

East Lothian Council Licensing

3 0 JAN 2025

Received

APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

5,500

*Delete as appropriate

Question 1 - Name, address and postcode of premises to be licensed
18 Newbigging
Musselburgh
EH21 7AH
Question 2 - Particulars of applicant
2(a) Where applicant is an individual, provide full name, date & place of birth, home address including postcode, telephone number & email address.
Sameer Khan
2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

2(c)	Where applicant is a company, please provide name, registered office and company registration number.
-	
2(d)	Where the applicant is a club or other body, please provide full name, and postal address of club or other body.
2(e)	Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*
	nnected person is defined in section 147(3) of the Licensing (Scotland) : 2005.

Question 3 - Previous applications		
Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?	YES 🗌	NO <table-cell></table-cell>
If YES – provide full details		
Question 4 - Previous convictions		
Has the applicant or any connected person ever	YES	NO W

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

been convicted of a relevant or foreign offence (1)

NAME	DATE	COURT	OFFENCE	SENTENCE
	,			

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5 – Description of premises

(where application is submitted by a members' club, please also complete question 6)

Retail Unit located on the ground floor of a	three	storey	building
on Newbigging, Musselburgh.			-
Question 6 - To be completed by members' clubs only			
Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?		YES [] NO [



DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

The contents of the	f my knowledge and belief.
Signature	* (see note below)
Date	
APPLICANT / AGENT (delete as appropriate)	Macdonald Licensing 21a Rutland Square
Telephone number and email address of signatory	Edinburgh, EH1 2BB
	0131 229 6181 alistair@macdonaldlicensing.com
I have enclosed the relevant documents with this aprelevant boxes Operating plan	pplication – please tick the
Layout plan (highlighting the area where alcoho	ol is sold/consumed)
Planning certificate	
Building standards certificate	
Food hygiene certificate	
* Diota Directoration Aut. 2010	

* Data Protection Act 2018

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

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

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 Consumption		
	Opening time	Terminal hour	
Monday	*		
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

Question 3

STATEMENT OF \pmb{CORE} TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION \pmb{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 the applicant intend to opera	te according to seasonal demand	NO
*If YES – provide details		
1		

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

Question 5

COL. 1	COL. 2	COL. 3	COL. 4
5(a) Activity	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
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	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	Where activities are also to be provided outwith core licensed hours please confirm
Recorded music – see 5(g)	Yes	Yes	Yes
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

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

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

The premises may open from 6am but no alcohol will be sold or supplied until the commencement of licensed 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.

Deliveries (which may include alcohol)

Takeaways (which may include alcohol)

This is a general convenience store selling a range of products which would be expected to be sold and provided in such a business.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music,	will the YES/NO*
decibel level exceed 85dB?	

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(¢)	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	1
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?

20.16	square metres		
Quest			
licenc		s: noi requirea where applicatio	n is for grant of provisional premis
Perso	nal details		
8(a)	Name		
8(b)	Date of birth	_	
8(c)	Contact address		
8(d)	Email address	72	
	Δ.		
8(e) P	ersonal licence),
	Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

	ne best of my knowledge and belief.
]	(see note below)

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.



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	PROFIL	E
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Please describe your business offering

The premises will be a convenience store but would also like to have an off sale Licence so that they can provide a range or products, including good quality wines, beers and spirits.

ON CONSUMPTION

(a) Please describe the type of business you intend to operate in respect of On consumption.

Not applicable.

OFF CONSUMPTION

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

As explained above, a range of alcohol products including good quality wines, beers and spirits.

CLARIFICATION IS REQUIRED IN RELATION TO THE CONTENT OF YOUR PROPOSED OPERATING PLAN

Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:
None of these are applicable.
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:
Not applicable.
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:
Not applicable.

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:

Not applicable.

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:

Not applicable.

Activities Outwith Licensed Core Hours – In your Operating Plan, at 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:

The premises may open from 6am and sell a range of goods and services but no alcohol will be sold or supplied before the commencement of licensed hours.



