



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

**TUESDAY 7 JULY 2020  
TELECONFERENCE MEETING**

---

### **Board Members Present:**

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

### **Clerk of the Licensing Board:**

Ms K MacNeill, Service Manager – People and Governance

### **Attending:**

Ms M Winter, Licensing Officer  
Ms C Shiel, Licensing Officer  
Ms G Herkes, Licensing Officer  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Mr R Fruzynski, Licensing Standards Officer  
PC C Banks, Police Scotland

### **Committee Clerk:**

Ms B Crichton, Committees Officer

### **Apologies:**

Councillor W Innes

### **Declarations of Interest:**

Councillor McMillan – Item 4, The Green, Haddington, due to knowing some of the objectors and having received a good deal of correspondence since the application had been made.

Due to restrictions imposed during the COVID 19 pandemic, the East Lothian Licensing Board determined to proceed with the meeting by way of video conferencing.

## **1. MINUTES FOR APPROVAL**

The minutes of the East Lothian Licensing Board meeting of 27 February 2020 were approved as a true record of the meeting.

## **2. PROVISIONAL PREMISES LICENCE 57 Eskview Terrace, Musselburgh**

The application sought a licence for off-sales for takeaway and alcohol with food deliveries.

No objections had been raised by the public or Police Scotland, NHS Scotland, the Community Council, or by Planning. The Licensing Standards Officer (LSO) had made representations, as contained within his report.

Alistair Macdonald, agent, was present on behalf of the applicant. He explained that the fish and chip shop, Eskview Fry, opened in April and had been operating on occasional licences without issue. He highlighted the new CCTV system in place and advised that all conditions requested by the LSO would be accepted and complied with. He advised that the premises had been making deliveries under occasional licences and carefully complying with guidelines without issue. Mr Macdonald also informed the Board that his client had been the licence holder at the newsagents next door for 22 years, and therefore possessed a very good local knowledge.

PC Colin Banks, Police Scotland, advised that he had previously visited the newsagents and had never been aware of any issues. The Police had no comment to make.

Rudi Fruzynski, LSO, noted that the occasional licences in operation since the outset of the new venture had run without incident

Councillor Henderson questioned whether the businesses would be run in conjunction to fulfil deliveries. Mr Macdonald confirmed that the businesses would be run separately.

### **Decision**

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence, subject to standard conditions.

## **3. MAJOR VARIATION OF PREMISES LICENCE**

### **a Margiotta, 10a High Street, Aberlady**

The application was for a change of name (premises previously known as the Aberlady Village Store), a change of hours, to add a takeaway and delivery to the operating plan, and to reduce capacity for the sale of alcohol.

No objections had been raised by Police Scotland, NHS Scotland, the Community Council, or by Planning. Two public objections had been received, both of which

focused on public safety and the potential for increased noise and traffic. The LSO supported the application but had requested some local conditions be applied.

Alastair Macdonald, agent, was present on behalf of the applicant. He advised that the new owners were currently operating on the basis of the current licence. He provided some background to the Margiotta family's stores; this shop represented the first venture outside of Edinburgh. He advised that comments made by the Police and LSO had been noted and accepted.

Mr Macdonald addressed the public objections raised. He advised that there was an area for parking outside the shop, and suggested that a notice be displayed in the shop regarding considerate parking. His clients were aware of the issue with a nearby pedestrian crossing, but stated that there had been no problems so far. He advised that staff would monitor parking and take action should a customer block a neighbour's driveway, and highlighted the good relationships built with neighbours. He noted comments made regarding litter, which his clients would deal with. He also mentioned background music, which would be kept at a background level and would therefore cause no disruption.

Mr Macdonald explained that the terminal hour had previously been 8pm due only to the personal circumstances of the previous owner. His clients had applied for a 10pm terminal hour; he noted that all other Margiotta stores had a terminal hour of 10pm, most of which were situated in residential areas.

Councillor McMillan asked whether the owners had considered how much additional traffic the two additional operating hours each day would bring. Mr Macdonald advised that there was an indication that the business coming later in the evening would be from people locally, many of whom would walk. He advised that there was plentiful parking for anyone travelling in an Edinburgh direction just past the shop, and two or three spaces outside the shop. It was likely that visits to the shop would be short and would not cause any problems.

