EAST LOTHIAN
Meeting 27 February 2020 at 10:00am in Council Chambers, Town House, Haddington, East Lothian
Date Received Comments
Amend operating plan and
layout plan for Alcohol
Capacity display area to
31.51426 m 2 .
Vary licence for on-sales -
9am to 12 Midnight Daily, to
clarify outside area,no
alcohol will be consumed
outwith core hours.Expansion
to cover workshops, sampling
of non alcoholic drinks and
foods and use of external area
for displays and
demonstrations. Change in on
sale capacity to 846 and off
sale to 33.91 m 2. Change to
reflect removal of bowling
green. Change to layout to
create new visitor areas and
new visitor centre building.
Removal of pavilion building
and creation of new licensed
garden area.
24 December 2019
19 December 2019
19 December 2019
Licensing (Scotland) Act 2005
ALDI STORES LIMITED
C/O TLT SOLICITORS - GLASGOW
140 WEST GEORGE STREET
GLASGOW
G2 2HG
DIAGEO SCOTLAND LIMITED
C/O MESSRS. MORTON FRASER
SOLICITORS
QUARTERMILE TWO
2 LISTER SQUARE
EDINBURGH

## EAST LOTHIAN LICENSING BOARD

## Licensing (Scotland) Act 2005, Section 29 <br> 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)
$\square \quad$ Any of the Conditions to which the Premises Licence is subject
$\boxtimes$ Any of the information contained within the Operating Plan
$\boxtimes \quad$ The Layout Plan
$\boxtimes$ 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. | 01875342004 |
| :--- | :--- | :--- | :--- |

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

| Diageo Scotland Limited <br> 5 Lochside Way <br> Edinburgh Park <br> Edinburgh <br> (Reg. No. SC000750) |  |  |
| :--- | :--- | :--- |
| 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. Change in on sale hours from 09:00 to 00:00 daily
2. Change in wording relating to activities following $5(\mathrm{e})$ to clarify use outwith core hours, to clarify use of external areas including taking into account the changes to be made to external areas.
3. Expansion and clarification of activities in 5(f) to cover workshops, sampling of non alcoholic drinks and foods and use of external area for displays and demonstration.
4. Change in on sale capacity to 846
5. Change in off sale capacity to 33.91 m 2
6. Change in wording in 6(b) to reflect removal of bowling green.

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. Reconfiguration of existing areas to create new visitor areas in existing visitor centre and office building.
2. Creation of new visitor centre building.
3. Removal of pavilion building and creation of new licensed garden 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)

Revised description 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, area within a warehouse, external 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?
$\boxtimes$ YES $\quad \square$ NO
If the answer is $\mathbf{N O}$, please provide an explanation.
I am unable to produce the Premises Licence because...
$\square \quad$ The licence has not yet been issued by the Board
$\square \quad$ The licence has already been returned to the Board in respect of an earlier application for variation or transfer
$\square \quad$ Other (provide details)

## Section 5: Fee Payable

The fee payable in respect of the application for variation is $\mathbf{£ 1 5 0}$
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 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


Date $\quad 18112119$

Capacity: AGENT

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

## Note 1:

David Hossack<br>Morton Fraser LLP<br>Quartermile Two<br>2 Lister Square<br>Edinburgh, EH3 9GL<br>DDI: 01312471024<br>David.hossack@morton-fraser.com

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: 01620827217 / 827867 / 820114
Fax: 01620827253
Email: licensing@eastlothian.gov.uk

| FOR OFFICE USE ONLY |  |  |
| :--- | :---: | :---: |
| Received \& Receipt No. | System Updated | Licence Issued |


| From: | David Hossack [David.Hossack@morton-fraser.com](mailto:David.Hossack@morton-fraser.com) |
| :--- | :--- |
| Sent: | 09 February $202008: 43$ |
| To: | Winter, Maree |
| Subject: | RE: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf |

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.

