



## MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1a

THURSDAY 26 SEPTEMBER 2019  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

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**Board Members Present:**

Councillor F Dugdale (Convener)  
Councillor L Bruce  
Councillor J Henderson  
Councillor W Innes  
Councillor J McMillan

**Clerk of the Licensing Board:**

Mrs Kirstie MacNeill, Service Manager – People and Governance

**Attending:**

Ms F Fitzpatrick, Team Leader – Licensing and Landlord Registration  
Ms G Herkes, Licensing Officer  
Ms C Shiel, Licensing Officer  
PC H Bowsher, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic and Licensing

**Apologies:**

Councillor Goodfellow

**Declarations of Interest:**

None

### 1. MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 29 August 2019 were approved as a true record of the meeting.

**2 (a). GRANT OF PROVISIONAL PREMISES LICENCE  
Fidra Fine Spirits, Unit 1, The Cartshed, Kilduff Farm, by Athelstaneford,  
North Berwick**

Mr J Brydie, applicant/company director and Ms E Bouglet, company director, were present.

The Clerk advised that the application seeks to licence the unit to be run as a small craft distillery for the production, bottling, labelling and dispatch of Fidra Gin and other spirits; host gin society or similar talks/tastings, charity fundraisers and distillery tours; to have on sales 11hrs to 22 hrs and off sales 10hrs to 22hrs; to provide an outdoor drinking area; and background music to be played outwith core hours in the unit. She reported that there are no objections from the public, the Licensing Standards Officer (LSO), Police Scotland, NHS Scotland, or the Community Council, and advised members that the applicant has been operating with occasional licences for the past few weeks without any issues or complaints.

Ms Brydie outlined the background to the business and provided information on future plans for the company. She stressed that there is a strong desire to move the gin production side of the business away from Aviemore to create a full East Lothian provenance which is very important to the business.

PC Bowsher advised that Police Scotland are supportive of the application.

Councillor Dugdale enquired about safety given that the unit is on a working farm. Ms Brydie provided information in this regard to the satisfaction of the Board.

Councillor McMillan welcomed the application, commenting that it aligned well to the goal of East Lothian being Scotland's leading food and drink destination.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

*Sederunt: Ms Brydie and Ms Bouglet left the meeting*

**2 (b). GRANT OF PROVISIONAL PREMISES LICENCE  
Whitekirk Hill, Whitekirk, North Berwick**

The Clerk advised that the application is for a clubhouse with restaurants, a bar, a wellness centre, leisure facilities and a children's play barn which seeks to have on and off sales during Board Policy core hours; conference facilities; receptions; meetings; recorded and live music; dance; film; indoor and outdoor sports; televised sport; an outdoor drinking area (to be licensed only during core hours); lounge/bar capacity to be 200; orangery capacity to be 150; gym/spa capacity to be 100; and play barn capacity to be 100 (with only table service allowed in the play barn). She reported that there are no objections from the public, the LSO is supportive; Police Scotland are seeking clarification regarding off sales and are seeking a clearly delineated layout plan; and there is no objection from NHS Scotland or the Community Council.

Mr J Wilkie, applicant, and Ms B Campbell, leisure centre manager, were present.

Ms Campbell provided members with an updated layout plan. Mr Wilkie informed members about the plans for the regeneration of the premises; outlined the areas within the premises that are to be licensed; advised that the premises should open at the end of October; explained the off-sales element of the application; and advised that there would be a separate applications in due course if it is decided to licence further outside space and/or add a an alcohol licence to the lodge accommodation.

Councillor Henderson asked about security arrangements, given that the premises are in a rural location. Mr Wilkie explained the CCTV arrangements and PC Bowsher advised that Police Scotland fully encourage the installation of CCTV for crime prevention.

PC Bowsher confirmed that the concerns from Police Scotland in relation to off-sales and the delineation of the outside drinking are had now been addressed to her satisfaction.

