



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

2

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

1. TYPE OF VARIATION

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

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

East Lothian Council
Licensing

- 9 DEC 2021

Received

(Provide Details)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL290

2(b) Name and Address of Premises West Barns Shop, (A) School Brae

West Barns, Dunbar, East Lothian

Post Code EH42 1UA Tel. No.

Email

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

Irfan Ahmed Khan

Post Code XXXXXXXXXX

Tel. No.		Email address	
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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

[illegible]

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

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

To increase the licensed hours to 10pm each day.

To add Deliveries as an Activity.

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. **(See Note 2)**
In addition please provide details below of the proposed change to the layout of the Premises.

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

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

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

Does the appropriate Premises Licence accompany this application?

YES ☐ NO ☒

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

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

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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

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

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

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

- (iv) the [REDACTED] sed

7

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

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.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 2018

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

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

West Barns Shop
(A) School Brae
West Barns
Dunbar
East Lothian
EH42 1UA

Question 1

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

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

Question 2

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

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

Question 3

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

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

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>N/A</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
Accommodation	No	N/A	N/A
Conference facilities	No	No	No
Restaurant facilities	No	No	No
Bar meals	No	No	No
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
Receptions including Weddings, funerals, birthdays, retirements etc.	No	No	No
Club or other group meetings etc.	No	No	No
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
Recorded music – see 5(g)	No	No	No
Live performances – see 5(g)	No	No	No
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	No	No	No
Indoor/outdoor sports	No	No	No
Televised sport	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 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.

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 and non-alcoholic products from 6am.

Deliveries

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*
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

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

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

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

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Question 7

CAPACITY OF PREMISES

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

Off sales – M2

Question 8

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

Personal details

8(a) Name

Irfan Ahmed Khan

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address


[REDACTED]


8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
5 August 2015	Edinburgh Licensing Board	302067

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The con  the best of my knowledge and belief.

Signature * (see note below)

Date ...

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 2296181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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

10/12/2021

Your Ref: EL290

Our Ref: 604738/GB



Catriona Paton
Divisional Commander
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
WEST BARNS SHOP
50 SCHOOL BRAE, WEST BARNS, EAST LOTHIAN, EH42 1UA.**

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

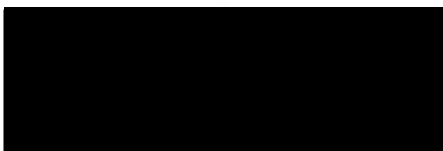
The variation requested consists of the following

- To increase the licensed hours of off sale trading to 22.00hrs daily
- To add deliveries as an activity to the operating plan.

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



Catriona Paton
Chief Superintendent

Aitken, Christine (Licensing)

From: Herkes, Gillian
Sent: 10 December 2021 13:48
To: Aitken, Christine (Licensing)
Subject: FW: Attached Image Major Variation - West Barns Shop, West Barns

Can you run this off and put in my tray its for the Major Variation.

Thanks

G

From: Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>
Sent: 10 December 2021 13:45
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image Major Variation - West Barns Shop, West Barns

This has always been a well-run shop, with no recorded complaints or identified issues.

I have no objection to the variation of hours applied for.

I visited the shop yesterday and met with a shop assistant and the Key Store area manager. I will visit the premises again and liaise with Mr Khan the new licence holder to maintain the very good rapport experienced over the years with the previous owner.

Kindest regards

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

01620827363

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation. It is recommended that you consult with a licensing agent or solicitor if you are looking for legal advice on matters.

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 09 December 2021 12:04
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk> [REDACTED]

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 17th December 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: West Barns Shop, West Barns, Dunbar

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

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

Aitken, Christine (Licensing)

From: Herkes, Gillian
Sent: 15 December 2021 09:15
To: Aitken, Christine (Licensing)
Subject: FW: Attached Image Major Variation - West Barns Shop, West Barns

Another report this is for the Major Variation for WB's Shop. Can you just put it in my tray.

G

From: Trading Standards <tradingstandards@eastlothian.gov.uk>
Sent: 14 December 2021 13:38
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image Major Variation - West Barns Shop, West Barns

No issues for TS.

Thanks
Gillian

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 09 December 2021 12:04
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Cc: 'Licensing@nhslothian.scot.nhs.uk'
Subject: FW: Attached Image Major Variation - West Barns Shop, West Barns

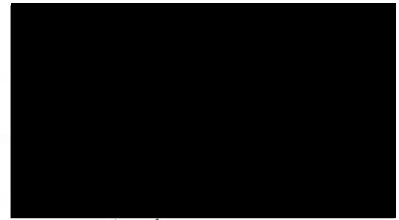
Hi All

Please find attached Major Variation for West Barns Shop, West Barns to increase the licensed hours from 8pm to 10pm each day and add deliveries. Can I please have your reports by 30th December, 2021.

Kind regards

Gillian

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




27/12/21

DEAR SIR / MADAM,

YOUR REF: KMACN/HW/EN/L/L1.

WITH REFERENCE TO THE ABOVE APPLICATION, I WOULD LIKE TO OBJECT TO THE VARIATION TO THE LICENCED PREMISES, AND OFFER THE FOLLOWING REASONS FOR THIS.

1. CURRENTLY, THERE ARE PAPERS, BREAD AND MILK DELIVERIES TO THE SHOP, BEFORE AND AFTER 5:00AM, WHICH INVOLVES THE OPENING OF THE METAL SHUTTERS, WHICH CAN AND DO CAUSE CONSIDERABLE NOISE, WHICH CAN, AND DO INTERRUPT ONE'S SLEEPING PATTERNS.
2. THIS APPLICATION TO EXTEND THEIR OPENING HOURS, COUPLED WITH EXTRA DELIVERIES, WOULD EXTEND ALL OPERATIONS TO 10:00PM, WHICH WE THINK IS UNACCEPTABLE. (WOULD THERE BE DELIVERIES AT WEEKENDS?).
3. INCREASE IN NOISE LEVELS OF VEHICLES DELIVERING, PLUS THESE VEHICLES TEND TO TURN AT THE JUNCTION OPPOSITE OUR HOUSE, AND UNLESS THEY CAN SWITCH OFF THEIR REVERSE BEEPERS, THERE WILL BE ADDITIONAL NOISE AGAIN.
4. CURRENTLY, EITHER DELIVERY VEHICLES OR CARS PARKED TO VISIT THE SHOP, PARK  OUR DRIVE, CAUSING DIFFICULTY IN GAINING ACCESS INTO OUR DRIVE, OR THIS CAUSES CONGESTION, AS WE HAVE TO DRIVE PAST, TO ALLOW OTHER TRAFFIC TO PASS.
5. FINALLY, AND NOT APPLICANTS RESPONSIBILITY, BUT DUE TO THE

(CONDITION OF THE ROAD SURFACE, AND THE COUNCIL'S INABILITY TO REPLACE/REPAIR THIS SURFACE, THE ROAD IS ONLY GOING TO DETERIORATE FURTHER, WITH ADDITIONAL DELIVERY VEHICLES, AND OTHER TRAFFIC, STOPPING TO PURCHASE GOODS FROM THE SHOP.

WHILST NOT WISHING TO PUT A DAMPNER ON THE SHOP'S BUSINESS INTERESTS AND PROFITABILITY, WE HAVE TO THINK OF OUR OWN WELL BEING, SHOULD THIS APPLICATION BE ALLOWED TO PROCEED.

YOURS FAITHFULLY.

[REDACTED]

