

STATEMENT OF EXTENSION OF FESTIVE HOURS

1

In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension will apply as follows:-

Christmas Eve – Tuesday 24th December 2024,
Christmas Day - Wednesday 25th December 2024,
Boxing Day - Thursday 26th December 2024,
Hogmanay - Tuesday 31st December 2024 and
New Year's Day - Wednesday 1st January 2025, (**inclusive**) and will allow an extension of the terminal hour for the sale of alcohol during that period until **2am**.

This extension will only apply to on-sales and not to off-sales of alcohol.

There will be no general extensions out with these days although any applications for extended hours outwith the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 2nd December.

There is no need for licensees to apply for the general extension to 2am. On sales premises can utilise these hours to the extent they considered appropriate.

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)

- 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).

East Lothian Council
Licensing
30 AUG 2024
Received

(Provide Details) Amend name of premises

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL044

2(b) Name and Address of Premises

Mach Enterprises
Birsley Garage
Tranent

Post Code	EH33 1NF	Phone No.	01875 610201
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2(c) Full Name and Address of Current Licence Holder

PENNY PETROLEUM (SCOTLAND) LIMITED
OLD STATION HOUSE
POWBURN
ALNWICK
NORTHUMBERLAND
ENGLAND

Post Code	NE66 4HU	Phone No.	
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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

N/A

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)

SEE PAPER APART

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.

N/A

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)

CHANGE name & address of premises to "Tranent Service Station, A199, Tranent, East Lothian, EH33 1NF"

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 £ 150 is enclosed.

Signature

..... [Redacted Signature]

LYNN SIMPSON (TLT LLP) as Agent (See note 5 below)

Date

26 August 2024

Capacity: AGENT (delete as appropriate)

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

TLT Solicitors (Contact: Lynn Simpson)
Cadworks, Floor 9, 41 West Campbell Street
Glasgow, G2 6SE

Lynn.Simpson@TLT.com

0333 006 0923 / [Redacted]

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>

OPERATING PLAN

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

Question 1

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

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

Question 2

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

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

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

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

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

The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.

5(f) any other activities

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

The primary activity undertaken at the aforementioned premises is the retail sale of the following commodities to the general public.

Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non foods, toiletries, frozen foods, chilled foods, fruit and veg, newspapers and magazines, tobacco and cigarettes, wines and spirits and other fermented, distilled and spirituous liquors. Fuel & other vehicle accessories/tools. Food to Go/Food on the Move. Click & collect. Home Deliveries. External automated cash machine. Charity collection

point and charitable events may take place, alongside sampling & promotional activities.

The licence holder may operate a national lottery within the outlet and/or a pay point bill payment service. They may also provide additional services for the customer, including but not limited to - hot drinks dispensers, parcel/package collection points, launderettes, post office services & hot food points.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	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 – 13.64m²

Question 8

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

Personal details

8(a) Name

Paul Jamieson

8(b) Date of birth

8(c) Contact address

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
--

8(d) Email address

[REDACTED]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 Oct 2021	East Lothian	EL1766

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 . [REDACTED] * (see note below)

Date 26 August 2024

Capacity LYNN SIMPSON (TLT LLP) as Agent AGENT (delete as appropriate).

Telephone number and email address of signatory 0333 006 0923 [REDACTED]
Lynn.Simpson@TLT.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.

APPLICATION FOR MAJOR VARIATION – PAPER APART

Penny Petroleum (Scotland) Limited
Mach Enterprises, Birsley Garage, Tranent, EH33 1NF
Premises Licence No: EL044

QUESTION 3B:

Q3 – AMEND off-sales terminal hour from 9pm to 10pm daily.

Q5(c) – ADD Recorded Music as permitted activity, during and outwith licensed hours.

Q5 – To amend and add wording to read as follows - “The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.”

Q5(f) – To amend and add wording to read as follows – “The primary activity undertaken at the aforementioned premises is the retail sale of the following commodities to the general public.

Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non foods, toiletries, frozen foods, chilled foods, fruit and veg, newspapers and magazines, tobacco and cigarettes, wines and spirits and other fermented, distilled and spirituous liquors. Fuel & other vehicle accessories/tools. Food to Go/Food on the Move. Click & collect. Home Deliveries. External automated cash machine. Charity collection point and charitable events may take place, alongside sampling & promotional activities.

The licence holder may operate a national lottery within the outlet and/or a pay point bill payment service. They may also provide additional services for the customer, including but not limited to - hot drinks dispensers, parcel/package collection points, launderettes, post office services & hot food points.”

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 11th September 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL044, MACH ENTERPRISES, BIRSLEY GARAGE, TRANENT, EAST LoTHIAN EH33 1NF

I can confirm that the premises have been visited in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- To amend the name and address of the premises to "Tranent Service Station, A199, Tranent, East Lothian, EH33 1NF
- Amend the terminal hour for off sales from 9pm – 10pm daily
- To amend wording in Q5 of the operating plan
- To amend wording in Q5(f) to update additional activities to take place at the premises.

I have received no complaints about the premises, and I welcome this application to update the premises licence to reflect operations.

In relation to home deliveries, I recommend the board considered 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

19/09/2024

Your Ref: BIRSLEY GARAGE
Our Ref: 857302

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



**POLICE
SCOTLAND**

Keeping people safe

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MACH ENTERPRISES, BIRSLEY GARAGE, TRANENT, EAST LOTHIAN, EH33
1NF.**

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:

Change of name and address of premises to 'Tranent Service Station, A199, Tranent, East Lothian, EH33 1NF'

Q3 - AMEND off-sales terminal hour from 9pm to 10pm daily.

Q5(c) - ADD Recorded Music as permitted activity, during and outwith licensed hours.

Q5 - To amend and add wording to read as follows - "The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours."

Q5(f) - To amend and add wording to read as follows - "The primary activity undertaken at the aforementioned premises is the retail sale of the following commodities to the general public. Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non foods, toiletries, frozen foods, chilled foods, fruit and veg, newspapers and magazines, tobacco and cigarettes, wines and

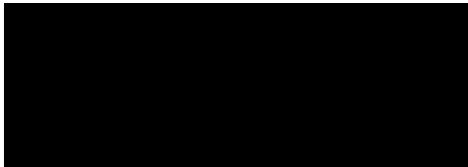
OFFICIAL

spirits and other fermented, distilled and spirituous liquors. Fuel & other vehicle accessories/tools. Food to Go/Food on the Move. Click & collect. Home Deliveries. External automated cash machine. Charity collection point and charitable events may take place, alongside sampling & promotional activities. The licence holder may operate a national lottery within the outlet and/or a pay point bill payment service. They may also provide additional services for the customer, including but not limited to - hot drinks dispensers, parcel/package collection points, launderettes, post office services & hot food points.”

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



Gregg Banks
Chief Superintendent

For enquiries please contact the Licensing Department.

Licensing

From: Robertson, Scott
Sent: 10 September 2024 08:52
To: Licensing
Subject: RE: Emailing: Mach Enterprises - Major variation.pdf

Hello,

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

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C02%7Clicensing%40eastlothian.gov.uk%7C1efb58ed6a9d450892e808dcd16d66aa%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638615515006315275%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=fEJiZc22d%2BTbUCsVeNZtlKIbW%2BP9KFVZ%2BjCtXKzIzQg%3D&reserved=0>

-----Original Message-----

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Wednesday, September 4, 2024 10:28 AM
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; tecc.secretary@aol.co.uk; kat.burke@nhs.scot
Subject: Emailing: Mach Enterprises - Major variation.pdf

Hi all

Please find attached Major Variation for the above premises which has also requested a name change to Tranent Service Station. Can we please have reports/representations by 27th September 2024.

Kind regards
Christine

Christine Aitken
Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Clicensing%40eastlothian.gov.uk%7C1efb58ed6a9d450892e808dcd16d66aa%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638615515006325264%7CUnk

Licensing

From: Anshus, Oyunn
Sent: 05 September 2024 16:16
To: Licensing
Subject: 24/00727/LIC50 - Mach Enterprises - Major variation.pdf
Attachments: Update name and address at Mach Enterprises

Good afternoon,

I have asked the applicant to update their food business registration form. Once this is achieved, we would have no objections to the update.

Kind regards,

Oyunn Anshus

Senior Environmental Health Officer - Business Compliance East Lothian Council, John Muir House Brewery Park, Haddington, East Lothian, EH41 3HA M 07855 187997 | E oanshus@eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: Wednesday, September 4, 2024 10:55 AM
To: Environmental Protection <envprot@eastlothian.gov.uk>; Anshus, Oyunn <oanshus@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: FW: Emailing: Mach Enterprises - Major variation.pdf

-----Original Message-----

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Wednesday, September 4, 2024 10:28 AM
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; tecc.secretary@aol.co.uk; kat.burke@nhs.scot
Subject: Emailing: Mach Enterprises - Major variation.pdf

Hi all

Please find attached Major Variation for the above premises which has also requested a name change to Tranent Service Station. Can we please have reports/representations by 27th September 2024.