Councillor McMillan commented on the major investment in the premises which linked well to East Lothian's economic development goals.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

**3. MAJOR VARIATION OF LICENCE  
Winton Arms, Lempockwells Road, Pencaitland**

The Clerk advised that the application seeks to vary the premises licence to amend the opening hours for on and off sales of alcohol on a Sunday to 11am; vary seasonal variations (apply for or take grant of extension to licensing hours during any local, national and international festivals/holidays in accordance with Board policy); apply for extensions for special events (sporting events, functions etc); include restaurant and bar meals within and outwith core hours; allow children's access, if accompanied by an adult, up to 10pm (unless attending a private function); and to change the Premises Manager. She added that there are no objections from the public or NHS Scotland, and that there are no adverse comments from Police Scotland or the LSO.

Mr P Arnott from the applicant company was present.

Mr Arnott advised that Caledonian Heritable had recently purchased the premises; explained that it is the intention to create a family friendly bar bistro; and confirmed that the proposed improvements would not alter the layout plan or the outside drinking area.

PC Bowsher stated that Police Scotland supports the application.

Councillor McMillan commented on the company's reputation for quality and hoped that there would be the opportunity for the premises to specialise in East Lothian produce.

Councillor Innes remarked that the premises are a valuable community resource, which can be a focal point in small villages.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

**4. TEMPORARY LICENCE APPLICATION  
Visitor Centre, Glenkinchie Distillery, Glenkinchie, Pencaitland**

Mr D Hossack, Morton Fraser, Solicitors was present to represent the applicant. Ms R Paisley, Glenkinchie Distillery Manager, was also present.

The Clerk advised that there are no objections to this application.

Mr Hossack outlined the visitor experience at Glenkinchie and explained that this application is in respect of high quality temporary porta cabins while reconstruction work takes place at the Distillery.

Councillor Innes commented that Glenkinchie has an important part to play in East Lothian's economic strategy and is a first class business that reflects positively on East Lothian; comments which were echoed by Councillor McMillan.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the provisional temporary licence.

Signed

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Councillor F Dugdale  
Convener of East Lothian Licensing Board



1b

**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN  
LICENSING FORUM**

**THURSDAY 26 SEPTEMBER 2019  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

Councillor F Dugdale (Convener)  
Councillor L Bruce  
Councillor J Henderson  
Councillor J McMillan

**Clerk of the Licensing Board**

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

**Forum Members Present:**

Mr S Baxter  
Mr D Dickson  
PC Bowsher, Police Scotland

**Attending:**

Mrs K MacNeill, Clerk of East Lothian Licensing Board  
Ms S Fitzpatrick, Team Leader – Licensing and Landlord Registration

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic and Licensing

**Apologies:**

Councillor J Goodfellow  
Councillor W Innes  
Mr G Hood (Convener, East Lothian Licensing Forum)  
Mr R Fruzynski

**Declarations of Interest:**

None

Councillor Dugdale (Convener) welcomed everyone to the meeting.

**1. MINUTE OF THE MEETING OF THE JOINT ELLB AND ELLF 27 SEPTEMBER 2018, FOR INFORMATION**

Members noted the minute which had been approved by the Licensing Board on 25 October 2018.

**2. MATTERS ARISING**

**Item 4 – Development and Marketing of the Local Licensing Forum.** Councillor McMillan enquired about ongoing plans for encouraging and increasing Forum membership. The Clerk advised that recruitment is on her team's workplan with the focus on a more structure approach to recruitment; a revised application procedure; a formal appointment process; and the creation of a set of terms and conditions for Forum members. She advised that Forum members would be consulted about proposed changes. PC Bowsher mentioned that three potential new members had attended the most recent Forum meeting. The Clerk advised that if they wish to apply for membership, PC Bowsher should forward their details to the Team Manager – Democratic and Licensing. Members referred to the fact that MS E Oldcorn, NHS Scotland was no longer a Forum member following her recent job change. PC Bowsher advised that Mr J Sherval, NHS Scotland, who is already a Forum member, would represent NHS Scotland at meetings, where possible.

**3. CHIEF CONSTABLE'S REPORT TO THE EAST LOTHIAN LICENSING BOARD – 1 APRIL 2018 TO 31 MARCH 2019**

The Clerk introduced the report and the members used this as a basis for debating the following matters.