PC Banks agreed with Mr Macdonald's comments on parking. He reminded the applicant about their obligations regarding deliveries of alcohol and record keeping.

The LSO commented that no complaints had been made against the shop in the past. He raised that there had never been a request for licensing hours beyond 8pm. He noted that the coastal road was busy; most noise came from vehicles driving rather than from anyone stopping, and he felt there was ample parking available. He offered his support to the application.

Councillor Henderson was pleased to be welcoming Margiotta to East Lothian and wished the applicants well.

Councillor Bruce had read the objections carefully and welcomed the idea of a notice to address parking. He understood the concern around the change, but also noted that 10pm represented a standard closing time for village shops, which local residents would enjoy the benefit of.

The Convener was pleased that Mr Macdonald had acknowledged the concerns of objectors and that consideration had been given to advising patrons to park considerately.

### **Decision**

East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence.

**3d Honourable Company of Edinburgh Golfers, Muirfield Golf, Gullane**

The application sought a major variation of the premises licence to include a new outside roof terrace area and off-sales, as well as a number of other changes.

There had been no public objections, or objections raised by Police Scotland, NHS Scotland, the Community Council, the LSO, or by Planning.

Alastair Macdonald, agent, was present on behalf of the applicant. He explained that alterations had been made to the club including a roof terrace being added to the outdoor drinking facility. A change of hours was requested to commence off-sales from 11am, and he advised that the operating plan had been simplified. Bar meals had also been introduced, and the capacity had been increased due to the changes made to the premises.

Councillor Henderson questioned the plans for recorded music, as the application did not make this clear. Mr Macdonald advised that it was being requested as part of the licence but was played infrequently; he would make any necessary amendments to clarify this.

The LSO raised no objections to recorded music being used, and noted that the club may host occasional social functions and charity events.

PC Banks advised that Police Scotland had no objections to the application. There had been no issues noted and he commented that it was a very well run pub.

The LSO advised of the good relationship held with management. It was clarified that 'The Smoking Room' to which the layout plan referred was a historical name only.

**Decision**

East Lothian Licensing Board unanimously agreed to grant the major variation to the licence.

**3b Nisa Local, 18-26 High Street, North Berwick**

The application sought to amend the operating plan to include home deliveries and to increase the display area for alcohol.

There had been no public objections, or objections from Police Scotland, NHS Scotland, the Community Council, the LSO, or Planning. The LSO had made a representation in his report.

Maqbool Ahmed, licence holder, was present to speak to his application. He advised that considerable investment had been made in a refurbishment in September 2019 to improve the flow to the store. The alcohol section had been moved to the other side of the store and had been kept close to the checkouts for the purposes of security. Mr Ahmed explained that he wished to make locally-produced alcohol available, but also had to stock national brands due to being part of the Nisa chain, hence the necessity to increase the display area for alcohol.

PC Banks reminded the applicant of his obligations under Section 119 for home deliveries. He advised that the refurbishment had improved security and commended the applicant on the work that had been done. He offered his support to the application.

The LSO asked that standard conditions be added, including the tagging and security labelling of high-value spirits and wines, and the new CCTV system being maintained

to a high standard. He noted that it was a well-run and popular store, and offered his support to the application.

Mr Ahmed responded that security was taken seriously and that the store had a good CCTV system and enjoyed a good relationship with the police. He was happy to comply with all of the standard conditions.

Councillor Goodfellow supported the application. He added that the shop was well run, thorough with Challenge 25, and proactive when there was suspicion that purchases would be supplied to someone underage. He commended the applicant for supporting the community through the COVID 19 crisis.

Councillor McMillan agreed with Councillor Goodfellow's comments regarding services provided throughout lockdown, and was pleased that the store would be promoting local produce. He supported the application.

### **Decision**

East Lothian Licensing Board unanimously agreed to grant the premises licence subject to standard conditions:

- CCTV to be maintained to a standard acceptable to Police Scotland;
- Theft of alcohol to be reported to Police Scotland; and
- High value wines and spirits to be tagged and security labelled.

### **3c The Co-op, 1 Clayknowes Crescent, Musselburgh**

The application sought to add recorded music as an activity on the operating plan, and to add home deliveries.

