

East Lothian Council  
Licensing  
15 DEC 2022  
Received

# APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**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)

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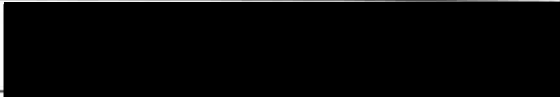
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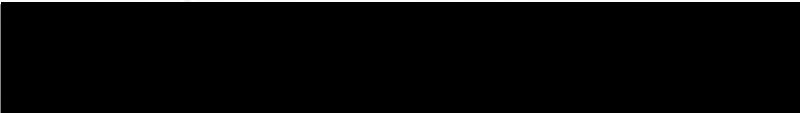
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**2. PREMISES LICENCE DETAILS**

**2(a) Licence Number of Premises** EL360


**2(b) Name and Address of Premises** LEVENHALL VILLAGE STORE,  
3 RAVENSHEUGH ROAD, MUSSELBURGH



Post Code EH21 7PS Tel. No. 

Email 

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

FERHAN ASHIQ  


Post Code 

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)

HOME DELIVERIES OF FOOD AND ALCOHOL BETWEEN  
10AM - 10PM

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

A copy of the proposed Layout Plan must accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

**4. LICENCE TO BE AMENDED (See note 3 below)**

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)

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**5. FEE PAYABLE**

Information on fees can be found at [https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](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 11/12/22

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.)

## OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

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

### 1. STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

Name and Address of Premises LEVENTHALL VILLAGE STORE, 3

RAVENSHEUGH ROAD, MUSSELBURGH

Post Code EH21 7PS

- 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

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

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10:00	22:00
Tuesday	10:00	22:00
Wednesday	10:00	22:00
Thursday	10:00	22:00
Friday	10:00	22:00
Saturday	10:00	22:00
Sunday	10:00	22:00

#### 4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES  NO

\*If YES – provide details



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

ACTIVITY	ACTIVITY PROVIDED? YES / NO	To be provided during core licenced hours. Please confirm YES / NO	Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO
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**5a.**

Accommodation	NO	N/A	N/A
Conference facilities	NO		
Restaurant facilities	NO		
Bar meals			

Social functions including:

**5b.**

Weddings, funerals, birthdays, retirements etc.	NO		
Club or other group meetings etc.	NO		

Entertainment, including:

**5c.**

Recorded music – see 5(g)	NO		
Live performances – see 5(g)	NO		
Dance facilities	NO		
Theatre	NO		
Films	NO		
Gaming	NO		
Indoor/outdoor sports	NO		
Televised sport	NO		