Kind regards
Christine

Christine Aitken

Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

Licensing

From: Trading Standards
Sent: 12 September 2024 13:57
To: Licensing
Subject: RE: Emailing: Mach Enterprises - Major variation.pdf

Good afternoon,

Having looked at the attached, the only comment we would have is if a PRS licenced may be required for playing music.(Question 5)

Kind regards
Gillian

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: Wednesday, September 4, 2024 10:55 AM
To: Environmental Protection <envprot@eastlothian.gov.uk>; Anshus, Oyunn <oanshus@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: FW: Emailing: Mach Enterprises - Major variation.pdf

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To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; tecc.secretary@aol.co.uk; kat.burke@nhs.scot
Subject: Emailing: Mach Enterprises - Major variation.pdf

Hi all

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Kind regards
Christine

Christine Aitken
Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Clicensing%40eastlothian.gov.uk%7C80760d6ebf0e4a62ea6d08dcd32a67d9%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638617426289953961%7CUnk]

Email title: Licensing Board Applications – Objection by NHS Lothian Public Health

As a statutory partner in the licensing forum and reviewer of applications, NHS Lothian value receiving license applications and the opportunity to comment.

NHS Lothian continue to support the licensing board particularly in relation to the objectives of protecting and improving public health, and protecting children and young people from harm.

The licensing regime does not have responsibility for promoting business growth, but does have a legal requirement to promote the licensing objectives of ***Preventing crime and disorder; Securing public safety; Preventing public nuisance; Protecting and improving public health Protecting children and young persons from harm.***

Alcohol deaths in Scotland are increasing. There were 1,276 alcohol specific deaths registered in Scotland in 2022, an increase of 2%.¹ Levels of alcohol related harm in relation to crime, community safety, child welfare, health and wellbeing are concerning and have a greater affect in our most deprived communities, contributing to inequalities.

NHS Lothian is submitting the following objection with regards to the premises applications at:
Mach Enterprises
Birsley Garage
Tranent
EH33 1NF

The objection is based on the application being inconsistent with one or more of the licensing objectives.

We believe the application listed above is located within an area we have identified as having higher health related harm.²

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health. Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets (on and off sales). This relationship was particularly striking for off sales outlet density.³

Protecting and improving public health

There is strong evidence that when alcohol is more available, due to more places to buy or longer opening hours, people buy and drink more, resulting in an increase in harm to health and alcohol related crime.⁴

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

² As calculated by Public Health and submitted to be considered as part of the licensing statement consultation.

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality>.

⁴ <https://exilens.stir.ac.uk/>

Excessive use of alcohol is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality. Medical conditions linked with alcohol use include high blood pressure, liver disease, stroke, cancer and brain damage.

The license board should consider the cumulative implication for each license application across the population, including implication on children and young people, and those recovering from alcohol dependency. The licencing board has a powerful role in reducing availability and acceptability over time, by acting on both the number and opening hours of on and off licence premises.

More licensed premises contribute to population alcohol related harm:^{5, 6}

- Alcohol-specific deaths are 4.3 times higher in the most deprived areas compared to the least deprived areas (1.8 times higher for all causes of death).
- Alcohol related death rates in neighbourhoods with the most off-sales outlets were 2.4 times higher than in neighbourhoods with the least.

Protecting children and young persons from harm

Alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Children have no control over what they are exposed to and therefore limiting exposure to alcohol is crucial, especially since:⁷

- Off sale alcohol outlets accounted for 47% of children's exposure.
- Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
- Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
- Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
- Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

Thank you for considering this written objection. We will not be objecting in person. Please contact us directly if you wish to discuss further.

⁵ <https://www.alcohol-focus-scotland.org.uk/media/310734/alcohol-outlet-availability-and-harm-in-city-of-edinburgh.pdf>

⁶ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

⁷ Inequalities in children's exposure to alcohol outlets in Scotland:
<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3>

**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)

- 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
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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

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 Dance facilities and televised sports as permitted activities.
 2. In 5(f) inclusion of activities to include: use for charity events, talks, lectures, cookery and other demonstrations; arts, crafts and creative demonstrations, workshops and related activities; holistic wellbeing activities including Yoga and Pilates; ceilidhs; use for starting/ finishing point or as a refreshment or support point for running and cycling races and events and as a venue for festival and community events.
 3. Increase of on sale capacity by 200 for cycling and running events
 4. Increase of off sale capacity to 57.446m²

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.

Inclusion of retail display units on second floor and reconfiguration of shelving on ground floor.

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

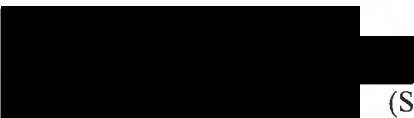
Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

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 23/07/2024

Capacity: AGENT

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

David Hossack
Morton Fraser MacRoberts LLP
Quartermile Two
2 Lister Square
Edinburgh, EH3 9GL
DDI: 0131 247 1024
david.hossack@mfmac.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>

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

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
--

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

Day	OFF Consumption	
	Opening time	Terminal hour
<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
--	------------

**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 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>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	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>	YES	YES	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.

The premises may be used of charity events, talks and lectures and cookery and other demonstrations.

The premises may be used for arts, crafts and creative demonstrations, workshops and related activities.

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.

Both internal and external areas may be used for a range of holistic wellbeing activities including Yoga and Pilates.

The premises may be used for ceilidhs.

The premises may be involved as a starting/ finishing point or as a refreshment or support point for running and cycling races and events.

The premises may be used as a venue for festival and community events.

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

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

When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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 with an additional 200 for cycling and running events

Breakdown:

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

Office Building - 50

Off sales: 57.446 m2

Question 8

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

Personal details

8(a) Name

Jocelyn Elizabeth Williamson

[Redacted]

8(b) *Date of birth*

[Redacted]

8(c) *Contact address*

[Redacted]

8(d) *Email address and telephone number*

[Redacted]

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 . [Redacted] * (see note below)

Date23/07/2024.....

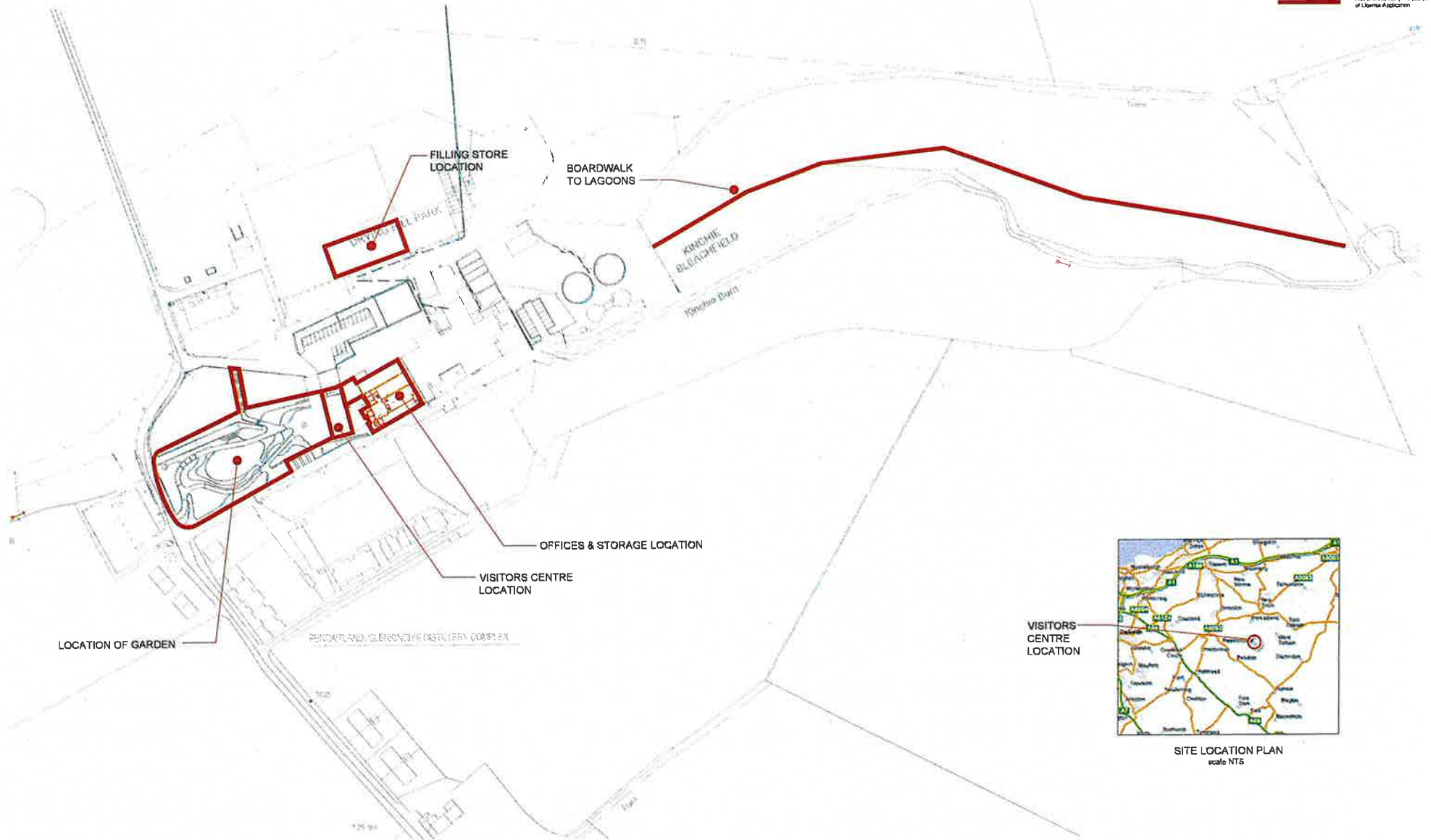
Capacity: AGENT

Telephone number and email address of signatory: 0131 2471024; david.hossack@mfmac.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.

