

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)

2b

- 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)Change of description

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0120

2(b) Name and Address of Premises

Glenkinchie Distillery Visitor Centre Glenkinchie Distillery Glenkinchie Pencaitland Tranent			
Post Code	EH34 5ET	Phone No.	01875 342004

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

Diageo Scotland Limited 11 Lochside Place Edinburgh (Reg. No. SC000750)			
Post Code	EH12 9HA	Phone No.	

SECTION 3: NATURE OF VARIATION

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

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

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

Removal of Local condition 4 *"Two weeks written notification with a contact phone number must be given to all surrounding proprietors, giving the nature of any evening events, to take place on the premises."*

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)

1. Inclusion of Bar meals as a permitted activity
2. In 5(f) inclusion of *"The premises may host markets both within and outwith the building"* And *"Light food offerings may be provided"* as permitted activities.
3. Increase of capacity to 405 to allow for increase of external area to 150

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.

[Empty box for details of 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)

[Empty box for details of any other variation sought to 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)

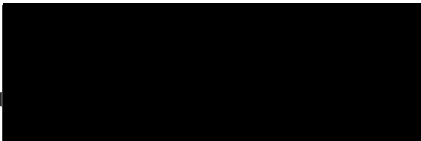
If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- 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 20/03/2023

Capacity: AGENT

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

David Hossack
Morton Fraser LLP
Quartermile Two
2 Lister Square
Edinburgh, EH3 9GL
DDI: 0131 247 1024
David.hossack@morton-fraser.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 1998

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

Contact Us:

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

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

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Glenkinchie Distillery Glenkinchie Pencaitland East Lothian EH34 5ET
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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>	09:00	22:00
<i>Tuesday</i>	09:00	22:00
<i>Wednesday</i>	09:00	22:00
<i>Thursday</i>	09:00	23:00
<i>Friday</i>	09:00	23:00
<i>Saturday</i>	09:00	23:00
<i>Sunday</i>	09:00	23:00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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**If YES – provide details*

The premises may close outwith the times stated in light of customer demand or weather conditions.

Question 5

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

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

5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	YES	YES	YES
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>	NO	NO	NO

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

Restaurant and Bar meals: - the premises may be used for dining before core hours.

Conferences, receptions/club meetings may take place before core hours.

Recorded music may be played in the premises during the entire hours of operation.

Live performances, theatre presentations and film performances may take place on the premises often but not exclusively related to the premises licence holder's products and may commence prior to core hours.

Indoor/outdoor sports: a range of external sports may take place on the external areas and may commence prior to core hours.

External drinking areas the external licensed areas may be used for consumption of alcoholic and other beverages but no alcoholic beverages may be consumed on these areas outwith core hours.

No alcohol will be served outwith core hours for any activity unless an extended hours application is made.

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 form an integral part of distillery tours run from the premises. All areas of the premises may be used in connection with tours and for other educational activities related to the production of whisky and other alcoholic products.

Such activities may include guided tours, exhibitions, talks, workshops and demonstrations by Diageo and others.

The premises will be used for the taking and dispatch of orders including by electronic commerce.

The premises may be used for tastings/sampling of whisky/ other alcoholic products.

The visitor shop may sell a wide variety of products other than alcohol products.

The premises may host markets both within and outwith the building.

Light food offerings may be provided.

The premises may be used for a wide variety of functions, dinners and meetings.

The premises may be used for a whole range of office functions at all times.

The external areas may be used for a variety of recreational purposes including displays and demonstrations of all natures including Falconry.

The walkway next to the lagoons will be used for walks, nature and wildlife tours and generally as part of the distillery tours. Samples of alcohol may be provided as part of such tours.

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>
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<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

<i>6(a)</i>	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES</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

Children will be permitted entry into the premises only when accompanied by an adult. Young persons will be permitted into the premises without being accompanied by an adult.

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

All ages of children and young persons will be permitted entry.

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.

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 into all public areas.

Question 7

CAPACITY OF PREMISES

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

On sales 405 persons

Breakdown:

1. External Garden Area - 150
2. Lagoon area - 10
3. Visitor Centre - 170
4. Filling Store - 25

Office Building - 50

Off sales: 33.91m2

Question 8

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

Personal details

8(a) Name

Jocelyn Elizabeth Williamson

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>
31/12/2015	Edinburgh Licensing Board	316031

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)

Date20/03/2023.....

Capacity: AGENT

Telephone number and email address of signatory: 0131 2471024; david.hossack@morton-fraser.com

*** Data Protection Act 1998**

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

Supplementary Application Information

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

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

Business Profile

Please describe your business offering.

The premises form part of a working distillery and provides a visitor experience in relation to the culture, production and history of whisky. It offers a range of guided tours including of the nearby lagoons and using other external areas. There is a retail shop which offers Diageo and other products for sale. In addition, the premises may be used for the taking and dispatch of orders and for a wide range of office functions.

There is a bar area which provides a range of beverages both alcoholic and non-alcoholic and a range of food. The premises has the facility to offer dining facilities for private groups often but not exclusively linked to tours of the premises.

Occasional external activities may take place such as having performers from the Edinburgh Royal Military Tattoo, Pipe Bands and community events and markets.

The premises may be used from time to time for private functions.

(extend this box if you require additional space)

On/Off Consumption

<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>The premises will be used for provision of alcohol, associated with tours of the distillery, for the bar where visitors may purchase alcohol, for alcohol with food and at functions</u></p> <p>b) <u>The premises has a retail shop and may be used for the taking and dispatch of orders including by e commerce</u></p>

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:

Small scale conference facilities will be available for Diageo and trade purposes and for occasional external use. These will be meetings, typically of up to around 20 people, rather than conferences of any significant scale.

The bar area provides a food offering in terms of meals and light food as well as non-alcoholic beverages. Dinner facilities may be provided for occasional private dinners and functions. Food may be provided in association with whisky tours and tastings.

The focus of the offering at Glenkinchie Distillery is on a high quality experience for visitors and guests and consumption of alcohol at such events will be carefully controlled in accordance with Diageo's responsible drinking policies, which mandate moderation in serving and consumption of alcohol.

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

The primary purpose of the premises is for whisky tourism and that is intended to remain the case. Functions may take place for Diageo employees to cover events such as Weddings and retirements. It is not anticipated that this will be frequent and it will certainly not form a core part of the business operation of the distillery.

The premises may be used for an occasional external function but only where this would not impact upon the main business in the premises and would not impact prejudicially on the community.

For many years Glenkinchie has been used for occasional evening dinner events where we typically invite small groups of media, stakeholders and customers to the distillery for a private dinner and tour. These are small scale, carefully managed events with the focus on quality experience and with consumption of alcohol at such events will be carefully controlled in accordance with Diageo's responsible drinking policies, which mandate moderation in serving and consumption of alcohol.

It is intended that the premises will also be made available for occasional community purposes and may be available for local meetings etc.

