



## **MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD**

**THURSDAY 31 OCTOBER 2019  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

Councillor F Dugdale (Convener)  
Councillor L Bruce  
Councillor Goodfellow  
Councillor J Henderson

**Clerk of the Licensing Board:**

Mr C Grilli (Depute Clerk), Service Manager – Legal

**Attending:**

Ms G Herkes, Licensing Officer  
Ms C Shiel, Licensing Officer  
Mr R Fruzynski, Licensing Standards Officer  
PC H Bowsher, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic and Licensing

**Apologies:**

Councillor W Innes  
Councillor J McMillan

**Declarations of Interest:**

None

### **1. MINUTES FOR APPROVAL**

**1a.** The minutes of the East Lothian Licensing Board meeting of 26 September 2019 were approved as a true record of the meeting.

**1b.** The minutes of the East Lothian Licensing Board and East Lothian Local Licensing Forum joint meeting of 26 September 2019 were approved as a true record of the meeting.

**2. GRANT OF PROVISIONAL PREMISES LICENCE  
Iceland, trading as Food Warehouse, Unit 3, Haddington Retail Park,  
Haddington**

Mr H Hassard, TLT Solicitors, was present to represent the applicant. Ms J McGuinness, a Food Warehouse Manager, was also present.

The application is for a retail supermarket type premises providing customers with a wide range of foodstuffs, good and other services including the sale of alcoholic products for consumption off the premises. There were no public objections and no adverse comments from Police Scotland or the Licensing Standards Officer (LSO).

Mr Hassard outlined the background to Iceland Stores and explained how the Food Warehouse model differs from the traditional Iceland frozen food retailer model; tabled pictorial images of a Food Warehouse store; explained that the off-sales of alcohol is an ancillary part of the business accounting for 5% of the retail space; and provided details of Iceland's high standards of due diligence, staff training, and premises security.

In response to a question from Councillor Henderson regarding existing Food Warehouse stores, Mr Hassard stated that the alcohol sales capacity has not been increased in any of the stores since they opened.

PC Bowsher referred to the Police Scotland letter dated 2 October 2019 and supported the application. She commented that Mr Hassard's presentation had addressed CCTV and the theft of alcohol to her satisfaction. She suggested that conditions be added to the licence in respect of these items, and urged that the applicant reports all under-age thefts of alcohol.

The LSO had nothing further to add to his report dated 17 October 2019.

Councillor Goodfellow referred to a fairly recent application from Iceland in Musselburgh and asked if there had been any adverse reports from that store since that major licence variation was granted; Mr Hassard confirmed that there had been no such reports and stated that the theft of alcohol had actually reduced.

In response to Councillor Bruce, Mr Hassard confirmed that his client would be agreeable to having conditions placed on the licence as suggested by Police Scotland.

Councillor Henderson welcomed the investment in the new store format in East Lothian.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the provisional licence subject to the following conditions:

- CCTV to be maintained in full working order; and
- All thefts of alcohol to be reported to Police Scotland

The Clerk introduced an additional item.

**3. STATEMENT ON OCCASIONAL EXTENDED HOURS OVER THE FESTIVE PERIOD**

The Clerk reminded Board members that the Board Policy provides for occasional extended opening hours during the festive period. The Board agreed that this policy should apply for the 2019/20 Christmas and New Year period.

Councillor Dugdale, Convener, therefore read out the extended hours statement that would apply. She advised that in terms of section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension will apply on Christmas Eve – Tuesday 24 December 2019, Christmas Day – Wednesday 25 December 2019, Boxing Day – Thursday 26 December 2018, Hogmanay - Tuesday 31 December 2019; and New Year's Day – Wednesday 1 January 2020 and will allow an extension of the terminal hour for the sale of alcohol during that period until 2 am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions outwith these days although any applications for extended hours out with the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 2 December 2018. There is no need for licensees to apply for the general extension to 2 am. On-sales premises can utilise these hours to the extent they consider appropriate.

**Decision**

East Lothian Licensing Board agreed the occasional extended hours over the festive period 2019/20.

Before closing the meeting, Councillor Goodfellow commented that all annual licence fees had been received on time for 2019. He commended council officers for their efforts in this regard and the Board Convener added her appreciation to those staff involved.

Signed .....

Councillor F Dugdale  
Convener of East Lothian Licensing Board