Key
 Red line boundary indicates extent of Licence Application



SITE LOCATION PLAN
 scale NTS

OVERALL SITE PLAN
 scale 1:1000

Notes	Remarks	Date	Drn.	Remarks	Date	Drn.

Diageo (Scotland) Ltd
 Glenkinchie

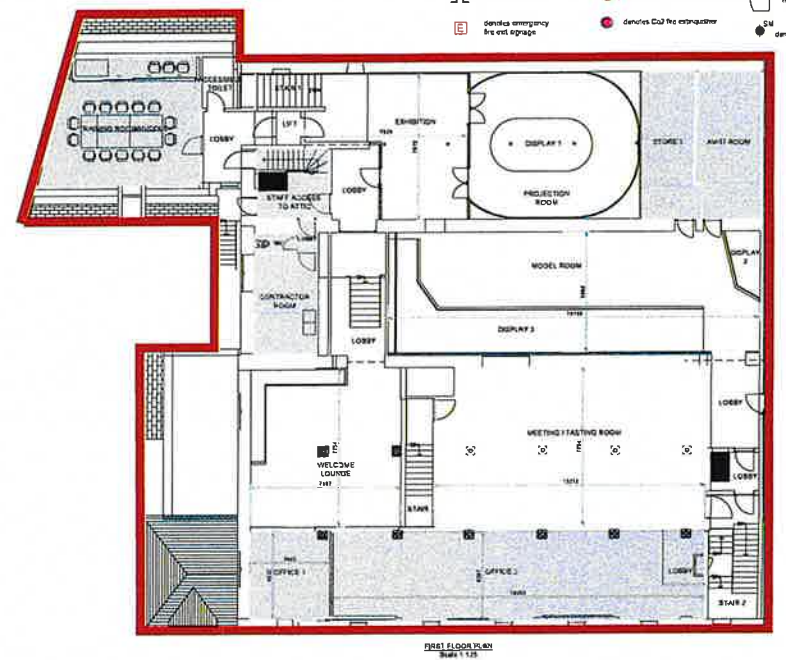
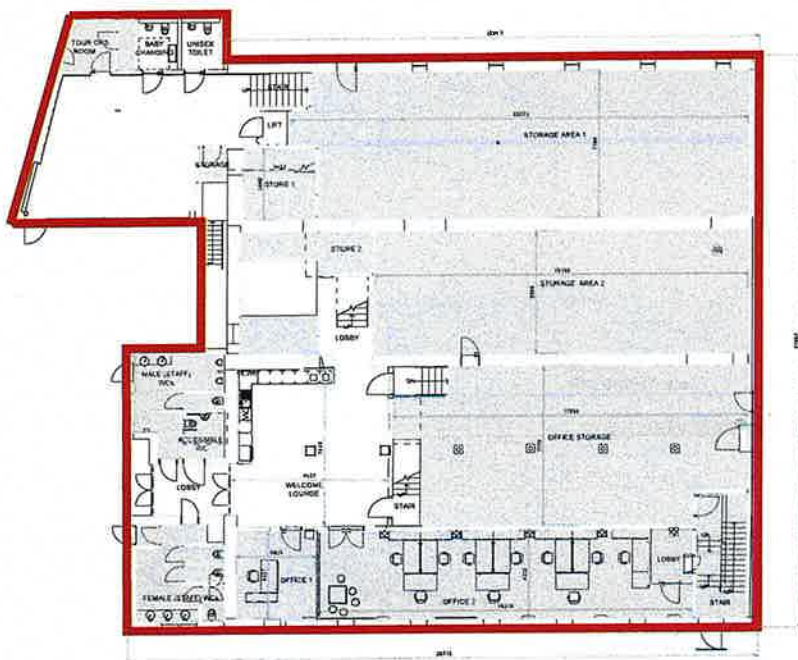
LICENCE APPLICATION

BLYTH & BLYTH
 Chartered 50 South Dyle Crescent
 Edinburgh EH12 9EB
 Email: info@blythandblyth.com Telephone: 0131 455 1100
 Website: www.blythandblyth.com

Licensing Drawings

SITE LOCATION AND SITE PLAN			
Drawn	CKB	Scale	1:100
Date	28/05/20	Drawn	DO NOT SCALE
Drawing No.	AZ70368-28-(24)001	Revision	F

- Key**
- Red line boundary indicates extent of Licence Application
 - Area of NO ACCESS to children and Young Persons
- Legend**
- ☑ denotes CCTV camera
 - ☑ denotes fire alarm
 - ☑ denotes emergency fire exit signage
 - ☑ denotes break glass fire alarm point
 - ☑ denotes FGM fire extinguisher
 - ☑ denotes CO2 fire extinguisher
 - ☑ denotes WATER fire extinguisher
 - ☑ SCF monitor
 - ☑ SM denotes smoke detector



Revisions	Date	By	Revisions	Date	By

Diageo (Scotland) Ltd
Glenkinchie

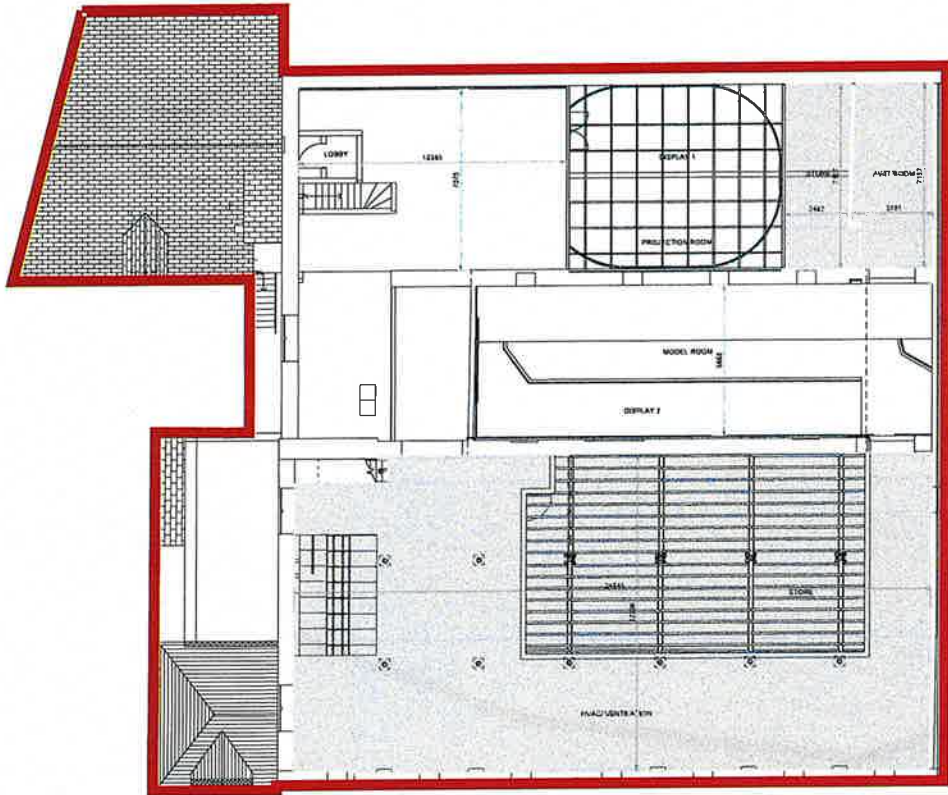
LICENCE APPLICATION

BLYTH & BLYTH
Consultants, 40 South Gyle Crescent
Edinburgh EH12 9BB
Tel: 011 420 4000 Fax: 011 42 2100
www.blythandblyth.co.uk

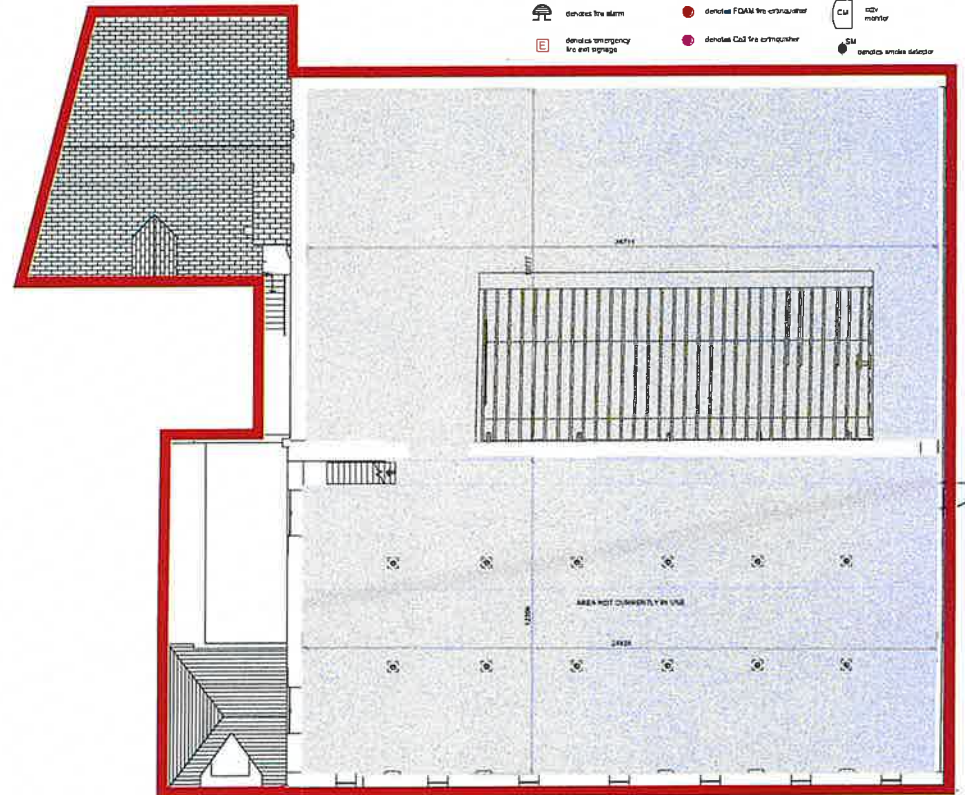
Licensing Drawings

OFFICES & STORAGE GROUND FLOOR & FIRST FLOOR GA			
Drawn	CHK	Date	Scale 1:125
Date	14/05/22	Date	DO NOT SCALE
Drawing No	AZ70368:28:(24)002	Revision	D