**5d.**

Outdoor drinking facilities	NO		
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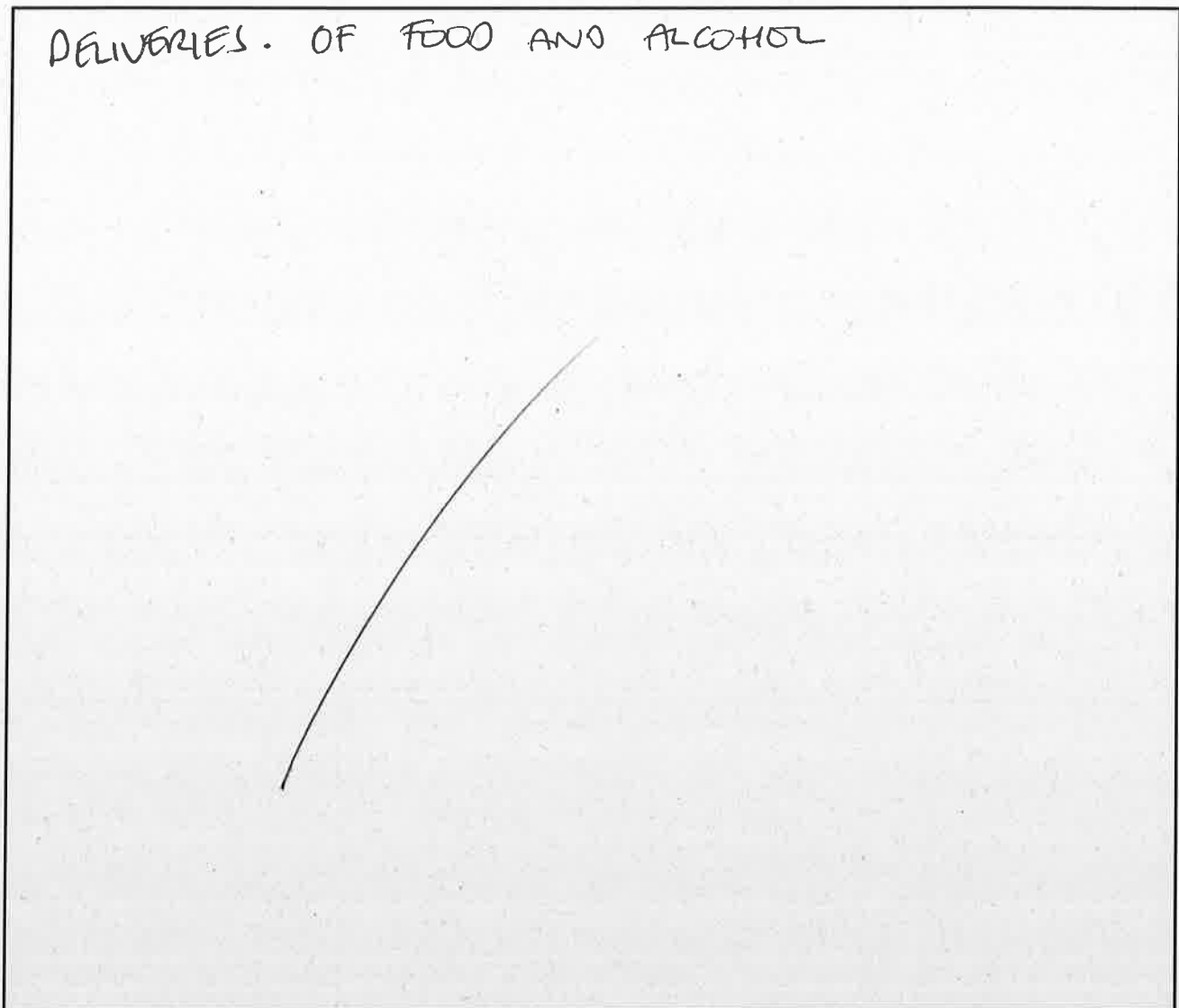
**5e.**

Adult Entertainment	NO		
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

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

DELIVERIES. OF FOOD AND ALCOHOL



**5(g) Late night premises opening after 1.00am**

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

YES  NO

When fully occupied, are there likely to be more customers standing than seated?

YES  NO

**6. ON-SALES ONLY – CHILDREN AND YOUNG PERSONS**

**6(a)** When alcohol is being sold for consumption on the premises will children or young persons be allowed entry? YES  NO

**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

**7. CAPACITY OF PREMISES**

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

N/A


**8. PREMISES MANAGER**

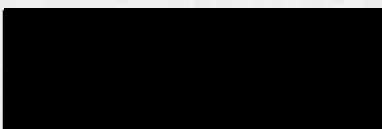
**(NOTE: not required where application is for grant of provisional premises licence)**

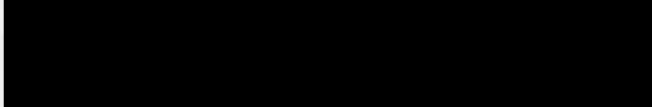
Full Name FERHAN ASHID

Date of birth 

Contact address 

Post Code 

Tel. No. 

