

## EAST LOTHIAN

### Meeting 24 November 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

#### Licensing (Scotland) Act 2005

##### Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 GLENKINCHIE DISTILLERY VISITOR CENTRE GLENKINCHIE DISTILLERY GLENKINCHIE PENCAITLAND TRANENT	DIAGEO SCOTLAND LIMITED C/O MESSRS. MORTON FRASER SOLICITORS QUATERMILE TWO 2 LISTER SQUARE EDINBURGH	10 October 2016	Add on Sales 10am to 11pm daily. Seasonal Variations to read premises may close within corehours. Inclusion of Conference, Restaurant, Receptions, Meetings, Recorded Music, Live Performances, Theatre, Sport & Outdoor Drinking Facilities. New wording for other activities, Amend Children & young persons to have access to all areas at all times if accompanied by an adult. Add to Layout plan board walk by the lagoons & pavilion & bowling green/surrounding areas. Variation to description to include Visitor Centre, Shop, Pavilion & external areas.

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

- 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)

Deletion of items in Description of Premises: Grandfather rights and Staff Sales  
.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0120

2(b) Name and Address of Premises

Glenkinchie Distillery  
Glenkinchie  
Pencaitland  
East Lothian

Post Code EH34 5ET

Phone No. 01875 342 004

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

Diageo Scotland Limited  
5 Lochside Way  
Edinburgh Park  
Edinburgh

Post Code EH12 9DT

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. On sales facility sought with hours to run from 10.00 to 23.00 daily.
  2. Change in wording for seasonal variations.
  3. Inclusion of additional activities being Conference facilities, Restaurant Facilities, Receptions, Club or other meetings, Recorded Music, Live Performances, Theatre, Sports, and Outdoor drinking facilities with wording to explain where these activities take place outwith core hours.
  4. Removal of existing and insertion of new wording in 5(f) describing other activities on the premises.
  5. Changes in the wording related to children and young persons to generally simplify, to allow children access to all areas at all times if accompanied by an adult (other than on the bowling green) and for young persons to be permitted access unaccompanied at all times.

#### 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.

1. Addition to layout plan being marked board walk by the lagoons.
  2. Addition to layout plan to cover the Pavilion Building and bowling green/surrounding area.

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

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

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

Changes to description of premises to read:". The premises are located 2 miles to the south of the village of Pencaitland, 6 miles from the A1 and 18 miles from Edinburgh City Centre and comprise

areas located within the Glenkinchie Distillery site to include a Visitor Centre, Shop, Pavilion building, external area including a bowling green and surrounding area and a marked board walk adjacent to lagoons."

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because .....

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

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £      is enclosed.

Signature



..... (See note 5 below)

Date

7 October 2016

Capacity: AGENT

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

David Hossack, Morton Fraser, Quatermile Two, 2 Lister Square, Edinburgh EH3 9GL  
Tel: 0131 247 1024, david.hossack@morton-fraser.com

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

**Phone:** 01620 827217 / 827867 / 820114

**Fax:** 01620 827253

**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

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

## EAST LoTHIAN LICENSING BOARD

### OPERATING PLAN

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

*Name, address and postcode of premises to be licensed.*

<b>Glenkinchie Distillery</b> <b>Glenkinchie</b> <b>Pencaitland</b> <b>East Lothian</b> <b>EH34 5ET</b>
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#### **Question 1**

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

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

#### **Question 2**

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

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	23.00
<i>Friday</i>	10.00	23.00
<i>Saturday</i>	10.00	23.00
<i>Sunday</i>	10.00	23.00

**Question 3**

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00	22.00
<i>Tuesday</i>	10.00	22.00
<i>Wednesday</i>	10.00	22.00
<i>Thursday</i>	10.00	22.00
<i>Friday</i>	10.00	22.00
<i>Saturday</i>	10.00	22.00
<i>Sunday</i>	10.00	22.00

**Question 4**

*SEASONAL VARIATIONS*

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

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

**Question 5**

**Confidential**

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

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



Confidential

<i>5(d)</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>Outdoor drinking facilities</i>	YES	YES	YES
<i>5(e)</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>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 Facilities: The premises may be used for dining before or after core hours.