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

Recorded music may be played in the premises during the entire hours of operation, primarily as background and associated with tours. Music is not a primary aspect of the operations.

Live performances, theatre presentations and film performances may take place on the premises often but not exclusively related to the premises licence holder's products. These will primarily be related to whisky tourism but it is possible that other events may take place perhaps associated with local festivals and congruent with tourism in the area.

For example, in recent years pipe bands have regularly played at the distillery as part of its association with the Edinburgh Military Tattoo. The distillery has also previously hosted small concerts as part of the Lammermuir Festival. Such events are in keeping with the quality visitor experience we wish to offer to visitors, guests and the local community at Glenkinchie Distillery.

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:

Outdoor drinking facilities take place in two areas. Firstly, in relation to the lagoon areas to the rear of the distillery buildings. These are used for supervised outdoor whisky tastings as part of organised tours designed to allow people to enjoy a guided appreciation of the local environment in conjunction with an appreciation of the whisky produced at the distillery

Alcohol consumption during these tours is limited to small tastings of whisky "drams" for the appreciation of the single malt whisky. No other alcohol is served as part of the tour.

The other areas form garden areas to the front of the distillery buildings. Tastings may take place in this area and customers may be able to consume drinks purchased in the external area. The experience of the pandemic has led to a greater need to be flexible with external areas. Any activity in these areas will be carefully overseen. The area is not intended as a routine outdoor "drinking" area, but as an engaging external environment where the floral character of the Glenkinchie single malt can be appreciated in a landscape garden area designed to bring to reflect the unique environment of the distillery and the character of the whisky.

We are highly conscious that this garden area is close to neighbouring residential properties and it will be operated at all times with this in mind with all activity carefully managed to minimise any disruption to our neighbours.

Alcohol may be served on these areas when occasional functions and external events are taking place.

In all cases, the serving of alcohol in external environments will focus on delivering a high quality experience, with consumption of alcohol carefully controlled in accordance with our responsible drinking policies, which mandate moderation in serving and consumption of alcohol.

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

NA

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:

Internal meetings and business functions may take place outwith core hours.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Guided tours, exhibitions, talks, workshops, samplings and tastings and demonstrations may take place at any time during the hours the premises are open but will be dependent upon customer demand and seasonal variations.

The premises will be used for the taking and dispatch of orders and office functions at all times. As part of a global business early and late working is often required.

The visitor shop is an integral part of the tours of the premises and will be open during the times of tours but will be bound by off sale hours in relation to alcoholic products.

Functions, dinners and meetings may take place during the entire hours of operation and internal meetings may take place outwith core hours. Business meetings will be regular whereas external dinners and functions will be dependent on demand and whether or not such use is congruent with the applicant's core business.

The external areas may be used for samplings etc subject to customer demand and weather conditions permit. Displays and demonstrations would likely be infrequent in nature.

The premises may host markets within and outwith the building. These markets will showcase local food, drink and crafts in a manner congruent with local tourism and fitting with the needs of local residents. It is expected that there would be no more than 12 such events per year including a Christmas market.

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.

Whilst most visitors to the premises will be adults, families do visit the premises and we seek to provide an educational experience which is suited for all ages. A key element of this (as described in relation to licensing objectives section beneath) is that of ensuring that a responsible drinking message is delivered in an effective manner.

Baby changing facilities are provided.

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:

- The safety and security of our staff, guests and the wider community is of paramount importance to us, prevention of crime and disorder in and around our premises will be a key priority in our operating policies.
- We will enforce strict security policies both inside and in the areas immediately around our building to prevent anti-social behaviour and crime.
- We will operate a zero tolerance towards illegal drugs on or in the vicinity of our premises.
- We will operate strict responsible serving policies in both on and off licensed areas with all staff trained to the highest level in responsible alcohol service.
- No one displaying signs of drunkenness will be served, and they will be given appropriate assistance to ensure their safety and to prevent harm to themselves or others.
- We will enforce a Challenge 25 serving policy that requires anyone who looks under the age of 25 to produce photo-ID.
- The premises will have internal and external CCTV systems in accordance with security best practise and relevant regulations, including data privacy. Copies of recordings will be made available to relevant enforcement authorities on request.
- We will provide appropriate external & internal lighting and staff will regularly inspect public areas to ensure that our responsibilities are being met.
- Security staff will be expected to have a close working relationship with the local law enforcement community and all instances of crime & disorder will be reported to the police and will be retained in an incident book.

Securing Public Safety:

- Across Diageo's business the health and safety of our staff, contractors, guests and communities is the number one priority in our operations, often going beyond legal requirements to comply with rigorous Diageo health and safety policies and practices. Our Glenkinchie premises

will operate to the same standard in all aspects of health and safety.

- We will adopt best practice guidance for all matters relating to public safety and ensure compliance through regular training and audit.
- Health & Safety policies and practices will be fully briefed and trained to all management and staff and we will brief our staff to the standards required by the relevant legislation.
- All exit doors will be easily operable without the use of key, cards, code or similar means, whilst the premises are open to the public.
- Doors at such exits will be regularly checked to ensure that they function satisfactorily.
- There is provision of adequate lighting, including fire safety signs and emergency lighting. The safety of electrical installation is maintained.

Preventing Public Nuisance:

- Diageo operates 50 sites in communities across Scotland from urban areas to remote, rural communities, ranging from distilleries and warehousing, to cooperage and coppersmiths, from visitor experiences to renewable energy plants. At every site we operate in close proximity to communities, and our intention at all times it to be a good neighbour and to minimise any impact from our business activities and aim at all times to minimise disruption and inconvenience to local residents and other businesses.
- The level of music and other entertainments will be controlled so that it does not give rise to a nuisance to neighbours.
- When entertainment is provided, doors and windows will be kept closed, except for entry & egress.
- Our employees will actively encourage patrons to respect the peace of neighbours as they depart our premises.
- We will respect our neighbours when managing deliveries to the building and disposal of waste to ensure as little impact from noise and traffic movements.
- We will maintain regular dialogue with our immediate neighbours and we will play an active and engaged role in local community councils and stakeholder groups to ensure we proactively manage any issues that may arise.

Protecting and Improving Public Health:

- Diageo is committed to promoting responsible drinking and tackling alcohol misuse everywhere we operate. Information on our full global responsible drinking commitments and programmes can be found at the following link:
<https://www.diageo.com/en/esg/promote-positive-drinking>
- All of Diageo's activities are governed by comprehensive and strictly enforced voluntary minimum standards, called the Diageo Marketing Code.