Mr Dickson commented that, in practice, there is not a total exclusion on outdoor drinking in East Lothian. The Clerk reminded members that this is outwith the Board's control as it is covered by Council Bye-Laws. PC Bowsher advised that currently there are plans to exclude Caravan Parks and the Lammermuir Hills from these Bye-Laws. The Clerk added that the Council's Legal Team are doing further work on this following Scottish Government feedback about the need to take a more specific approach to different parts of the county and not to apply one By-Law to the whole of East Lothian, as had been requested by Police Scotland. She added that the revisions would need to be submitted back to the Scottish Government. In response to Councillor Bruce, the Clerk advised that the final outcome on the Bye-Laws would likely be published in the Council's Members' Library Service. Members agreed that it was beneficial to have Bye-Laws covering outdoor drinking. The Clerk undertook to ensure that the Mr Dickson received regular updates from the Legal Team about the work they are doing on the Bye-Laws. Councillor McMillan pointed out that it would useful for information on Bye-Laws to be shared with members of the public and community stakeholders and suggested that there could be some form of communication before Christmas, perhaps by including an article in "Living" newspaper. The Clerk commented that future Board policy could also reference outdoor drinking Bye-Laws.

Mr Dickson informed members that Alcohol Focus Scotland can provide training for Forum members, although this might appear onerous and off-putting for potential new

members, especially if training is compulsory. Councillor Henderson commented that diversity within the Forum membership would be good, especially as there has been an increase in new smaller local alcohol producers in East Lothian. PC Bowsher reminded members that there is still no off-sales representation on the Forum and suggested that the large supermarkets be actively approached about becoming members. The Clerk mentioned that if an article is being included in “Living”, it could be extended to include the work of the Forum; promote the fact that Forum meetings are open to the public; and also include a membership recruitment campaign. Councillor McMillan stated that the beginning of November is Business Week and suggested that Economic Development could run something to raise awareness of the work of the Forum and the responsibilities of outdoor drinking. He wondered if the Business Breakfast taking place in the Brunton Hall on 1 November might provide such an opportunity for Economic Development, and undertook to discuss this with them. In concluding the debate on these matters, members were unanimous in their view that the Forum would benefit from greater diversity of membership, especially a representative from the off-sales trade.

#### **4. ROLE OF THE FORUM – SUGGESTIONS FOR IMPROVED COMMUNICATION AND LICENSING OBJECTIVES IN CONNECTION WITH GRANTS OF APPLICATION**

The Clerk opened the discussion on this item by thanking Forum members for their contribution to East Lothian licensing. She commented on their input into the revised Board Policy and advised that the introduction on an “Additional Information Form” had been hugely beneficial in helping applicants focus on the specifics of their application, and in providing the public/neighbours with clear details of what is being applied for.

The Clerk acknowledged that previous Forum Minutes had noted that Board members were referring to economic development benefits, and not just licensing objectives, when making decisions on applications. She explained to members how economic development matters were linked to the licensing objective of protecting and improving public health.

The Clerk asked Forum members to let her know if they would like additional informal meetings during the year.

Councillor Bruce requested that the website link to the Forum Minutes is sent to Board members when the Forum minutes are published. The Clerk agreed that this would be beneficial and advised that this would be arranged via the Committees Team.

Councillor Henderson commented on the value of local knowledge and the importance of the role carried out by the Forum.

#### **5. ANY OTHER BUSINESS**

Mr Dickson mentioned the need to communicate, especially around forthcoming licensing legislation. He also raised the issue of the late payment of annual licensing fees; the Clerk explained that the new Board Policy makes it mandatory that all late payers appear before the Board in October. Members strongly agreed that it is unacceptable that annual licensing fees are not paid on time.

The Clerk advised members that this would be the last joint meeting attending by PC Heather Bowsher who would be retiring at the end of the year. Members thanked

Heather for her work supporting alcohol licensing in East Lothian and also extended their thanks to Licensing and Committee colleagues.

Signed .....

Councillor F Dugdale  
Convener of East Lothian Licensing Board/Convener of the joint  
meeting with East Lothian Licensing Forum

DRAFT



**EAST LOTHIAN**

**Meeting 31 October 2019 at 10:00am in Council Chambers, Town House, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

<b>Provisional(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	ICELAND T/A FOOD WAREHOUSE UNIT 3 HADDINGTON RETAIL PARK HADDINGTON EAST LOTHIAN EH41 3DF	ICELAND FOODS LTD	9 September 2019	A retail supermarket type premises providing customers with a wide range of foodstuffs, goods and other services including the sale of alcoholic products for consumption off the premises.