Conferences, Receptions and Club Meetings: The premises may be used prior to or after core hours for these purposes.

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

Live Performances and Theatre: Live performances and theatrical presentations may take place on the premises often but not exclusively related to the premises licence holder's products.

Films: Films may be shown often but not exclusively related to the premises licence holder's products.

Indoor and Outdoor Sports: There is a bowling green located next to the Pavilion Building. These facilities may be used prior to core hours.

External Drinking Areas: Non alcoholic beverages may be consumed on the bowling green and area surrounding that together with the nature walk area next to the lagoons prior to 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 and demonstrations by Diageo and others.

The premises will be used for education in and promotion of Diageo products.

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

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

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

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

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

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

*CHILDREN AND YOUNG PERSONS*

Confidential

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 in to the premises only when accompanied by an adult but will not be required to be accompanied if on the bowling green or other adjacent areas. 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?*

<b>On consumption:</b> <u>Bar in Visitor Centre</u> – 80 <u>Pavilion Building</u> - 60
<b>Off Sales:</b> 102.3m <sup>2</sup>

**Question 8**

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

*Personal details*

8(a) *Name*

Gemma Gascoigne


8(b) *Date of birth*



8(c) *Contact address*



8(d) *Email address and telephone number*



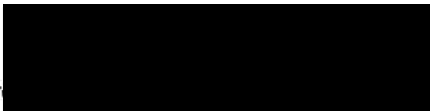
8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 Dec 2012	East Lothian	EL918

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

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

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

Signature  (see note below)

Date ..... 7 October 2016 .....

Capacity ...AGENT (delete as appropriate).

Telephone number and email address of signatory 01312471024

david.hossack@morton-fraser.com

**\* Data Protection Act 1998**

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

# **EAST LoTHIAN COUNCIL**

## **LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

Date: 09 Nov. 16

**Subject: LICENSING (SCOTLAND) ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION)**

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005 and, therefore, have no objections to the granting of the variation of licence.

Premises Inspected:

**Glenkinchie Distillery Visitors Centre and Pavilion, Glenkinchie, Pencaitland,  
East Lothian EH34 5ET**

R. Fruzynski  
Licensing Standards Officer

Date 26<sup>th</sup> October 2016



**POLICE  
SCOTLAND**

Keeping people safe

Your Ref: EL120

Our Ref: J/LIC/3705/HB

Philip Gormley QPM  
Chief Constable

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

Local Area Commander  
The Lothians and Scottish Borders Division  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland  
Diageo Scotland Limited**

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

The variation requested consists of a variation to the operating plan, the addition of 'on sales' hours and changes to the layout plan to include another building within the grounds.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

I note that the applicant currently has 'off sales' only and is requesting to add 'on sales' to their operating plan. In addition to this they are requesting an opening time of 1000 hours for 'on sales'. I also note that there is a request to increase the area (capacity) of the licensed premises to include the Bowling Green and Pavilion area.

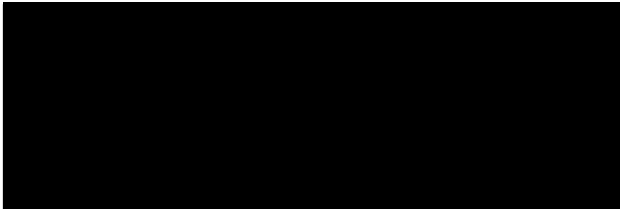
The opening time of 1000 hours for 'on sales' is out with Board Policy. Any increase in licensed hours and capacity is also out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to

demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

Outdoor drinking has also be requested and I would respectfully request that should the Board be minded to grant this that the terminal hour for outdoor drinking be 2200 hours, due to the close proximity of residential properties.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147.



**EAST LoTHIAN COUNCIL**

**Internal Memorandum**

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

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**Date:** 31<sup>st</sup> October 2016

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Glenkinchie Distillery, Glenkinchie, Pencaitland

**Application type:** Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

However, I can confirm that there are no records of a grant of planning permission for the use of a beer garden / external drinking area within the grounds of the premise or of the bowling green.

It is noted that the information provided in the operating plan states that outdoor drinking facilities are to be provided. I would advise that a planning application is sought for the change of use of any area of land that is to be used as a beer garden/external drinking area.