouse has been a huge success. This is underlined by the rate of growth of this new format. In early 2015 The Food Warehouse was trading successfully just six locations in England and Wales (none in Scotland). Fast forward to the end of 2021 and there are now over 150 Iceland Food Warehouse stores in England and Wales and 20 trading in Scotland.

Iceland secured a new licence for the Haddington Food Warehouse Store at the end of 2019 and it opened in August 2021.

Iceland's credentials

Iceland is committed to responsible retailing. This was recently underlined by being the first major retailer to commit to eliminate plastic packaging for all its own-brand products by 2023.

Iceland have always been committed to providing safe, healthy and ethically sourced food and beverage for their customers. They led the way throughout the 1980's and 1990's to remove artificial colours and flavourings from their products.

Iceland are an official partner of the UK Government's Public Health Responsibility Deal and have committed to the required pledges including:

- Removing artificial trans-fats from foods
- Active promotion of fruit and vegetables
- Responsible advertising and marketing of alcohol
- Promoting physical activity guidelines

A statement regarding how each licensing objective will be upheld –

General

- 1 Iceland are accredited grade 1 trainers and have an accredited training centre for the provision of the SCPLH.
- 2 Iceland have detailed written policies kept under review by their in-house professionals. This supports the business on legal, security, HR, H&S and licensing. This is run out of their professional support division at their Headquarters in Deeside.
- 3 The company have a comprehensive training programme for all staff which goes beyond the mandatory 2 hours training required under the 2005 Act and includes six monthly refresher training in relation to the sale of alcohol and other age restricted products.
- 4 Iceland have multiple personal licence holders in each store to support the DPM (minimum of 3 per store).
- 5 Please see appendix 1 for specific information about E-commerce and home delivery

Preventing crime and disorder

- 1 The premises are a supermarket selling a wide range of food and other goods. No alcohol is consumed on the premises. The premises will be carefully managed and any incidents of crime and disorder are extremely rare. All incidents are recorded in an incident book routinely checked by both the store manager and area manager and the incident records can be made available for inspection on request.
- 2 The premises operate a Challenge 25 policy.
- 3 Staff monitor the age of customers seeking to purchase alcohol and will challenge anyone who appears to be under the age of 25 to produce ID.
- 4 A refusal log is kept with staff required to update it with details of any challenges made relating to age restricted products.
- 5 Automatic EPOS till prompts alert staff to age restricted products and require them to consider the age of the purchaser and follow an on screen process to complete the sale.
- 6 The premises security needs will be assessed on an on-going basis and increased security, such as security guards, will be added as required.

Securing public safety

- 1 Procedures will be in place for evacuation and accident/incident reporting.
- 2 The premises will comply with appropriate regulations and have approved exit routes, signage, and emergency lighting.
- 3 There will be fire extinguishers in the premises and a fire risk assessment is carried out in terms of the relevant legislation.
- 4 The premises will have a comprehensive CCTV system with XTBC new camera system to be installed cameras covering the store, in particular, the alcohol aisle and the tills.

Preventing public nuisance

- 1 Iceland does not open late and the normal operation of the premises does not give rise to public nuisance.

Protecting and improving public health

- 1 Material promoting responsible drinking is displayed.
- 2 Staff will be trained to refuse service of alcohol to anyone who appears intoxicated.
- 3 All relevant environment health regulations will be observed.

Protecting children and young persons from harm

- 1 Procedures for prevention of the sale of alcohol to persons under the age of 18 years will be in place (see above).
- 2 The company utilise till systems which issue a prompt at the till for the checkout operators to check the age of the purchaser and also the time of sale.

Alcohol provision

Alcohol, whilst an important complementary product it is wholly ancillary to the grocery and general retail offer at the Food Warehouse. Average sales of alcohol across the Food Warehouse Format make up 3.5 % of store turnover. At present the alcohol display frontage of 17.6m² equates to 4.3% of the overall display.

As with any new shopping format Iceland Food Warehouse has been taking customer feedback since it opened its initial stores in Scotland. The consistent message is that the alcohol offer is very narrow and lacks sufficient choice. In order to accommodate a broader range of products Iceland therefore see to increase in alcohol display capacity from 17.6m² to 26.4m².

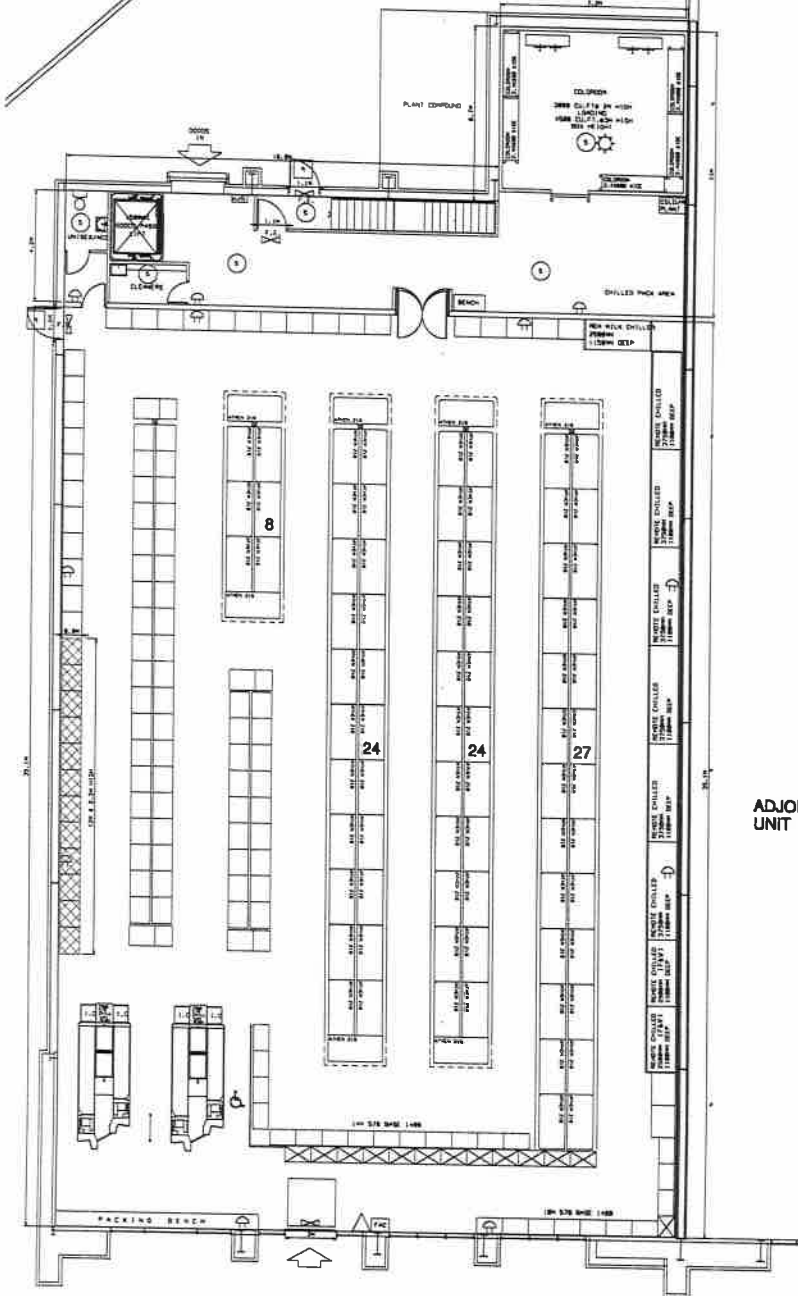
By any yardstick this is a modest increase and even if granted it would see alcohol remain at circa 6% of the overall display but it would allow for the incorporation of 300 additional lines of products. This would give customers a better range of beers and wines etc to choose from.

Appendix 1: Supplementary statement : E-commerce

Iceland has over the years built a successful ecommerce business. They have robust safeguards and an exceptional track record.