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:

Our clients envisage offering deliveries, probably by a company like Deliveroo, but the means of deliveries will be decided by demand, after the premises have opened for a while and our client can gauge the demand.

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.

This will be for off sale facilities so no baby changing facilities required.

Challenge 25 will of course apply and our client, who has a Personal Licence, and his staff who will receive the mandatory Staff Training, will be robust and stringent in their application of this.

In general only Passport and UK/ EU Driving Licences will be accepted.

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

https://www.eastlothian.gov.uk/downloads/file/27884/statement_of_licensing_policy_2018-2023

Preventing Crime and Disorder

As explained above our clients will operate a strict Challenge 25 Policy, and as a Personal Licence Holder, and proposed Premises Manager, our client will lead the way in that respect. He will expect staff to implement his standards as well in terms of the implementation of Challenge 25, and their age Verification Policy.

A Challenge 25 Poster will be on display.

The same will apply to the sale of other age restricted products such as cigarettes and vapes.

CCTV is in place and our client will be happy to provide access to this to the Police.

Our client operates the Post Office around the corner at 80 High Street and therefore is familiar with the location, and indeed some of the youngsters, as the Post Office deals with mobile phones etc.

He has obviously been approved as the Post Master and is very proud of that. He would not want to permit anything that might not just prejudice this Licence, but also his position there.

Securing Public Safety:

This is a newly refurbished shop unit, owned by East Lothian Council, and with suitable obligations to maintain and repair the premises as and when necessary, in his lease.

The safety and well-being of customers, and staff, are his top priority.

With regard to the entrance we have mentioned that a ramp or similar alternative is being arranged.

Certainly any customers who are vulnerable, or may have restrictions in terms of mobility, sight or hearing will be looked after.

Preventing Public Nuisance:

There may be background music in the shop but at a suitable level.

Our client has no wish to contribute to any nuisance, for instance, for the flats above. He is very aware of these and hopes that they become regular customers. He will work with them in connection with any issues, such as youngsters hanging around etc.

Protecting and Improving Public Health:

Our client is aware of the concerns expressed by the Scottish Government and other agencies, including the Licensing Board, as to the issue of overconsumption and irresponsible drinking of alcohol in Scotland. He has no wish to contribute to that. If there is any requirement to refuse at any stage he will do so.

If he considers that customers are drunk or have already had too much to drink they will be refused. If he considers that any customer might be under the influence of substances, either legal or illegal, they will refuse.

Protecting Children and Young Persons From Harm:

As explained above Challenge 25 will be implemented strictly.

Our clients are aware of the fact that they will be monitored by the Police and your Licensing Standards Officer and that they will need to start off and continue in the way that has been described i.e. strict implementation of Challenge 25 and their Age Verification Policy.

Children and young persons are welcomed in the shop for other purposes, and of course at some point they will be 18. Therefore any refusals will be dealt with in an appropriate firm but friendly way.

Our client will also be careful regarding proxy sales. Indications such as youngsters being refused and then a similar order, customers coming in with exact money, customers buying a product that they don't normally but might be attracted to children etc will all be treated with suspicion. If there is any doubt in the server's mind they will refuse.

Alcohol - Supplementary Application Information

APPLICATION SUPPORTING COMMENTS

Additional Information

Our client has operated the Post Office which also deals in mobile phones and therefore youngsters and in general a cross section of the public. He knows a lot of people in the area and is well regarded.

We have already explained that as Post Master he was rigorously interviewed and checked. The last thing he wants to do is anything that would prejudice that.

Supporting Comments

i.e. reasons why the Board should support your application.

Our client feels that there is space for this outlet at this location.

He knows the area well because of his operation of the Post Office.

He is used to having to deal with rules and regulations and being supervised by the Post Office, and therefore accepts that there will be monitoring of his business by the Police and the Licensing Standards Officer, and of course the Board if necessary. He is confident that that would not be necessary.

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (C

Dest of my knowledge and belief.

