

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

3c

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL053

2(b) Name and Address of Premises

Co-op 1 Clayknowes Crescent Clayknowes Musselburgh East Lothian	
Post Code EH21 6UW	Phone No.

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

Co-operative Group Food Limited 1 Angel Square Manchester	
Post Code M60 0AG	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)

Amend Q5(c) to read 'Recorded Music Y Y Y'

Amend the box underneath the activities grid to read: Recorded background music may be played within and outwith core hours.

Amend Q5(f) to read 'The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.'

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.

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)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

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

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details) Working remotely without access to principal licences
.....

SECTION 5: FEE PAYABLE

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

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

Date 11 May 2020

Capacity: AGENT

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

Eilidh M. McGuire for Hill Brown Licensing
RWF House, 5 Renfield Street
Glasgow
G2 5EZ
0141 333 0636 / info@mshblicensing.com

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

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

Note 5:

Data Protection Act 1998

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

Contact Us:

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

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Co-op 1 Clayknowes Crescent Clayknowes Musselburgh East Lothian EH21 6EW

Question 1

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

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

Question 2

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

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

<i>Sunday</i>		
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Question 3

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

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

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

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

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

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

Recorded background music may be played within and outwith core hours.

5(f) any other activities

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

The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

5(g) Late night premises opening after 1.00am

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

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

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

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

Question 7

CAPACITY OF PREMISES

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

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*

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8(c) *Contact address*

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8(d) *Email address and telephone number*

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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 11 May 2020

Capacity AGENT (delete as appropriate).

Telephone number and email address of signatory 0141 333 0636 / info@mshblicensing.com

*** Data Protection Act 1998**

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

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

Business Profile

Please describe your business offering.

Convenience store

(extend this box if you require additional space)

On/Off Consumption	
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<p>(a) Please describe the type of business you intend to operate in respect of On consumption.</p>	<p>a) N/A</p>
<p>(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries</p>	<p>b) Usual convenience store off sales operation with home delivery offer</p>

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:

N/A

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:

N/A

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:

Recorded Music – in-store background music only

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:

N/A

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:

N/A

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:

Recorded Music – in-store background music at all times when store is open to public

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:

N/A

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.

None in particular – off-sales premises 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](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

- There is full CCTV coverage at the store.
- There are several personal licence holders with one on shift at all times.
- Location of alcohol area allows for careful monitoring. All spirits and high value products which may appeal to shoplifters are located behind the tills.
- Store management have a good working relationship with the Police, reporting any issues and co-operating at all times.

- No delivered alcohol will be left unattended.

Securing Public Safety:

- Store is fitted out to a high standard and regular checks take place of all fixtures and fittings to ensure the physical safety of the public when they are within the store is protected.
- There is CCTV coverage at the store.
- There are several personal licence holders with one on shift at all times.
- Comprehensive risk assessments are carried out regularly and a security guard will be stationed at the entrance if deemed necessary.
- No delivered alcohol will be left unattended.

Preventing Public Nuisance:

- There is full CCTV coverage at the store.
- There are several personal licence holders with one on shift at all times.
- Music will be low level background only.
- External doors are kept closed.
- Delivery times are scheduled to ensure that disturbance to any local residents is kept to a minimum.
- No delivered alcohol will be left unattended.

Protecting and Improving Public Health:

- Low alcohol beer forms part of the product range and all alcohol is clearly labelled with unit information.
- The Co-operative Group are members of the Wine and Spirits Trade Association and the British Retail Consortium as well as being

signatories to the Portman Group Code of Practice.

- Marketing material for the Co-operative Group always includes an instruction to drink responsibly and the Drink Aware web address.
- Extensive CITRUS Training programme is in place for all staff which includes thorough training on Age Verification Policy relating to age restricted products at the commencement of, and at regular intervals throughout employment. The training system features a Section on the negative consequences of excessive alcohol consumption and provides advice on how to deal with customers with alcohol dependency issues including refusing sales where a person is intoxicated.
- All delivery drivers, including third party couriers, will be trained in age verification and delivery procedures.
- All deliveries will be made in accordance with the relevant provisions of the Licensing (Scotland) Act 2005.
- No promotions which are in contravention of the Licensing (Scotland) Act 2005.