- Key**
- Red line boundary indicates extent of License Application
 - Areas of NO ACCESS to children and young persons
- Legend**
- denotes CCTV camera
 - denotes fire alarm
 - denotes fire extinguisher
 - denotes FM200 fire extinguisher
 - denotes CO2 fire extinguisher
 - denotes break glass fire alarm point
 - denotes WATER fire extinguisher
 - denotes monitor
 - denotes smoke detector



SECOND FLOOR PLAN
Scale 1:100



THIRD FLOOR PLAN
Scale 1:100

Notes

Revisions	Date	By	Revisions	Date	By

Diageo (Scotland) Ltd
Glenkinchie

LICENCE APPLICATION

BLYTH & BLYTH
Consultants, 80 South Gyle Crescent
Edinburgh EH12 8EB
Email: enquiries@blythandblyth.com
www.blythandblyth.co.uk Telephone: 0181 476 2700

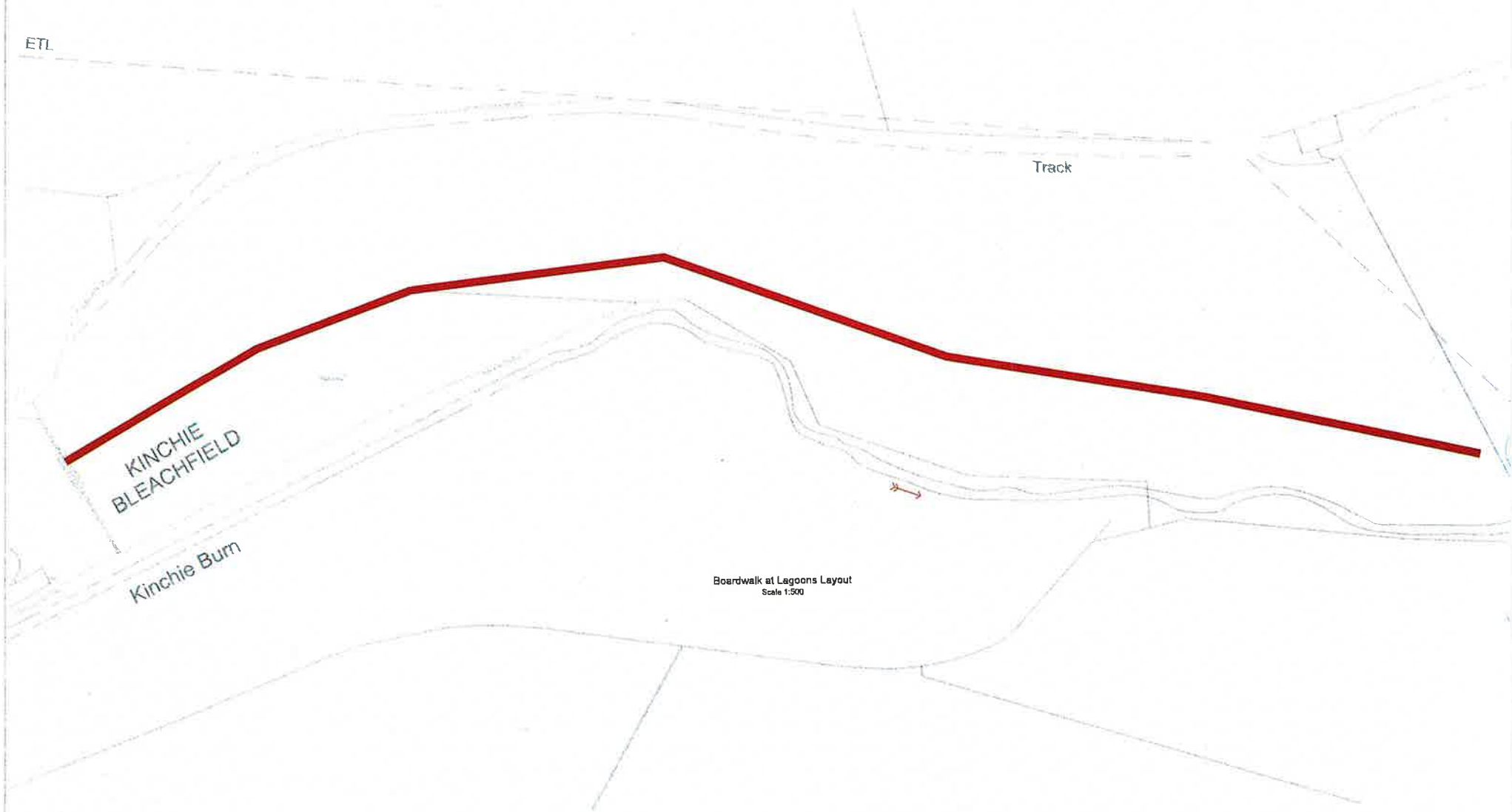
Licensing Drawings

OFFICES & STORAGE SECOND FLOOR & THIRD FLOOR GA		
Drawn	Date	Scale
		1:100
Date	Date	DO NOT SCALE
Drawing No.		Revision
AZ70358-28:(24)003		

Key

 Red line boundary indicates extent of Licence Application

 Areas of NO ACCESS to children and Young persons



Boardwalk at Lagoons Layout
Scale 1:500

Revisions	Date	Dr.	Remarks	Date	Dr.

Diageo (Scotland) Ltd
Glenkinchie

LICENCE APPLICATION

BLYTH & BLYTH
Consultants 80 South Oyle Crescent
Edinburgh EH12 9BB
Email: enquiries@blythandblyth.co.uk
Tel: 0131 476 2000

Licensing Drawings

BOARDWALK AT LAGOONS GENERAL ARRANGEMENT

Drawn by	Chk'd by	Scale
Date	Date	DD MM YY SCALE

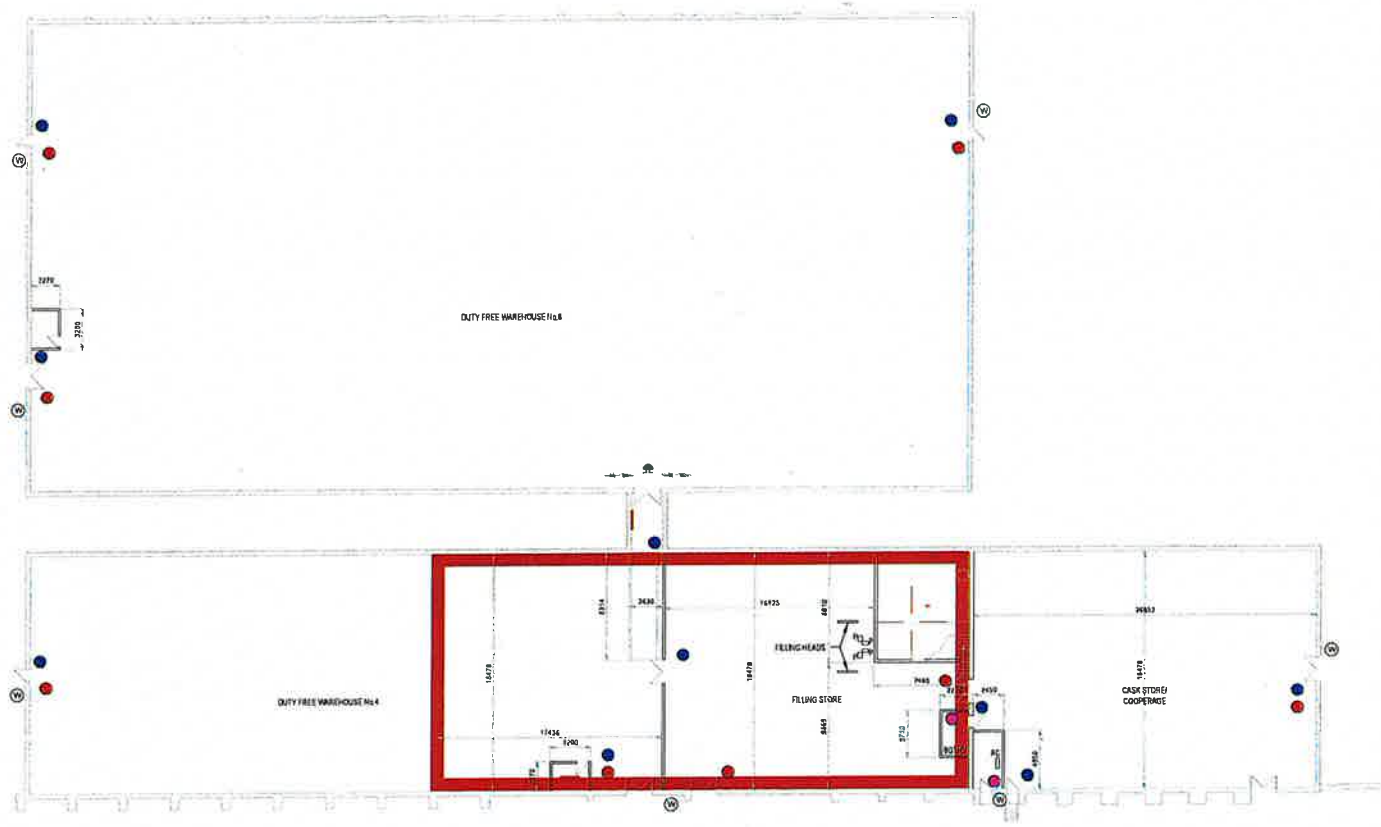
Drawing No: **AZ70368:28:(24)004**

Key

- Red line boundary indicates extent of Licence Application
- Areas of NO ACCESS to children and Young persons