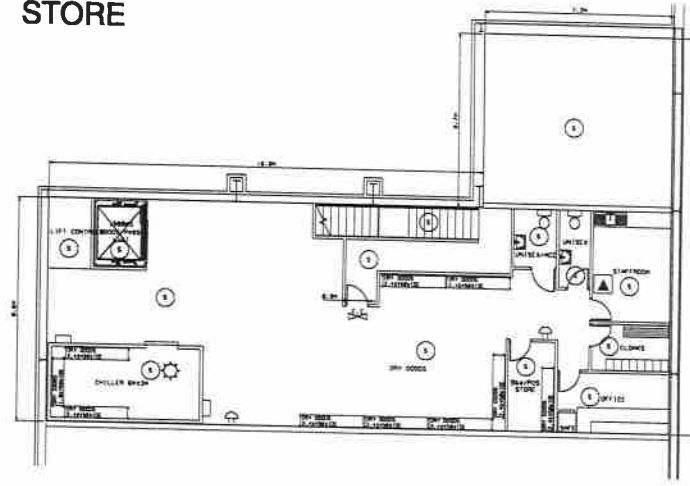
- Home deliveries are via an online ordering system just like any other supermarket and payable by credit/ debit card at the time of order.
- Iceland have hundreds of licensed stores across the UK offering alcohol by home delivery via online shopping and this has been operated without any issues anywhere in the UK
- The alcohol is delivered by an Iceland van driver, not a third party, so they are 100% within Iceland's control. All Iceland van drivers are given the 2 hour staff training under the 2005 Act and this is refreshed every 6 months along with all other staff
- Iceland's terms and conditions capture the rules surrounding issues like age verification and Challenge 25
- No alcohol delivery is fulfilled unless the person opening the door can prove they are 18 or over and Iceland will only accept approved forms of ID specified by legislation (primarily passports or driver's licences). If the person looks under 25 and cannot produce ID, the whole order not just alcohol will be returned to the store before a re-delivery is attempted. If this fails, the customer can be refunded.
- Overall sales are alcohol, are relatively low thus home deliveries of alcohol are very low.
- There is no evidence of anyone using the Iceland website to just order alcohol. It is not a brand associated with alcohol and not attractive to persons seeking to buy alcohol to consume it irresponsibly. If you look in the terms and conditions, there is a minimum spend of £25 (It is £25 but a £3 delivery charge applies or £40 for free delivery) online so customers are largely unable to order a single bottle for example.
- The customer profile is typically people ordering a full weekly shop.

COMMUNAL DELIVERY YARD



GROUND FLOOR PLAN

HADDINGTON STORE

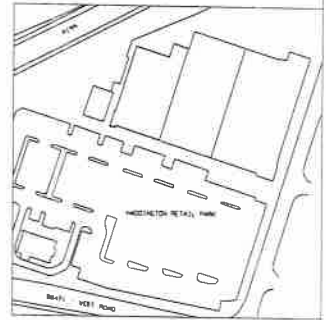


MEZZANINE

ADJOINING UNIT

ALCOHOL DISPLAY AREA - 26.4 SQ.M.

- FIRE EXTINGUISHER
 - FIRE BLANKET
 - EMERGENCY LIGHT BOX WITH GREEN MOVING PERSON SIGN
 - FIRE ALARM CALL POINT
 - FIRE ALARM CONTROL POINT
 - FIRE ALARM SOUNDER
 - SMOKE DETECTOR
 - ALCOHOL DISPLAY AREA
 - FIRE EXIT - KEEP CLEAR SIGN
 - BARRICADE SIGN
 - EXIT SIGN
- NB CHILDREN AND YOUNG PERSONS ARE PERMITTED TO ACCESS ALL PUBLIC AREAS OF THE PREMISES AT ALL TIMES
- ALL ACTIVITIES THROUGHOUT THE STORE ARE PER TERMS OF OPERATING PLAN



SITE LOCATION PLAN
SCALE 1:1250

SCALE BAR 1:1250

DWG NO. HADDINGTON-LIC01	SHEET NO. A	REV.
PROJECT HADDINGTON	STORE NO.	
ADDRESS UNIT 3 HADDINGTON RETAIL PARK, WEST ROAD, HADDINGTON, EH41 3DF		
TITLE GROUND & FIRST FLOOR PLANS & LOCATION PLAN AS PROPOSED		
DATE 06.08.19	SCALE 1:100/1:250 @ A1	
DRAWN RFD/S487	CHECKED	



26/05/2022

Your Ref: EL0366

Our Ref: 627182/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
ICELAND T/A FOOD WAREHOUSE
3 HADDINGTON RETAIL PARK, HADDINGTON, EAST LOTHIAN, EH41 3DF.**

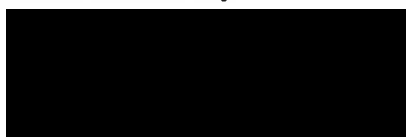
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an increase of alcohol retail sales capacity from 17.6m² to 26.4m²

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



Catriona Paton
Chief Superintendent

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

EAST LoTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: K. Harling
Licensing Standards Officer

To: Carlo Grilli
Clerk to the Licensing Board

Date: 01 June 2022

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JUNE 2022

Food Warehouse, Unit 3 Haddington Retail Park Haddington, East Lothian, EH41 3FW

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the revised Layout Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

The increase in area applied for is an additional 8.8m² to a capacity of 26.4m². This increase is to extend the current display to accommodate a broader range of products. The display area will still be within sight of checkout operators. This area is also covered by CCTV at both ends of the aisle.

Within 800 metres of this premises there are two other stores namely Aldi and Home Bargains. The capacity of the above premises is as follows – Aldi 34.02 m² and Home Bargains 34.2 m².

This report is submitted for the information of the Boards Members.

K. Harling
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: 20th April 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Food Warehouse, Unit 3, Haddington Retail Park, Haddington

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.

Herkes, Gillian

From: Winter, Maree
Sent: 29 April 2022 14:24
To: Herkes, Gillian
Subject: FW: Application for variation of Premises Licence - Iceland Foods Limited - Haddington
Attachments: image001.png; Haddington FW - Major Variation Feb 22.pdf; Haddington FW - MV Feb 22 Op Plan.pdf; ice487-haddington-lic01a.pdf; EL Licensing Objectives Statement for FW Haddington Major.pdf

Hi,

Can you run this off for me please

Thanks
Maree.

From: Gunning, Laura <lunning@eastlothian.gov.uk>
Sent: 08 April 2022 15:33
To: Winter, Maree <mwinter@eastlothian.gov.uk>
Subject: Re: Application for variation of Premises Licence - Iceland Foods Limited - Haddington

Hi Maree

No adverse comments from EH

Laura

On 8 Apr 2022, at 14:11, Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> wrote:

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 08 April 2022 11:38
To: Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk) <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; 'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; all@haddingtoncc.org.uk
Cc: Herkes, Gillian <gherkes@eastlothian.gov.uk>; Licensing <licensing@eastlothian.gov.uk>
Subject: FW: Application for variation of Premises Licence - Iceland Foods Limited - Haddington

Dear all,

Please find attached an application for a major variation to increase the capacity from 17.6m² to 26.4m² and reconfigure the shelving. Could I please have any representations/objections by the 12th May 2022.



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

1b

**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)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0344

2(b) Name and Address of Premises DAURYPLE FILLING STATION
DURLETON ROAD, NORTH BERWICK

Post Code EH39 5DP Tel. No. 01620 893614

Email _____

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

MOTOR FUEL LIMITED, GLADSTONE PLACE, 36-38
UPPER MARLBOROUGH ROAD, ST ALBANS

Post Code AL1 3UU

Tel. No. 010 AGENT Email address 010 AGENT

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)

VARY Q7 OFF SALES CAPACITY FROM 9.05m² TO 11.43164m²

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.