Confidential: intended recipient only
Dear Maree,
Having discussed matters with my client they would suggest that a condition be applied along the following lines:
" Alcohol for consumption on the premises prior to 1100 hrs on any day may only be sold to persons participating in a formal tasting or sampling session, or to such persons following on from their participation in a formal tasting or sampling session, and a notice to that effect will be displayed on the premises." Our sense is that this might work best as a condition rather than in terms of being added to the operating plan. In addition they are content to amend the application to the terminal hour of 23.00 on Monday to Wed in line with the Board Policy. Would you wish a revised operating plan to that effect now?
Kind regards
David

## David Hossack

Accredited specialist in Employment Law and Commercial Mediation Partner
For Morton Fraser LLP
t: 01312471024 | m: 07808730734 | LinkedIn
www.morton-fraser.com
Click here for regular blogs on employment law and HR issues
Click here for details of our Employment Protection Package for employers
To receive regular news and specialist updates on all areas of the law, subscribe to our email updates
From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 10 January 2020 10:28
To: David Hossack
Subject: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf
Hi David,

Please find attached objection received for the major variation for Glenkinchie Distillery.
Kind regards
Maree

## Maree Winter

Licensing Officer: Democratic \& Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620827867
mwinter@eastlothian.gov.uk

## 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

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

## Question 2

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

| Day | ON Consumption |  |
| :--- | :--- | :--- |
|  | Opening time | Terminal hour |
| Monday | $09: 00$ | $00: 00$ |
| Tuesday | $09: 00$ | $00: 00$ |
| Wednesday | $09: 00$ | $00: 00$ |
| Thursday | $09: 00$ | $00: 00$ |
| Friday | $09: 00$ | $00: 00$ |
| Saturday | $09: 00$ | $00: 00$ |
| Sunday | $09: 00$ | $00: 00$ |

## Question 3

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

| Day | OFF Consumption |  |
| :--- | :--- | :--- |
|  | Opening time | Terminal hour |
| Monday | $10: 00$ | $22: 00$ |
| Tuesday | $10: 00$ | $22: 00$ |
| Wednesday | $10: 00$ | $22: 00$ |
| Thursday | $10: 00$ | $22: 00$ |
| Friday | $10: 00$ | $22: 00$ |
| Saturday | $10: 00$ | $22: 00$ |
| Sunday | $10: 00$ | $22: 00$ |

## Question 4

## SEASONAL VARIATIONS

| Does the applicant intend to operate according to seasonal demand | 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 <br> 5(a) <br> Activity | COL. 2 <br> Please confirm <br> YES/NO | COL. 3 <br> To be provided during core licensed hours - please confirm <br> YES/NO | COL. 4 <br> Where activities are also to be provided outwith core licensed hours please confirm YES/NO |
| :---: | :---: | :---: | :---: |
| Accommodation | NO | N/A | N/A |
| Conference facilities | YES | YES | YES |
| Restaurant facilities | YES | YES | YES |
| Bar meals | NO | NO | NO |
| 5(b) Activity <br> Social functions including: | Please confirm <br> YES/NO | To be provided during core licensed hours - please confirm <br> YES/NO | Where activities are also to be provided outwith core licensed hours please confirm <br> YES/NO |
| Receptions including <br> Weddings, funerals, birthdays, retirements etc. | YES | YES | YES |
| Club or other group meetings etc. | YES | YES | YES |
| 5(c) <br> Activity <br> Entertainment including: | Please confirm YES/NO | To be provided during core licensed hours - please confirm <br> YES/VO | Where activities are also to be provided outwith core licensed hours please confirm <br> YES/NO |
| Recorded music - see $5(g)$ | YES | YES | YES |
| Live performances see $5(\mathrm{~g})$ | YES | YES | YES |
| Dance facilities | NO | NO | NO |
| Theatre | YES | YES | YES |
| Films | YES | YES | YES |
| Gaming | NO | NO | NO |
| Indoorloutdoor sports | YES | YES | YES |
| Televised sport | NO | NO | NO |


|  |  |  |  |
| :--- | :--- | :--- | :--- |
| 5(d) <br> Activity | Please confirm <br> YES/NO | To be provided <br> during core licensed <br> hours please <br> confirm <br> YES/NO | Where activities are <br> also to be provided <br> outwith core licensed <br> hours please confirm <br> YES/NO |
| Outdoor <br> facilities | YEinking | YES | YES |
| 5(e) | Please confirm | To be provided <br> during core licensed <br> hours please <br> confirm <br> Activity | Where activities are <br> also to be provided <br> outwith core licensed <br> hours please confirm |
| YES/NO | NO | YES/NO |  |

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

Restaurant: - 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 the 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 of 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 and other non alcoholic and food products.