- This code is designed to ensure that we not only comply with local legislation and regulations but that we adhere to a consistent global standard that goes beyond minimum regulatory standards in many countries.
- In Scotland, Diageo actively promotes responsible drinking through a number of programmes and partnerships. These include:
 - Launching a major partnership with the Scottish Football Association to reach one million Scots with responsible drinking messaging, using the power of football to reach fans, players and coaches to promote responsible alcohol consumption.
 - Taking our Smashed alcohol education theatre production to 48 schools across Scotland working with education authorities to deliver impactful alcohol education messages.
 - Bringing the Johnnie Walker Join The Pact anti-drink drive campaign to Scotland, aligning with the Scottish Government's season anti-drink drive campaign to encourage Scots to never drink and drive.
- We contribute to industry initiatives including the Scotch Whisky Action Fund, which invests £100,000 per year of grant funding to local initiatives tackling alcohol misuse, and the Scottish Alcohol Industry Partnership, which has successfully developed campaigns to tackle proxy-purchasing of alcohol for people under legal purchase age, and to encourage the licensed trade to offer smaller drink measures.
- We provide funding support to a number of organisations that work to promote responsible drinking and to tackle alcohol misuse, including Best Bar None, which works to improve alcohol service standards across the night-time economy.
- Learning for Life is Diageo's flagship programme to offer training and employment opportunities to young unemployed people in Scotland. We invest £1million per year in the programme and since 2014 more than 5000 young people in Scotland have completed the programme with many going on to sustained employment.
- Central to the Learning for Life programme is responsible drinking and improving the quality alcohol service, with the intention of changing attitudes towards alcohol and encouraging responsible drinking.
- Our ambition is to lead a positive change in the alcohol culture in Scotland, focusing on quality and responsibility and discouraging irresponsible consumption and misuse.

Protecting Children and Young Persons From Harm:

- Diageo is unequivocally committed to ensuring that alcohol brands are not in any way marketed to people under the legal-age of purchase.
- Our Diageo Marketing Code (see link above) has a specific section on preventing alcohol marketing to those under 18. It states:
 - Our marketing must:
 - Be aimed only at adults and never target those younger than the legal purchase age for alcohol. Be designed and placed for an adult audience, and never be designed or constructed or placed in a way that appeals

- primarily to individuals younger than the legal purchase age for alcohol.
- While some countries have a legal purchase age for alcohol beverages that is younger than 18, or may set no legal purchase age limit at all, it is Diageo's policy never to target our marketing activities at people younger than the age of 18. In countries with a legal purchase age older than 18 (e.g. 21 years in the USA), we will never target our marketing activities to people younger than this age.
 - We support the Challenge 25 approach to alcohol service, which dictates that anyone who looks under the age of 25 must produce valid photo-ID to be served alcohol. All staff will be fully trained in applying this policy.
 - The visitor experience is intended to be a safe, family-friendly environment, accessible to adults with young children. Staff in the visitor experience will be fully trained to ensure that the presence of young people is managed appropriately.
 - Responsible drinking education will be an integral part of the visitor experience with clear messaging that alcohol should not be consumed under-age and should only ever be consumed in moderation.
 - In all areas where alcohol is served strict regulations will be in place to ensure children are only admitted at appropriate times and with supervision of responsible adults.
 - All bars will have extensive ranges of non-alcoholic drinks options for both adults and young people to enjoy.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

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

This application is a continuum from previous applications made to vary and expand the use of the premises as a visitor centre and seeks to expand the facilities available including the provision of markets. The changes sought will provide maximum flexibility to allow these premises to

provide a world class visitor experience for East Lothian and will benefits for both tourists and the community. Prior to making this application we engaged with the local community in order to consider their needs and concerns. Our relationship with out neighbours is of paramount importance.

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

11.04.2023

DIAGEO



Marketing Code

GLOBAL POLICY
UPDATED JANUARY 2023

Promoting *Responsible Drinking*

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Introduction

We are incredibly proud of the role our brands play in society: they are iconic, relevant, and culturally present, they celebrate diversity and challenge prejudice; many have longlasting legacies, and others were born in more recent years.

Diageo has a proven history of ensuring our brands are advertised and marketed responsibly, and core to Diageo's '[Society 2030: Spirit of Progress](#)' action plan, is Positive Drinking.

We want Diageo's marketing and promotional activities to be recognised as the best in the world, and we work to achieve this by upholding our responsible marketing principles, celebrating moderation, addressing alcohol-related harm and providing consumers with the information and tools they need to make responsible choices about drinking - or not drinking.

The Diageo Marketing Code (DMC) supports our marketers in growing our brands responsibly. It is our mandatory minimum marketing standard and, in many cases, goes beyond what is required by law for alcohol marketing. It governs how we, and any third parties we work with, must operate.

The Code applies across all our markets, and it guides every aspect of our activities from research and development to marketing, promotion, and packaging. At the heart of the Code is ensuring that all our marketing is only ever directed at adults over the legal purchase age, and to encourage drinking in moderation.

We consider the DMC to be an enabler of outstanding creativity and precision across all our marketing content and where it appears. We hope it inspires all our stakeholders to continue to work with us, to deliver responsible alcohol marketing and effective self-regulation across the industry and the world.

Above all, our desire is that the DMC will help us achieve our ambition to be one of the best performing, most trusted and respected consumer products companies in the world.

Cristina Diezhandino
Chief Marketing Officer

Scope

This Code applies to all activities intended to market our beverage brands.

This includes, but is not limited to:

- market research
- brand innovation and product development
- brand names and packaging
- trade advertising
- sales materials
- consumer advertising, brand-related media or communications, and relationship marketing
- digital, mobile and social media
- product placement and branded entertainment programmes
- brand sponsorships
- branded merchandise
- promotional activities in the on/off-trade
- experiential marketing and events
- cocktail names and drink recipes

The term 'marketing' is used throughout this Code to cover all these activities, and any other activity designed to market our beverage brands. This Code is not intended to apply to Diageo communications providing health and nutritional information about alcohol products on non-branded sites. This updated Code replaces all previous versions of the Diageo Marketing Code, with effect from January 2023. Please refer to the Diageo Digital Code for further guidance regarding digital marketing and related technical requirements and safeguards.

Scope: Which Sections Apply	Alcohol Products	Non-Alcoholic Beverages Trademark Extensions	Non-Alcoholic Beverages New To World (NTW)
1. Laws, Codes & Ethics	✓	✓	✓
2. Abstinence	✓	✓	✓
3. Adult Appeal	✓	✓	✓
4. Responsible Drinking	✓	✗	✗
5. Alcohol Content	✓	✗	✗
6. Health, Therapeutic, Performance Or Functional Benefit	✓	✗	✗
7. Social And Sexual Success	✓	✓	✓
8. Drink Driving And Other Potentially Dangerous Activities	✓	✗	✗
9. Anti Social Or Inappropriate Associations	✓	✓	✓
10. Good Taste And Decency	✓	✓	✓
11. Non-Alcoholic Beverages	✗	✓	✓

01 Laws, Codes and Ethics



Our marketing must:

- ✓ Conform to high standards of business ethics and commercial integrity.
 - ✓ Comply with all applicable laws, regulation, industry codes and all other Diageo Policies.
 - ✓ Seek to promote diversity and inclusion.
- This Code sets out global minimum standards that apply everywhere.
 - Our marketing must comply with the letter and spirit of all applicable national laws, local regulations and self regulatory Codes of practice to which we are a signatory. Where local laws, regulations or Codes of practice impose additional or more stringent requirements, then those additional requirements must also be met.
 - Our marketing must also comply with all other relevant Diageo Codes, policies and standards such as the Code of Business Conduct, the Digital Code, the Data Protection Global Policy, the Responsible Research Standard, and the Consumer Information Standard.