INTERNAL RENOVATION TO RETAIL CONVENIENCE SHOP RESULTING IN CHANGES TO ALCOHOL DISPLAY AREAS AND SMALL INCREASE IN CAPACITY

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)

* EMAILED APPLICATION - PREMISES LICENCE WILL

FOLLOW BY MAIL

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 £ 220.00 is enclosed
- (ii) the proposed Operating Plan is enclosed
- (iii) the proposed Layout Plan is enclosed
- (iv) the Premises Licence is enclosed

Signature [REDACTED] (See note 5 overleaf)

Date 09/05/2022

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name ANDREW HUNTER

Address HARPER MAULERD LLP, 45 GORDON ST, GUILDFORD

Post Code GU 3PE

Tel. No. [REDACTED] Email address andrew.hunter@harpermaulerd.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.)

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Dalrymple Filling Station Dirleton Road, North Berwick, EH39 5DF

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>	10.00am	10.00pm
<i>Tuesday</i>	10.00am	10.00pm
<i>Wednesday</i>	10.00am	10.00pm
<i>Thursday</i>	10.00am	10.00pm
<i>Friday</i>	10.00am	10.00pm
<i>Saturday</i>	10.00am	10.00pm
<i>Sunday</i>	10.00am	10.00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/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 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
Films	No	No	No
Gaming	No	No	No
Indoor/outdoor sports	No	No	No
Televised sport	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 between 06:00hours and 23:00 hours each day and therefore 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 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*
--	----------------

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

**Delete as appropriate*

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?

11.43164m²

Question 8

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

Personal details

8(a) Name

Steven Spence

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

[REDACTED]

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
08/01/2018	East Lothian	EL1446

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 09/05/2022

Capacity SOLICITOR ~~APPLICANT~~/AGENT (delete as appropriate)

Telephone number and email address of signatory

0141 227 9388; 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) This is an existing petrol station which offers off sale of alcohol. This application comes about as the internal retail shop is being renovated and this results in new layout and shelving displays, resulting in a small increase in off sales capacity.</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>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>
<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:</p> <p>N/A</p>
<p>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:</p> <p>Premises trade on a 24 hour basis so all shop and fuel facilities are available outwith core licensing hours.</p>
<p>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:</p> <p>N/A</p>
<p>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.</p> <p>N/A – off sale premises only.</p>

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:

This is an existing off sale premises and we are not aware of any issues arising from the sale of alcohol.

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

The renovation to the premises will provide improved customer experience to increased lines across all convenience products, including alcohol.

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

12/05/2022

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

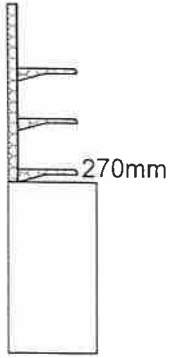
- 1 The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being 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.

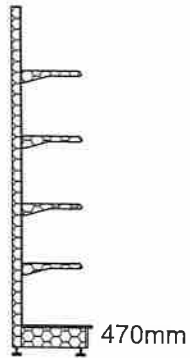
In the forecourt, the customers who may have difficulty in fuelling their own cars can use the service call button to alert staff to their arrival. This allows staff to assist them with the provision of fuel to their car.

Profile 1
Wall Shelving



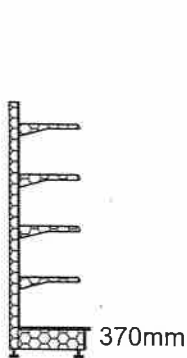
Height : 1.1m

Profile 2
Wall Shelving



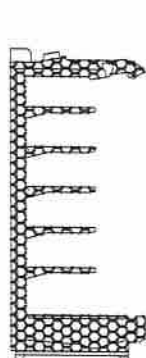
Height : 1.8m

Profile 3
Gondola Shelving

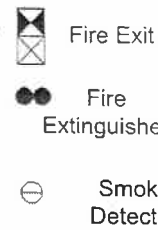


Height : 1.4m

Profile 4
Chill



Height: 2.020m



Total Display Area of Alcohol (Inaccessible)

Spirits:- = 3.0m(w) x 1.1m(h) = 3.3m²

Total Display Area of Alcohol (Accessible)

Red Wine:- 0.5m(w) x 1.8m(h) = 0.9m²

Multipack Beers:- 1.0m(w) x 1.410m(h) = 1.41m²

Chilled White & Rose:- 1.007m(w) x 2.020m(h) = 2.03414m²

Beer & Cider:- 1.875m(w) x 2.020m(h) = 3.7875m²

Total Display Shelving -

Total = 11.43164m²

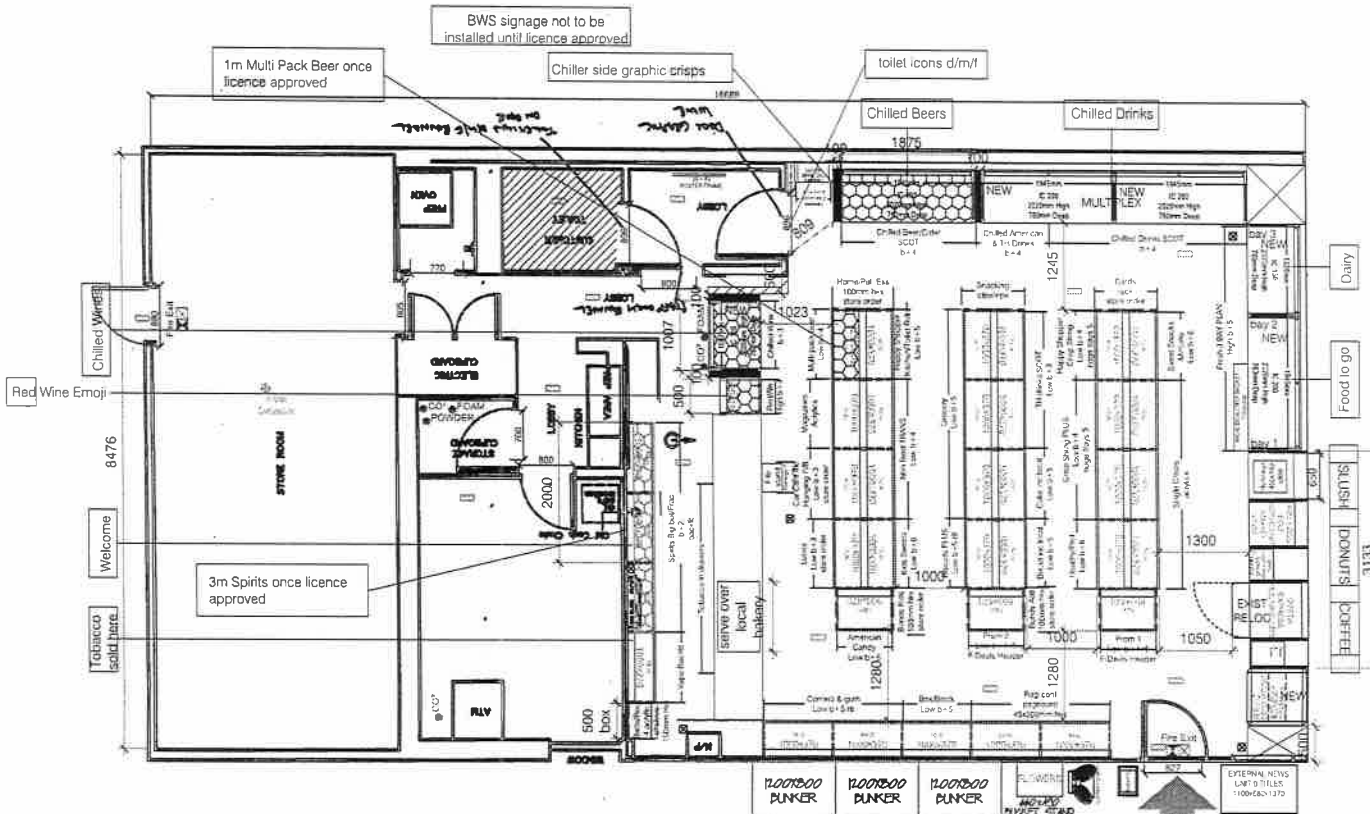
Londis
DALRYMPLE
EXISTING/PROPOSED

ADDRESS	ESSO SERVICE STATION DIRLETON ROAD NORTH BERWICK EAST LOTHIAN EH39 5DF
PROJECT TYPE	REFRESH 22
FORMAT	TRANSIENT *
STORE NUMBER	FS825
DRAWN BY	CL
SCALE	1:75 @ A3
DATE	22/04/2022
REVISION	E