Protecting Children and Young Persons From Harm:

- No alcohol lines appealing to children or young persons are stocked.
- There is full CCTV coverage at the store and several personal licence holders with one on shift at all times.
- Extensive CITRUS Training programme in place for all staff which includes thorough training on Age Verification Policy relating to age restricted products at the commencement of, and at regular intervals throughout employment.
- Introductory and refresher training will be provided on proxy purchasing including a DVD demonstrating practical examples of how to refuse sales in potential proxy purchase scenarios.
- All new staff will be placed in 'lockdown' during the first 6 weeks of employment which requires all age restricted sales to be authorised by a senior member of staff.
- Challenge 25 will be in operation, both in store and for deliveries of

alcohol.

- All delivery drivers, including third party couriers, will be trained in age verification and delivery procedures.
- All deliveries will be made in accordance with the relevant provisions of the Licensing (Scotland) Act 2005.
- A highly advanced till system will be installed within the store which requires a 4 stage process to be completed before alcohol sales can be made. This includes the identification of the purchaser's age. An electronic register of all age challenges is recorded in the store back office systems and is reviewed on a weekly basis by management.
- The Co-operative have over the past year developed a new audit system called 'At Risk' which periodically allows comprehensive audits of all areas of service within stores including age restricted sales. Where a store is considered to be at risk on any element of the audit they will not be passed until the issues are rectified.

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.

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFENCE 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	11 May 2020
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11/06/2020

Your Ref: PREM – EL/053

Our Ref: 505561

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



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Chief Superintendent

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

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CO-OP, 1A CLAYKNOWES DRIVE, CLAYKNOWES,
MUSSELBURGH, EAST LOTHIAN, EH21 6UW.**

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

The variation requested consists of a variation to the operating plan, including:

- the addition of background music as an activity during and outwith licensed hours
- an amendment to the details of the other activities, including the description of the normal shop business and to include the addition of home deliveries, including alcohol being delivered in terms of the relevant provisions of the Licensing (Scotland) Act 2010

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

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

Yours faithfully



John McKenzie
Divisional Commander

For enquiries please contact the Licensing Department on 01620-826147.

Herkes, Gillian

From: Fruzynski, Rudi
Sent: 12 June 2020 08:11
To: Herkes, Gillian
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

I have no objection to the proposed changes applied for in this Major Variation application.

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian
EH41 3HA

01620827363

From: Herkes, Gillian
Sent: 10 June 2020 11:19
To: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>;
Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception
<environment@eastlothian.gov.uk>; Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk>; Grant, Shona
<sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Trading Standards
<tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

Please find attached Major Variation for Co-op, 1 Claykoves Crescent, Musselburgh for report by 2nd July, 2020.

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



Herkes, Gillian

From: Trading Standards
Sent: 10 June 2020 13:21
To: Herkes, Gillian
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

OK – thanks. I take it they have an underage sales policy in place then and a method of on-line age verification and/or policy for only delivering to a person over the age of 18. All points that the alcohol licensing team will no doubt have picked up on. Nothing else then from trading standards.

Many thanks for getting back to me.

Regards
Alex

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 10 June 2020 11:58
To: Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

The only thing they are changing is allowing alcohol to be delivered with groceries.

Gillian

From: Trading Standards <tradingstandards@eastlothian.gov.uk>
Sent: 10 June 2020 11:57
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

Hi Gillian

Was there anything else meant to be included with this variation? I am struggling to see what the variation is – there is minimal information on the form.

Thanks
Alex

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 10 June 2020 11:19
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Boyle, Fiona <Fiona.Boyle@nhslothian.scot.nhs.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; Trading Standards <tradingstandards@eastlothian.gov.uk>; [REDACTED]
Subject: FW: Attached Image - Major Variation - Co-op, 1 Claykoves Crescent, Musselburgh

Please find attached Major Variation for Co op, 1 Clayknowes Crescent, Musselburgh for report by 2nd July, 2020.

Gillian
Gillian Herkes
Licensing Officer