There had been no public objections, or objections from Police Scotland, NHS Scotland, the Community Council, the LSO, or Planning.

Eilidh McGuire, agent, was present on behalf of the applicant. She advised that the two changes to the operating plan would bring the store in line with other Co-op stores, and would allow them to play Co-op radio in store. She advised that the Co-op had robust procedures regarding deliveries, and all drivers received mandatory training including the use of Challenge 25. She noted that home deliveries were an essential service for many during the COVID 19 pandemic and the Co-op managed deliveries as responsible operators.

Councillor McMillan enquired whether the Co-op had considered using electric vehicles for their deliveries. Ms McGuire thought that this may be in consultation. She advised that some deliveries were fulfilled by Deliveroo, with whom many delivery persons used bicycles. She undertook to feedback Councillor McMillan's comments about electric vehicles to her clients.

PC Banks noted that the Musselburgh Co-op was a well-run establishment that never came to the attention of Police Scotland.

The LSO supported the application, noting that the store was very well run, staff were helpful, and records had always been kept very well.

Councillor Bruce welcomed the application, and also noted that it was a well-run store. He thought the deliveries would be a good addition to that area of Musselburgh.

## **Decision**

East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence.

### **3e Wallyford Miners' Welfare and Social Club, 24 Salters Row, Wallyford**

The application sought to add an area to the layout plan around the bowling green, to open up a smoking area, to allow children into the main hall and lounge, and to change the age of children allowed on the premises to 0-17.

There had been no public objections, or objections from Police Scotland, NHS Scotland, the Community Council, the LSO, or Planning.

Darren Smith, Treasurer of Wallyford Miners' Welfare, was present to speak to the application. He advised that a new door would be installed the following day, so the club would have a closed door policy and would not cater for visitors. A swipe card would record which members had been in attendance. Furthermore, a traffic light system online would let other members know how busy the club was. The club hoped to open the back area to help with capacity, and to allow children into the main hall. The club also looked to extend the hours under 18s could be on the premises at certain types of functions. He added that a new CCTV system would also be in place.

Councillor McMillan questioned how children would be kept away from the outdoor smoking area. Mr Smith advised that this would be segregated if the licence were granted to open the patio area as an outdoor drinking and smoking area. Any private functions would not be allowed to use the bowling green as an outdoor smoking or drinking area going forward.

PC Banks commended the club on the installation of the new door entry and CCTV systems.

The LSO supported the application and all of its changes. As per standard conditions, it would be expected that the CCTV system would be maintained to a high standard. He noted that the club should ensure doors leading to the outdoor drinking area be kept closed to ensure amplified entertainment would not cause a disturbance to neighbours. The club had voluntarily decided to refuse to host any 18<sup>th</sup> - 21<sup>st</sup> birthday parties, and Mr Fruzynski suggested this be made a formal condition. He questioned how the club would manage children being allowed on the premises only until 12am at prearranged events when the club would stay open until 1am. He highlighted the good relationship between the club and the LSO; he wished the club well and congratulated them on their silver award at the Best Bar None inspections.

Mr Smith responded to some of the points raised. He explained that the second door from the toilet/foyer area would limit any noise disturbance to neighbours, and that there were no houses outside the patio area. He explained that the bar closed at 12pm, and anyone at events accompanying children would have to leave at that time. Mr Smith confirmed that he was happy to agree to the conditions mentioned by the LSO. He would look into having a door closure system installed if possible. It was agreed that the application would be amended to allow use of the outdoor area to 10pm.

Councillor McMillan had been impressed with the community feel of the club and how supportive they had been of community events. He wished the club well.

The LSO clarified that he sought only for doors to be closed when amplified entertainment was being played, and that staff monitoring this regularly would be sufficient. Mr Smith agreed that he was happy with the condition that the doors be kept

closed during events with amplified entertainment, and the club staff would monitor this using CCTV.

The Convener was pleased with how well the club supported the Wallyford community and offered her support to the application.

### **Decision**

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

- The terminal outdoor drinking hour to be amended to 2200 hrs;
- CCTV to be maintained to high standard;
- Doors to remain closed when amplified music is played;
- No 18<sup>th</sup> or 21<sup>st</sup> birthday parties to be hosted; and
- Children must be off premises by midnight.