The visitor shop may sell a wide variety of products other than alcohol products.
The premises may be used for a wide variety of functions, dinners and meetings.
The premises may be used for a whole range of office functions at all times.
The external areas may be used for a variety of recreational purposes including displays and demonstrations of all natures including Falconry.

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

5(g) Late night premises opening after 1.00am

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

| 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 <br> young persons be allowed entry | $Y E S$ |
| :--- | :--- | :--- |
|  | *Delete as appropriate |  |

6(b) Where the answer to $\sigma(a)$ 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 $\quad 846$ persons

Off sales: $\quad 33.91 \mathrm{~m} 2$

## Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)
Personal details
8(a) Name
Rhona Paisley


8(c) Contact address


8(d) Email address and telephone number
Rhona.paisley@diageo.com

8(e) Personal licence

| Date of issue | Name of Licensing Board <br> issuing | Reference no. of personal <br> licence |
| :--- | :--- | :--- |
| $01 / 09 / 2009$ | Edinburgh Licensing Board | 259859 |

## 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 $\qquad$ W11219

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

## * Data Protection Act 1998

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

```
Your Ref: EL0120
```

Our Ref: J/LIC/4926/CB

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

# POLICE SCOTLAND <br> Keeping people safe 

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 VARIATION OF A PREMISES LICENCE
GLENKINCHIE DISTILLERY VISITOR CENTRE
GLENKINCHIE VISITORS CENTRE, GLENKINCHIE, ORMISTON, EAST LOTHIAN, EH34 5ET.

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 several changes to both the operating and layout plan.

In terms of Section 22(1) (a) of the same Act, I wish to make the objections under the following licensing objectives

- Protecting and improving public health
- Protecting children and Young people from harm
- Preventing Public Nuisance
- Preventing Crime and Disorder

At present the facility have on sale hours from 1000hrs-2200hrs, Monday to Wednesday and 1000hrs-2300hrs, Thursday to Sunday. This is already an hour earlier start than current board policy each day. This current provision is to facilitate tours of the distillery which has its first tour time starting of 0900hrs. This allows persons to purchase products 'post' tour as the tours take a minimum of 90 minutes, during which they are given samples.

With regards the proposed alcohol licensed start time of 0900hrs, which would be then 2 hours outwith board policy, this is to allow persons who may be not going on the tour to purchase Diageo alcohol products from 0900hrs. This would be in a bar that forms part of the new layout plan. This area will sell the full range of Diageo products from 0900hrs. This would be open to the public. It is not anticipated that persons not involved in any tour would use this for this purpose, however it would mean that it could be.

At peak season, from March to October, the final tour starts at 1800 hrs and would be finished around 2000 hrs . The gift shop closes at 1900 hrs . Current licensed hours for the distillery finish at 2300hrs. This currently allows additional time to partake any further sampling/drinking or purchase of products.

Following discussion with the premises manager the extended hours have been requested to cover any enquiries for late/evening tours and to have the ability to hold a variety of private functions, thus negating the need for any occasional licence application.

This is not a precedent to be set and we cannot see the justification when the proposed business plan is primarily for tourism and offering of samples post tour.

Police Scotland are of the opinion that the variation should be refused on the grounds that the extended hours would be inconsistent with the licensing objectives of:

## - Protecting and improving public health

The proposal is to have for sale, within a bar area from 0900hrs, alcohol to persons either on or not on the tour. During the tours small samples are also given to participants.

The extended hour requested at the end of the day is to offer the flexibility of holding functions, should this be required, and to ensure that the tours have sufficient time to use the bar area and other activities post tour. This has managed well with previous licensed hours, without need for the extra hour.