02 Abstinence



Our marketing must:

- ✓ Always show respect for those who choose to abstain from alcohol.
- We acknowledge that there are times in everyone's life when consuming alcohol may be unwise and that there are people who choose not to drink at all for a variety of reasons, including cultural and religious ones. We will always respect these individual choices and be aware of local values and sensitivities in this regard.
 - We will not present abstinence from or moderation with alcohol in a negative manner, nor imply that it is wrong or foolish to refuse a drink, even in a humorous manner.

Promotions and events

- Our on/off-trade promotions will never pressure anyone to drink.

03 Adult Appeal



Our marketing must:

- ✓ Be aimed only at adults and never target those younger than the legal purchase age for alcohol.
- ✓ Be designed and placed for an adult audience, and never be designed or constructed or placed in a way that appeals primarily to individuals younger than the legal purchase age for alcohol.
- While some countries have a legal purchase age for alcohol beverages that is younger than 18 or may set no legal purchase age limit at all, it is Diageo's policy never to target our marketing activities at people younger than the age of 18. In countries with a legal purchase age older than 18 (e.g. 21 years in the USA), we will never target our marketing activities to people younger than this age.
- The term 'LPA' is used throughout this Code to mean the legal purchase age for alcohol or 18 where there is no LPA or where it is younger than 18.

Content

- a. Our marketing must never be designed or constructed in a way that appeals primarily to people younger than LPA.
 - i. 'Primary appeal' to persons younger than LPA may be judged as a special attractiveness to such persons above and beyond the general attractiveness it has for persons older than LPA.
- b. We will not use any image, symbol, language, gesture, music, cartoon character, person, sporting/entertainment celebrity, hero, or promotional prize or gift that appeals primarily to those younger than LPA.
- c. We will not license our brand names, logos, or trademarks for use on children's clothing, toys, games, games equipment, or other materials intended for use primarily by persons younger than LPA.
- d. We will not associate our brands with the attainment of, or 'rites of passage' to, adulthood.
- e. People appearing in our brand advertising must be over 25 years or older, and reasonably appear to be and be portrayed as 25 years or older. This also applies to non-alcoholic beverages (see section 11 for definition).
 - i. People who are aged, and reasonably appear to be, between LPA and 25 (and are portrayed as such) may be sponsored, and/or appear in PR, event and promotional materials, but not in advertising.

Placement

- i. We will place our marketing in communications media, events and third party websites only where a minimum 70% (75% for the UK & Ireland, and 71,6% for the US) of the audience can reasonably be expected to be older than LPA.
 - i. We will monitor the audience composition of media in which we advertise on a regular basis to ensure compliance to the highest practical level.
- g. We will take reasonable steps not to place advertising on any outdoor stationary location in close proximity to schools, except on licensed premises. Care must also be taken when considering locations in proximity to religious buildings or other locations that may be inappropriate given local sensitivities.
 - i. We will use a range of available technology to target adult audiences in all branded digital media and to prevent access to those younger than LPA. See the Diageo Digital Code for more guidance on age-targeting in digital media.
- h. Diageo-owned Responsibility websites may be exempted from the above obligation if permitted by local law, in view of the fact that the sole purpose of such digital resources is not to market alcohol brands, but to inform people on the facts about alcohol.
- i. Relationship marketing must not be sent to any individual younger than LPA.
 - i. All content that is designed to be forwarded or shared by users should include a Forward Advice Notice (FAN) instructing recipients they should not forward the content to individuals younger than LPA.

Sponsorship

- k. Diageo brands must not be used to sponsor sports, celebrities or events that appeal primarily to people younger than LPA.

Promotions

- l. People involved in promotions for our brands in the on/off-trade must be LPA or older.
 - i. Our on/off-trade promotions and events must never be designed or constructed in a way that appeals primarily to, or offers our brands to, individuals younger than LPA.

Research

- m. No market or consumer research may be commissioned or conducted by Diageo among people younger than LPA.

See the Diageo Responsible Research Standard for further guidance.

* In the United States, no advertising will be placed within 500 feet of an elementary or secondary school, or an established place of worship.

** In the United States, we will not market our brands on college and university campuses except in licensed establishments.

04 Responsible Drinking



Our marketing must:

- ✓ Depict and encourage only moderate and responsible drinking.
 - ✓ Incorporate responsible drinking reminders and/or initiatives.
 - ✓ Never depict, condone or encourage excessive or irresponsible drinking or refer in any favourable manner to the effects of intoxication.
-
- ⓐ Marketing that depicts responsible drinking as a relaxed, sociable and enjoyable part of life has a role to play in promoting a responsible approach to drinking.
 - ⓑ We will not depict people drinking heavily or rapidly, or in a state of intoxication, nor imply that such behaviour is attractive or appropriate.
 - ⓒ We will not promote our brands with irresponsible cocktail names or excessive quantities of alcohol.

Promotions and events

- ⓐ Our on/off-trade promotions will encourage responsible drinking for those adults who choose to drink, and will not support activities that encourage excessive drinking.
- ⓑ We will not sponsor promotions involving drinking games that have speed incentives, or that require undue quantities of alcohol to be consumed.
- ⓒ While there is nothing irresponsible about enjoying our brands neat, care needs to be taken in connection with the marketing and promotion of our brands as shots due to their potential to be consumed rapidly. A single shot may be enjoyed responsibly as part of an occasion, but we will not depict or encourage rapid or multiple shot consumption by individuals.
- ⓓ We will not support or utilise promotional activities, packaging or drink delivery ideas that prevent consumers from understanding and controlling how much alcohol they are consuming.

Research

- ⓐ Consumers in research will never be encouraged to drink excessive amounts, nor drink in an irresponsible way. If they are observed to drink in this manner, they will either be excluded from the research immediately or this part of the research will be stopped.

- ⓐ Diageo will provide consumers in research situations with appropriate sources of information on responsible drinking (e.g. DRINKiQ.com).

See the Diageo Responsible Research Standard for further guidance.