LEGEND

- Camera cctv camera
- Emergency fire alarm
- Emergency extinguisher fire exit sign
- Smoker break glass fire alarm zone
- Smoker F2000 fire extinguisher
- Smoker CO2 fire extinguisher
- Smoker WATER fire extinguisher
- Smoker fire blanket
- Smoker break detector



Filling Store Layout
Scale 1:200

Notes	Revisions	Date	By	Revisions	Date	By

Diageo (Scotland) Ltd
Glenkinchie

LICENCE APPLICATION

BLYTH & BLYTH
Consultants, 60 South Gyle Crescent
Edinburgh EH16 5ED
Tel: 0131 607 8800
www.blythandblyth.co.uk

Licensing Drawings

FILLING STORE
GENERAL ARRANGEMENT

Drawn by	CHK g.j.c.	Scale	1:200 (A1)
Date	24 Sep 14	DO NOT SCALE	

Drawing No: AZ70358.28.(24)005
Revision: A

Key

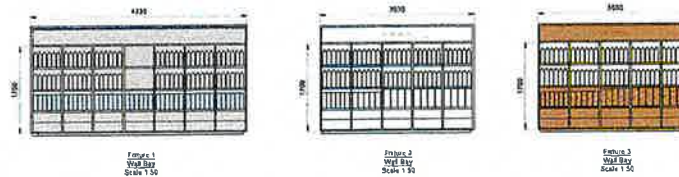
Red line boundary indicates extent of Licence Application

Areas of NO ACCESS to children and young persons

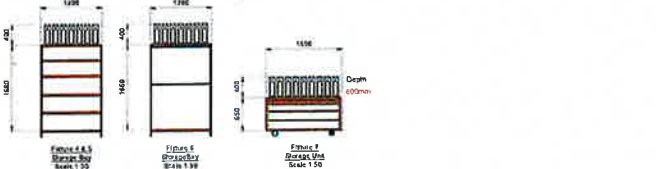
Legend

- denotes CCTV camera
- denotes fire alarm
- denotes emergency fire exit signage
- denotes break glass fire alarm point
- denotes FDM fire extinguisher
- denotes CO2 fire extinguisher
- denotes WATER fire extinguisher
- CCTV monitor
- Smoke detector

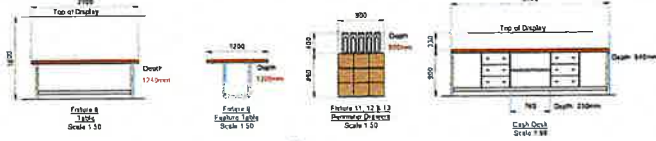
Whisky Displays



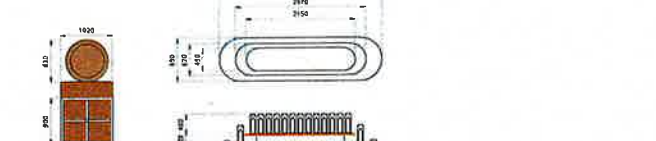
Liquor & Cigars



Mixed-use Units



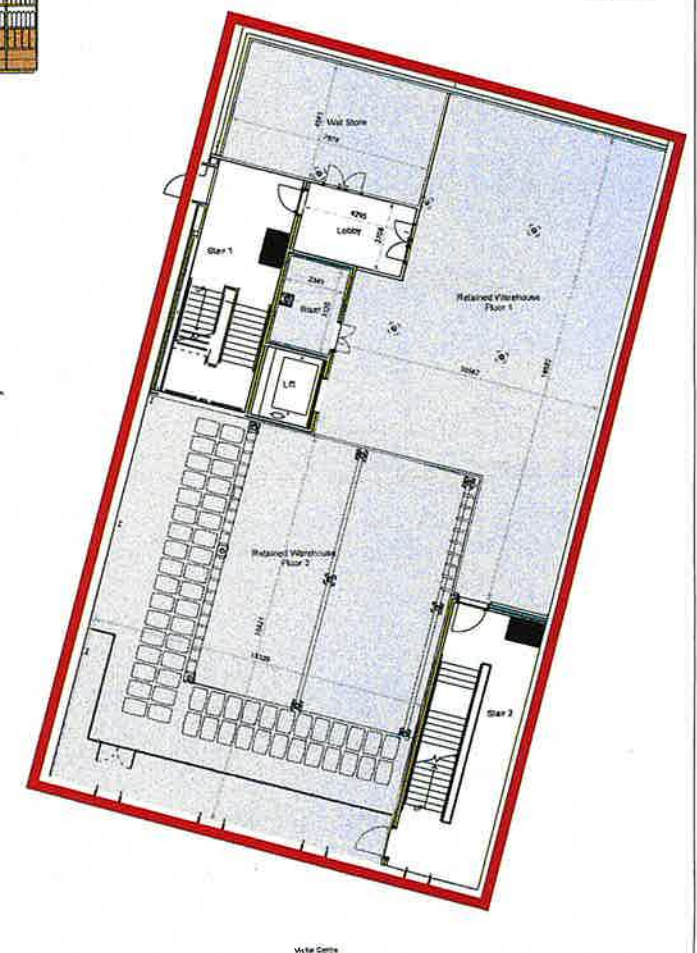
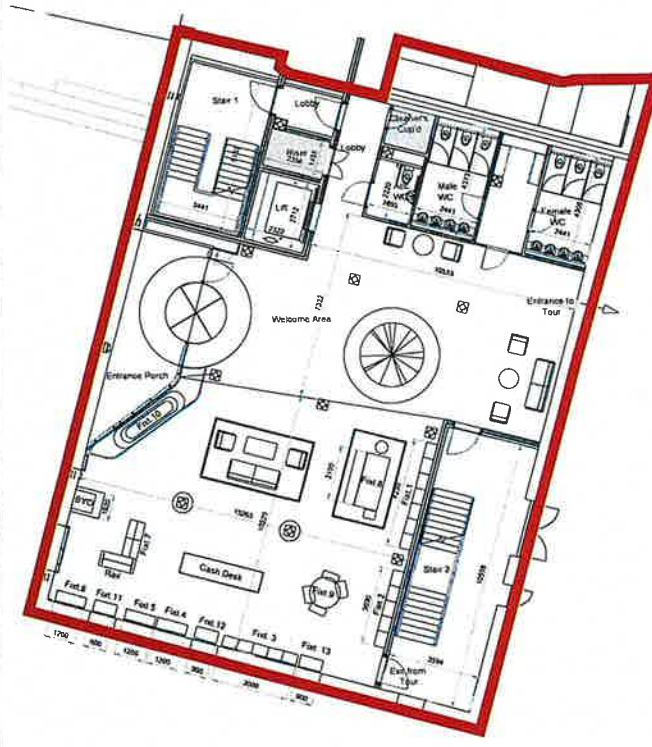
Bar



Bar



Feature	Usage	Dimensions (m)	Storage capacity (ml)
Feature 1	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 2	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 3	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 4	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 5	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 6	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 7	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 8	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 9	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 10	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 11	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 12	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
Feature 13	Alcohol Other Beers	1.70m x 0.80m	1.19 m ³
BYO Unit	Alcohol	1.77m x 1.00m	1.77 m ³
Cash Desk	Alcohol	1.18m x 0.80m x 0.10m high	2.24 m ³
TOTAL			33.81 m³



Revisions	Date	By	Revisions	Date	By

Diageo (Scotland) Ltd
Glenkinchie

LICENCE APPLICATION

BLYTH & BLYTH
Consultants, 80 South Gyle Crescent
Edinburgh EH12 8ER

Licensing Drawings

**VISITOR CENTRE
GROUND FLOOR & FIRST FLOOR GA**

Drawn: [] Date: [] Scale: 1:200 (B1)