The requested hours would potentially allow longer drinking hours, in excess of 14 hours, which is out with that recommended and as such is against the licensing objective of protecting and improving public health.

## - Protecting children and young persons from harm

From Board Policy regarding children and young persons:
'Where there are no identified issues during the normal course of business children will only be allowed to remain on licensed premises until 2200hrs, However, if any child is attending a pre-arranged function they may remain on the premises until the end of the function'.

There are no specific details given as to the plans for children after 2200hrs. It should be noted that Children and young persons are allowed access to the full facility and bar area within the proposal.

## - Preventing Public Nuisance

It would be naïve not to consider that once extended hours are granted that a business such as this would not take the opportunity to have wider use of these to hold regular functions. The extended hours, are likely to mean an increase in the volume and frequency of pedestrian and vehicular traffic in and around the distillery thus increasing the likelihood of additional noise/disruption during the latter hours.

## - Preventing Crime and Disorder

Should the facility increase functions the increase in the footprint and proposed facilities available at the distillery may bring with it the potential of crime and disorder in and around the village. Should the facility regularly hold functions, there is the likelihood for an increase in antisocial behaviour/disorder.

It is appreciated that the premises are a well-run establishment and have not been of issue for Police Scotland. If it is the intention just to keep the premises primarily as a tourist facility then it is not clear why there is a need for the requested hours.

There is however a concern that the overall increase requested in this application may also set a precedent for other premises within the authority area looking to extend hours that are well outwith board policy.

This objection is submitted for your attention in considering this application.
Yours faithfully

For enquiries please contact the Licensing Department on 01620826147

## EAST LOTHIAN COUNCIL

## PEOPLE \& GOVERNANCE

From: R. Fruzynski<br>Licensing Standards Officer

## To: K. MacNeill <br> Clerk to the Licensing Board

Date: 09 Jan. 20

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION)
Glenkinchie Distillery Visitors Centre, Glenkinchie, Pencaitland, East Lothian EH34 5ET

I refer to the above subject and can confirm that the undernoted premises have been visited in relation to application for a Premises Licence variation.

The main changes requested are a change of core hours and alteration to the layout plans.
With respect to core hours, the current licensed hours are as follows:

| Day | ON Consumption |  |
| :--- | :--- | :--- |
|  | Opening time | Terminal hour |
| Monday | $10: 00$ | 22.00 |
| Tuesday | $10: 00$ | 22.00 |
| Wednesday | $10: 00$ | 22.00 |
| Thursday | $10: 00$ | 23.00 |
| Friday | $10: 00$ | 23.00 |
| Saturday | $10: 00$ | 23.00 |
| Sunday | $10: 00$ | 23.00 |


| Day | OFF Consumption |  |
| :--- | :--- | :--- |
|  | Opening time | Terminal hour |
| Monday | $10: 00$ | 22.00 |
| Tuesday | $10: 00$ | $22: 00$ |
| Wednesday | $10: 00$ | $22: 00$ |
| Thursday | $10: 00$ | $22: 00$ |
| Friday | $10: 00$ | $22: 00$ |
| Saturday | $10: 00$ | $22: 00$ |
| Sunday | $10: 00$ | $22: 00$ |

## Outdoor alcohol drinking facilities are available from 10:00 to 22:00 each day.

The amended hours requested only refer to on consumption and are for an increase of one hour in the morning and one hour in the evening each day, namely from 09:00 to 24:00.

The reasons given for requesting earlier opening is that with the expansion of the overall licensed footprint of the distillery, will allow for the enhanced promotion the four corners of the Johnny Walker and Glenkinchie Distillery experience. Coach tours would arrive early morning and could be afforded tasting and bar facilities from 09:00 rather than have to wait until the end of a 90 minute tour. It is not anticipated that visitors would want to drink normal whisky measures at the commencement of core hours, but the facility would be available to anyone who did not undertake the tour. It is more likely that the sampling of small 10 ml measures of whisky, prior to beginning a tour, would be the normal reason for earlier on consumption hours.