Responsible drinking reminders and initiatives

Advertising

- ⓐ Clearly evident Responsible Drinking Reminders (RDRs) are required in all above-the-line advertising for our alcohol brands. This includes television, cinema, radio, outdoor, digital, print and any other above-the-line advertising activity.
 - ⓐ RDRs are encouraged for below-the-line marketing where appropriate.
 - ⓑ Alcohol brands may use 'Drink Responsibly', a tailored RDR unique to the brand or campaign or local market, or a combination of these. Tailored RDRs, or other website addresses as RDRs, must be cleared through Corporate Relations and Legal. Markets with government-mandated health messages and/or warnings should consult Corporate Relations to see if an additional RDR is warranted.
 - ⓐ DrinkiQ.com should accompany the RDR where possible.
 - ⓒ The format of the RDR should be appropriate to the advertisement.
 - ⓐ Television and cinema advertisements may include a clearly audible voice-over RDR, and/or a clearly visible RDR within the advertisement.
 - ⓑ Digital advertisements must use visual RDRs. Dynamic online banner ads that rotate through a series of 'frames' need only include the RDR in one of those frames.
 - ⓓ The size and placement of the RDR will depend on the piece of advertising and its location but must be clearly evident.
 - ⓐ In printed and on-screen material, the RDR should be clearly distinct from the mandatory information required by regulations, and should not be placed in any area or in any manner that is not readily visible and readable to consumers i.e. messages should not be placed vertically (sideways) on a page or billboard, or in the seam of a magazine, etc.
 - ⓔ Every Diageo brand website must include on the footer of every page a link to Diageo's online responsible drinking resource, DRINKiQ.com

*In the United States, 20% of Diageo's broadcast advertising will focus exclusively on responsible drinking themes.

04 Responsible Drinking (cont.)

Sponsorships

- ❑ Appropriate responsible drinking reminders must be included in all sponsorship activities.
- ❑ Sport sponsorships must incorporate a prominent responsible drinking initiative.

Promotions and events

- ❑ Our promotions and events should incorporate responsible drinking reminders or initiatives.
- ❑ People involved in the promotion of our brands must be briefed about Diageo responsible drinking and promotions standards.

Labels

- ❑ Where legally permissible, all new back labels and secondary packaging must include at least one and up to three responsible drinking symbols, a reference to Diageo's online responsible drinking resource DRINKIQ.com, a list of allergens, alcohol content and recycling, and sustainability symbols.

See Diageo Consumer Information Standard for further guidance.



05 Alcohol Content



Our marketing must:

- ✓ Via packaging, websites, and other appropriate channels, provide clear, factual and neutral information about the alcohol content of our brands and drinks recipes.
 - ✓ Never present high alcohol strength or potency as the dominant theme or principal basis of the appeal of any marketing or product innovation.
 - ✓ Not imply that lower-strength alcohol beverages may be consumed in ways or situations that would be inappropriate with higher strength beverages.
- a. We will, where possible, provide factual and neutral alcohol content information on our packaging and via other channels such as websites (including DRINKIQ.com) and consumer care-lines.
 - b. When promoting drink recipes, we will include specific liquid measures (e.g., '30ml' or equivalent local measurement rather than 'one part').
 - c. If required by law, we will include the total alcohol content (in 'grams of alcohol' or locally recognised measure such as 'standard drinks'/'units'), expressed per serving.
 - d. High alcohol strength or potency must never be the dominant theme or principal basis of the appeal of any marketing or product innovation.
 - e. We will never imply that mid or lower strength beverages (see section 11 for guidance on No Alc beverages) may be consumed in quantities, ways or situations where higher strength beverages may be inappropriate, nor that mid or lower strength beverages are healthier or more responsible choices.

We will provide factual
and neutral *alcohol*
content information
on our packaging

06 Health, Therapeutic, Performance or Functional Benefits



Our marketing must:

- ✓ Not imply that our alcohol brands offer any health, therapeutic, functional or performance benefits.
- ✓ Not imply that alcohol is the catalyst for any change in mood or state, nor that it has any energy or endurance benefits.
- ✓ Not portray or target pregnant women with our alcohol products.

For guidance applicable to Non Alcoholic Beverages, see Section 11.

- a. We will where practicable and permitted by law, provide factual and neutral nutritional information about our products, via appropriate channels such as DRINKIQ.com.
- b. We will not imply that drinking alcohol leads to any health, dietary or functional benefits, nor that alcohol may play a role in managing weight or as part of a fitness regime, nor that consumers may consume low(er) calorie or carbohydrate beverages in excessive amounts.
- c. We will not imply that drinking alcohol enhances mental ability, performance, skills or strength.
- d. We will not promote any of our products as medicine, nor imply that alcohol has the ability to prevent, treat or cure any human disease or condition.
 - i. We will not use gifts, drinking vessels or cocktail names with medical or pharmaceutical connotations to market our brands.
- e. We will not market our alcohol brands to pregnant women nor portray pregnant women in our marketing.
- f. Our alcohol brands must avoid any appeal on the grounds of stated functional benefits (e.g. performance or therapeutic).
 - i. However, if using ingredients with such perceived qualities, we must only use sufficient quantities necessary for the purpose of delivering a specific flavour. On packaging and in promotional materials of such products we may reference such ingredients, but we may not make any claims (whether explicit or implied) that these ingredients confer any health or functional benefits.
 - ii. None of our products will claim sexual benefits, such as enhanced virility or sexual prowess.
- g. We will not market our alcohol brands as energy drinks, nor imply that consuming them (either alone or with a specific mixer) delivers energy or endurance benefits.

- h. We will not advertise or promote our alcohol brands in a way which implies that drinking alcohol will increase stamina, make the night last longer or give a boost, nor use suggestive drink names which imply energising, stimulating or invigorating properties.
- i. If co-promoting our alcohol brands with an energy drink mixer, the mixer must be treated in a neutral manner just like any other mixer, no energy claims may be made, and particular care must be taken with the imagery used.
- j. Our alcohol brands may be portrayed as the perfect choice for already energetic or relaxing occasions, but we will not imply that they are the catalyst for any change in energy, state of alertness or states of mental or physical relaxation.
- k. We will not market our alcohol brands as thirst quenching, hydrating or refreshing, nor imply or suggest that they be consumed instead of non-alcoholic beverages.

- l. Where legally permitted, claims about nutritional qualities, ingredients or specific production methods of our alcohol brands (for example sugar-free, dairy-free, organic) may be made if they are accurate, substantiated, and neutral in relation to health.

07 Social and Sexual Success



Our marketing must:

- ✓ Not portray or imply that drinking is necessary to obtain social or other success, nor to overcome inhibitions or to be socially accepted.
 - ✓ Not portray or imply that drinking enhances sexual attractiveness or is a requirement for sexual success.
- a. Our brands may be portrayed as part of normal social experiences, such as the depiction of people who appear to be attractive or affluent, or people who appear to be relaxing or in an enjoyable setting. Brand preference may be portrayed as a mark of discernment or good taste.
 - b. However, our marketing materials will not imply that drinking is necessary to obtain social, professional, educational, athletic, financial or other success, nor to solve social, personal, or physical problems, nor to overcome inhibitions, shyness or social barriers, or to be socially accepted.
 - c. Our marketing may also portray our brands as part of a social or romantic setting, or people showing affection or other amorous gestures. However, we will ensure that our marketing does not imply that drinking enhances sexual attractiveness or is a requirement for sexual success. Implicit sexual activity, seduction scenarios, gender stereotyping and prizes or gifts that breach the spirit of these provisions must all be avoided.

