

APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

1a

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

1. TYPE OF VARIATION

is ma	application for Variation other than a Minor Variation of Premises Licence ade under Section 29(5) of the Licensing (Scotland) Act 2005 in order to – (Tick all relevant boxes)
	Any of the Conditions to which the Premises Licence is subject
\checkmark	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).
(Prov	ride Details)

2. PREMISES LICENCE DETAILS
2(a) Licence Number of Premises ELO366
2(b) Name and Address of Premises Food Warehouse, Unit 3 Haddington Retail Park
Haddington, East Lothian
Post Code <u>EH41 3FW</u> Tel. No. <u>01620823672</u>
Email n/a
2(c) Full Name and Address of Current Licence Holder
Iceland Foods Limited
Second Avenue, Deeside Industrial Park, Deeside, Flintshire
Post Code CH5 2NW
Tel. No. Email address
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
g e e e e

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

changes. (See Note 1)	
The variation is to amend the approved layout plan which supports the Premises Licence. In particular, an increase of the capacity figure listed at Q7 for the alcohol display area to 26.4	m2,
Reconfiguration of shelving area as per plan ref 'ice487-haddington-lic01a'	
3(c) Variation to the Layout Plan of the Premises Licence	
A copy of the proposed Layout Plan must accompany this application. (See Not In addition please provide details below of the proposed change to the layout the Premises.	
Increase in alcohol display capacity from 17.6m2 to 26.4m2 as per enclosed layout plan ref:	
'ice487-haddington-lic01a'	
e to e a to to	•3
3(d) Variation to any other information contained or referred to in the licen	Э
Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premis Licence)	es

4.	LICENCE TO BE AMENDED (See note 3 below)		
	oes the appropriate Premises Licence accompany YE is application?	S 🗸	NO [
lf t	the answer is NO, please provide an explanation.		
l ar	m 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 respec application for variation or transfer	t of an	earlier
	Other (provide details)		
7			
-			
<u></u>			
5. F	FEE PAYABLE		
	ormation on fees can be found at ps://www.eastlothian.gov.uk/info/210571/licensing/12259/alcoh	nol_lice	ences/2
	ubmitted with an application for transfer, please specify the ord applications are to be considered-	er in w	hich
	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.

100	nfirr	n that							
(a)		contents of this Applicatior ief; and	are true to th	e best of my knowledge and					
(b)	(i)	the appropriate fee of £ 20	0	is enclosed \checkmark					
	(ii)	the proposed Operating Pla	n is enclosed	\checkmark					
	(iii)	the proposed Layout Plan is	enclosed	\checkmark					
	(iv)	the Premises Licence is en	closed	\checkmark					
Sigr	natu	re	-11	(See note 5 overleaf)					
Date	e <u>23</u>	3rd February 2022							
Cap	acity	APPLICANT / AGENT (de	lete as approp	riate)					
lf ag	ent	, please provide details							
Full	nam	e Niall Hassard							
Addı	ess	TLT LLP 140 West George Stree	et, Glasgow						
			Post Code C	62 2HG					
Tel. 1	. No. 0333 006 0400 Email addressniall.hassard@tltsolicitors.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 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					

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	

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?	YES
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	NO
*Delete as appropriate	

Question 2

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

Day	ON	ON Consumption				
	Opening time	Terminal hour				
Monday	NA NA	NA				
Tuesday	NA	NA				
Wednesday	NA	NA				
Thursday	NA	NA				
Friday	NA	NA				
Saturday	NA	NA				
Sunday	NA	NA				

Question 3

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

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

Question 4

SEASONAL VARIATIONS

Does th	he appli	cant intend	to operate	accordii	ng to sea.	sonal de	mand			NO	
*If YES	S – prov	ide details	72 IT			Ę					
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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	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm		
		YES/NO	YES/NO		
Accommodation	NO	NO	NO		
Conference facilities	NO	NO	NO		
Restaurant facilities	NO	NO	NO		
Bar meals	NO	NO	NO		
	NO	NO	NO		
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm	Where activities are also to be provided outwith core licensed hours please confirm		
		YES/NO	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)	YES	YES	YES		
Live performances – see 5(g)	ive performances – 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		

5(d) Activity	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
Outdoor drinking facilities	NO	NO	NO
5(e) Activity	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
Adult entertainment	NO	NO	NO