In relation to the extended hour from 23:00 to 24:00 hours, it is suggested that this would afford facilities for functions and tours that commence mid evening. As stated, tours take 90 minutes, therefore, a tour beginning at 19:30 would not finish until at least 21:00, leaving 2 hours for other activities. Distillery functions would likewise have to terminate by 23:00, under the current licensed hours, but it is requested that an extra hour would allow this tourist facility additional flexibility rather than have to apply for occasional extensions to hours when required.

The proposed extended hours are out with Board policy, but every application is determined on its own merits having regard to Section 8.1 of the Board's policy on tourism, as follows:
8.1 The Board will arrange to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in its considerations. New or extended license applications relating to a recognised tourist attraction must show that the granting of the licence will have no serious impact on the Licensing Objectives.

I have no objection to the proposed increase in capacity of the number of persons access to the premises given the increased scale of the distillery or to the change in size of the alcohol display.

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

This information is provided for the information of Board members.

R. Fruzynski<br>Licensing Standards Officer

Maree Winter
Licensing Officer
Democratic \& Licensing Services
East Lothian Council
John Muir House
HADDINGTON, EH41 3HA

| Date <br> Your Ref <br> Our Ref | $3^{\text {rd }}$ January 2020 |
| :--- | :---: |
|  | JS//fb |
| Enquiries to | Jim Sherval |
| Extension | 35436 |
| Direct Line | 01314655436 |
| Email | jim.sherval@nhslothian.scot.nhs.uk |

Dear Ms Winter

## MAJOR VARIATION APPLICATION : GLENKINCHIE DISTILLERRY

We would like to make a representation concerning this application.
The change in on sale hours applied for are 0900 to midnight daily. We note that the Board's policy is for an 11 o'clock commencement hour daily with an 11 pm finish Monday to Wednesday, Midnight on Sunday and 1am Thursday to Saturday. We respectfully suggest that the Licensing Board may wish to ascertain why this application is an exception to their policy.

Yours sincerely


JIM SHERVAL FFPH
Consultant in Public Health

Ms K MacNeill
The Clerk of the Licensing Board
John Muir House
HADDINGTON
East Lothian EH41 3HA

Dear Ms MacNeill,

## GLENKINCHIE DISTILLERY

I am writing to object to the application by Glenkinchie Distillery to extend its licensing hours and run an outdoor drinking area.

I live at Under the current regime the car park can be very noisy from time to time and particularly when there are minibuses full of visitors arriving or departing. The noise arises from vehicles and humans - engines running, loud conversations and phone calls can all be clearly heard from inside my house. The visitors depart by 5 pm , and in the evening the village is peaceful.

The prospect of this, and greater, disturbance extending to midnight is not tolerable. I have a fulltime job (as do many of the village inhabitants) and am normally in bed by 11 pm . The proposal to extend licensing hours and introduce an outdoor drinking place would create noise well into "antisocial hours" by any standard.

Whilst one would hope that nobody would drive away from the distillery after consuming alcohol, they would clearly be hanging around waiting for buses and taxis within feet of my house. This would inevitably reduce the value of my property and more importantly ruin my quality of life. I have no doubt there would be a high risk of litter in my garden, not to mention human excrement and vomit - this already occurs from time to time so is no exaggeration.

The distillery appears to know full well that their plans are unacceptable to their neighbours, as evidenced by their failure to inform all of us at the outset. The vast resources of Diageo should not hold sway over the standards that would apply to a small business.

This proposed extension is clearly totally inappropriate for a small rural village community and I would urge the Licensing Board to reject it.

## Yours sincerely

28 JAN 2020
Received
$27 / 1 / 20$
Ref Application for varaation At Ghenkinchte Distimery - Major.

Drin Kirstite MacNEInh,
I wish to register a formal objection To THE GRANTING OF ANY EXTENSION TO THE CURRENT LICENSE OH THE GROUNDS OF PUBLIC NUISANCE.
OUR VILLACIE is A QUIET CONSERVATION VKMAC Wilt is ont of Tote MAN REASONS FOR LIVING HERE.