NOTES

TOTAL DISPLAY AREA			
STORE AREA	EXISTING	PROPOSED	TOTAL
STREET FRONTAGE	11	11	22
REAR FRONTAGE	11	11	22
EXISTING TOTAL	22	22	44
PROPOSED TOTAL	11	11	22
EXISTING SALES AREA	11	11	22
PROPOSED SALES AREA	11	11	22

- Confectionery top shelf to always be 100mm shorter than shelves below
- Profile Key**
Low = 1410 gondola
High = High Wall bay
b = base shelf
+3 (etc) = number of overshelves
r = number of shelf risers
When stretched over 2 or more bays qty's shown are per bay
- Risers to be allocated as follows
Confectionery 100mm risers on all shelves except top shelf 25mm
Biscuits 25mm risers
Bread & Cakes 25mm riser on top and 3rd shelf only
Bread/Cake/Biscuits 25mm riser on top 3 shelves
Prom/Seasonal/Clearance - 100mm riser to all shelves
- SLAT**
Order 30 x 100mm aial hooks with tickle holder per slat end
Order 100 x 300mm pegboard hooks with tickle holder per store
- Amendments since last revision
- The following products/fixtures/stands should be ordered by store if they appear on plan
- American Candy
 - Bonds Kids/Adult bags
 - Mintons
 - Cards
 - Graze Stand
 - Homeware Essentials
 - Car care & Lubes
 - Flo Flamingo stand
 - Flo countertop unit
 - Flo extended range
 - Roller
 - Atlases
 - Tooty Frooty
 - Epicurium



PROPOSED

vertex Vertex Drawing
Based on: Booker DALRYMPLE
Rev E License MFG
Dirleton Road
North Berwick
EH39 5DF
REV E revisions

ALL DIMENSIONS ARE SHOWN IN MILLIMETRICS UNLESS STATED OTHERWISE. A MUST BE CHECKED BY THE SHOPFITTER PRIOR TO COMMENCEMENT OF WORK BY DATE.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS, DOCUMENTS & SPECIFICATIONS. ALL WORK IS TO BE CARRIED OUT BY A QUALIFIED SHOPFITTER IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS AND THE APPLICABLE CODES OF PRACTICE AND LEGISLATION.

THE FEASIBILITY OF THIS DRAWING MUST BE CHECKED BY A QUALIFIED SHOPFITTER WHO SHOULD ENSURE THAT THE DRAWING MEETS ALL THE REQUIREMENTS OF THE SHOPFITTER'S REGULATION.

BOOKER RETAIL PARTNERS LTD IS THE DRAWER TAKE NO RESPONSIBILITY FOR THE FEASIBILITY OF THIS DRAWING. THE DRAWER OF THIS DRAWING DOES NOT ACT AS THE PRINCIPAL DESIGNER.

FOR ANY QUERIES PLEASE CONTACT THE STORE DEVELOPMENT DEPARTMENT OR THE RELEVANT SUPERVISOR OF THE PROJECT TEAM.

THIS DRAWING IS THE PROPERTY OF BOOKER RETAIL PARTNERS (UK) LTD AND IS NOT TO BE COPIED EITHER IN FULL OR IN PART WITHOUT THE PRIOR CONSENT OF BOOKER RETAIL PARTNERS (UK) LTD. THE INFORMATION CONTAINED WITHIN THIS DRAWING IS STRICTLY CONFIDENTIAL AND ALL PARTIES ARE ADVISED TO CONSULT THEIR PROFESSIONAL ADVISORS WITH REGARD TO ANY RISKS INVOLVED AND THE SUSTAINABILITY OF THESE DRAWINGS.

BOOKER RETAIL PARTNERS (UK) LTD ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE SUSTAINED BY ANY PARTY ARISING FROM THE USE OF THIS DRAWING.

COPYRIGHT BOOKER RETAIL PARTNERS LTD (UK) LTD. ALL RIGHTS RESERVED.

BOOKER RETAIL PARTNERS
BUDGENS LONDIS HOUSE, WIDEWATER PLACE,
MOORHALL ROAD, HAREFIELD MIDDLESEX
UB9 6NS
0800 298 0756

BOOKER
RETAIL PARTNERS

12/05/2022

Your Ref: **EL0344**

Our Ref: **634187/GB**

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



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
MRH DALRYMPLE FILLING STATION
DIRLETON ROAD, NORTH BERWICK, EAST LOTHIAN, EH39 5DF.**

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 internal renovations that will increase alcohol retail capacity from 9.05m² to 11.43164m².

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


Catriona Paton
Chief Superintendent

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

EAST LoTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: K. Harling
Licensing Standards Officer

To: Carlo Grilli
Clerk to the Licensing Board

Date: 01 June 2022

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – MAY 2022

Dalrymple Filling Station, Direlton Road, North Berwick, EH39 5DP

I refer to the above subject and can confirm that the premises have been visited in relation to application for a Premises Licence variation. I am satisfied that the revised layout plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

The increase in area applied for is an additional 2.38m² to a capacity of 11.43m². This increase is to accommodate an internal renovation to the premises resulting in changes to the alcohol display areas. The display area will still be within sight of staff at the payment point and it is noted that one of the extensions forms part of the display held behind the payment desk that is not accessible to customers. The additional area requested within the same area is visible from the payment point. This area is covered by an operational CCTV system from three different views.

This report is submitted for the information of the Boards Members.

K. Harling
Licensing Standards Officer

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery
Per: Neil Millar
Cc:

To: Clerk to the Licensing Board
Per: Licensing Board

Date: 18th May 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Dalrymple Filling Station, Dirleton Road, North Berwick
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.

Herkes, Gillian

From: Douglas, Andrew
Sent: 10 May 2022 10:01
To: Licensing
Subject: FW: Major Variation - Dalrymple Garage, North Berwick
Attachments: Premises Licence Variation - Dalrymple.PDF; Draft Operating Plan - Variation - Dalrymple.PDF; DALRYMPLE PROPOSED REV E REVISIONS LICENCE LAYOUT.PDF

Importance: High

I have no objections to the granting of this licence, subject to the standard conditions.

Andrew

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 10 May 2022 09:40
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.police.uk>; licensing@nhslothian.scot.nhs.uk; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; ksmith2028@aol.com; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>
Subject: Major Variation - Dalrymple Garage, North Berwick
Importance: High

Dear all,

Please find attached Major Variation application from Dalrymple Filling Station, Dirleton road, North Berwick to vary their operating plan from 9.05m² to 11.43164m². Internal renovation to retail convenience shop resulting in changes to alcohol display areas.

Could I please have any objections/representation by Thursday 2nd June, 2022.