**EAST LoTHIAN LICENSING BOARD****APPLICATION FOR PROVISIONAL PREMISES LICENCE****Licensing (Scotland) Act 2005, section 20****APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)***Question 1***Name, address and postcode of premises to be licensed.*

Iceland t/a Food Warehouse  
Unit 3 Haddington Retail Park  
Haddington  
EH41 3DF

**Question 2***Particulars of applicant*

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode, telephone number & email address.*

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

*Iceland Foods Limited  
Second Avenue  
Deeside Industrial Park  
Deeside  
Flintshire  
CH5 2NW  
1107406*

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons. \**

Please see attached sheet.

**\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

A retail supermarket type premises providing customers with a wide range of foodstuffs, goods and other services including the sale of alcoholic products for consumption off the premises.

**Question 6**


6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	N/A
* Delete as appropriate	

**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 Application are true to the best of my knowledge and belief.

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

Date *5th September 2019* .....

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

Telephone number and email address of signatory *01244 843699* .....  
*robot.hanges@iceland.co.uk*

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
Operating plan	
Layout plan	

**Question 3**

*Previous applications*

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* **NO**

*If YES – provide full details*

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**Question 4**

*Previous convictions*

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<b>YES</b>
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*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<i>Name &amp; position (if applicable)</i>	<i>Date of conviction (if or sentence)</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>
<i>(Please see attached summary of convictions)</i>				

**DESCRIPTION OF PREMISES** *Licensing (Scotland) Act 2005, section 20(2)(a)*

**Question 5**

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

**\* 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by ( <i>INITIALS</i> )	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

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

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

Food Warehouse Unit 3 Haddington Retail Park Haddington EH41 3DF
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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>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>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A



**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>
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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

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<b>COL. 4</b> <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	No	No
<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
	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 is to be provided throughout the premises, such music shall be provided at all times the premises is open to the public and whilst store staff are working within the premises. The music shall only be played internally so as to avoid disruption to our neighbours.*

**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>	<i>N/A</i>
	<i>*Delete as appropriate</i>	

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

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*

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.

*Sale of groceries, including fresh and frozen foods and other non-food items to be provided both in and outwith the core licensing hours.*

*The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries and other non-food items.*

*The above shall include deliveries made using our home delivery and ecommerce services, subject to compliance with sections 119 & 120 Licensing (Scotland) Act 2005.*

*The premises will also on occasion be used to launch new products, have product sampling and food tasting events and host friends and family evenings.*

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>N/A</i>
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>N/A</i>
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<i>*Delete as appropriate</i>	
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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?*

17.6m2 Offsales

**Question 8**

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

*Personal details*

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address and telephone number

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

**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 5<sup>th</sup> September 2019 .....

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

Telephone number and email address of signatory .....

01244 843699  
Robert.hayes@iceland.co.uk

**\* Data Protection Act 1998**

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

**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:

General retail but not before 7am or after 11pm

**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:

Occasional loyalty card holders events and tastings

**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.

NA – off-sales only

**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](#)

### **General**

1 Iceland are accredited grade 1 trainers and have an accredited training centre for the provision of the SCPLH and SCPLHR examinations.

2 Iceland have detailed written policies kept under review by their in-house professionals. This supports the business on legal, security, HR, H&S and licensing. This is run out of their professional support division at their Headquarters in Deeside.

3 The company have a comprehensive training programme for all staff which goes beyond the mandatory 2 hours training required under the 2005 Act and includes six monthly refresher training in relation to the



sale of alcohol and other age restricted products.

4 Iceland have multiple personal licence holders in each store to support the DPM minimum of 3 per store).

**Preventing Crime and Disorder:**

1 The premises are a supermarket selling a wide range of food and other goods. No alcohol is consumed on the premises. The premises will be carefully managed, and any incidents of crime and disorder are extremely rare. All incidents are recorded in an incident book routinely checked by both the store manager and area manager and the incident records can be made available for inspection on request.