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AS IS WEW RECORDED, THE NOISE AND ANTI-SOCIAL BEHAVIOUR ASSOCIATED WLTH AhCOHOL US WFha KNoodN, THE 1 DEA OF WARGE NUMBERS OF INTOXICATED PEOPLE WAWKING AROUNS DUR WIHAGE IS NOT WUAT WR ARE PREPARED TO TONERATE.
THIS IS NOT A CITH CENTRE NOCATIOO! IT IS A QULET CONSERVATTON VILIACE?

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WHAF MATTERS MOST) A MUNT - GHOBN COMPANY OR THE ENTIRE RESUDENTS?

I LOOK FORWARD TO HEARUNG FROM Hou ln we coursse.

Yairs Sincarreiny

## Application for variation of license at Glenkinchie Distillery

We, the undersigned, wish to register a formal objection to the above mentioned application on the basis of public nuisance. Our village is a peaceful and quiet one. Indeed one of the main reasons for staying here is the fact that there is no noise after 50 clock in the evening. The granting of a license allowing the sale of alcohol up to the hour of midnight on a daily basis, together with the provision of an external licensed garden area, would create a severe intrusion into the peaceful nature of our village. Our main areas of concern are noise from the garden area, car engines running late at night, car doors slamming not to mention the general unruliness associated with large groups of intoxicated people late at night.

Yours faithfully-

## Twenty-four signatures from 19 different households redacted.



## From:

Sent:
To:
Subject:
29 January 2020 19:30
Licensing
Licensing Application for Glenkinchie Distillery by Diageo

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.

Sir,<br>Variation of Alcohol Licence application by Diageo for premises at Glenkinchie Distillery, Glenkinchie, Pencaitland, East Lothian EH34 5ET



I wish to make the following representations regarding the above application.

1. Glenkinchie has a population of approximately 35 people, varying in age from about 6 months to over 80 years old. This licensing application is for functions of up to 846 people indoors, and more outdoors. Having spoken to staff at the Distillery, it has been stated that the intention is to attract, amongst other functions, stag and hen parties to the venue. All 23 houses in the village sit higher on the land and have direct line of sight down into the "garden area" referred to in the application. 19 of the 23 houses share property boundaries with the distillery premises.

Glenkinchie is an attractive rural village (the entire village is a Conservation area), with no background noise like would be heard in a town, such as Haddington. Any outdoor function in the garden area will create noise and nuisance which doesn't currently exist, and noise carries in the still air. There are no other licensed premises in the area - any noise and nuisance created will be "new", not adding to existing disruption.

Current parking provision provided by the distillery is 50 car parking spaces and 5 coach spaces. Public transport in Glenkinchie currently consists of a bus to Haddington at 8.10 am and a bus from Haddington at 4.25 pm . An off-road and unlit footpath through woodland leads to the next-nearest bus stop over a mile away at Lempockwells, where the last bus is 7.25 pm to Haddington, and onwards a further 1.5 miles along the unlit Pencaitland Railway walk to the bus stop in Pencaitland, where the bus heads into Edinburgh. Any persons attending functions at the Distillery in the evening will normally require to use private cars or minibuses creating extra traffic on narrow rural roads, and also brings the prospect of drink-driving since the whole point of holding a function in a distillery is the alcohol involved.

I would ask the Board to consider the following in regard to the application:

1. Restricting the hours of use of the garden area in the evening and at weekends, to prevent noise nuisance to nearby residents.
2. Restricting the hours of use of the interior spaces to prevent nuisance to nearby residents as crowds disperse, particularly if granting a licence up to midnight is considered.
3. Restricting the number of guests overall, to take account of the limited public transport available and the provision of parking, again to prevent nuisance and disturbance to nearby residents.

Thank you.

# East Lothian Council Licensing 

21 JAN 2020

16 January 2020

## Received

Dear Ms MacNeill
LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION (MAJOR)
PREMISES - GLENKINCHIE DISTILLERY VISITOR CENTRE, GLENKINCHIE DISTILLERY, GLENKINCHIE, PENCAITLAND, TRANENT, EAST LOTHIAN, EH34 5ET TYPE - ON AND OFF SALES

We strongly object to this application for the following reasons:
The noise factor involved with people arriving and departing in this little hamlet, from 9am - 12 midnight daily, in their cars, in buses and even on foot, during the 15 hours they are hoping to be open every day. The visitors to this distillery are not the quietest of people when they arrive and are even noisier when they leave, due to the consumption of alcohol on the premises., especially the bus loads of foreign visitors.