Kind regards

Gillian

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



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

1c

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)

We request a change to our licensed hours

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0263

2(b) Name and Address of Premises The Royal British Legion (Scotland)
Dunbar Branch
147 High Street
Dunbar East Lothian

Post Code EH42 1ES Tel. No. 01368 863275

Email manager@rblidunbar.co.uk

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

Laura Janet Logan
[REDACTED]

[REDACTED] Post Code [REDACTED]

Tel. No. [REDACTED] Email address manager@rblidunbar.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

We request that our Licensed Hours for SALES ON PREMISES
on SUNDAY be amended to
OPENING TIME 11:00 TERMINAL HOUR 12 MIDNIGHT

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)**

We request that our Licensed Hours for SALES ON PREMISES on SUNDAY be amended to
OPENING TIME 11:00 TERMINAL HOUR 12 MIDNIGHT

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)

We request that our Licensed Hours for SALES ON PREMISES on SUNDAY be amended to
OPENING TIME 11:00 TERMINAL HOUR 12 MIDNIGHT

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)

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 has been paid online

(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)

Date 27th April 2022

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

If agent, please provide details

Full name _____

Address _____

Post Code _____

Tel. No. _____ Email address _____

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)



02/05/2022

Your Ref: EL0263

Our Ref: 631755/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
ROYAL BRITISH LEGION SCOTLAND DUNBAR
147 HIGH STREET, DUNBAR, EAST LOTHIAN, EH42 1ES.**

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

The variation requested consists of a change of on sales hours on Sundays to an opening time of 11.00hrs and a terminal hour of 00.00hrs.

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


Catriona Paton
Chief Superintendent

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

EAST LoTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: K. Harling
Licensing Standards Officer

To: Carlo Grilli
Clerk to the Licensing Board

Date: 01 June 2022

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JUNE 2022

**The Royal British Legion (Scotland), Dunbar Branch, 147 High Street, Dunbar, East Lothian,
EH42 1ES**

I refer to the above subject, due to time constraints and the new appointment of my post as Licensing Standards Officer the premises have not been visited and inspected in relation to application for a Premises Licence variation however I have liaised with the current premises licence holder via phone in relation to the variation.

It is noted that the applicant has requested a change of core hours in respect of the premises from the operating core hours of 12.30pm – 12 midnight on Sundays respectively to 11am – 12 midnight. I should point out that East Lothian Licensing Board Statement of Licensing Policy, as published in November 2018, refers to licensed hours for the sale of alcohol for the consumption on the premises as follows:

17.1 On Sales

For applications relation to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for the consumption on the premises is:-

11.00 am to 11.00 pm Monday to Wednesday (inclusive)

11.00 am to 1.00 am Thursday to Saturday (inclusive)

11.00 am to 12.00 midnight on Sunday

On speaking with the applicant the change is to facilitate the viewing of sports on Sky TV which has recently been installed and the earlier opening time is required to capture that start of some matches that start before 12.30pm. Televised sport is detailed on the current operating plan.

I have no objection to the earlier opening hours applied for.

This report is submitted for the information of the Boards Members.

K. Harling
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: 9th May 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Royal British Legion, 147 High Street, Dunbar

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.

Herkes, Gillian

From: Jacqueline Bell [REDACTED]
Sent: 10 May 2022 17:49
To: Licensing; Winter, Maree
Subject: British Legion, Dunbar - Dunbar Community Council Response

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.

Thank you for the information about this request to extend hours of operation.
The application has been circulated to DCC members by e mail. No concerns have been raised.
It is noted that the changes are within the Licensing Board policy.

Jacquie Bell
Secretary
Dunbar Community Council

Herkes, Gillian

From: Mary Ann Kyle [REDACTED]
Sent: 26 May 2022 11:37
To: Licensing
Subject: Objection to Application for variation British Legion, Dunbar

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 Ms Macneill, I'm writing to strongly object to any increase of licensing hours for the British Legion at 147 High Street Dunbar. I live at [REDACTED] and my bedroom [REDACTED] the entrance of the legion. I suffer from a long term health condition and feel that the noise pollution caused by the increased licensing hours would be disturbing and could be detrimental to my health. I've lived at [REDACTED] since April last year 2021. The refuse bin assigned to my premises was homed in the vennel leading to the British legion. I'd often find it had been dragged into the middle of the High street and/or filled with empty alcohol bottles. I now load my car with the refuse and take it to the recycling centre.

Yours sincerely
Mary Ann Kyle

Herkes, Gillian

From: Dunbar Branch Secretary <branchsecretary@rbldunbar.co.uk>
Sent: 01 June 2022 19:04
To: Herkes, Gillian
Cc: 'manager'; legionclub@rbldunbar.co.uk
Subject: Major Variation - Royal British Legion Scotland, Dunbar
Attachments: Objection to Application for variation British Legion, Dunbar_Redacted.pdf

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.

Good afternoon,

Laura has asked me to assist with a response to the attached objection to our Major Variation application.

Might I first note that we have no record of the complainant having brought any issue with noise or refuse bins to our attention.

The first point raised concerns noise pollution.

It seems possible that the complainant has not fully realised that we are asking only to open one hour earlier on Sunday mornings.

Given the complainant's residence location, she is already in a site which may experience noise from her immediate commercial neighbours: Lewis George Hairdressing and customers of The Castle Hotel and Pub. In particular, I would note that the Castle Hotel and Pub are open for licensed sales at 11 am on Sundays.

I believe that we present a very small potential for noise pollution as the main entrance to our premises is actually to the Castle Street, not the High Street end of the building.

Indeed, we have many residential neighbours in closer proximity than the complainant and they have not brought any concerns to us

The second point notes difficulties with refuse bins.

Legion Close is a heavily trafficked narrow public passageway between High Street and Castle Street.

Pedestrians must walk single-file throughout its length.

A refuse bin left in the Close might prove a barrier to members of the public using the passageway and they may have moved it.

RBLS Dunbar staff do not use any bins adjacent to the High Street and would never deposit refuse in any container not owned by us.

We have a fully compliant recycling system which we operate from the rear (castle street end) of our premises.

I am sorry to hear that this complainant, or anyone, feels that RBLS Dunbar is, in any way, detrimental to their health or comfort.

I would be happy to meet with her to discuss her concerns if she felt that would be of benefit.

Herkes, Gillian

From: Jazz [REDACTED]
Sent: 26 May 2022 11:55
To: Licensing
Subject: Re: Objection to Application for variation British Legion, Dunbar

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.

Yes I will be able to attend this meeting.
Regards
Mary Ann Kyle

Sent from my iPhone

On 26 May 2022, at 11:43, Licensing <licensing@eastlothian.gov.uk> wrote:

Dear Ms Kyle

I acknowledge receipt of your objection. You will be invited to attend the Licensing Board Meeting on 23rd June, 2022 at 10am. This will be a virtual meeting and you will be sent the details one week before this meeting. Can you please confirm that you wish to attend.

Kind regards

Gillian

From: Mary Ann Kyle [REDACTED]
Sent: 26 May 2022 11:37
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Objection to Application for variation British Legion, Dunbar

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 Ms Macneill, I'm writing to strongly object to any increase of licensing hours for the British Legion at 147 High Street Dunbar. I live at [REDACTED] and my bedroom [REDACTED] entrance of the legion. I suffer from a long term health condition and feel that the noise pollution caused by the increased licensing hours would be disturbing and could be detrimental to my health. I've lived at [REDACTED] since April last year 2021. The refuse bin assigned to my premises was homed in the vennel leading to the British legion. I'd often find it had been dragged into the middle of the High street and/or filled with empty alcohol bottles. I now load my car with the refuse and take it to the recycling centre.

Yours sincerely
Mary Ann Kyle

Email Disclaimer - East Lothian Council

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

1d

- 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

EL099

2(b) Name and Address of Premises

Winton Arms, Pentcaitland, Tranent, East Lothian
--

Post Code	EH34 5DN	Phone No.	
-----------	----------	-----------	--

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

Caledonian Heritable Ltd 4 Hope Street Edinburgh
--

Post Code	EH2 4DB	Phone No.	0131 220 5511
-----------	---------	-----------	---------------

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

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)

Q5 Conference Facilities COL. 2 3 4 change to yes to facilitate conferences to start at 10am

Q5 Films COL 2 3 Change to yes

Q5 Gaming COL. 2 3 Change to no

Q5 Televised Sport COL. 4 change to yes this is to facilitate the showing of this activity at breakfast service which will take place from 10am where no alcohol will be served outwith core hours

Q5 Outdoor drinking facilities COL.4 Change to yes this is to facilitate access to the outside area for breakfast service only and no alcohol will be served at this time.