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

l	times th	e premis	es is op	en to th	e public	ughout t and whii as to ave	st store	staff a	ire work	ting wi	thin th		
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				140				183	G			F2	2

5(f)	anv	other	activitie	٠,
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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

decibel level exceed	85dB?
When fully occupied	l, are there likely to be more customers standing than seated? N/A

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	N/A
	*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	
	Provide statement regarding the AGES of children or young persons to be allowed entry	
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	Provide statement regarding the AGES of children or young persons to be allowed entry	
(d) I	Provide statement regarding the AGES of children or young persons to be allowed entry	
(d) I	Provide statement regarding the AGES of children or young persons to be allowed entry Provide statement regarding the TIMES during which children and young	

		allowed entry				
Duestion 7	1					
CAPACITY	OF PREMISES					
What is the	proposed capacit	of the premises	to which this ap	plication relates	s?	
						-,
			24		2 "	
6.4m2 Off	Sales					
6.4m2 Off	Sales					
	e .	<u>.</u>				
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8(c) Contact addre	ess.
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8(d) Email address and telephone number

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8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
25/06/2015	Edinburgh City Council	296364

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

Signature * (see note below)

Date 23rd February 2022

Capacity APPLICANT

Telephone number and email address of signatory.01244 843699

* 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.

Statement of how the Licensing Objectives will be upheld by Iceland Foods Ltd, t/a

Food Warehouse, Unit 3 Haddington Retail Park

Haddington, East Lothian

(Ref: EL0366)

Background to the applicant -

Iceland Foods Ltd is a unique British food retailer which launched with one shop in 1970 (in

Shropshire). It now sits with over 1000 stores throughout the UK – two stores currently

trading in East Lothian, namely, the applicant premises and Newhailes Road, Musselburgh,

(Ref: EL0123)

The East Lothian stores and indeed the 80+ other stores in Scotland do not cause Boards or

their officers any significant issues.

Iceland in East Lothian -

Iceland has had a presence in East Lothian via its Musselburgh store for some 20 years. Up

until the launch of the Haddington Food Warehouse Store, Iceland had been trading in its

traditional high street Iceland format.

About the Food Warehouse

The Iceland brand has grown and evolved through the decades. Initially it focused on the

traditional "high street" Iceland store (per Musselburgh). However, in September 2014

Iceland opened the first of its new concept stores called "The Food Warehouse" in England.

This format is more than double the size of a typical high street Iceland store and as well as

the full Iceland range of frozen products, it offers a significant additional range of fresh

products, extended ranges of luxury and speciality frozen food, together with chilled meat,

dairy and fresh produce, plus a wide selection of value bulk packs of tinned products (like

15

baked beans) and large packaged household goods (e.g. washing powders etc). The Food Warehouse has been a huge success. This is underlined by the rate of growth of this new format. In early 2015 The Food Warehouse was trading successfully just six locations in England and Wales (none in Scotland). Fast forward to the end of 2021 and there are now over 150 Iceland Food Warehouse stores in England and Wales and 20 trading in Scotland.

Iceland secured a new licence for the Haddington Food Warehouse Store at the end of 2019 and it opened in August 2021.

Iceland's credentials

Iceland is committed to responsible retailing. This was recently underlined by being the first major retailer to commit to eliminate plastic packaging for all its own-brand products by 2023.

Iceland have always been committed to providing safe, healthy and ethically sourced food and beverage for their customers. They led the way throughout the 1980's and 1990's to remove artificial colours and flavourings from their products.

Iceland are an official partner of the UK Government's Public Health Responsibility Deal and have committed to the required pledges including:

- Removing artificial trans-fats from foods
- Active promotion of fruit and vegetables
- Responsible advertising and marketing of alcohol
- Promoting physical activity guidelines

A statement regarding how each licensing objective will be upheld -

General

- 1 Iceland are accredited grade 1 trainers and have an accredited training centre for the provision of the SCPLH.
- 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.
- 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.
- Iceland have multiple personal licence holders in each store to support the DPM (minimum of 3 per store).
- 5 Please see appendix 1 for specific information about E-commerce and home delivery

Preventing crime and disorder

- 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.
- 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 ID.
- A refusal log is kept with staff required to update it with details of any challenges made relating to age restricted products.
- 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.
- 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.
- The premises will comply with appropriate regulations and have approved exit routes, signage, and emergency lighting.
- There will be fire extinguishers in the premises and a fire risk assessment is carried out in terms of the relevant legislation.
- The premises will have a comprehensive CCTV system with XTBC new camera system to be installed cameras covering the store, in particular, the alcohol aisle 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

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

Alcohol provision

Alcohol, whilst an important complementary product it is wholly ancillary to the grocery and general retail offer at the Food Warehouse. Average sales of alcohol across the Food Warehouse Format make up 3.5 % of store turnover. At present the alcohol display frontage of 17.6m2 equates to 4.3% of the overall display.