08 Drink Driving and other Potentially Dangerous Activities



Our marketing must:

- ✓ Only portray drinking in safe and appropriate circumstances.
- ✓ Never portray drinking before or whilst driving motor vehicles, operating machinery, or any other similar activity or situation.
- ⓐ We will not depict drinking before or during activities, or in situations or locations, where drinking alcohol beverages would be unsafe or unwise.
- ⓑ In particular, our marketing must not imply that drinking alcohol is acceptable before or while operating machinery, driving a vehicle or undertaking any other occupation, endeavour, or sporting activity that requires a high degree of alertness or physical coordination in order to be carried out safely.
- ⓒ It is fine to show adults enjoying a drink after playing sports or after engaging in any occupation or endeavour referred to above, provided it is clear the activity will not be resumed.
- ⓓ This provision does not apply to non-alcoholic brands. For further detail see provision 11.

09 Anti-social or Inappropriate Associations



Our marketing must:

- ✓ Not portray or suggest any association with anti-social or illegal behaviour.
- ✓ Not portray or suggest any association with violence.
- ✓ Not portray or encourage the consumption of tobacco.
- ⓐ Our marketing will not portray or suggest any association with anti-social behaviour, nor depict situations where beverage alcohol is being consumed illegally or in conjunction with explicit or implicit illegal activity of any kind.
- ⓑ We will ensure that our marketing does not portray or suggest any association with violence, including not trivialising problems associated with violence or glamorising violence.
- ⓒ We will not associate our brands with any activity or event where the intent is to cause harm or violence to anybody, including animals.

- ⓓ We will not portray or encourage the consumption of any tobacco products (including e-cigarettes or other vaping products), nor brand or offer tobacco products or accessories as promotional gifts or prizes, nor sponsor tobacco-related events.
- ⓔ We will allow appropriate brand participation, such as sampling, at cigar-related venues and events, provided the brand participation is not linked to the purchase or consumption of tobacco products.
- ⓕ We will not use our brands in any **joint marketing** activities, or in any consumer-facing promotions, involving tobacco products.
- ⓖ Particular care and consideration of local sensitivities must be taken when assessing whether to associate our brands with gambling.

10 Good Taste and Decency



Our marketing must:

- ✓ Reflect generally accepted contemporary standards of good taste and decency.
- ✓ Be judged from the perspective of the broader society - locally and globally.
- ✓ Be sensitive to local and cultural variation.
- ⓐ We must evaluate proposed marketing activities not solely from the perspective of the target audience, but from the perspective of the broader society - locally and globally - in which Diageo operates.
- ⓑ Our marketing must not employ themes that may seem harmless in one market but that may cause grave offence in another market or culture.
- ⓒ Our marketing activities must always be respectful of, and sensitive to, diversity of race, religion, colour, ethnicity, national origin, disability, sexual orientation or gender. Whenever possible, we will take action to actively promote diversity and inclusion and avoid inappropriate stereotypes.
- ⓓ **We have a zero-tolerance approach with respect to abuse and sexual harassment of Brand Promoters i.e. employees and third-party agency staff who promote our brands in outlets, as stated in Diageo's Brand Promoter Standard.**

11 Non-alcoholic Beverages



Our marketing must:

- ✓ Only promote Non Alcoholic Brands to adults.
- ✓ Clearly distinguish non alcoholic variants of our brands from those containing alcohol, via packaging, labelling and brand communications.
- ✓ Differentiate and adhere to applicable guidance for Non Alcoholic Beverages that are a variant of an existing alcohol brand versus that for New-To-World brands.

Definitions

This provision uses the following definitions:

- 1. Non-Alcoholic Beverages (NABs) are generally those with an ABV (Alcohol by Volume) of 0.5% or lower.
 - Legal definitions of Alcohol-Free and similar descriptors may vary across countries. Brand teams are advised to always check with their Local Legal Counsel.
- 2. New-To-World (NTW) products: Those NABs that are not a variant of an existing alcohol brand and that don't feature names or properties commonly associated with our alcohol brands.

Scope and key differences across product types

Please reference the scope table on p4 of this code clearly outlining which sections of the DMC do and do not apply to our non alcoholic products. The below table provides further clarification on the key differences in guidance with regards to our alcohol brands, our Non Alcoholic Beverages that are variants of an existing brand (No Alc trademark extensions) and our NTW No Alc brands.



Key differences		Alcohol Products	Non-Alcoholic Beverages Trademark Extensions	Non-Alcoholic Beverages New To World (NTW)
Health, Therapeutic, Performance Or Functional Benefit	Make claims about nutritional qualities, ingredients or specific production methods (e.g. sugar-free, dairy-free, organic) if they are factually correct, substantiated and legally permitted	✓	✓	✓
	Promote as a medicine, or imply that has the ability to prevent, treat or cure any disease/condition	✗	✗	✗
	Claim sexual benefits, such as enhanced virility or sexual prowess	✗	✗	✗
	Refer to a brand as thirst quenching, hydrating or refreshing	✗	✓	✓
	Make claims about health, dietary or functional benefits linked to specific ingredients and to make these a dominant theme in marketing if they are factually correct, substantiated and legally permitted	✗	✗	✓
	Describe products as energy drinks, or that consuming them delivers energy or endurance benefits if such claims are factually correct, substantiated and legally permitted	✗	✗	✓
Pregnancy	Aim marketing at pregnant women (i.e. posting content targeted at them, sponsoring related events)	✗	✓	✓
	Portray pregnant women in our marketing (if No Alc nature of product is clear and prominent)	✗	✓	✓
Drink Driving	Present the product as a responsible choice for designated drivers	✗	✓	✓
Alcohol Content	Provide clear, factual and neutral information about the alcohol content of our brands and drinks recipes	✓	✗	✗
Responsible Drinking	Clearly display responsible drinking reminders in all ATL advertising	✓	✗	✗

Health and Functional Benefits for all NABs:

- 1. We will where practicable and permitted by law, provide factual and neutral nutritional information about our products, via appropriate channels such as DRINKiQ.com.
- 2. We will not promote any of our products as a medicine, nor imply that our products have the ability to prevent, treat or cure any human disease or condition.
 - 1. We will not use gifts, drinking vessels or cocktail names with medical or pharmaceutical connotations to market our brands.
- 3. Where legally permitted, claims about nutritional qualities, ingredients or specific production methods of our brands (for example sugar-free, dairy-free, organic) may be made if they are accurate, substantiated, and neutral in relation to health.
- 4. None of our products will claim sexual benefits, such as enhanced virility or sexual prowess.
- 5. All NABs may be marketed as thirst quenching, hydrating or refreshing.