Additional narrative re. COL.4 activities club meetings and conferences may take place and TV sport may be shown in the morning during breakfast service.

Access to Alfresco dining area for breakfast service.

Q5F We wish to include the following activities:

Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries (if alcohol is being delivered we will comply with Section 119 Licensing Act 2005 and Section 32 of East Lothian Board Statement policy)

Q6B

Children and Young persons will be permitted in all areas at all times when the premises is open, when accompanied by a responsible adult.

Q6D Children and Young persons will be permitted entry at all times until 10pm. Unless attending a private function or notified event.

Q6E Children and Young persons will be permitted to all public areas.

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.

Complete reconfiguration of outlet with additional toilets added previous external 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)

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 £ is enclosed.

Signature



..... (See note 5 below)

Date

12/5/22

Capacity: APPLICANT / AGENT (delete as appropriate)

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

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

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LOTHIAN LICENSING BOARD

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>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</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>	11.00am	11.00pm
<i>Tuesday</i>	11.00am	11.00pm
<i>Wednesday</i>	11.00am	11.00pm
<i>Thursday</i>	11.00am	1.00am
<i>Friday</i>	11.00am	1.00am
<i>Saturday</i>	11.00am	1.00am
<i>Sunday</i>	11.00am	12 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>	11.00am	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00pm	10.00pm

Question 4

SEASONAL VARIATIONS

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

**If YES – provide details*

We shall apply for or take grant of extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with the East Lothian Licensing Board's policies/guidelines.

We may also apply for extensions for special events i.e. sporting events, functions, charity evenings 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 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	Yes	Yes	Yes
Restaurant facilities	Yes	Yes	Yes
Bar meals	Yes	Yes	Yes
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.	Yes	Yes	No
Club or other group meetings etc.	Yes	Yes	Yes
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)	Yes	Yes	No
Dance facilities	No	No	No
Theatre	No	N/A	N/A
Films	Yes	Yes	No
Gaming	No	No	No
Indoor/outdoor sports	Yes	Yes	No
Televised sport	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>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>Outdoor drinking</i> <i>facilities</i>	Yes	Yes	Yes
<i>5(e)</i> <i>Activity</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>Adult entertainment</i>	No	N/A	N/A

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

Breakfasts/Teas and Coffees will be served from 10.00am, outside core licensed hours no alcohol will be served.

Music is played at all times whilst premises is open

Club meetings and conferences may take place and TV sport may be shown in the morning during breakfast service.

Access to Alfresco dining area for breakfast service.

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.

Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries (if alcohol is being delivered we will comply with Section 119 Licensing Act 2005 and Section 32 of East Lothian Board Statement policy)

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
---	-----

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)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<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*

Children and Young persons will be permitted in all areas at all times when the premises is open, when accompanied by a responsible adult.

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

Children Aged 0 to 15 years old
Young Persons aged 16 to 17 years old

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

Children and Young persons will be permitted entry at all times until 10pm. Unless attending a private function or notified event.

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 permitted to all public areas.

Question 7

CAPACITY OF PREMISES

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

149 Persons

Question 8

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

Personal details

8(a) *Name*

Sarah Jane Robertson

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>
14/05/2019	Scottish Border Council	SB/LIQ/12769

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

CapacityAPPLICANT

Telephone number and email address of signatory [REDACTED]

nyssa@chl.uk.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.

26/05/2022

Your Ref: **EL099**

Our Ref: **635333/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
WINTON ARMS
THE WINTON ARMS, PENCAITLAND, EAST LOTHIAN, EH34 5DN.**

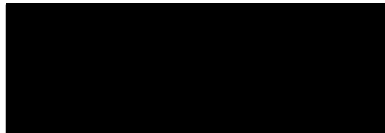
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of several changes to the operating plan and layout following a major refurbishment of the premises.

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



Catriona Paton
Chief Superintendent

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

EAST LoTHIAN COUNCIL

Licensing Standards

From: K. Harling

To: C. Grilli

Licensing Standards Officer

Clerk to the Licensing Board

Date: 08 June 2022

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION 2022
WINTON ARMS**

I can confirm that the applicant and premises have been visited in relation to this variation application. There are currently building works ongoing and it is hoped that these will be finished by mid July 2022. This application for variation has been considered in relation to the Licensing Objectives detailed within the Licensing (Scotland) Act 2005 and any observations given are restricted to those areas. No observations are included in relation to matters governed by the Building Standards, Environmental Protection, Fire Safety, Food Safety legislation or Health & Safety at Work legislation therefore the advice of the Council's enforcement officers, holding the appropriate competencies, should be sought on these issues.

The changes applied for are:

- To add conference facilities during and outwith core hours
- To add films during core hours
- To remove gaming during core
- To add Televised sport outwith core hours to facilitate the showing of this at breakfast service from 10am, no alcohol will be served at this time
- Access to alfresco dining area outwith core hours for breakfast service
- The inclusion of the following activities – Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries including alcohol.
- Children to be permitted to all areas at all times when the premises is open when accompanied by a responsible adult
- Children and young persons to be permitted entry at all time until 10pm unless attending a private function or notified event
- Children and young persons to be permitted access to all public areas
- Complete reconfiguration of outlet as per layout plan submitted

- Decrease in on sales capacity from 254 -149

Licensing Standards has no objection to the foregoing proposals, but may recommend however, the following conditions:

- The use of the alfresco dining area should be opened no earlier than 10:00 hours and closed by 22:00 hours and that there should be no public entertainment, amplified music, amplified vocals or live music played to ensure the use of the alfresco dining area does not cause nuisance neighbouring residential properties. In addition the door leading out to the area should be fitted with a door closure mechanism to prevent noise breakout from inside the premises to surrounding residential properties. CCTV should cover the outdoor area if installed.
- Provision of effective and properly maintained CCTV in and around the premises.
- Should the applicant operate a service of delivery of alcohol to customers, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of Section 32.1 to 32.4 of the Board's statement of licensing policy on deliveries of alcohol, should be complied with, namely:

Licensing (Scotland) Act 2005:

Section 119 Delivery of alcohol from vehicles etc.

(1) A person who, pursuant to a sale of alcohol by that person, delivers the alcohol from a vehicle or receptacle without the information mentioned in subsection (2) having been entered, before the despatch of the alcohol, in—

(a) a day book kept on the premises from which the alcohol is despatched, and

(b) a delivery book or invoice carried by the person delivering the alcohol,

commits an offence.

(2) The information referred to in subsection (1) is—

(a) the quantity, description and price of the alcohol, and

(b) the name and address of the person to whom it is to be delivered.

(3) A person who carries in a vehicle or receptacle in use for the delivery of alcohol pursuant to a sale of the alcohol by that person any alcohol the quantity, description and price of which was not entered as mentioned in subsection (1) commits an offence.

(4) A person who, pursuant to a sale of alcohol, delivers the alcohol to an address not entered as mentioned in subsection (1) commits an offence.

(5) A person who refuses to allow a constable or a Licensing Standards Officer to examine—

(a) any vehicle or receptacle in use for the delivery of alcohol, or

(b) any—

- (i) day book kept as mentioned in subsection (1)(a), or
 - (ii) delivery book or invoice carried as mentioned in subsection (1)(b),
- commits an offence.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

East Lothian Licensing Board Statement of Licensing Policy 2018 -2023

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.
- 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.
- 32.4 A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of this application.