Checked: [] Date: [] Scale: DO NOT SCALE

Drawing No: AZ70368/28 (24)006

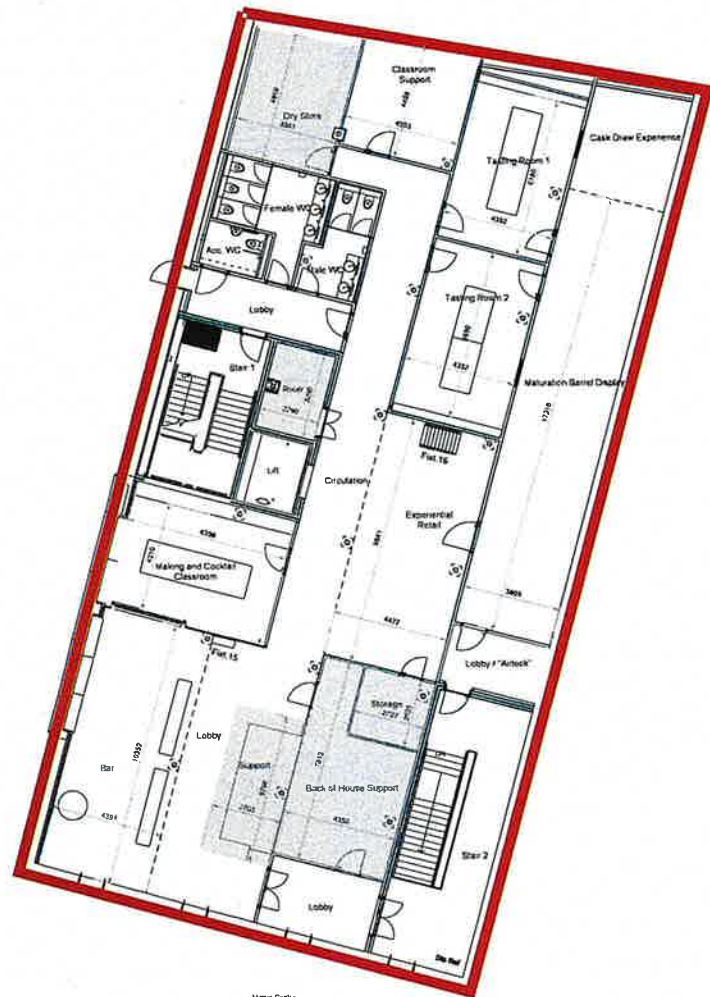
Key

Red line boundary indicates extent of Licence Application

Areas of NO ACCESS to children and Young persons

Legend

- denotes CCTV camera
- denotes fire alarm
- denotes emergency fire exit signage
- denotes break glass fire alarm point
- denotes FCAM fire extinguisher
- denotes Cat fire extinguisher
- denotes WATER fire extinguisher
- CCTV monitor
- SA
- denotes smoke detector



Visitor Centre
Second Floor Plan
Scale 1:100

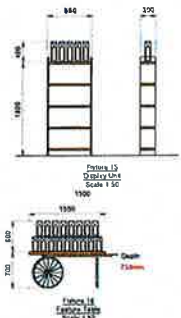
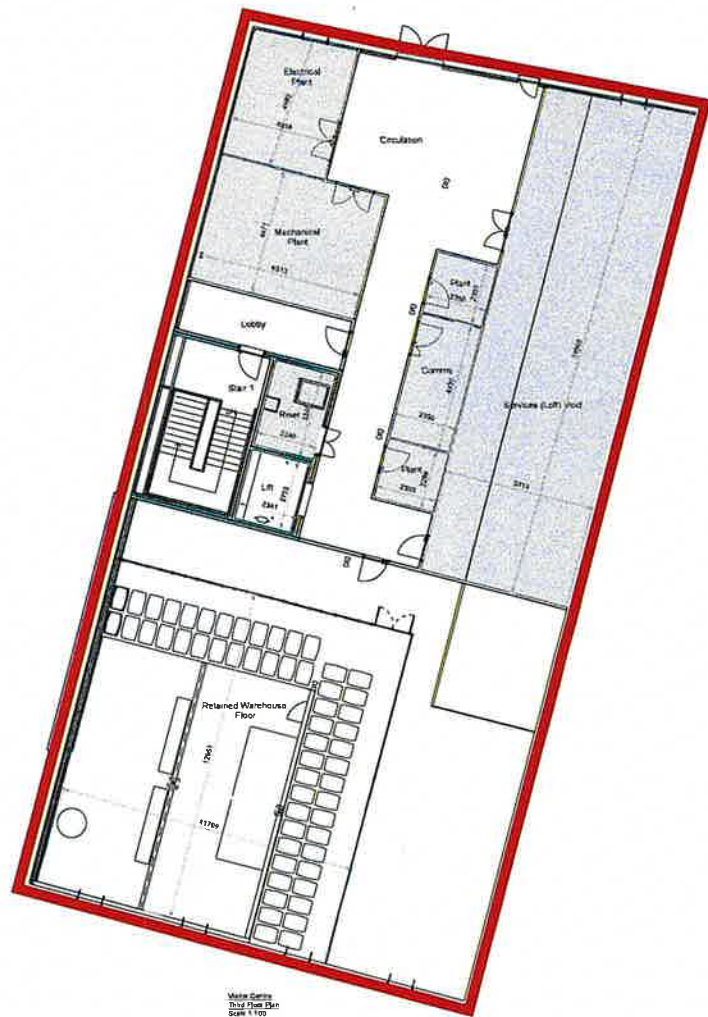


Figure	Usage	Dimension (mm)	Storage capacity (litre)
Figure 15	Alcohol Other Items	2.2kg x 8.8kg	1.85m ³
Figure 16	Alcohol Other Items	20.5kg x 1.8kg (5.5kg x 8.8kg)	2.75m ³
Total			4.6m ³



Visitor Centre
Third Floor Plan
Scale 1:100

<p>Notes</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Revisions</td> <td style="width: 25%;">Date</td> <td style="width: 25%;">Dwn</td> <td style="width: 25%;">Remarks</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	Revisions	Date	Dwn	Remarks					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Date</td> <td style="width: 25%;">Dwn</td> <td style="width: 25%;">Remarks</td> <td style="width: 25%;"> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	Date	Dwn	Remarks						<p>Diageo (Scotland) Ltd Glenkinchie</p> <div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold;"> LICENCE APPLICATION </div>	<p>BLYTH & BLYTH Corntonstone, 90 South City Crescent Edinburgh EH12 9EB Email: enquiries@blythandblyth.co.uk www.blythandblyth.co.uk Telephone: 0131 472 2700</p>	<p style="text-align: center;">VISITOR CENTRE SECOND FLOOR & THIRD FLOOR GA</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Drawn By</td> <td style="width: 33%;">Ck'd By</td> <td style="width: 33%;">Scale</td> </tr> <tr> <td> </td> <td> </td> <td>1:100 @ A1</td> </tr> <tr> <td>Date</td> <td>Date</td> <td>DO NOT SCALE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p style="text-align: center;">Drawing No: AZ70368:28:(24)007</p>	Drawn By	Ck'd By	Scale			1:100 @ A1	Date	Date	DO NOT SCALE			
Revisions	Date	Dwn	Remarks																														
Date	Dwn	Remarks																															
Drawn By	Ck'd By	Scale																															
		1:100 @ A1																															
Date	Date	DO NOT SCALE																															

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 23rd August 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

**EL0120, GLENKINCHIE DISTILLERY VISITOR CENTRE, GLENKINCHIE DISTILLERY,
GLENKINCHIE, PENCAITLAND, EAST LoTHIAN EH34 5ET**

I can confirm that the application has been discussed with David Hossack who represents the applicant and premises have been visited in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- Inclusion of dance facilities
- Inclusion of activities – use for charity events, talks, lectures, cookery and other demonstrations; arts, crafts and creative demonstrations, workshops and related activities; holistic wellbeing activities including Yoga and Pilates; ceilidhs; use for starting/finishing point or as a refreshment or support point for running and cycling races and events and as a venue for festival and community events
- Increase in on sale capacity by 200 for cycling and running events
- Increase of off same capacity to 57.446m²

I have received no complaints about the premises and found it to be well run when I have visited. I welcome this application with additional information about activities planned to take place allowing the premises to be used to its full potential.

Licensing Standards Officer

05/08/2024

Your Ref: GLENKINCHIE

Our Ref: 848940

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



Gregg Banks
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, ORMISTON, EAST LothIAN,
EH34 5ET.**

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:

- **Inclusion of dance facilities and televised sports as permitted activities**
- **In 5(f) inclusion of activities to include: use for charity events, talks, lectures, cookery and other demonstrations; arts, crafts and creative demonstrations, workshops and related activities; holistic wellbeing activities including yoga and pilates; ceilidhs; use for starting / finishing point or as a refreshment or support point for running and cycling races and events and as a venue for festival and community events.**
- **Increase of on sale capacity by 200 for cycling and running events**
- **Increase of off sale capacity to 57.446m²**

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



Gregg Banks
Chief Superintendent

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

Licensing

From: Robertson, Scott
Sent: 06 August 2024 10:35
To: Licensing
Subject: RE: Major Variation - Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland - EL0120

Hello,

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

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: Thursday, August 1, 2024 4:12 PM
To: 'Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)' <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'Fire (torquil.cramer@firescotland.gov.uk)' <torquil.cramer@firescotland.gov.uk>; 'licensing@nhslothian.scot.nhs.uk' <licensing@nhslothian.scot.nhs.uk>; secretary@pencaitland.org; tecc.secretary@aol.co.uk
Subject: Major Variation - Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland - EL0120

Hi All

Please find attached Major Variation for the above premises Can I please have reports/representations by 25th August 2024 .

Kind regards

Gillian

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



Law Society
of Scotland

Accredited paralegal
liquor licensing

Licensing

From: Mary Munro [REDACTED]
Sent: 27 August 2024 14:17
To: Licensing; Road Services
Subject: Glenkinchie Distillery

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

MANAGER@GLENKINCHIE.COM Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

I trust you will accept this response.

I am a close neighbour of Glenkinchie Distillery and wish to register my opposition to the proposed variation to their Licence.

We have already objected to this type of thing the first time round and nothing has changed regarding the potential disturbance that would be created should they be permitted to run ceilidhs and the vast selection of events listed in their application. The noise and litter are already a problem.