For NABs that are NTW only:

- 1. The following descriptions, attributes and/or claims can be made if factually correct, substantiated and legally permitted:
 - 1. Statements about health, dietary or functional benefits linked to specific ingredients can be a dominant theme or a principal basis of appeal in marketing.
 - 2. Describing our products as energy drinks, or that consuming them (either alone or with a specific non-alcoholic mixer) delivers energy or endurance benefits.

For NABs that are variants of existing alcohol brands:

- 1. Must avoid any appeal on the grounds of stated health, dietary or functional benefits (e.g. mental ability, performance, skills or strength), nor that they may play a role in managing weight or as part of a fitness regime.
 - 1. However, if using ingredients with such perceived qualities, we must use only sufficient quantities necessary to deliver a specific flavour. On packaging and in promotional materials of such products we may reference such ingredients, but we may not make any claims (whether express or implied) that these ingredients confer any health or functional benefits.
- 2. Must not be marketed as energy drinks, nor imply that consuming them (either alone or with a specific mixer) delivers energy or endurance benefits.
 - 1. We will not advertise or promote these brands in a way which implies that drinking them will increase stamina, make the night last longer or give a boost, nor use suggestive drink names which imply energising, stimulating or invigorating properties.

- 1. If co-promoting with an energy drink mixer, the mixer must be treated in a neutral manner just like any other mixer, no energy claims may be made, and particular care must be taken with the imagery used.
- 2. Our brands may be portrayed as the perfect choice for already energetic or relaxing occasions, but we will not imply that they are the catalyst for any change in energy, state of alertness or states of mental or physical relaxation.

Pregnancy

- 1. The following guidance can be followed by all NABs as long as the non-alcoholic nature of the product is displayed in a clear and prominent manner:
 - 1. Marketing can be aimed at pregnant women (i.e. posting content targeted at pregnant women in media, and sponsoring related events).
 - 2. Marketing can portray pregnant women and childcare related paraphernalia (i.e. cots, prams/strollers, children's toys).

Designated drivers

- 1. Section 8 of this Code does not apply to NAB. We may present such beverages as a responsible choice for designated drivers, taking into account local laws and conditions.

Placement in store

- 1. We will recommend to retailers that all NABs can be placed either in the alcohol beverage section of retail shops and/or in other areas that are principally targeted at those above the LPA, where permitted by law and taking into consideration rules under section 3 of this Code on Adult Appeal.



Responsible Drinking Initiatives

We work in a range of ways with many different stakeholders to promote responsible drinking and combat alcohol misuse such as drink-driving, excessive drinking, underage drinking and irresponsible serving of alcohol.

DRINKIQ.com is our online global resource that supports this work through the sharing of best-practice tools, information and initiatives.

We also encourage our in-market companies and global brand teams to develop and implement consumer initiatives designed to reduce alcohol related harm.

These initiatives are also subject to this Code. However, where these initiatives seek to portray the consequences of irresponsible or excessive drinking then, in consultation with Corporate Relations, the following Code provisions may be applied flexibly, only in the manner specified to the right, in order to ensure optimally effective consumer awareness initiatives:

- Provision 3 to allow people aged LPA+ to appear in corporate-branded responsible drinking advertising;
- Provision 3 on Adult Appeal to exempt unbranded Diageo owned websites such as DrinkIQ.com from the obligations to set an age affirmation mechanism, considering that the purpose of such resources is not to market alcohol brands but to educate and inform people on the facts about alcohol.
- Provision 4 to show the downside or consequences of excessive or irresponsible drinking;
- Provision 8 to show the downsides or consequences of drink driving or other similarly dangerous activities; and
- Provision 9 to show potential downsides or consequences associated with excessive drinking, such as violence, aggression or anti-social behaviour.

**We also encourage our
in-market companies
and global brand teams
to develop and implement
consumer initiatives designed
to reduce alcohol related harm.**

Marketing Code Compliance

Compliance with the marketing Code is mandatory for all employees of Diageo, our subsidiaries and joint ventures where Diageo has a controlling interest.

It also applies to third party agencies, contractors and consultants engaged by, representing or acting for (or on behalf of) Diageo, and our third party distributors who are responsible for or are involved in the marketing activities and marketing of our brands.

We must follow all provisions of this Code and should never cause, authorise or overlook breaches of the Code by others. Our in-market companies may strengthen this Code to address different or specific issues in their market.

These provisions must be in addition to, not in place of, the standards set out in this Code.

Responsibility

- 1. All aspects of Code compliance are the fundamental responsibility of the general manager and marketing director in all our in-market companies, and global brand teams.
- 2. Advertising, promotions and PR agencies, market research companies, media buyers, and all other external marketing suppliers, must receive a copy of the DMC and must undertake to abide by its provisions in any work they do on our behalf. The requirement to comply with the DMC must be included in the written terms and conditions of all marketing supplier contracts and in all activity/project briefs. Diageo project leaders are also responsible for briefing and guiding their suppliers and for ensuring they comply with the DMC throughout the term of the project.

Review and approvals

- 1. Marketing directors are accountable for ensuring that their teams follow an effective DMC sign-off process to ensure that all materials released in their territory fully comply with the letter and spirit of the Code.
 - 2. DMC review and sign-off must also be included at each key stage of the innovation process.
- 2. Diageo's online approval tool, Diageo Content Hub, must be used to facilitate DMC review and archival of approvals wherever possible.
- 3. If the evaluation of a DMC-related issue reaches a stalemate, the decision must be escalated in the following manner (depending where the stalemate originates):
 - 1. In-market Marketing and Corporate Relations Directors, if not resolved then to
 - 2. Global Marketing and Corporate Relations Directors.

If not resolved at this level, the Chief Marketing Officer makes the ultimate decision.

We must follow all provisions of this Code and should never cause, authorise or overlook breaches of the Code by others

Training

- 1. Our in-market companies and global brand teams must establish regular training programmes for all those involved in Marketing, Trade Marketing, Consumer Planning, Innovation, Corporate Relations and for relevant members of the Sales teams (Sales Directors as a minimum).
- 2. Newly recruited staff should receive DMC training as part of their induction, and regular, in-depth refresher training must be provided for all relevant staff (every 12-24 months).
- 3. DMC training should be offered to support supplier, agency, third party and distributor compliance where appropriate.

Controls

- 1. DMC sign-off and compliance processes must be formally reviewed on an annual basis in every in-market company and global brand team.
- 2. In case of a breach, an additional review should be undertaken immediately. Questions on interpretation or application of the DMC should initially be addressed to the in-market Corporate Relations and Marketing Directors. These can be further escalated to Global Corporate Relations and the Chief Marketing Officer if necessary.
- 3. Any criticism of Diageo's marketing activities should be reported immediately to the in-market Corporate Relations and Marketing Directors, and the Global Head of Responsible Marketing and Innovation, in order to review the material in question, take remedial action if necessary, and ensure our commitment to responsible marketing and effective self-regulation is maintained.
- 4. Any breach of the DMC is also considered to be a breach of the Code of Business Conduct and should be reported promptly through the routes described in the Code.
- 5. Any material suspected to be in breach of the DMC will be reviewed and any breaches will be dealt with in accordance with the Diageo internal investigation policy and local disciplinary policies, as permitted by law.
- 6. Diageo employees can also raise concerns with their line manager, local Controls, Compliance & Ethics Manager, Global Risk & Compliance, or make a confidential report using SpeakUp.