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

K. Harling
Licensing Standards Officer

Herkes, Gillian

From: Licensing
Sent: 16 May 2022 08:32
To: Herkes, Gillian
Subject: FW: Variation Application for Winton Arms, Tranent
Attachments: image001.png; Winton Arms 2022 - Ground Floor Plan.pdf; Winton Arms 2022 -First Floor Plan and Site Plan (002).pdf; 20220512165644079.pdf; 20220512165723702.pdf; 20220512165818629.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Johnson, Darren <djohnson@eastlothian.gov.uk>
Sent: 16 May 2022 08:16
To: Licensing <licensing@eastlothian.gov.uk>
Subject: FW: Variation Application for Winton Arms, Tranent

Hi

No objections.

Darren

From: Slight, Lynn <lslight@eastlothian.gov.uk>
Sent: 13 May 2022 14:20
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: Fwd: Variation Application for Winton Arms, Tranent

Hi Darren
Hope you had a good weekend.

Please can you cast your eye over this on.

Thank you

Lynn Slight Ch.EHO MREHIS
Senior Environmental Health Officer
East Lothian Council

Begin forwarded message:

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Date: 13 May 2022 at 13:34:31 BST
To: "Douglas, Andrew" <adouglas@eastlothian.gov.uk>, "Slight, Lynn" <lslight@eastlothian.gov.uk>, "Gunning, Laura" <lgunning@eastlothian.gov.uk>, "Clark, Colin - EHO" <cclark1@eastlothian.gov.uk>, "Callow, Scott" <scallow@eastlothian.gov.uk>
Subject: FW: Variation Application for Winton Arms, Tranent

EAST LoTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 18th May 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Winton Arms, Pencaitland

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.



Douglas Bogie Gray

[Redacted]

6 June 2022

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

Reference: CG/mjw/EN/L/L1

Dear Sir, Madam

I would like to place on record my objections to the proposed variation to the licence granted in favour of Caledonian Heritage Ltd for the Winton Arms in Pencaitland.

Apart from the blatant attempt to circumvent the licensing process by omitting the long list of variations from their original submission there are some very real issues that granting further permissions will bring to this already stressed location.

Apart from the degradation of amenity for the immediate neighbours of extra noise, smell and general disturbance caused by this major commercial development in a conservation area the most serious issue is one of road safety.

A constant stream of parking is will cause even more potential accidents than we see on a daily basis already.

During the two years of work on the Winton Arms just the builders vehicles have been a constant source of sharp braking and horns sounded even though they usually park half on the pavement (another issue) as the A6903 has become a busy route.

Perhaps extending the new double yellow lines might help to shift the parking away from the long curve but again, displacing a problem is not much of a fix.

Please give your consideration to the above when considering the application.

Yours sincerely,

[Redacted signature]

Do

Herkes, Gillian

From: Douglas Gray [REDACTED]
Sent: 07 June 2022 18:53
To: Licensing
Subject: Re: Winton Arms, Pencaitland

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.

Hello:)

Thank you for your reply.

Yes I would like to attend the virtual meeting if possible.

Cheers

Douglas

On Tue, 7 Jun 2022 at 15:55, Licensing <licensing@eastlothian.gov.uk> wrote:

Good Afternoon Mr Gray

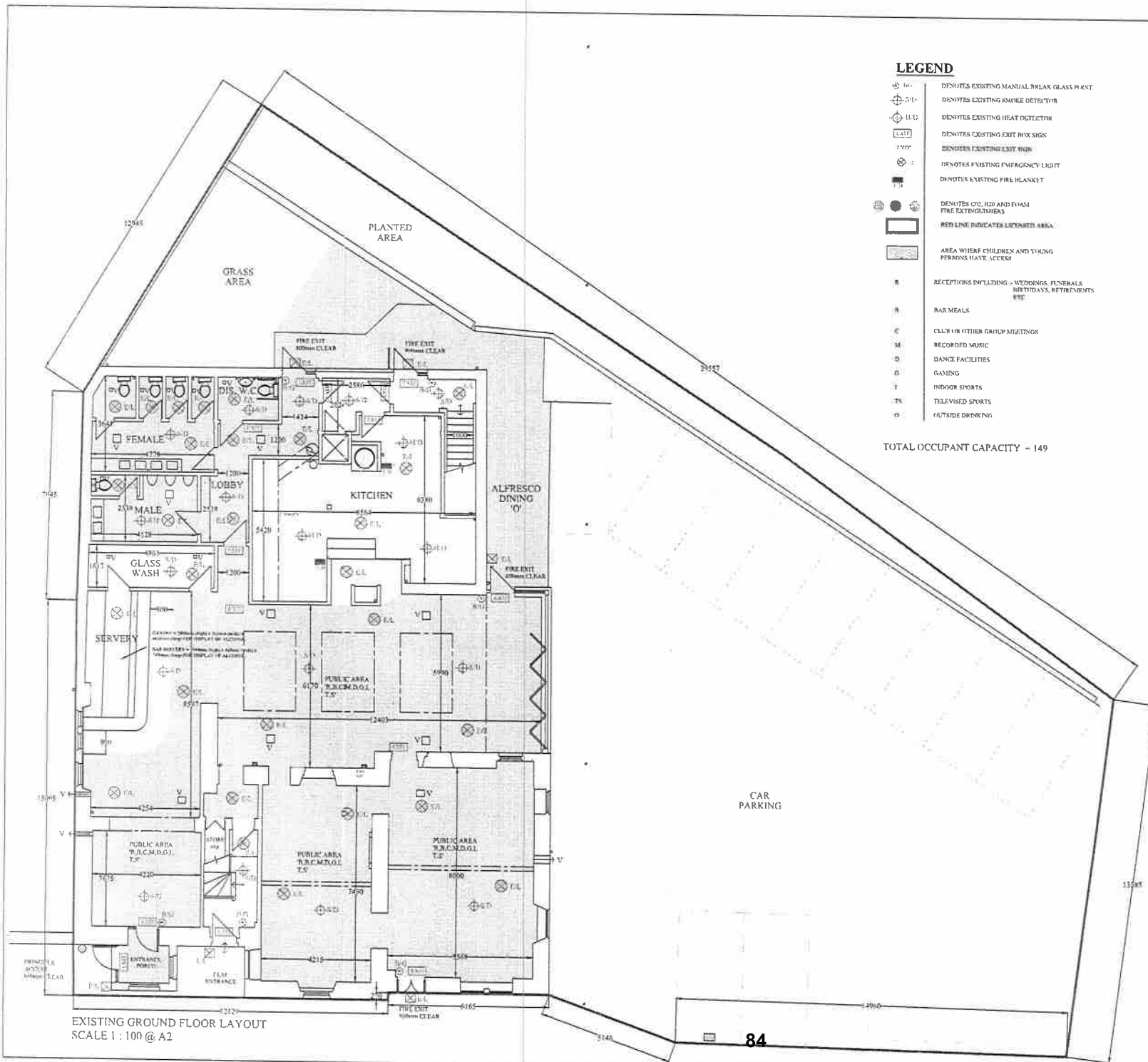
We acknowledge safe receipt of your objection letter. This will be brought to the Board Members attention at the Licensing Board on 23rd June, 2022 at 10am. This meeting is heard virtual. Can you please confirm if you wish to attend this meeting and the relevant link etc will be sent to you nearer the time.