The residents in this little hamlet have had to put up with noise from this distillery for years and years now, mainly in the spring and summer months, not only from the visitors who have had too much to drink and can be very noisy when they leave, but also from the various events that they hold in the distillery, including very loud pipe bands, classic car events which can be very noisy, with all the cars arriving at, or departing from the distillery car park and driving on all the quiet surrounding roads, increasing the risk of accidents, as there are so many of them.

The risk of accidents to residents, who have to leave the hamlet to go to their work, doctor or hospital appointments, shopping etc, due to the way lots of the visitors to the distillery arrive and depart, in the various forms of transport they use. Lots of them drive far too fast up and down the narrow road leading to and from the distillery, sometimes even on the wrong side of the road! We have had a wing mirror on our car knocked off by one car load of visitors, driving down the middle of this narrow road, at speed. There is no pavement on this road, so it is dangerous enough for residents to walk up and down it, usually with their dogs, without having to avoid speeding drivers going to and from the distillery.

The fact that visitors to the distillery can have alcohol 15 hours a day, everyday, is a very bad idea, as most of them arrive in cars and may be tempted to drink and drive. It is a distillery in a rural area, not a pub. They seem to be wanting to be open longer hours than a pub does and this is unacceptable and certainly not allowed outside in any garden..

It is also a residential area, where people have to live in peace and quiet, at least during some time during the 15 hours everyday that they hope to be open. There are many people who live in the hamlet, who are elderly and have various, serious medical conditions and need to rest. We also have people who have to sleep during the day, due
to working long hours during the night. So the thought that we will have to put up with even more noise from this distillery, if they are allowed to open from 9am - 12 midnight, with drink being available, whether inside or outside the premises, is just not acceptable.

The residents have had to put up with major disruption in their area, over many years, due to this distillery, with various projects that they have carried out, including the re-roofing, due to asbestos being found, the very bright lights being installed, which light up all the back of our houses, which have bedrooms at the back, making it more difficult to sleep.

They have huge overgrown trees which surround the distillery and block out the sunlight to our gardens, making it impossible to sit in our gardens during late afternoon, or evening, as it is so cold due to lack of sunshine. These trees have never been reduced in size during the 23 years we have lived here, up until one of them fell over into our next door neighbour's back garden, which is about 100 ft long and the tree covered a vast amount of it. It could have killed someone!. They then decided to cut down some of the trees, as they were dangerous, but there are still very many huge trees, overlooking our gardens, which should have been reduced in size many years ago.

They had gas installed at the distillery, causing more disruption and noise to the area. We were told that if they got gas, that it would be possible for the residents to also have gas installed, but we never received the offer to have this done.

We now have the worst disruption to this little hamlet, with all the building work that is being carried out and has been for many, many months now. They have taken away the lovely bowling green, which was one of the nicer parts of the distillery, but was hardly ever used, but now it looks like we are all living in an industrial site and is horrible to see from our windows every day, or for people visiting the area.

This used to be a lovely little hamlet, with cherry trees surrounding the distillery and the verges kept well trimmed by the distillery workers, but now it is a shambles and not what you would expect a conservation area to look like.

If the distillery are allowed to have nearly all day, every day, opening hours, with alcohol consumed, this means that in our little lane, we will get even more visitors to the distillery, walking up it and even driving up our narrow lane, which is in the most dreadful state due to potholes.

Some visitors do not want to go into the distillery, due to religious reasons, or that they are not allowed to take their children into the premises, so they tend to come up our lane, just for a look at our houses and gardens, or to use the council swing park for their children, which is not in the best, or safest condition for anyone to go in, as there are huge trees in the distillery, which overhang this swing park and which could fall over and kill a child, in one of the many storms that we get in the area during the winter. The swings are not in great shape either and the only children that use them, are usually children of the visitors to the distillery.