Email address 

**Personal licence**

Date of issue 01/03/19

Name of Licensing Board issuing EAST LOTHIAN LICENSING BOARD

Reference no. of personal licence EL1582

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

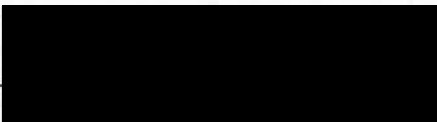
**If signing on behalf of the applicant please state in what capacity.**

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

Signature \_\_\_\_\_  \_\_\_\_\_ (\* see note below)

Date 09/12/22 \_\_\_\_\_






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

Tel. No. of signatory \_\_\_\_\_  \_\_\_\_\_

Email address \_\_\_\_\_  \_\_\_\_\_

**\* Data Protection Act 2018**

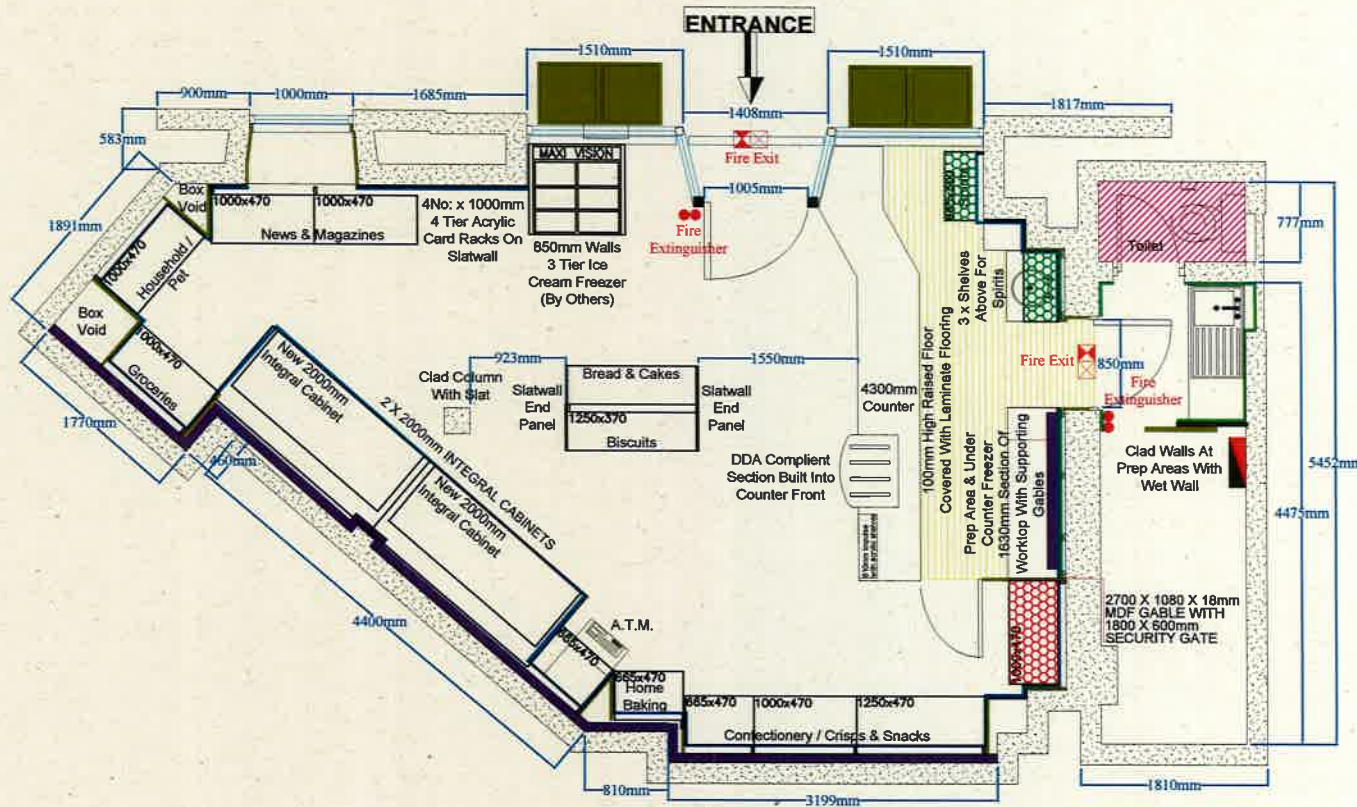
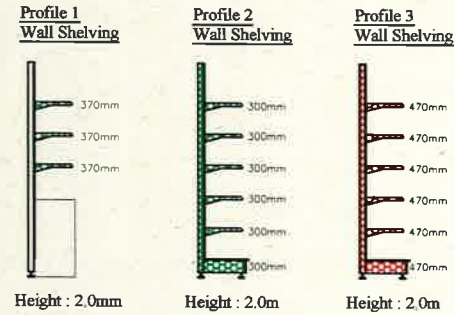
The information on this form may be held on an electronic public register which may be available to members of the public on request.