Kind regards

Gillian

Email Disclaimer - East Lothian Council

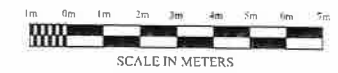
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage which may result from this email or any files attached. Email is not secure and



LEGEND

- DENOTES EXISTING MANUAL BREAK GLASS POINT
- DENOTES EXISTING SMOKE DETECTOR
- DENOTES EXISTING HEAT DETECTOR
- DENOTES EXISTING FIRE ALARM CALL POINT
- DENOTES EXISTING FIRE ALARM CONTROL PANEL
- DENOTES EXISTING FIRE ALARM BELL
- DENOTES EXISTING FIRE ALARM HORN
- DENOTES EXISTING FIRE ALARM STROBE
- DENOTES EXISTING FIRE ALARM SIREN
- DENOTES EXISTING FIRE ALARM SPEAKER
- DENOTES EXISTING FIRE ALARM BELL AND HORN
- DENOTES EXISTING FIRE EXTINGUISHERS
- RED LINE INDICATES LICENSED AREA
- AREA WHERE CHILDREN AND YOUNG PERSONS HAVE ACCESS
- RECEPTIONS INCLUDING - WEDDINGS, FUNERALS, BIRTHDAYS, RETIREMENTS ETC
- BAR MEALS
- CLUB OR OTHER GROUP MEETINGS
- RECORDED MUSIC
- DANCE FACILITIES
- GAMING
- INDOOR SPORTS
- TELEVISED SPORTS
- OUTSIDE DRINKING

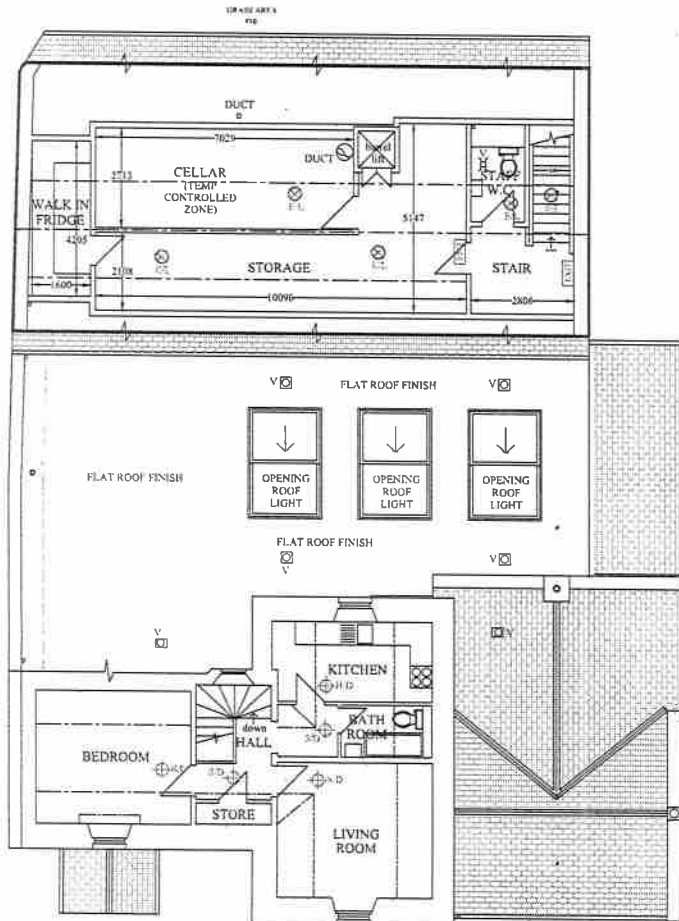
TOTAL OCCUPANT CAPACITY - 149



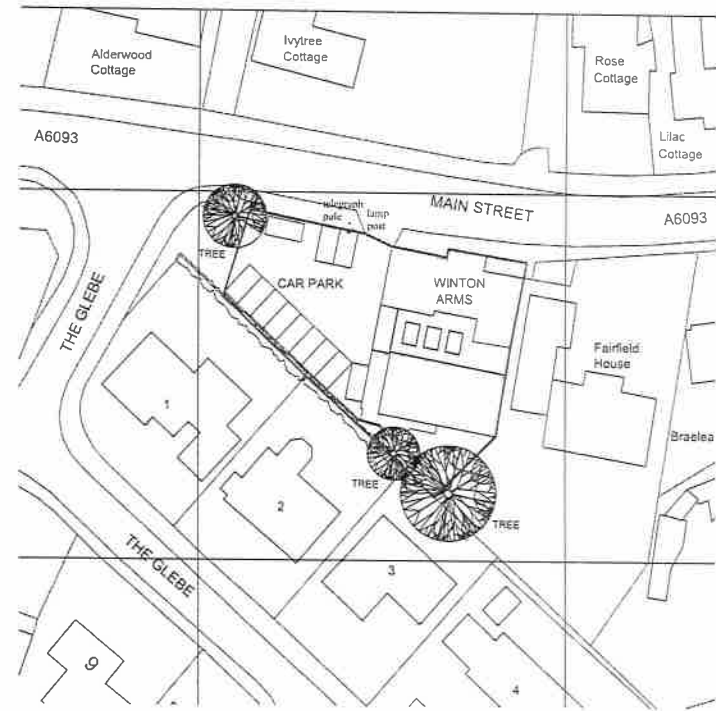
ANY INFORMATION PROVIDED ON THIS LAYOUT PLAN THAT IS NOT REQUIRED BY THE LICENSING REGULATIONS ACT 2003 OR REGULATIONS MADE THEREUNDER IS PROVIDED PURELY FOR THE PURPOSE OF ASSISTANCE. SUCH INFORMATION SPECIFICALLY DOES NOT FORM PART OF ANY PUBS/LICENCE.

EXISTING GROUND FLOOR LAYOUT
SCALE 1 : 100 @ A2

Project	EXISTING LAYOUT AT WINTON ARSM PENCAITLAND TRANENT EH34 5DN		
Client	CALEDONIAN HERITABLE LTD		
Date	APR '22	Scale	1 : 100
		Dwg. Num.	2582 /01/LL
Planning & Building Design Ltd.			
24 West Nicolson Street Edinburgh EH8 9DA			
Tel. 0131 662 8430 Fax. 0131 662 8431			



EXISTING FIRST FLOOR LAYOUT
SCALE 1 : 100 @ A2



SITE PLAN

SCALE 1 : 1250

CAR PARK



LEGEND

- ⊙ (M) DENOTES EXISTING MANUAL BREAK GLASS POINT
- ⊙ (S) DENOTES EXISTING SMOKE DETECTOR
- ⊙ (H) DENOTES EXISTING HEAT DETECTOR
- ⊙ (E) DENOTES EXISTING EXIT SIGN
- ⊙ (A) DENOTES EXISTING EXIT ARCS
- ⊙ (L) DENOTES EXISTING EMERGENCY LIGHT
- ⊙ (F) DENOTES EXISTING FIRE BRACKET
- ⊙ (H) DENOTES EXISTING H2O AND FOAM FIRE EXTINGUISHERS
- (R) RED LINE INDICATES LICENSED AREA
- ⊙ (A) AREA WHERE CHILDREN AND YOUNG PERSONS HAVE ACCESS
- ⊙ (W) RECEPTIONS INCLUDING WEDDINGS, FUNERALS, BIRTHDAYS, RETIREMENTS ETC
- ⊙ (B) BAR MEALS
- ⊙ (C) CLUB OR OTHER GROUP MEETINGS
- ⊙ (M) RECORDED MUSIC
- ⊙ (D) DANCE FACILITIES
- ⊙ (G) GAMING
- ⊙ (I) INDOOR SPORTS
- ⊙ (TS) TELEVISED SPORTS
- ⊙ (O) OUTSIDE DRINKING



ANY INFORMATION PROVIDED IN THIS LAYOUT PLAN THAT IS NOT REQUIRED BY THE LICENSING (SCOTLAND) ACT 2010 OR REGULATIONS MADE THEREUNDER IS PROVIDED PURELY FOR THE PURPOSE OF ASSISTANCE. SUCH INFORMATION IS NOT A PART OF ANY PREMISES LICENSE.

TOTAL OCCUPANT CAPACITY = 149

Project		
EXISTING LAYOUT AT WINTON ARM PENCAITLAND TRANENT EH34 SDN		
Client		
CALEDONIAN HERITABLE LTD		
Date	Scale	Dwg. Num.
APR' 22	1 : 100	2582 /02/LL
Planning & Building Design Ltd.		
24 West Nicolson Street Edinburgh EH8 9DA		
Tel. 0131 662 8430 Fax. 0131 662 8431		