The lane we live on, is not a council road, and they give us no help to fill in the potholes, even though they own the swing park in the lane. We do try to fill in these huge potholes every year, but it is now becoming too difficult to do and some of us are quite elderly and not in the best of health. The distillery visitors have no right driving their cars up our unmade up road and they should be told by the distillery not to do that. We are all thinking about putting up a sign at the start of the lane, saying that this is a private lane and only for
the residents, especially the parking areas in front of our houses, which we own, which they sometimes use without our permission.

I am a disabled pensioner and I hardly ever leave the house now, due to the state of this dangerous road and the horribie state of the surrounding area, which is quite unpieasant to see and will be even worse and much noisier, if the distillery is allowed to open 15 hours a day, every day and where alcohol can be consumed.

The distillery is only interested in making more and more money by wanting to make all these changes and have no thought for the disruption this will cause to the people who have to live here.

A licensed garden area is just not acceptable in any way, as we have enough noise coming from the distillery, when visitors have been drinking inside the distillery, so being allowed to drink for up to 15 hours during everyday of the week, outside in a garden, will be detrimental to this once lovely little hamlet and we will not accept it. It is not a pub and should not be treated as one. They make quite enough money from their distillery already, without disrupting the lives of all the people who are trying to live in this area.

They do nothing for our little community, to make our lives more pleasant living here, so we strongly object to their application, as do lots of other residents in the hamlet, some of whom, including us, never even received a letter from the council about this application, until one of the residents found out that we had not been contacted and told the council that they had missed out some of the residents who would be the most affected by this application, if it went ahead.

The residents who live in this conservation area, have to abide by planning laws and restrictions etc, but the distillery seem to be allowed anything that they apply for, no matter how disruptive their changes make to this once lovely little area. We have put up with it all for years and years now, but enough is enough.

Please keep us all informed in this hamlet, of what is happening with this application to vary the licensing hours etc of the distillery and also when a decision will be made, as some people will want to attend that meeting.

Yours sincerely


## From:

Sent:
To:
Subject:
Attachments:

Millar, Neil
10 January 2020 10:56
Winter, Maree
RE: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf 2682738.pdf

Hi Maree,

Please see attached copy of the Decision Notice issued through the grant of planning permission (Ref: 18/01076/P) for alterations to building, including the formation of distillery visitors centre and associated works at Glenkinchie Distillery.

As you will note, 7 conditions were imposed on the Decision Notice, in particular Condition 5 states that 'No more than a total of 16 coach movements per day shall be permitted to and from the application site. Of the 16 coach movements, no more than 4 movements per day shall be permitted between the hours of 18:00 and 22:00. No coaches shall access or egress the application site between the hours of 22:00 and 08:00'. The reason for this condition is to protect the amenity of neighbouring residential properties.

However, it does not appear that the proposed change to the licensing hours would conflict with Condition 5 of planning permission 18/01076/P. Moreover, altering the licensing hours for sales within the premise does not constitute development and thus planning permission is not required for this.

Kind regards

Neil

From: Winter, Maree [mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)
Sent: 10 January 2020 10:31
To: Millar, Neil [nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk)
Subject: FW: FW_Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf Importance: High

HI Neil,

Please see attached email I received regarding the major variation application. Are you able to advise me if there are any planning restrictions for Glenkinchie.

Kind regards
Maree.

## Maree Winter

Licensing Officer: Democratic \& Licensing Services: East Lothian Council: John Muir House: Haddington: EH41 3HA
01620827867
mwinter@eastlothian.gov.uk

## From: Winter, Maree

Sent: 10 January 2020 10:28
To: 'David Hossack' [David.Hossack@morton-fraser.com](mailto:David.Hossack@morton-fraser.com)
Subject: FW_ Objection to Application for Variation (Major) - Glenkinchie Distillery.pdf

Hi David,

Please find attached objection received for the major variation for Glenkinchie Distillery.

Kind regards
Maree

Maree Winter
Licensing Officer: Democratic \& Licensing Services: East Lothian Council: John Muir House: Haddington: EH41 3HA
01620827867
mwinter@eastlothian.gov.uk





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