



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

**THURSDAY 25 MARCH 2021  
ONLINE PLATFORM MEETING**

---

**Board Members Present:**

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

**Clerk of the Licensing Board:**

Ms K MacNeill, Service Manager – People and Governance

**Attending:**

Ms G Herkes, Licensing Officer  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Inspector Stuart Fletcher, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Mr R Fruzynski, Licensing Standards Officer

**Declarations of Interest:**

None

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 – Licensing Board 28 January 2021**

The minutes of the East Lothian Licensing Board meeting of 28 November 2021 were approved as a true record of the meeting.

**2a. MAJOR VARIATION TO PREMISES LICENCE  
Lidl, Olivebank Industrial Estate, Musselburgh**

An application had been received from Lidl Great Britain Limited for a major variation to their premises licence at Lidl, Olivebank Industrial Estate, Musselburgh. The application sought to vary the supermarket's non-seasonal capacity and maximum capacity area. There had been no objections from the public, Police Scotland, NHS, or from the Community Council.

The Licensing Standards Officer (LSO) had submitted a representation to advise that there had been no operational problems identified or complaints received, and that the store was well run.

Lidl's agent, Mr Andrew Hunter, had been unable to attend the meeting, and submitted a letter to ask the Board to proceed with his written submission.

Inspector Fletcher confirmed that Police Scotland had no adverse comment to make.

Councillor Goodfellow was comfortable with the application, and had experienced Lidl's stores as being well run. He noted that Lidl supermarkets tended to dedicate a smaller proportion of their stores to areas of licensed display when compared to other supermarkets, which he considered to be in their favour. Councillor Henderson also confirmed she was happy to support the application.

**Decision**

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

**2b. MAJOR VARIATION TO PREMISES LICENCE  
The Golf Tavern, 5 Bridge Street, Haddington**

An application had been received for a major variation to the premises licence at The Golf Tavern, 5 Bridge Street, Haddington. The application sought to extend the licensed area to cover seven picnic benches to the front and south side of the property. The outdoor seating area would be used to serve meals, snacks, and beverages, including alcohol. There had been no objections from Police Scotland, the NHS, or from the Community Council. One public objection had been received on the grounds of public nuisance and noise concerns. Transportation had advised that a road permit was in place until 11 June 2021.

The LSO had submitted representation to advise that The Golf Tavern was well run; there had been no complaints or licensing concerns raised over the previous nine years. His letter suggested that conditions be added; in addition to standard conditions, he suggested that there be no blockage of any part of the adjacent footpath or roadway,

that patrons must be seated in the outdoor area, and consideration be given to use of plastic glasses in the outdoor area.

Ms Lynn Gordon McIntosh, applicant, was present to speak to the application. She drew attention to the submission she had made in response to the public objection, and referenced the photographs subsequently received from the objectors; she advised that the window shutters had been fully opened in each of the photographs submitted. She stated that The Golf Tavern was a community business which had been hit hard by the Covid-19 pandemic; she noted some of the challenges in trying to resurrect the business and keeping their 30 staff employed despite closure of the premises. She drew attention to there being no objections from relevant bodies, and advised that she had attempted to make contact with all close neighbours prior to the tables being installed.

Responding to a question from Councillor Henderson, Ms Gordon-McIntosh confirmed that she was happy to accept the conditions suggested by the LSO. She advised that many of these would have been carried out as a matter of course, as they were in line with the core values of the business.

Responding to a question from Councillor Goodfellow, Ms Gordon-McIntosh advised that a permanent application was being made for an outdoor licenced area because it had been in the pub's interest to have a beer garden even prior to lockdown. She noted that much trade was lost in good weather when there was no outdoor seating, and an outdoor area would also allow people with dogs to enjoy the pub's hospitality.

Responding to a further question, Ms Gordon-McIntosh confirmed that she would consider an earlier terminal hour for the outdoor licensed area due to the pub's residential situation; she suggested a terminal hour in the region of 8pm or 9pm.

Inspector Fletcher confirmed that Police Scotland had no adverse comment to make regarding the application.

The meeting was adjourned to allow the Board Members to hold a private discussion.

The Convener confirmed that the Board were minded to grant the application to licence the outdoor area with a terminal hour of 8pm, which the Board felt was suitable in terms of the residential location of premises. It was hoped that neighbours and the premises would keep in touch regarding the change in outdoor environment, and wished Ms Gordon-McIntosh well in the running of her community business.

## **Decision**

The East Lothian Licensing Board unanimously agreed grant the application, subject to conditions raised by the LSO. The terminal hour for the outdoor licensed area would be 8pm.

Signed .....

Councillor J McMillan  
Convener of East Lothian Licensing Board