



East Lothian Council
Licensing

24 OCT 2023
Received

APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

2

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)

Add to the description at the end of the first paragraph "the premises will also include two adjacent food retail units (from which no alcohol is sold)"

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0381

2(b) Name and Address of Premises Monktonhall Service Station, Musselburgh Bypass

Musselburgh

Post Code EH21 8RE Tel. No. 0131 202 2831

Email

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

Motor Fuel Limited, 10 Bricket Road, St Albans,

Post Code AL1 3JX

Tel. No. C/o agent Email address andrew.hunter@harpermacleod.co.uk

3. NATURE OF VARIATION

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

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

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

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

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

In paragraph 5(f), add the words "the premises may offer delivery of groceries, including alcohol".
In paragraph 7 of the operating plan, change the off sales capacity to 24.04875m²"

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.

The premises layout (as originally proposed) is undergoing a further renovation to incorporate two additional food retailers, separate from the petrol forecourt retail shop. In addition, the forecourt shop which is operated by the applicants shall increase in footprint from the original proposal from 108m² to 121m²

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

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

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

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

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

Emailed application - original application to be returned by post

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that

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

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

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 26/10/2023

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

If agent, please provide details

Full name Harper Macleod LLP

Address 45 Gordon Street, Glasgow

Post Code G1 3PE

Tel. No. 07884 112175 Email address andrew.hunter@harpermacleod.co.uk

Note 1

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

Note 2

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

Note 3

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

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

Note 4

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

Note 5: Data Protection Act 2018

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

CONTACT US

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

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

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

OPERATING PLAN

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

Question 1

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

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

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

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

Question 3

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

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

Question 4

SEASONAL VARIATIONS

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

Question 5

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

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

5(d) 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>	No	No	No
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.

The premises may play background music in the retail areas of the store. The premises are open on a 24 hours basis. The retail shop is accessible between 05:00hours and 23:00 hours each day and therefore music may be played out with core licensing hours. The premises can use of a night pay window during the hours of 23:00 hours and 05:00 hours if required.

5(f) any other activities

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

The premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt. The premises may offer delivery of groceries, including alcohol

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

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

CHILDREN AND YOUNG PERSONS - N/A

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

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

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

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

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

Question 7

CAPACITY OF PREMISES

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

Off sales display: 24.04875 m ²
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Question 8

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

Personal details

8(a) *Name*

--

8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address and telephone number*

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8(e) *Personal licence*

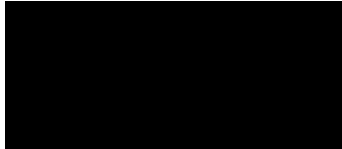
Date of issue	Name of Licensing Board Issuing	Reference no. of personal licence

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 26/10/2023

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

Telephone number and email address of signatory

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

*** Data Protection Act 1998**

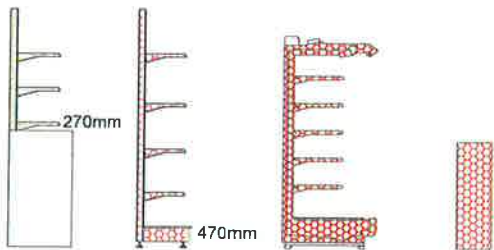
The information on this form may be held on an electronic public register which may be available to members of the public on request.

Profile 1
Wall Shelving

Profile 2
Wall Shelving

Profile 3
Chill

Profile 4
Bulkstacks



Fire Exit

Toilet Area

Display Area of Alcohol (Inaccessible)

Display Area of Alcohol (Accessible)

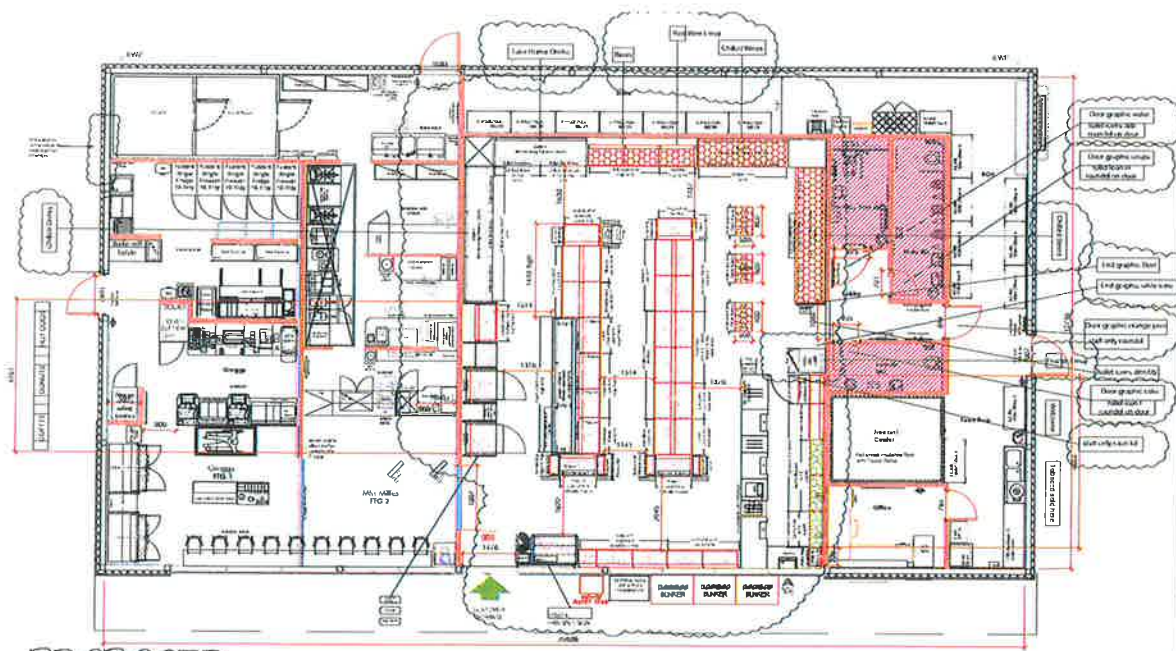
Total Display Area of Alcohol
(Inaccessible)
Wall Shelf Width:-
3.0m(L) x 1.1m(h) = 3.3m²

