



East Lothian Council  
Licensing

13 MAR 2024

# APPLICATION FOR VARIATION Received OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

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

# 3a

## 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).

(Provide Details)

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## 2. PREMISES LICENCE DETAILS

**2(a) Licence Number of Premises** FI 0295

**2(b) Name and Address of Premises** Morrisons Daily

160 High Street, Musselburgh, Lothian

Post Code EH21 7DZ Tel. No. \_\_\_\_\_

Email \_\_\_\_\_

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

ALLIANCE PROPERTY HOLDINGS LIMITED

HILMORE HOUSE, GAIN LANE, BRADFORD

\_\_\_\_\_ Post Code BD3 7DL

Tel. No. \_\_\_\_\_ Email address LBK@GOSSCHALKS.CO.UK

## 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 detail below the proposed changes. **(See Note 1)**

THE APPLICANT SEEKS A VARIATION OF THE INFORMATION CONTAINED WITHIN 5(f) OF THE OPERATING PLAN. THIS IS TO BE AMENDED TO ADD THE FOLLOWING:  
'A home delivery shopping service may be operated from the store. This will be via third party delivery companies and may contain alcohol'.

**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)

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**5. FEE PAYABLE**

Information on fees can be found at

[https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol\\_licences/2](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

**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) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 27/02/2024

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

**If agent, please provide details**

Full name GOSSCHALKS LLP

Address 61 QUEENS GARDENS, HULL

Post Code HU1 3DZ

Tel. No. 01482 324252 Email address LBK@GOSSCHALKS.CO.UK

**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](mailto:licensing@eastlothian.gov.uk)

<b>FOR OFFICE USE ONLY</b>		
Received & Receipt No.	System Updated	Licence Issued

# EAST LoTHIAN COUNCIL

## Licensing Standards

**From:** Licensing Standards Officer

**To:** C. Grilli

Clerk to the Licensing Board

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Date: 10<sup>th</sup> April 2024

**Subject:** LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0295 MORRISONS DAILY, 160 HIGH STREET, MUSSELBURGH EAST LoTHIAN EH21 7DZ

I can confirm that the applicant and premises have been visited in relation to this variation application and the site notice was displayed.

On my visit I spoke with the premises manager Patrycja Swindurska who was very helpful and knowledgeable. Signage was correct and training records were available to view, CCTV was in working order and all staff were able to access it. There was a good awareness of the challenge 25 age verification policy, and she was able to show me the refusals on the till system. The premises licence and summary of premises licence at the premises appeared to be old ones that have the old premises name McColls. Once the major variation has been heard by the board and if granted the premises licence or a certified copy or the premises licence should be on the premises.

The changes applied for are:

- To add deliveries as follows to the operating plan – “A home delivery shopping service may be operated from the store. This will be via third party delivery companies and may contain alcohol.”

On speaking with the premises manager, I was informed that deliveries had been and were taking place. Deliveries of food and alcohol are made up in store and then given to the third party company Just Eat for delivery to addresses. Staff members did make mention to me that they felt drivers sometimes didn't pay attention to the bags that they had marked up as “C25” (challenge 25) that require ID checks. Comments such as the drivers can't speak English were also made.

I have asked for a copy of the delivery policy for Morrisons however it has not yet been provided.

I recommend the Board considers the following condition:

- 1) Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

Licensing Standards Officer

## Licensing

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**From:** Lee Wilson <Lee.Wilson2@scotland.police.uk>  
**Sent:** 19 March 2024 15:29  
**To:** Licensing  
**Subject:** MAJOR VARIATION - MORRISONS DAILY  
**Attachments:** LIC38 PREMISES VARIATION - NO ADVERSE COMMENT - MORRISONS DAILY.RTF

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.

Good Afternoon,

No police objections.  
Ref: 806065

Regards,  
Lee



## Licensing

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**From:** Robertson, Scott  
**Sent:** 20 March 2024 12:55  
**To:** Licensing  
**Subject:** RE: EL0295 - Major Variation - Morrisons Daily - 160 High Street, Musselburgh

Hello,

Please note I have no comments or objection in relation to this application.

Regards  
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington  
EH41 3HA  
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

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**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** Thursday, March 14, 2024 9:18 AM  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; [REDACTED] Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; licensing@nhslothian.scot.nhs.uk  
**Subject:** FW: EL0295 - Major Variation - Morrisons Daily - 160 High Street, Musselburgh

Hi

Please find attached Major Variation for the above premises to add Home Deliveries with alcohol for report/representation by 11<sup>th</sup> April, 2024.