-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

**Total Display Area of Alcohol (Inaccessible)**  
 3 x Shelves For Spirits:- 0.65m (w) x 0.6m (h) = 0.39m<sup>2</sup>  
 Spirits:- 0.65m (w) x 2.0m(h) = 1.3m<sup>2</sup>

**Total Display Area of Alcohol (Accessible)**  
 Wall Shelving:- 1.0m (w) x 2.0m (h) = 2.0m<sup>2</sup>

**Total Display Area:- 3.69m<sup>2</sup>**



- Proposed Ceiling: -
- Depth of Frieze: -
- Wall Column Height: -
- Gondola Column Height: -
- Suspended Ceiling: -
- Floor Specification: -
- Lighting Specification: -
- Woodwork Finish: -
- Shelving Colour: -
- Kickplate Colour: -
- Ticket Rail Colour: -
- Dairy Trim Colour: -
- Slatwall Finish: -
- Frieze Finish: -



Vertex RAS Ltd  
 Sir William Smith Road  
 Kirkton Industrial Estate  
 Arbroath, Angus  
 DD11 3RD

Tel: 01241 876796  
 Fax: 01241 878010

www.vertexscotland.com

Project: Mr. F. Ashiq  
 3 Ravensheugh Road  
 Musselburgh

Scale:	1:50@A3
Reference:	16-134 (License)
Date Drawn:	20-11-17
Drawn By:	JT
Revision No:	B
Revision Date:	27-11-17

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### Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

#### Business Profile

Please describe your business offering.

We are a small community-based convenience serving the communities of Levenhall & the Wimpeys. We offer customers a chance to purchase what is known as “distressed purchases”, alcohol as well as a small Food To Go offering. In order to protect the business’s survival, one of our growth strategies is to deliver our grocery and alcohol straight to the end customer’s home.

(extend this box if you require additional space)

#### On/Off Consumption

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

a)

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

b) General Convenience Store



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

**To what extent do you intend to use any of the following:** Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

N/A

**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:

N/A

**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:

N/A

**Outdoor Drinking Facilities** - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

N/A

**Adult Entertainment** – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

N/A

**Activities Outwith Licensed Core Hours** - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

N/A

**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:

We will be operating a home delivery service through the Snappyshopper app. This service will run 7 days a week between the hours of 8am – 9pm. Alcohol sales will be restricted from the hours of 10am to 9pm (with a one-hour protection period for deliveries).

**Children and Young Persons** – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

N/A

**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:**

Top quality CCTV has been installed internally and externally.  
Only driving license's, passports or other government issued ID cards are accepted  
Member of Shopwatch when it was operational prior to Covid.  
Sales refusal book at Tillpoint as well as on the app.  
We fully co-operate with the police and the LSO as instructed.

**Securing Public Safety:**

Fire Risk Assessment has been conducted  
First Aid kit is on site

**Preventing Public Nuisance:**

Staff are adequately trained on joining the company and are then refreshed every year.

**Protecting and Improving Public Health:**

Delivery staff are trained to the same level as those instore.  
Challenge 25 checks are made automatically made when any age restricted product is purchased.  
Delivery records are kept on driver app as well as the back office instore.  
Where suspicion that alcohol is purchased for child driver has the ability to refuse purchase and refund the alcohol part of the transaction on site.  
  
We sell low alcohol or no alcohol beer and wine for those who are designated as drivers  
  
We fully comply with MUP laws.