2 The premises operate a Challenge 25 policy.

3 Staff monitor the age of customers seeking to purchase alcohol and will challenge anyone who appears to be under the age of 25 to produce I.D.

4 Automatic EPOS till prompts alert staff to age restricted products and require them to consider the age of the purchaser and follow an on-screen process to complete the sale.

5 Should a refusal be made; an electronic refusal log is kept with the Premises Manager required to periodically review. This refusals log will be made available to the Police or an authorised officer of North Lanarkshire Council for inspection upon request.

6 The premises security needs will be assessed on an on-going basis and increased security, such as security guards, will be added as required.

**Securing Public Safety:**

1 Procedures will be in place for evacuation and accident/incident reporting.

2 The premises will comply with appropriate regulations and have approved exit routes, signage, and emergency lighting.

3 There will be fire extinguishers in the premises and a fire risk assessment is carried out in terms of the relevant legislation.

4 The premises will have a comprehensive camera CCTV system installed with cameras covering the store, in particular, the alcohol display area and the tills.

**Preventing Public Nuisance:**

1 Iceland does not open late and the normal operation of the premises does not give rise to public nuisance.

**Protecting and Improving Public Health:**

1 Material promoting responsible drinking is displayed.

2 Staff will be trained to refuse service of alcohol to anyone who appears intoxicated.

3 All relevant environment health regulations will be observed.

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

1 Procedures for prevention of the sale of alcohol to persons under the age of 18 years will be in place (see above).

2 The company utilise till systems which issue a prompt at the till for the checkout operators to check the age of the purchaser and also the time of sale.

**Application Supporting Comments / Any Other Additional Information**

(extend the boxes below if you require additional space)

**Additional Information:**

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

A significant number of new local jobs will be created.

In relation to the shop itself, it will create significant good permanent jobs. In the recent 2018 Sunday Times Best Companies Awards, Iceland achieved the number 8 position in the list of the 25 Best Big Companies to Work For in the UK. A significant achievement given the tough competition and new entrants year on year. They were ranked higher than household names like AXA Insurance, Deloitte Accountants and Warburtons Bread. They have been ranked among the 25 Best Big Companies to Work For, for over 12 consecutive years.

The number of good local jobs created by this store will be between 25 and 30. It will be a mixture of full and part time employment with a split in the region of 30% full time and 70%-part time. (9 FT / 21 PT)

Offering positive job opportunities helps to redress some of the underlying socio-economic issues. The link between unemployment and health issues is stark.

**SIGNATURE AND DECLARATION BY APPLICANT**

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

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

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

Signature		Date	
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“SCHEDULE 6

Regulation 7

**DISABLED ACCESS AND FACILITIES STATEMENT**

*Licensing (Scotland) Act 2005, section 20(2)(b)(ia)*

**Question 1**

**Disabled access and facilities**

1(a)	Is there disabled access to the premises	<i>YES</i>
1(b)	Do you have facilities for those with a disability	<i>YES</i>
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	<i>YES</i>
<i>*Delete as appropriate</i>		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

**Question 2**

**Disabled access to, from and within the premises**

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

<p>Access to the premises is via an automatic door entrance approached normally from a level or ramped surface.</p> <p>The entrance door features an assistance bell positioned at a low level for a disabled person to summon help if necessary.</p> <p>The store has an extra wide checkout (900mm) which is fitted with a hearing induction loop.</p> <p>The width of the aisles are appropriate to allow free movement and safely accommodate electric scooters and wheelchairs.</p> <p>All customer areas are on the ground floor.</p>
---

### Question 3

#### **Facilities available**

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

The premise has a disabled toilet on the ground floor, normally for staff use, which can also be made available to any disabled customer should the need arise.

### Question 4

#### **Other provisions**

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Assistance dogs are welcome and a sign to this effect is displayed at the store entrance

Some products may be displayed in cabinets or on shelving which may not be easily accessible to wheelchair users. Staff are available to assist customers as required.

The premises will have at least 1 fire exit route which is suitable for persons with mobility issues. An Evac Chair will be provided where no level escape route can be provided.

Price Tickets and Point of Sale material has appropriate colour contrast and font size of at least 14 point where practical.