Macdonald Licensing

21a Rutland Square

Edinburgh, EH1 2BB

Date

0131 229 6181

alistair@macdonaldlicensing.com



. "SCHEDULE 6 Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

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

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

As can be seen from the photo attached, there are two steps into the property. Our client is aware how this would restrict access for potential customers with mobility issues, particularly those in a wheelchair and will be arranging a ramp or similar facility.

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

The aisles have been designed so that a wheelchair should be able to go round them. Staff are always willing to assist and help choose and obtain items for customers,

In general staff are told to be aware of customers with any form of difficulty including mobility, sight, hearing or mental issues and deal with them in a positive and friendly manner.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types of illness.

It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of and belief.	tatement are true to the best of my knowledge
	4
Signature	* (see note below)
Date Silizi	**
Capacity	APPLICANT/AGENT
Telephone number and email address of signator	у
	Macdonald Licensing 21a Rutland Square Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

* Data Protection Act 1998

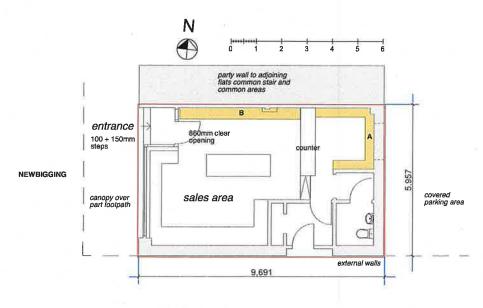
The information on this form may be held on an electronic public register which may be available to members of the public on request."



LICENSING (SCOTLAND) ACT 2005 TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

SECTION 50 PLANNING CERTIFICATE

APPLICANT:	Sameer Khan	
NAME AND ADDRESS OF PREMISES:	18 Newbigging, Musselburgh, EH21 7AH	
SECTION 50 P	LANNING CERTIFICATE	
Act 1997	n that planning permission (ref:) under the Town and Country Plann in respect of any development of the subject premises in connection with the icensed premises has been obtained.	ning (Scotland) eir proposed
🖫 I confirm	that planning permission is not required.	
	PROVISIONAL PLANNING CERTIFICATE a that planning permission (ref: 15/00487/P) has been obtained in respect of	² the
I confirm		[*] the
I confirm	n that planning permission (ref: 15/00487/P) has been obtained in respect of cion or conversion of the subject premises.	the
I confirm	n that planning permission (ref: 15/00487/P) has been obtained in respect of cion or conversion of the subject premises.	the
I confirm constructi I confirm Hereby confirm the	n that planning permission (ref: 15/00487/P) has been obtained in respect of cion or conversion of the subject premises.	
I confirm construction I confirm I confirm	that planning permission (ref: 15/00487/P) has been obtained in respect of tion or conversion of the subject premises. In that planning permission is not required. That planning permission is not required. That planning permission is not required.	firmation of the



ALCOHOL DISPLAY

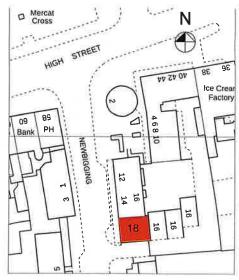
behind counter
A 4800mm x 6 shelves , 2.1m high = 28.8m, 10.08m2

customer access:

B 4800mm x 6 shelves , 2.1m high = 28.8m, 10.08m2

= 57.6 linear metres, 20.16m2

red line around entire licensed premises

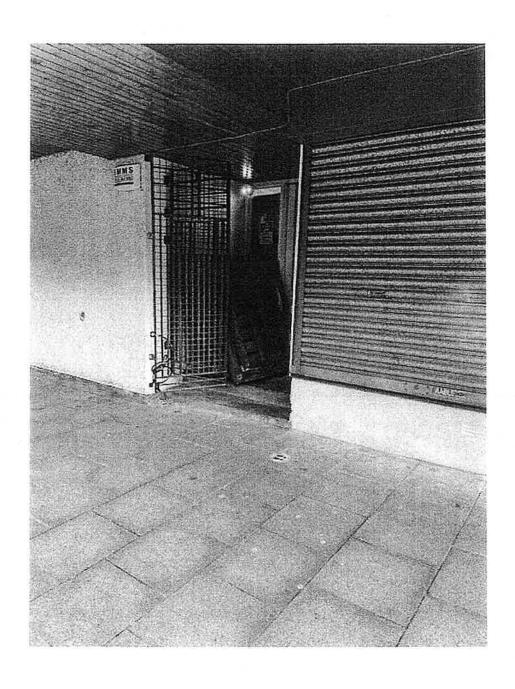


location plan

licence plan

18 NEWBIGGING MUSSELBURGH EH21 7AH

scale 1:100 Oct. 2024 Whitelaw Assoc. 01968 660452



EAST LOTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer To: C. Grilli

Clerk to the Licensing Board

Date: 20th February 2025

Subject:

LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

18 NEWBIGGING, MUSSELBURGH, EAST LOTHIAN EH21 7AH

I refer to the above subject and can confirm that the applicant has liaised with the LSO in relation to this application. I visited the premises and can confirm that the site notice was correctly displayed.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises. The premises were previously a nail bar and have now been converted to a small shop. The inside has been fitted and there is an operational CCTV system fitted.

I can confirm that the application is compliant with the act.

The off sales capacity applied for is 20.16 m². Within an 800m radius there are 31 other premises. Similar retail premises providing off sales include:

Best One - 121 High Street

Morrisons Daily - 160 High Street

Tesco Extra - Olive Bank Road

Musselburgh News - 53 High Street

Low Cost Supermarket (Day Today) - 119-121 North High Street

Miros Village - 127 High Street

Home Bargains - Olivebank

I recommend the following condition be considered in relation to deliveries of alcohol:

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.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

Licensing

From:

Stephen Gibson <Stephen.Gibson@scotland.police.uk>

Sent:

05 February 2025 13:41

To:

Licensing

Subject:

EL0412 - PROV. PREMISES LIC APP - 18 NEWBIGGING EH21 7AH

Attachments:

EL0412 - 18 NEWBIGGING-PROVISIONAL PREMISES LICENCE APPLICATION.PDF

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Afternoon

No police objections

PSOS ref 895733

regards

Stephen

Licensing

From:

Robertson, Scott

Sent:

05 February 2025 07:52

To:

Licensing

Subject:

RE: Provisional Licence Application for 18 Newbigging, Musselburgh

Hello,

Please note I have no comments or objections to this application.

Regards

Scott

Scott Robertson | Assistant Planner – Planning Delivery | 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

From: Licensing < licensing@eastlothian.gov.uk>

Sent: 31 January 2025 14:44

To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)

<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk)

<torquil.cramer@firescotland.gov.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>;

Environment Reception <environment@eastlothian_gov.uk>; Environmental Health/Trading Standards

<ehts@eastlothian.gov.uk>;

kat.burke@nhs.scot

Subject: Provisional Licence Application for 18 Newbigging, Musselburgh

Hi All

Please find attached above application for 18 Newbigging, Musselburgh for comment/representation by 25 February 2025.

Regards

Alison

Alison Rafferty

Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

**please note my working week is Monday, Tuesday, Thursday, Friday

Protect Our Privacy: use a password manager to store your passwords. Never leave passwords near your computer or use the same password for multiple applications

Licensing

From:

Nyki Mckenzie <enquiries@dermalelite.co.uk>

Sent:

04 February 2025 14:31

To:

Licensing

Subject:

Application

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

Thank you for your letter regarding premises 18 Newbigging Musselburgh EH21 7AH. Our concerns are as below regarding the proposed application

- 1: Lottering around the area and drinking
- 2: Drinking at in the carpark behind the building which is a security issue for people in the flats and businesses
- 3: Anti-social behaviour
- 4: Littering and using our privately paid for waste bin.
- 5: What is offering recorded music?

Kind Regards

Tracey Ronchi Clinic Co-Ordinator

Dermal Elite
12 Newbigging
Musselburgh
EH21 7AH
0131 665 9911
NEW MOBILE/WHATSAPP 07733006544
www.dermalelite.co.uk