I take particular exception to the proposal to become involved with cycling and running events as not only will they have large numbers of people and vehicles on site but these will also cause congestion and dangerous driving conditions in the surrounding areas.

I will petition our local councillor on this matter but please note this objection.

Yours faithfully

Mary Munro
[REDACTED]

92326



East Lothian Council
Licensing

05 SEP 2024

Received

2c

APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

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

1. TYPE OF VARIATION

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

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

(Provide Details)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0393

2(b) Name and Address of Premises Premier Store, 90 High Street

Haddington, East Lothian

Post Code EH41 3ET Tel. No. _____

Email _____

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

Sheree Ashleigh Shah

_____ Post Code _____

Tel. No. _____ Email address _____

3. NATURE OF VARIATION

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

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

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

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

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

To increase the capacity to 17.1 square metres.

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.

To substitute an amended Layout Plan to reflect the increase in alcohol display.

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

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

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

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

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

5. FEE PAYABLE

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that


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

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

(ii) the proposed Operating Plan is enclosed

(iii) the proposed 

(iv) the Premises 

Signature  (See note 5 overleaf)

Date 5/9/24

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

If agent, please provide details

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.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.)

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Premier Store 90 High Street Haddington East Lothian EH41 3ET

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

**If YES – provide details*

Question 5

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

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

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

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

Recorded Music may be played from when the shop opens at 6am each day. Alcohol will not be sold or supplied until the commencement of licensed hours.

5(f) any other activities

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

Deliveries (which may include alcohol).

The shop is a newsagent/ convenience store which may open from 6am each day, particularly for the sale of newspapers.

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>YES/NO*</i>
--	----------------

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

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

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

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

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

Question 7

CAPACITY OF PREMISES

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

17.1 square metres

Question 8

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

Personal details

8(a) *Name*

Syed Sajeel Haidar

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
21 February 2024	Midlothian Licensing Board	MID 1637

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 [redacted] knowledge and belief.

Signature: [redacted]

Date 8/9/09

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 2296181, alistair@macdonaldlicensing.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 were granted a Provisional Licence before the Licensing Board in October 2023 and subsequently the Licence was finalized.

Since commencing trading, initially under Occasional Licences and now under their full Premises Licence, our clients have, following discussions with the LSO, come to the conclusion that they require additional alcohol display, hence this Major Variation.

As explained at the time of the initial Application, this was a newsagents business but the sale of newspapers has greatly reduced, as has the profit element on them, so our clients have expand the convenience store element, to which alcohol is a useful addition.

Our client is married with four children under the age of 10, so her husband will be helping out, along with, it is envisaged, one full time and one part time member of staff.

They have been looking for a business of their own for some time and feel that there is a real opportunity here.

Our client and her husband Zaïn Shah have enjoyed operating this business, but do not want to run into trouble with the Licensing Officers or the Police in terms of their display, hence this Application.

On/Off Consumption:

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

Not applicable

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

Our client would stock a range of wines, spirits, beers, ciders etc in addition to newspapers, stationary and general groceries. May do deliveries.

Clarification is required in relation to the content of your proposed Operating Plan

<p>To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:</p> <p>Not applicable.</p>
<p>Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:</p> <p>Not applicable.</p>
<p>Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:</p> <p>Not applicable other than background music in the shop.</p>
<p>Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:</p> <p>Not applicable.</p>
<p>Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:</p> <p>Not applicable.</p>
<p>Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:</p> <p>As a newsagent the shop opens at 6am, and will continue to do so.</p> <p>Goods and services will be available for purchase other than alcohol. No alcohol will be sold or supplied until the commencement of licensed hours.</p>
<p>Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:</p> <p>This is a newsagent/ convenience store which will operate between 6am and 10pm. It may do deliveries if there is a demand for this, although it is not envisaged immediately.</p>

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

There are of course no restrictions on under eighteens in off sales, but our client will monitor children, particularly in groups. Children and young persons will be welcomed to buy soft drinks, confectionary etc but our client will operate a strict Challenge 25 policy.

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](#)

Preventing Crime and Disorder:

Our clients appreciate that they have to be extremely strict regarding the exercise of Challenge 25. Having said that there have been no real issues with youngsters, or indeed drunk people, attempting to be served. Initially a few tried but after being refused they seemed to give up. Our clients have an experienced Manager who has a Personal Licence. Our client's husband has recently completed a Course and applied for his Personal Licence. He and the member of staff tend to be the main workers here. The Applicant only helps out occasionally. However she and her staff are firm but polite and if appropriate ID cannot be exhibited they will refuse. They have a Refusals Book, but the till also records refusals.

Securing Public Safety:

The safety of customers and staff is paramount to our client. It is envisaged that the shop will be a safe and pleasant place to visit. That is certainly our client's intention.

Preventing Public Nuisance:

As explained the only music played would be background music. There may be times when groups of children gather, for instance after school, but they would be asked to move on as quickly and quietly as possible.

Protecting and Improving Public Health:

Our client is aware of the concerns in Scotland expressed by the Government, and the Licensing Boards, of the irresponsible consumption and overconsumption of alcohol. Our client supports this and will do everything that she can in order to ensure that their shop is not considered as a source of any issues under this heading. Not just regarding alcohol but other age related products like cigarettes and vapes. The increase in display capacity is to be able to provide a wider range of beers, wines and gins for

Protecting Children and Young Persons From Harm:

Our client, her husband and the staff exercise a strict Challenge 25 policy. Our client also understands the importance of preventing agency sales as far as possible, when adults purchase for underagers. For instance repeating an order that has recently been refused. Our clients and their manager appreciate what to look out for to staff, that might indicate that that is what the order was, and if that is the case they will refuse the sale, even though it is to an adult.

Application Supporting Comments / Any Other Additional Information

Additional Information:

This is an Application to amend the original Premises Licence with an addition of alcohol display, just to reflect demand from customers for a variety, and will basically be given over to different types of beers, wines, and gins, which were on occasion spilling over into other areas. This is to eliminate that.

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

We have explained the rationale behind the Application. Whilst accepting that commercial reasons in themselves are not a justification for this Variation being granted, our client would ask the Board to support her efforts to maintain and improve this business and to continue to show that she, her husband and the staff can do so in a responsible and trustworthy way.

They would like to think that they have shown the Board already that they can operate without causing problems and if this issue can be resolved, that they will have a good working relationship with the Licensing Standards Officer going forward and there should be no further issues.

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))

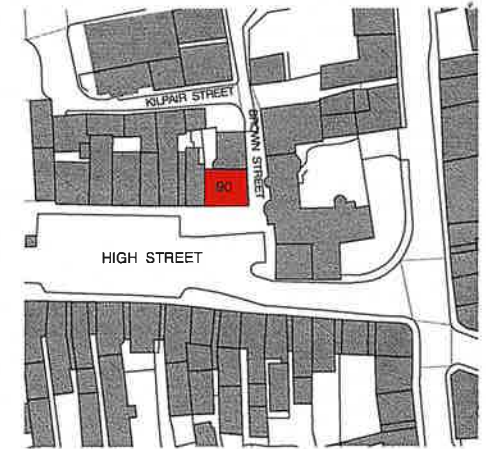
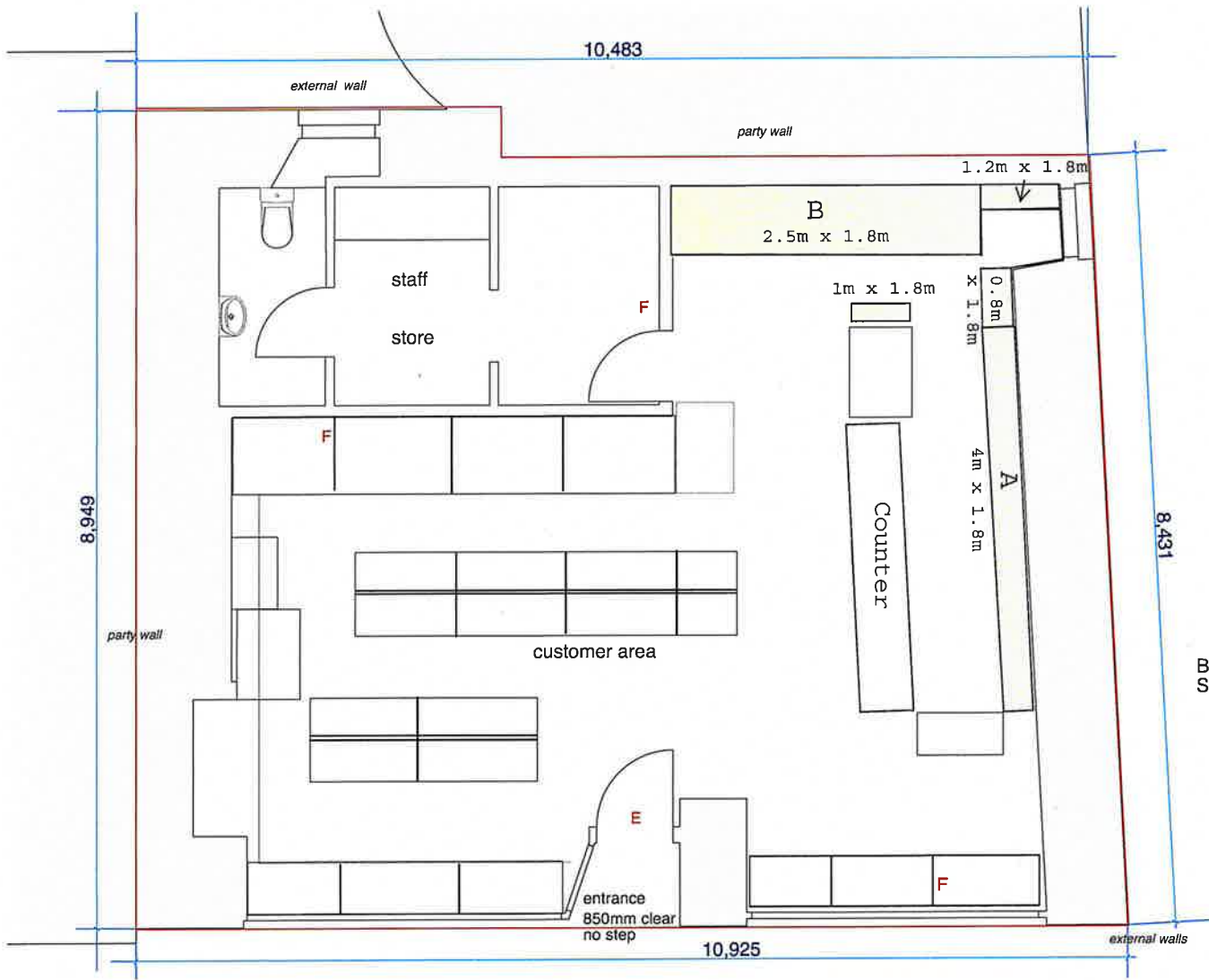
The contents of this [redacted] are true to the best of my knowledge and belief.