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

(extend the boxes below if you require additional space)

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

NA

**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:

NA

**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:

Background music/ shop radio

**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:

NA

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

NA

## 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

Iceland Foods Ltd is a unique British food retailer which launched with one shop in 1970 (in Shropshire). It now sits with over 900 stores throughout the UK – one store is currently trading in East Lothian -

- Newhailes Road, Musselburgh, EH21 6RE (Ref: EL0123)

From the UK estate some 70+ other stores operate in Scotland. They are predominately traditional Iceland high street stores in Scotland. However, in September 2014 Iceland opened the first of its new concept stores called The Food Warehouse. This is more than double the size of a typical Iceland store and, as well as the full Iceland range of frozen products it offer a significant additional range of fresh products, extended ranges of luxury and specialty frozen food, and chilled meat, dairy and fresh produce, plus a wide selection of value bulk packs of tinned products (like beans) and large packaged household (washing powders etc). The Food Warehouse has been a huge success underlined by the rate of growth. In early 2015 The Food Warehouse was trading successfully in six locations in E &W (none in Scotland). Fast forward to the end of 2018 and there are now 85 Iceland Food Warehouse stores in England and Wales and 7 trading in Scotland.

Haddington has been earmarked as a Food Warehouse site.

Alcohol is ancillary to the grocery and household items sold.

(extend this box if you require additional space)

### On/Off Consumption

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

a) Off sales

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

b) Off-sales with some home delivery

**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 disabled access and facilities statement are true to the best of my knowledge and belief.

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

Date *5<sup>th</sup> September 2019* .....

Capacity ..... ~~APPLICANT/AGENT~~

Telephone number and email address of signatory *01244 843699* .....  
*robert.hayes @ iceland. Co. Uk*

**\* Data Protection Act 1998**

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



# East Lothian Council

LICENSING (SCOTLAND) ACT 2005  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

## SECTION 50 PLANNING CERTIFICATE

APPLICANT:

Iceland Foods Limited

NAME AND  
ADDRESS OF  
PREMISES:

Food Warehouse, Unit 3 Haddington Retail Park, Haddington

### SECTION 50 PLANNING CERTIFICATE

- I confirm that planning permission (Ref: ) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.
- I confirm that planning permission is not required.

### SECTION 50 PROVISIONAL PLANNING CERTIFICATE

- I confirm that planning permission in principle (Ref: 11/00729/PPM) and approval of matters specified in conditions for the proposed retail store development (Ref: 12/00896/AMM) has been obtained in respect of the construction or conversion of the subject premises.
- I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Provisional License to cover the above proposals.

Signed:



Date:

15<sup>th</sup> August 2019

Neil Millar  
Planning Officer



Date 02/10/2019

Your Ref:

Our Ref: J/LIC/3705/HB



**POLICE  
SCOTLAND**

Keeping people safe

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

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

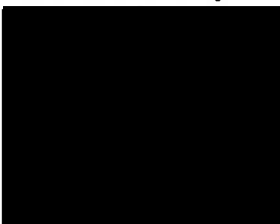
Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PROVISIONAL PREMISES LICENCE  
ICELAND T/A FOOD WAREHOUSE  
3 HADDINGTON RETAIL PARK, HADDINGTON, EAST LOTHIAN, EH41 3DF  
ICELAND FOOD LIMITED, SECOND AVENUE, DEESIDE INDUSTRIAL PARK,  
DEESIDE, FLINTSHIRE.**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



For enquiries please contact the Licensing Department on 01620 826147.

# EAST LoTHIAN COUNCIL

## PEOPLE and GOVERNANCE

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

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

Date: 17 Oct. 19.

**Subject: LICENSING SCOTLAND ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATION**

**Iceland, Unit 3 Haddington Retail Park, Haddington, East Lothian EH41 3DF**

I refer to the above subject and can confirm that the provisional premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Act.

In accordance with the Board's statement of licensing policy 2018 to 2023, in relation overprovision and the availability of alcohol, I can confirm that there are no other licensed premises within 800 metres of the proposed Iceland store. There is however another Provisional Licence application in progress in relation another proposed new store nearby, which relates to a request to display 34.02 m<sup>2</sup> of alcohol.