Total Display Area of Alcohol
(Accessible)
Wall Shelf Width:-
3.0m(L) x 1.8m(h) = 5.4m²

Chill Shelf Width:-
6.25m(L) x 1.995m(h) = 12.46875m²

Bulkstacks:-
0.8m(w) x 1.2m(h) x 3 = 2.88m²

Total Display Shelving -
Total = 24.04875m²



PROPOSED

Londis MONKTONHALL

EXISTING/PROPOSED

ADDRESS	BP SERVICE STATION MUSSELBURGH BY PASS MUSSELBURGH LOTHIAN SCOTLAND
PROJECT NAME	DEVELOPMENT
FORMAT	TRANSIENT
STORE NUMBER	FSS12
DRAWN BY	CL
SCALE	1:100 @ A3
DATE	06/06/2013
REVISION	N/A

NOTES:

REV	DATE	DESCRIPTION
1	06/06/2013	ISSUED FOR PERMIT
2	06/06/2013	ISSUED FOR TENDER
3	06/06/2013	ISSUED FOR CONSTRUCTION

Vertex Drawing Based on:
Rev N License MFG
Musselburgh By Pass
Musselburgh
EH21 6RE

Booker
MONKTONHALL
PROPOSED REV N

THE DRAWING IS THE PROPERTY OF THE CLIENT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CLIENT. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT AND FOR THE COMPLIANCE OF THE DRAWING WITH ALL APPLICABLE REGULATIONS AND STANDARDS. THE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE INFORMATION PROVIDED SINCE THE DATE OF THE DRAWING. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE DRAWING. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE DRAWING.

BOOKER RETAIL PARTNERS
BUDDENS LONERS HOUSE, WIDEWATER PLACE,
WIDENHALL ROAD, HARFIELD WOOD, ESK
LEITH
0800 294 0764

BOOKER
RETAIL PARTNERS

28/11/2023

Your Ref: Monktonhall
Our Ref: 772599

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



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
MONKTONHALL SERVICE STATION, B6415 (11) FROM OLD CRAIGHALL,
OLD CRAIGHALL, MUSSELBURGH, EAST LOTHIAN, EH21 8RE.**

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

- **Adding to the description: “the premises will also include two adjacent food retail units (from which no alcohol is sold).**
- **In paragraph 5(f) adding “the premises may offer delivery of groceries, including alcohol”**
- **In paragraph 7 changing the off sales capacity to 24.04875m²**
- **A variation to the layout plan to incorporate 2 additional food retailers as well as an increase in the forecourt shops footprint from 108m² to 121m².**

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

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

OFFICIAL

Yours faithfully



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 4th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE MAJOR VARIATION

MONKTONHALL SERVICE STATION, MUSSELBURGH BYPASS, MUSSELBURGH, EAST LoTHIAN EH21 8RE

As the site is currently under construction, I have not yet been able to visit. I plan on visiting the premises once construction is complete.

The changes applied for are:

- To make an addition to the premises description
- To change the premises layout
- To increase the off sales capacity
- To add deliveries of groceries and alcohol as an activity

The application is compliant with the Act.

The off sales capacity applied for is 24.04875m². Within an 800m radius there is one other premises which is The Musselburgh Golf Club which provides on sales only.

I recommend the board considers the following condition:

- 1) 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.

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 22 November 2023 13:00
To: Licensing
Subject: RE: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]

Hello,

Please note I have no comments or objections to this variation application.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 08 November 2023 14:44
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Licensing Standards Officer <Iso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>; 'licensing@nhslothian.scot.nhs.uk' <licensing@nhslothian.scot.nhs.uk>; [REDACTED]

Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]

Importance: High

Good Afternoon

Please find attached application for Variation to Provisional licence for Monktonhall Service Station, Musselburgh for report/representation by 7th December, 2023.

Kind regards

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

Accredited
Paralegal
Law Society of Scotland

Licensing

From: Douglas, Andrew
Sent: 09 November 2023 12:51
To: Licensing
Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]
Attachments: Payment Authentication Receipt - DO NOT REPLY TO THIS E-MAIL; MONKTONHALL LICENSING LAYOUT - REVN(25313800.1).pdf; Major_Variation_application - Monktonhall(25313788.1).pdf; Draft Variation Operating Plan - Monktonhall(25313773.1).doc
Importance: High

No objs, std conditions

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 09 November 2023 12:33
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Application for Major Variation of Premises Licence - Monktonhall SS - Urgent Request [HM-HMWORKSITE.FID4864579]
Importance: High

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 08 November 2023 14:44
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