Signature

5/2/24


Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181
alistair@macdonaldlicensing.com



location plan 1:1250



ALCOHOL DISPLAY 
 behind counter
 A 4m x 1.8m = 7.2m

customer access
 B 2.5m x 1.8m = 4.5m
 1.5m x 1.8m = 2.16m
 0.8m x 1.8m = 1.44m
 1m x 1.8m = 1.8m

TOTAL = 17.1 square metres

HIGH STREET

- E** emergency exit illuminated sign
3 hours maintained to BS5266-1:2016
- F** fire extinguisher
- entire licensed premises

licenced convenience shop

**90 HIGH STREET
 HADDINGTON, EH41 3ET**

licence plan

scale 1:50 September 2024

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 2nd October 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0393, PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LoTHIAN EH41 3ET

I can confirm that the application has been discussed with Alistair Macdonald and the premises have been visited on confirmation of the provisional premises licence and in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- To increase the capacity on the operating plan from 9.32m² to 17.1m²
- Amend the layout plan for the new capacity requested.

On 21st June 2024, I visited the premises accompanied by the Police Licensing Officer following confirmation of the premises licence. At this time several compliance issues were identified. The staff member in the shop gave a false name and was unable to produce his personal licence. His name was eventually established as Syed Haidar and that he did have a personal licence, but he was unable to produce it. It was also established that the alcohol display was significantly larger, approximately double, than that on the layout plan with alcohol displayed outwith the marked display areas. Syed was unable to produce the premises licence, operating plan and layout plan and did not know what these documents were.

Contact was made with the premises licence holder and premises manager Sheree Shah to try to resolve the issues, however, she informed me on the phone that she had little involvement claiming her husband Zain Shah ran the shop. I spoke with Zain who was aggressive on the phone. He then came to the premises 30 mins later. I informed both him and Syed it was not appropriate for staff members to give incorrect names to a Licensing Standards Officer or police. I also explained that it was an offence to be working on a licensed premises and unable to produce your personal licence when requested. I requested to see Zain Shah's training record as I know that he regularly works at the premises and Sheree Shah informed me that he ran the premises. He did not have a training record and it was clear he had not received the mandatory 2-hour training from a personal licence holder and had been selling alcohol. He was informed

that he should not make any further sales of alcohol without receiving the 2 hours mandatory training from a personal licence holder and a training record completed. It was later established that the certified copy of the premises licence was in the process of being sent out by the premises licence holders' agent, but the premises licence holder did not express this at the time.

At this visit a Section 14 compliance notice was issued in relation to breach of mandatory condition 13 – display of alcohol, and I requested the additional alcohol was removed immediately and only displayed in the areas shown on the layout plan. I asked why there was so much alcohol on the shop floor and he said it was to get more in for the football festivities and make more money. Guidance was given that a major variation application would be required to increase the capacity of off sales and change the layout plan and to seek legal advice regarding this. Following this visit it was clear that Sheree Shah was not acting as premises manager, which I expressed to her agent. A minor variation was received to appoint Syed Haidar as premises manager.

On 28th June, I completed a follow up visit at the premises following the issues above. The premises licence, operating plan and layout plan were available, signage was now correctly displayed. There were two staff training records, one of which was for Zain Shah, however there were no dates on the training records, and I asked Syed as the trainer to complete them. The display had been changed, however, area A was still too big and guidance was given to rectify this. A minor variation to appoint Syed as premises manager had been submitted and I asked him if he was aware of the responsibilities of the role which he said he did. He had a photocopy of his personal licence on the wall however he was advised to have the original with him when working. Following this visit I sent an email to the premises licence holder Sheree Shah and her husband Zain Shah in relation to the visit, I specifically highlighted that Syed Haidar did not have his personal licence again and that a photocopy was not sufficient. There were some improvements seen on this visit, and I hoped the premises was moving forward with compliance.

On 19th September I visited the premises, in relation to the major variation application. I asked the member of staff on duty for his name and to provide his training record. He could not find his training record. I suggested that he contact Zain Shah and I spoke with him on the phone. I relayed to him that I wished to see the employees training record. Whilst he was at the till looking for his training record two young looking men came into the shop clearly under the age of 25. They had a conversation at the alcohol fridge and one of them came up to the till to buy the alcohol. The staff member was about to make the sale until I stepped in to stop this happening as no training record had been provided. I asked why he was about to put the sale through without asking for ID, at which point one of the young men immediately left the shop and the other became aggressive saying he had ID. He then left after being advised there were other ongoing issues. In my opinion it was clear that this was potentially a proxy sale and challenge 25 should have been conducted for both customers. I asked the staff member what the age verification policy was, and he just said 18 and seemed to have no knowledge of challenge 25.

He eventually found a training record, however, the name he had given me on arrival was different to the name on the training record. I asked him for photographic ID to confirm his name and it was established that the name on the training record matched his ID. I asked why he had given a different name on my arrival, and he could not explain. Following this visit I contacted the applicant's agent to express my concerns that staff appeared to require additional training and that again there were issues with producing training records, staff understanding of what is required of them and giving incorrect names to officers.

As a result of concerns raised at the previous visit, I attended at the premises again on 2nd October. Syed

Haidar was in the shop. I introduced myself and asked if he had his personal licence with him. He said he did and began searching. He located the basket that I know that the premises licence was in previously which appeared messy and unorganised compared to the previous visit. He searched for the personal licence for about 20 minutes in between serving customers. During this time another staff member that I have not seen before came into the shop. I asked his name and for a training record. It appeared he had one but again it was not dated. I asked how long he had worked at the shop, and he said a week and then he abruptly left the shop before I could ask any further questions. I advised Syed that the full 2 hours training needed to be completed and the training record fully completed with the date of the training. Syed then continued the search for his personal licence, he said he had a picture on his phone which I said was not satisfactory, I would like to see the physical personal licence. He was struggling to grasp that it was a requirement to have the personal licence and complained that there was too much to remember. I asked him if he was struggling with being premises manager and the responsibilities it placed on him, and he said he wasn't. Eventually he said that his personal licence must be in a different bag that he hadn't brought. I confirmed with Midlothian Council that a physical licence is sent to all personal licence holders.

The above issues are concerning and there appears to be continued problems complying with the Act at this premises in particular staff training, age verification and production of required documents. This is inconsistent with the licensing objectives of preventing crime and disorder and protecting children and young persons from harm. The premises licence holder and premises manager Mr Haidar have been given a significant amount of guidance and the same mistakes and non-compliance continues.

I would recommend should the board move to grant this variation to increase the capacity the following condition is considered:

- a personal licence holder must be on the premises at all times that alcohol is available for sale.

It is my intention to visit the premises again before the Licensing Board hearing and give a verbal update as to my findings at that time.

Licensing Standards Officer

08/07/2024

Your Ref:

Our Ref: 840945

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



**POLICE
SCOTLAND**

Keeping people safe

Gregg Banks
Divisional Commander
Licensing Section
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LOTHIAN.
«SHEREE ASHLEIGH SHAH»**

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

The variation requested consists of a variation to the layout plan to increase alcohol display area capacity to 17.1sqm, all ancillary changes.

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



Gregg Banks
Divisional Commander

For enquiries please contact the Licensing Department.

Licensing

From: Robertson, Scott
Sent: 10 September 2024 08:56
To: Licensing
Subject: RE: Major variation - Premier Store, 90 High Street, Haddington, EH41 3ET

Hello,

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

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | 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: Friday, September 6, 2024 11:04 AM
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Kat Burke (kat.burke@nhs.scot) <kat.burke@nhs.scot>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; all@haddingtoncc.org.uk
Subject: Major variation - Premier Store, 90 High Street, Haddington, EH41 3ET

Hi all

Please find attached major variation application for the above premises. Can we please have reports/representations by 30th September 2024.

Regards
Christine

Christine Aitken | Licensing Officer | Licensing Dept. | East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA |

Tel. 01620827664
Email. caitken@eastlothian.gov.uk