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

Challenge 25 is rigorously enforced instore.  
Well known for confiscating fake driver's licences.

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**Application Supporting Comments / Any Other Additional Information**  
(extend the boxes below if you require additional space)

<b>Additional Information:</b>
<b>Supporting Comments:</b> i.e. reasons why the Board should support your application.

**SIGNATURE AND DECLARATION BY APPLICANT**

**IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature		Date	13/12/22
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## Winter, Maree

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**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 09 January 2023 11:25  
**To:** Licensing  
**Subject:** VARIATION APP - LEVENHALL VILLAGE STORE  
**Attachments:** LIC38 PREMISES VARIATION - NO ADVERSE COMMENT LEVENHALL VILLAGE STORE.RTF

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.

Hi all,  
No Police objection  
Our ref - 689783

Regards  
Iain

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Karen Harling

Licensing Standards Officer

**To:** C. Grilli

Clerk to the Licensing Board

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Date: 25<sup>th</sup> January 2023

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

LEVENHALL VILLAGE STORE, 3 RAVENSHEUGH ROAD, MUSSELBURGH,  
EAST LoTHIAN EH21 7PS

I can confirm that the applicant has liaised with me in relation to this variation application.

The change applied for is:

- Addition of delivery of food and alcohol through the online application Snappy Shopper.

I spoke with the premises licence holder and premise manager, Ferhan Ashiq. We discussed the Snappy shopper app that the premises is using along with training requirements and responsibilities involved whilst conducting deliveries. Guidance was given that all drivers are required to complete the 2 hours mandatory training and training records completed and held on the premises.

In summary, the proposed changes are supported by Licensing Standards and I would recommend the following conditions:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

K. Harling

Licensing Standards Officer

## Herkes, Gillian

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**From:** Robertson, Scott  
**Sent:** 13 January 2023 15:08  
**To:** Winter, Maree  
**Cc:** Licensing  
**Subject:** RE: Major Variation application - Levenhall Village Store

Hi,

Please note I have no comments or objections to make in relation to the major variation application at Levenhall Village Store.

Kind Regards  
Scott Robertson  
Assistant Planner

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 06 January 2023 12:48  
**To:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Gorman, Iain (NHS) <iain.gorman@nhslothian.scot.nhs.uk>; Claire.Glen@nhslothian.scot.nhs.uk; [REDACTED]  
**Subject:** Major Variation application - Levenhall Village Store

Dear all,

Please find attached an application for a major variation application to add delivery of food and alcohol between 10 am and 10pm to their operating plan.

Could I please have any comments/representations you may care to make 7<sup>th</sup> February 2023.

Kind regards  
Maree

*Maree Winter*

**Licensing Officer: Accredited Specialist Paralegal in Licensing Law, Democratic & Licensing Services: East Lothian Council: John Muir House:  
Haddington: EH41 3HA  
01620 827867  
[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)**



## Herkes, Gillian

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**From:** Johnson, Darren  
**Sent:** 06 January 2023 14:31  
**To:** Licensing  
**Subject:** FW: Major Variation application - Levenhall Village Store  
**Attachments:** Major Variation application - Levenhall Store.pdf

Hi

No objections.

Darren

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**From:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Sent:** 06 January 2023 13:13  
**To:** Johnson, Darren <djohnson@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Levenhall Village Store

Hello Darren,

Can you please deal with this application.

Thanks

Andrew

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**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** 06 January 2023 12:56  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Major Variation application - Levenhall Village Store

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**From:** Winter, Maree <mwinter@eastlothian.gov.uk>  
**Sent:** 06 January 2023 12:48  
**To:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Gorman, Iain (NHS) <iain.gorman@nhslothian.scot.nhs.uk>; Claire.Glen@nhslothian.scot.nhs.uk; [REDACTED]  
**Subject:** Major Variation application - Levenhall Village Store

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Dear all,

Please find attached an application for a major variation application to add delivery of food and alcohol between 10 am and 10pm to their operating plan.