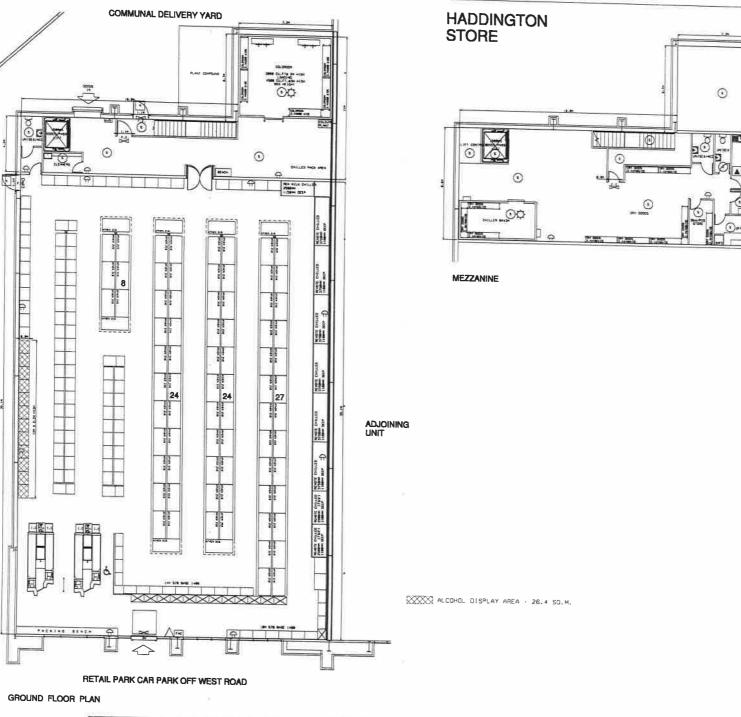
As with any new shopping format Iceland Food Warehouse has been taking customer feedback since it opened its initial stores in Scotland. The consistent message is that the alcohol offer is very narrow and lacks sufficient choice. In order to accommodate a broader ranger of products Iceland therefore see to increase in alcohol display capacity from 17.6m2 to 26.4m2.

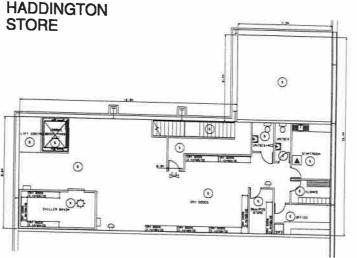
By any yardstick this is a modest increase and event if granted it would see alcohol remain at circa 6% of the overall display but it would allow for the incorporation of 300 additional lines of products. This would give customers a better range of beers and wines etc to choose from.

Appendix 1: Supplementary statement : E-commerce

Iceland has over the years built a successful ecommerce business. They have robust safeguards and an exceptional track record.

- Home deliveries are via an online ordering system just like any other supermarket and payable by credit/ debit card at the time of order.
- Iceland have hundreds of licensed stores across the UK offering alcohol by home delivery via online shopping and this has been operated without any issues anywhere in the UK
- The alcohol is delivered by an Iceland van driver, not a third party, so they are 100% within Iceland's control. All Iceland van drivers are given the 2 hour staff training under the 2005 Act and this is refreshed every 6 months along with all other staff
- Iceland's terms and conditions capture the rules surrounding issues like age verification and Challenge 25
- No alcohol delivery is fulfilled unless the person opening the door can prove they are 18 or over and Iceland will only accept approved forms of ID specified by legislation (primarily passports or driver's licences). If the person looks under 25 and cannot produce ID, the whole order not just alcohol will be returned to the store before a redelivery is attempted. If this fails, the customer can be refunded.
- Overall sales are alcohol, are relatively low thus home deliveries of alcohol are very low.
- There is no evidence of anyone using the Iceland website to just order alcohol. It is not a brand associated with alcohol and not attractive to persons seeking to buy alcohol to consume it irresponsibly. If you look in the terms and conditions, there is a minimum spend of £25 (It is £25 but a £3 delivery charge applies or £40 for free delivery) online so customers are largely unable to order a single bottle for example.
- The customer profile is typically people ordering a full weekly shop.