*Sederunt: Councillor John McMillan left the meeting.*

## **4. OCCASIONAL LICENCE The Green, 2 Hope Park, Haddington**

The application sought to licence a pop-up beer garden in a car parking area from 18<sup>th</sup> – 31<sup>st</sup> July, Thursdays 4pm-10pm, Fridays and Saturdays 12pm-10pm, and Sundays 12pm-9pm. This was the second application of this nature, and the beer garden was soon to open under its first occasional licence.

No objections had been raised by Police Scotland, NHS Scotland, the Community Council, the LSO, Environmental Officers, or Planning. A number of public objections had been received, and a good deal of email correspondence was included within the papers.

Laura MacSweeney, applicant, was present to speak to her application. She advised that the pub would serve food and drink from the beer garden. Risk assessments were in place, and Ms MacSweeney had made contact with Licensing, Police Scotland, and Environmental Health as part of her preparations. She advised that the pub was looking to open from Friday 10<sup>th</sup> July and extend through the summer period with further occasional licences.

Councillor Henderson asked how staff would take food across the road from the kitchens to the beer garden. Ms MacSweeney advised that all food would be served in takeaway boxes to limit the number of trips necessary.

PC Banks advised that Police Scotland had some initial concerns regarding the road, classified as an A road, but these had been addressed when the first occasional licence was granted. Several conditions had been put in place, which could be found at the appendix to the Police Scotland letter dated 18 June 2020. However, condition no. 3 had since been revised, and a staff member would hold the key to the toilets and patrons would be escorted across the road to use the facilities. PC Banks noted that the applications had a good system in place and he had no concerns having been walked through the plans.

Councillor Goodfellow questioned the dates regarding any following occasional licences. The Clerk advised that the initial licence covered the 4<sup>th</sup> – 18<sup>th</sup> July, and that the licence under discussion would cover 18<sup>th</sup> – 31<sup>st</sup> July. Occasional licences could run for a maximum of a fortnight, and were advertised on the licensing section of the

council's website. As Police Scotland, the LSO, and Environmental Health had been aware of the applications, they could monitor the premises as necessary.

Councillor Henderson questioned how many of the conditions requested by the police and LSO would be in place for the first occasional licence. Gillian Herkes, Licensing Officer, advised that the conditions were the same for the first occasional licence. She also advised that Environmental Health was not normally taken into consideration, but additional bodies/departments had been notified in this instance and all had been satisfied with the plans.

The LSO highlighted the suggested conditions in his report dated 26<sup>th</sup> June 2020. He advised that most had been implemented by the application in risk assessments and staff training, and noted that the applicant had done everything possible to ensure the safety of patrons as they crossed the road. Other conditions relating to Under 18s and the serving of drinks in approved plastic containers had all been accepted by the applicant. An A4 notice would be prominently displayed to request that customers be respectful of neighbours. Further Scottish Government guidelines would be adhered to, such as customer names and addresses for the purposes of tracking and tracing; Environmental Health would enforce these. He stated that he had no objection to this or any future applications.

The Convener asked whether the toilets available included baby changing facilities. Ms MacSweeney confirmed that both baby change facilities and disabled facilities would be available, and would be cleaned after each use.

Councillor Goodfellow noted that council officers and Police Scotland supported the application and the licensing of the piece of land, and so he found himself reluctantly supporting it also. He hoped that the police and the LSO would keep a close eye on the premises to ensure all was running smoothly.

Councillor Henderson said she found the application difficult to support, even in these exceptional times. She raised that she was uncomfortable with the positioning of the land and the necessity to cross an A road close to a junction. She felt this presented too great a complication and was not minded to grant the application.

Councillor Bruce agreed with Councillor Goodfellow's comments, but commended the applicant on the planning that had gone in to ensuring public safety and that disruption to neighbours would be minimised. He was minded to grant the application.

The Convener noted all the work done by Ms MacSweeney, and said that the Board had carefully considered objections raised by members of the public. She would support the application.

**Decision**

East Lothian Licensing Board agreed to grant the premises licence subject to the conditions agreed with Police Scotland and LSO.

Signed .....

Councillor F Dugdale  
Convener of East Lothian Licensing Board