For further information on the Diageo Marketing Code or compliance issues, contact the in-market Diageo Corporate Relations team. Advice is also available from:

Head of Responsible Marketing (Global)
Diageo 1HQ
16 Great Marlborough Street
London W1F 7HS
United Kingdom

Email: marketing.code@diageo.com

Copies of the Code, and further information can also be found at www.DRINKiQ.com

For the USA:

Diageo Corporate Relations
600 Pennsylvania Avenue, SE, Suite 304
Washington, DC 20003
Tel: 202 715 1105
Fax: 202 715 1114

For information about the Distilled Spirits Council of the United States (DISCUS), its Code of Responsible Practices for Beverage Alcohol Advertising and Marketing and its complaint procedure, visit:

www.distilledspirits.org







29/03/2023

Your Ref: GLENKINCHIE

Our Ref: 710415

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



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
GLENKINCHIE DISTILLERY VISITOR CENTRE
GLENKINCHIE VISTORS CENTRE, ORMISTON, EAST LOTHIAN, EH34 5ET.
PREMISES LICENCE HOLDER: DIAGEO SCOTLAND LIMITED.**

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

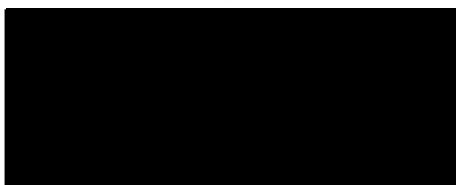
The variation requested consists of the following –

- Inclusion of Bar meals as a permitted activity
- In 5(f) inclusion of *“The premises may host markets both within and out with the building”* & *“Light food offerings may be provided”*
- Increase the capacity to 405 to allow for an increase of external area to 150
- Removal of Local Condition 4 *“Two weeks written notification with a contact phone number must be given to all surrounding proprietors, giving the nature of any evening events, to take place on 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 654 5583.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Karen Harling

To: C. Grilli

Licensing Standards Officer

Clerk to the Licensing Board

Date: 5th April 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2023

**GLENKINCHIE DISTILLERY VISITOR CENTRE, GLENKINCHIE
DISTILLERY, GELNKINCHIE, PENCAITLAND, EAST LoTHIAN, EH34 5ET**

I can confirm the premises was visited in relation to this variation application. The site notice was displayed in a suitable position at the main entrance.

A full compliance check was completed and the premises was found to be operating well with no issues identified.

The changes applied for are:

- Addition of bar meals
- Inclusion of markets within and outwith the building along with light food offerings
- An increase in capacity to 405 to allow an increase in the external area from 50 to 150

The removal of the local condition 4, added in February 2020 has also be requested:

"Two weeks written notification with a contact phone number must be given to all surrounding proprietors, giving the nature of any evening events, to take place on the premises"

On my visit to the premises, the operations were explained and the addition of markets with an increase in capacity of the outside area was discussed. It is the intention to run 3-4 seasonal markets across the year providing the opportunity for local businesses to show and sell their products as well as generate use of the facilities at the Visitor Centre. For the benefit of the Board, the attached photographs below are provided showing the area proposed to hold the markets.

This is a substantial area with a suitable path running on both sides. The Kinchie Burn to the north of the outside area is fenced off suitably.

Given several objections were received in 2020 in relation to a previous variation, it was suggested that a community engagement event was run to propose the changes to residents of the village and be open and transparent in relation to the application. Guidance was also given in relation to controlling parking at market events to avoid nuisance to neighbouring properties. It is my understanding that this event was well received by those that attended.

I have no objection to the proposed increase in capacity and the addition of bar meal, markets and light food offerings.

I also have no objection to the removal of local condition 4 detailed above. From a compliance point of view it is very difficult to enforce and monitor the above condition.

It is of note that there have been no complaints received to the operation of the premises licence, and the company and staff have worked well with myself and the previous Licensing Standards Officer in promoting a very important, notable and well run tourist attraction.

The information in this report is provided to the Board members to assist the determination of the application.

K. Harling
Licensing Standards Officer

View 1 - Outside area, path 1 looking East towards the Visitor Centre from outside area entrance



View 2 - Outside area, path 2 looking east towards the Visitor Centre from outside area entrance



View 3 - Outside area in front of the Visitor Centre



View 4 - Outside area, looking west towards road from in front of the Visitor Centre



Licensing

From: Robertson, Scott
Sent: 27 March 2023 13:21
To: Winter, Maree
Cc: Licensing
Subject: RE: Major Variation Application - Glenkinchie Distillery, Pencaitland

Hello,

Please note I have no comment or objections to the major variation at Glenkinchie Distillery.

Kind Regards
Scott Robertson
Assistant Planner

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 27 March 2023 11:28
To: Fire officer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; 'Licensing@nhslothian.scot.nhs.uk'; LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Harling, Karen (Licensing) <kharling1@eastlothian.gov.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>; secretary@pencaitland.org
Subject: Major Variation Application - Glenkinchie Distillery, Pencaitland
Importance: High

Dear all,

Please find attached an application for a major variation from Glenkinchie Distillery. Could I please have any comments/representations by 17th April 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**






12 April 2023

By email to: licensing@eastlothian.gov.uk

Dear Sir,

LICENSING (SCOTLAND) ACT 2005 – GLENKINCHIE DISTILLERY VISITOR CENTRE

I am writing to object to the proposed variation to the licence at the above premises. It is not very long since the terms of the existing licence were implemented, and there is no material reason to change these conditions. The point of requiring two weeks' notice is to give the Distillery's neighbours fair warning of events and enable us to make arrangements accordingly. These events create a large amount of noise and general disturbance. Glenkinchie is a small hamlet and the impact of large numbers of vehicles coming into its centre is significant. I live  their public car park and am immediately affected by the traffic that comes in. This invariably includes taxis running their engines for long periods of time, phone calls on loudspeaker (I can hear every word) and the raucous conversations of people who have enjoyed a taster in the visitor centre.

The second amendment they propose is even less welcome. The amount of disturbance from holding an outdoor market would be enormous. This is not a noisy hustling space in normal circumstances, it is a peaceful community with a mix of old and young residents who live here precisely because it is out of the bustle of a larger conurbation. Allowing the distillery to hold markets and outdoor events without any notice would ruin the peace and quiet for everyone else.

The size and wealth of Diageo should not be a reason for it to be permitted to ride roughshod over the lives of its rural village neighbours.

Yours faithfully

Mary Munro