SITE LOCATION PLAN SCALE 1:1250

HADDINGTON-LICO	21	NO. REV.
HADDINGTON		STORE NO.
UNIT 3 HADDINGTO WEST ROAD, HADDINGTON, EH4		ec,
WEST ROAD,	1 3DF RST FLOOR PI	ANS
WEST ROAD, HADDINGTON, EH4	1 3DF RST FLOOR PI	ANS



26/05/2022

Your Ref: EL0366

Our Ref:

627182/GB

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



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
ICELAND T/A FOOD WAREHOUSE
3 HADDINGTON RETAIL PARK, HADDINGTON, EAST LOTHIAN, EH41 3DF.

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 an increase of alcohol retail sales capacity from 17.6m2 to 26.4m2

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

For enquiries please contact the Licensing Department on 0131 561 6119.

EAST LOTHIAN COUNCIL

PEOPLE & GOVERNANCE

From: K. Harling

Licensing Standards Officer

To:

Carlo Grilli

Clerk to the Licensing Board

Date:

01 June 2022

Subject: LICENSING SCOTLAND ACT 2005

PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JUNE 2022

Food Warehouse, Unit 3 Haddington Retail Park Haddington, East Lothian, EH41 3FW

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence variation. I am satisfied that the revised Layout Plan is in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of the variation of licence.

The increase in area applied for is an additional 8.8m² to a capacity of 26.4m². This increase is to extend the current display to accommodate a broader range of products. The display area will still be within sight of checkout operators. This area is also covered by CCTV at both ends of the aisle.

Within 800 metres of this premises there are two other stores namely Aldi and Home Bargains. The capacity of the above premises is as follows – Aldi 34.02 m^2 and Home Bargains 34.2 m^2 .

This report is submitted for the information of the Boards Members.

K. Harling

Licensing Standards Officer

EAST LOTHIAN COUNCIL

Internal Memorandum

From:

Planning Delivery

To:

Clerk to the Licensing

Board

Per:

Neil Millar

Per: Licensing Board

Cc:

Date: 20th April 2022

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: Food Warehouse, Unit 3, Haddington Retail Park, Haddington 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.

Herkes, Gillian

From:

Winter, Maree

Sent:

29 April 2022 14:24

To:

Herkes, Gillian

Subject:

FW: Application for variation of Premises Licence - Iceland Foods Limited -

Haddington

Attachments:

image001.png; Haddington FW - Major Variation Feb 22.pdf; Haddington FW - MV

Feb 22 Op Plan.pdf; ice487-haddington-lic01a.pdf; EL Licensing Objectives

Statement for FW Haddington Major.pdf

HI,

Can you run this off for me please

Thanks

Maree.

From: Gunning, Laura < lgunning@eastlothian.gov.uk>

Sent: 08 April 2022 15:33

To: Winter, Maree < mwinter@eastlothian.gov.uk >

Subject: Re: Application for variation of Premises Licence - Iceland Foods Limited - Haddington

Hi Maree

No adverse comments from EH

Laura

On 8 Apr 2022, at 14:11, Environmental Health/Trading Standards <ehts@eastlothian.gov.uk> wrote:

From: Winter, Maree < mwinter@eastlothian.gov.uk >

Sent: 08 April 2022 11:38

To: Police Scotland (LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>;

'Licensing@nhslothian.scot.nhs.uk'; Fire officer (torquil.cramer@firescotland.gov.uk)

<torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>;

Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>;

all@haddingtoncc.org.uk

Cc: Herkes, Gillian <gherkes@eastlothian.gov.uk>; Licensing dicensing@eastlothian.gov.uk> **Subject:** FW: Application for variation of Premises Licence - Iceland Foods Limited - Haddington

Dear all,

Please find attached an application for a major variation to increase the capacity from 17.6m2 to 26.4m2 and reconfigure the shelving. Could I please have any representations/objections by the 12th May 2022.