I have paid particular attention to the layout of this store and am pleased to note that the proposed alcohol display area is within sight of checkout operators which will be an added crime prevention and security measure to protect the stock held from theft. As a standard now being set for all new off-sales premises, all theft of alcohol should be reported to the police and a CCTV camera should cover the alcohol display area and be maintained to a standard acceptable to Police Scotland.

The applicant's offer to permit an officer from North Lanarkshire Council in checking sales refusals logs is noted, but will not be necessary.

R. Fruzynski  
Licensing Standards Officer

**Herkes, Gillian**

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**From:** Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk> on behalf of Licensing <Licensing@nhslothian.scot.nhs.uk>  
**Sent:** 14 October 2019 08:28  
**To:** Shiel, Christine (Licensing); Licensing  
**Cc:** Licensing; Winter, Maree  
**Subject:** RE: Application for Provisional Premise Licence - Iceland, Unit 3 Haddington Retail Park

Good Morning

No objection letter from NHS Lothian regarding above application.

Many thanks, Fiona

**Fiona Boyle**  
PA/Administrator to:

*Dr Fredi Garbe, Consultant in Public Health*  
*Ms Alison Milne, Supporting Pregnancy & Newborn Screening*  
*Mr Jim Sherval, Consultant in Public Health*

Direct Dial: 0131 456 5817 (35817)

PHM Tel: 0131 465 5460

Email: fiona.boyle@nhslothian.scot.nhs.uk

Address: NHS Lothian, Public Health & Health Policy, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

**\*\* Please note my working hours are Monday - Friday; 8.00am to 1.00pm \*\***

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**From:** Shiel, Christine (Licensing) [mailto:cshiel1@eastlothian.gov.uk]  
**Sent:** 24 September 2019 14:15  
**To:** Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; Grant, Shona; torquil.cramer@firescotland.gov.uk; jwilson4155@btinternet.com; ruthmoncrieff@aol.com; Boyle, Fiona  
**Subject:** Application for Provisional Premise Licence - Iceland, Unit 3 Haddington Retail Park

Dear all

Please find attached Provisional Premise Licence application for Iceland, Unit 3 Haddington Retail Park.

Could I please have any objections/representations you may care to make by Thursday 17<sup>th</sup> October 2019.

Kind regards

Christine Shiel

Licensing Officer  
East Lothian Council  
John Muir House  
Haddington

## Herkes, Gillian

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**From:** Slight, Lynn  
**Sent:** 25 September 2019 15:12  
**To:** Licensing  
**Cc:** Dunlop, Janet  
**Subject:** FW: Application for Provisional Premise Licence - Iceland, Unit 3 Haddington Retail Park  
**Attachments:** Iceland Provisional Premise Licence application ELO366.pdf

No objects to this application subject to standard conditions.

Lynn Slight

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**From:** Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>  
**Sent:** 24 September 2019 17:20  
**To:** Slight, Lynn <lsight@eastlothian.gov.uk>  
**Subject:** FW: Application for Provisional Premise Licence - Iceland, Unit 3 Haddington Retail Park

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**From:** Shiel, Christine (Licensing)  
**Sent:** 24 September 2019 14:15  
**To:** Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; jwilson4155@btinternet.com; ruthmoncrieff@aol.com; Fiona.Boyle@nhslothian.scot.nhs.uk  
**Subject:** Application for Provisional Premise Licence - Iceland, Unit 3 Haddington Retail Park

Dear all

Please find attached Provisional Premise Licence application for Iceland, Unit 3 Haddington Retail Park.

Could I please have any objections/representations you may care to make by Thursday 17<sup>th</sup> October 2019.

Kind regards

*Christine Shiel*

Licensing Officer  
East Lothian Council  
John Muir House  
Haddington  
EH41 4HA  
Tel 01620 827217  
Email [cshiel1@eastlothian.gov.uk](mailto:cshiel1@eastlothian.gov.uk)

**EAST LoTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery  
**Per:** Neil Millar  
**Cc:**

**To:** Clerk to the Licensing Board  
**Per:** Licensing Board

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**Date:** 4<sup>th</sup> October 2019

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Iceland Food Warehouse, Unit 3, Haddington Retail Park  
**Application type:** Premises Licence

I have no objection to the grant of a premises licence. No planning permission is required for the sale of alcohol on the premises.