Kind regards

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



## Licensing

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**From:** Douglas, Andrew  
**Sent:** 14 March 2024 11:35  
**To:** Licensing  
**Subject:** FW: EL0295 - Major Variation - Morrisons Daily - 160 High Street, Musselburgh  
**Attachments:** 2199 - PL.pdf; 2199 Musselburgh High St - Proposed OP.pdf; 2199 - Musselburgh High St - Major.pdf; Payment Authentication Receipt - DO NOT REPLY TO THIS E-MAIL

No objections, standard conditions

Andrew

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**From:** Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
**Sent:** Thursday, March 14, 2024 10:07 AM  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: EL0295 - Major Variation - Morrisons Daily - 160 High Street, Musselburgh

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**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** Thursday, March 14, 2024 9:18 AM  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <iso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; [REDACTED] Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; licensing@nhslothian.scot.nhs.uk  
**Subject:** FW: EL0295 - Major Variation - Morrisons Daily - 160 High Street, Musselburgh

Hi

Please find attached Major Variation for the above premises to add Home Deliveries with alcohol for report/representation by 11<sup>th</sup> April, 2024.

Kind regards

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

**From:** [Licensing Standards Officer](#)  
**To:** [Crichton, Rebecca](#)  
**Subject:** FW: Morrisons Daily, Major Variations - Delta Drive and High Street Musselburgh GTE:00272000002674  
**Date:** 18 April 2024 09:42:21  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

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Hi Becky,

Could the below email be circulated to the Board members in relation to the two applications for major variations to add deliveries for the Morrisons Daily stores.

Thanks,

Karen

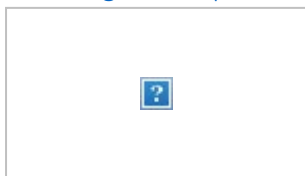
[Karen Harling](#)  
Licensing Standards Officer  
East Lothian Council  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
EH41 3HA

Tel: 01620 827478

Mob: 07774 435158

*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 require legal advice on matters.*

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)



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**From:** Alex Green <arg@gosschalks.co.uk>  
**Sent:** Tuesday, April 16, 2024 3:34 PM  
**To:** Licensing Standards Officer <lso@eastlothian.gov.uk>  
**Cc:** Lily Kerman <lbk@gosschalks.co.uk>  
**Subject:** RE: Morrisons Daily, Major Variations - Delta Drive and High Street Musselburgh GTE:00272000002674

You don't often get email from arg@gosschalks.co.uk. [Learn why this is important](#)

**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.

Afternoon Karen.

Hope you are well.

Your e-mail was forwarded on to the right people and hopefully virtually everything you flagged will have been dealt with by now. (you should have been contacted and sent items such as training records directly)

The alcohol section in store was incorrect with additional bulk stacks placed out with the area in the operating plan, at the counter area. This was rectified on the day of the visit reducing the number of stacks from 17 to the allowed 12 and all products correctly located.

CCTV is accessible to all colleagues through the back office PC.

As far as the deliveries are concerned, we are blanketing the whole of Scotland to add deliveries to Operating Plans and I am busy appearing at Boards across the country as we speak.

My client complies fully with the law (S119 and 120 of the Licensing Scotland Act) and we are happy for local conditions to be added if required also. (this has been the case in quite a few Boards recently).

My client's delivery policy via it's third party delivery providers is:

1. When the order is placed on the online platform the customer has to input their age and the form of acceptable ID
2. Store colleagues place all age-related products in a separate bag clearly identifying as Challenge 25
3. The driver should ask for the same ID that was used at the point of ordering and verify the age, if the customer can't provide the ID the driver should retain the bag and return it to the store.

I hope the above assists. If you need anything else, please do contact me and I will endeavour to assist further.

Regards

Alex

**Alex Green | Partner | Licensing**

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: 01482 590284 | F: 0870 600 5984 | M: 07710 097532 | [www.gosschalks.co.uk](http://www.gosschalks.co.uk)

**Anti-fraud notice – please read carefully: We will not change our bank details during the course of this matter.**

If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the

police.  
police.

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**From:** Licensing Standards Officer <[lso@eastlothian.gov.uk](mailto:lso@eastlothian.gov.uk)>  
**Sent:** Tuesday, April 9, 2024 12:21 PM  
**To:** Lily Kerman <[lbk@gosschalks.co.uk](mailto:lbk@gosschalks.co.uk)>  
**Subject:** RE: Morrisons Daily, Major Variations - Delta Drive and High Street Musselburgh  
GTE:00272000002674

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**CAUTION:** This email originated from outside the firm. Think before opening attachments and following links.

Hi Lily,

I hope you are well and had a good Easter.

Did you manage to get the delivery policy from your client?

Thanks,

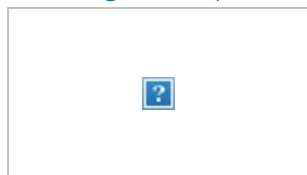
Karen

[Karen Harling](#)  
Licensing Standards Officer  
East Lothian Council  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
EH41 3HA

Tel: 01620 827478  
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)



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**From:** Lily Kerman <[lbk@gosschalks.co.uk](mailto:lbk@gosschalks.co.uk)>  
**Sent:** Tuesday, March 26, 2024 2:37 PM

**To:** Licensing Standards Officer <[lso@eastlothian.gov.uk](mailto:lso@eastlothian.gov.uk)>  
**Cc:** Alex Green <[arg@gosschalks.co.uk](mailto:arg@gosschalks.co.uk)>  
**Subject:** RE: Morrisons Daily, Major Variations - Delta Drive and High Street Musselburgh  
GTE:0027200002674

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Hi Karen,

Thank you for your email, hope you are well.

It is indeed myself and Solicitor Alex Green (cc'd here) who are handling these applications.

Vary bizarre that you have just emailed as I had just that moment emailed regarding the Morrisons Daily, 55 Delta Drive premises licence.

It seems following a DPM variation in November, the licence was returned to us as McColls and this unfortunately has not been picked up by our admin team, I note the licence we have on file which was issued before that (minor variation in May 2023) the name was Morrisons Daily. (please see attached email in reference to this).

I will ensure Morrisons Daily, 160 High Street has the most up to date premises licence in the interim.

Regarding the delivery policy, I will acquire this from our client and revert back to you asap.

Kindest regards,

**Lily Kerman | Administrator | Licensing**

*for and on behalf of Gosschalks LLP*

Queens Gardens, Kingston Upon Hull, HU1 3DZ

**Reception:** 01482 324252 | **F:** 0870 600 5984 | [www.gosschalks.co.uk](http://www.gosschalks.co.uk)

**Anti-fraud notice – please read carefully: We will not change our bank details during the course of this matter.**

If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.

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**From:** Licensing Standards Officer <[lso@eastlothian.gov.uk](mailto:lso@eastlothian.gov.uk)>

**Sent:** Tuesday, March 26, 2024 2:07 PM

**To:** Lily Kerman <[lbk@gosschalks.co.uk](mailto:lbk@gosschalks.co.uk)>

**Subject:** Morrisons Daily, Major Variations - Delta Drive and High Street Musselburgh

You don't often get email from [lso@eastlothian.gov.uk](mailto:lso@eastlothian.gov.uk). [Learn why this is important](#)

**CAUTION:** This email originated from outside the firm. Think before opening attachments and following links.

Hi Lily,

I am the Licensing Standards Officer for East Lothian. I am reviewing the two major variations that were sent for the Morrisons Daily stores at 55 Delta Drive and 160 High street Musselburgh.

The premises licence attached to the application for Delta Drive is incorrect and belongs to a premises in Dunbar. Please could the one for Delta Drive be sent?

I visited both premises today and found a few issues. Would you be able to pass this on to the person dealing with the applications if it is not yourself?

Morrisons Daily – 160 High Street, Musselburgh.

I spoke with the premises manager Patrycja Swindurska who was very helpful and knowledgeable. Signage was correct and training records were available to view, CCTV was in working order and all staff are able to access it. There was a good awareness of the challenge 25 age verification policy and she was able to show me the refusals on the till system. My only comment is that the premises licence and summary of premises licence at the premises appear to be old ones that have the old premises name McColls. Once the major variation has been heard by the board and if granted please can a certified copy or the premises licence be sent to the shop.

Morrisons Daily – 55 Delta Drive, Musselburgh.

I spoke with a member of staff as the premises manager was to be on the afternoon shift. Signage was correct, however staff training records could not be provided and the staff were not sure whether they had been trained or not. They seemed to think that it was optional. CCTV was in the shop however staff were unable to access it, there was however good knowledge of the challenge 25 age verification policy. The alcohol display was not quite as it should be on the layout plan with alcohol outwith the display area stacked by the till, and it looks as though the displays on the stands on the floor are over capacity. Again, the summary the premises licence and summary of premises licence at the premises appear to be old one that have the old premises name McColls. Once the major variation has been heard by the board and if granted please can a certified copy or the premises licence be sent to the shop. I spoke with the premises manager David Wielachchowski on the phone following my visit and detailed the issues above. He said that staff had been trained and that he would send copies of their training records to me. I asked him to review the layout plan and make sure the display was compliant.

In relation to the deliveries that are to be added, are you able to send me a delivery policy for the premises? I gather from speaking with staff that deliveries are made up in store and then given to just eat for delivery to addresses. Several staff members did make mention to me that they felt drivers sometimes didn't pay attention to the bags that they had marked up as "C25" that require ID checks. Comments such as the drivers can't speak English were also made.

There is a section in the East Lothian Licensing Board's policy about deliveries for your information. The policy can be downloaded here - [East Lothian Licencing Board | Licensing | East Lothian Council](#)

Looking forward to hearing from you.

Kind regards,

